

II.

NOTE ON THE PROCLAMATION FOR DISARMING OF THE HIGHLANDS
IN 1746. By A. H. MILLAR, F.S.A. Scot.

One of the most drastic measures adopted by the Hanoverian Government after the battle of Culloden for the purpose of preventing future disturbances by the Jacobites, was the disarming of the Highlanders, under the Act of 1746, entitled "An Act for the more effectual disarming of the Highlands in Scotland, and for more effectual securing the Peace of the said Highlands, and for restraining the use of the Highland dress, &c." This Act received the Royal Assent on 12th August 1746, but it was made so far retrospective that its currency as a legislative enactment dated from 1st August in that year. The general intention of the Act was to destroy clan feeling by the abolition of distinctive dresses made of clan tartans, and to deprive disaffected persons of the weapons which might be used against the Government. That portion of the Act referring to dress ordained that after 1st August 1747 any person, whether man or boy, found within the Highland line wearing the clothes commonly called the "Highland clothes," that is, the plaid, philabeg, trews, shoulder-belts, or any part whatsoever of the Highland garb, or wearing a dress composed of tartan or parti-coloured cloth, should be imprisoned for six months, without bail, for the first offence, and if again found guilty, should be transported for seven years. The penalties attached to this offence seem out of all proportion to the magnitude of the crime—if that may be called a crime which violated no moral law; and it is remarkable that the punishment for bearing arms provided by the same Act was less severe than that decreed for the wearing of the national costume. This difference indicates that the intention of the Government was not so much to deprive individuals of their accustomed weapons of defence, as to destroy all national feeling amongst the Highlanders, to annihilate their clan traditions and historic associations, and to reduce them to the condition of a vanquished and servile race. The clauses of the Act that dealt with disarming ordained that if any man residing within the Highland line should fail to deliver up his arms and warlike weapons before 1st August 1747, or if any

man should attempt to conceal arms, either in his house or in the fields, he should be fined in a sum not exceeding one hundred pounds sterling nor under fifteen pounds sterling for the first offence, and imprisoned without bail till payment was made. If payment of the fine were not made within one calendar month, a justice of the peace or ordinary judge was empowered to hand over the delinquent to a military officer, so that he might be transported as a common soldier to America, if able to serve. But should he be unfit for service, he was to be imprisoned for six months, and then only liberated on finding security for his good behaviour for two years.¹ If the offender was a woman, she was to be fined in the same sum, imprisoned till payment, or otherwise confined for six months. A second offence was to be punished with transportation for seven years.

A very cursory examination of this Act will show that it was the intention of the Government to prevent effectually any likelihood of a rising in the North, for even an invading force could have found little support from the disarmed natives of the country. And though the penalties for infringement of the Act may now seem disproportionate, it must be remembered that they were terms dictated by the conquerors to the conquered, and the course of after events proved that the measure accomplished the purpose of the Government. Jacobitism was not slain by this Act, but it was rendered innocuous. The remarks made by Dr Robert Chambers upon the operation of this Act are worth quoting, as showing the effect which the Disarming Act had upon the people :—

“It was thus hoped that not only would the Highlanders be incapable of again levying war against the State, but that, their distinction as a nation being destroyed, they would with all haste become obedient servants to Government, like the rest of the community. As might have been expected, the result was very different. The clans were, it is true, effectually prevented from ever again going to the field against the House of Hanover, but they were not induced to regard that family or their government with any additional degree of favour. On the contrary, their previous disaffection was exasperated by these harsh measures into absolute hatred. ‘Even the loyal clans,’ says Dr Johnson, ‘murmured, with an appearance of justice, that after having defended the King, they were forbidden for the future to defend themselves, and that the sword should be forfeited which had been legally employed.’ But if the loss of their

¹ Dr Robert Chambers says “ten years” (*Hist. of the Rebellion*, p. 483), but this is an error, as is shown by the Proclamation quoted *infra*.

arms occasioned discontent, the change of their dress produced feelings still less favourable to the existing Government. Had the whole race been decimated, as their historian, General Stewart, remarks, more violent grief, indignation, and shame could not have been excited among them than by this encroachment upon their dearest national prejudices. It may be said, in conclusion, that if the Highlanders have eventually become good servants to the State, and undistinguishable in dress and demeanour from the rest of the population, no part of the blessing is to be ascribed to this enactment." (*Hist. of the Rebellion of 1745-6*, p. 483.)

The administration of this Act was entrusted to Lieutenant-General Humphry Bland, the Commander of the Forces in North Britain. He was a cadet of the branch of the family of Bland of Kippax Park, Yorkshire, that had settled in Ireland about 1664, and was born at Blands-Fort, Queen's County, about 1686. He obtained his first commission on 4th February 1704, and served as lieutenant and captain of cavalry under Marlborough in the Continental wars. A sketch of his career is given by Mr H. Manners Chichester in the *Dictionary of National Biography*; but some of the statements made there do not agree with the official gazettes, from which the following outline has been compiled. It is said, on doubtful authority, that he was wounded at the battle of Almanara in 1710, while serving in Spain with the Royal Dragoons. When Honeywood's Dragoons (now the 11th Hussars) were raised in Essex in 1715, Bland was appointed Major, and was actively engaged in the North of England during Mar's Rebellion. From a document preserved at Blenheim, it appears that he conveyed the prisoners taken at the battle of Preston to London. Some time afterwards he became Lieutenant-Colonel of the King's Regiment of Horse (now the King's Dragoon Guards), and while he held this rank he wrote his *Treatise of Discipline*, which was the accepted text-book on the subject during last century. He was stationed in Ireland for several years, holding in succession the Colonelcy of the 36th Foot and the 13th Dragoons, having obtained promotion to the command of the latter regiment in 1740. Two years afterwards (April 1742) he was appointed "Quarter-Master-General of all His-Majesty's Forces; also Quarter-Master-General of the British Forces to be engaged in Flanders"; and in that capacity he served in Flanders, had a horse shot under him at Dettingen, and distinguished himself at Fontenoy. In February 1743

he was gazetted Brigadier-General, and in April of that year became Colonel of the King's Regiment of Dragoons, *vice* Honeywood, that regiment being long afterwards known as "Bland's Dragoons." In March 1745 he was raised to the rank of Major-General, and served under the Duke of Cumberland in the Rebellion of 1745, being present at Culloden. Mr Chichester omits all mention of Bland's work in the disarming of the Highlands, nor does he seem to be aware that, according to the Letter of Summons quoted below, Bland was made Lieutenant-General in October 1747, and appointed Commander-in-Chief of the Forces in North Britain at that date. To the latter office, Mr Chichester says Bland was promoted in 1753, but the statement in the Letter of Summons is clear and distinct, and the promotion was gazetted in the *Scots Magazine* (vol. ix. pp. 455, 507) for 1747. On 14th March 1749 Lieutenant-General Bland was appointed Governor of Gibraltar, and remained there till February 1752, when he was made Governor of Edinburgh Castle, which office he held till his death at London in 1763. His wife, who was described in 1760 as "sister-in-law to the late Lord Stair," died at a very advanced age on 14th October 1816.

According to the statement made in the document under notice, it appears that by Royal Sign-Manual, dated Kensington, 16th October 1747, he was empowered to issue letters of summons in the King's name directing when and where the arms were to be given up, and how defaulters were to be dealt with. These letters of summons were to be addressed to justices of the peace in various parts of Scotland; and the justices were commanded to affix copies of the letters to the parish church doors in the different quarters particularised by Lieutenant-General Bland. The document now to be described specially referred to that portion of the Hebrides included within the shire of Inverness—a very hotbed of disaffection—and is dated Edinburgh, 25th April 1748, and signed "Hum : Bland," and sealed in red wax with Bland's seal. The armorial bearings are the same as now borne by Bland of Kippax Park,—Arg., on a bend sa., three pheons of the field: *Crest*, Out of a ducal coronet or, a lion's head ppr. The engraved lines showing the heraldic colours are not distinguishable in the wax impression; but there are no marks of cadency, as in the arms now borne by Bland of Blands-Fort.

The Letter of Summons is printed on one long sheet of paper, which measures 3 feet $1\frac{1}{2}$ inches by 1 foot $2\frac{1}{2}$ inches. The printed portion measures 2 feet $10\frac{3}{4}$ inches by 9 inches. Evidently several of these letters, sufficient to serve for all parts of the Highlands, were printed off at the same time, and these were cut through at the portion bearing the words "the Persons following, viz.:" and a written slip pasted between the severed portions, with the details as to the places covered by the summons in handwriting. This slip is included in the above measurement. The written words on the slip are as follows:—"All persons Inhabiting within the parishes of Glenelg, Slait, Strath, Portree, Snizort, Kilmonivaick, Killmalie, Kilmuir in Troiternes, Brackadale, & Migavie, Kilmuir in M'Leod's country, Ardnamurchau, South Uist, North Uist, Barra, Harris, Killdonnan otherwise called Rum or the Little Isles comprehending the Islands of Egg, Muck, Canna, & Rum and Sheriffdom of Inverness, To Bring or Deliver at the places & on the Days after mentioned viz: Those Inhabiting within the parishes of Glenelg, Slait, Strath, Portree and Snizort at Bernera on the Twenty-seventh day of May next; Those Inhabiting the parishes of Kilmonivaick & Killmalie at ffort William on the Third day of June next; Those Inhabiting within the parishes of Kilmuir in Troiterneish, Brackadale & Migavie, & Kilmuir in M'Leod's country at Dunvegan on the thirteenth day of June next; Those Inhabiting within the parish of Ardnamurchan and sheriffdome forsaied at Ardnamurchan on the said thirteenth day of June next; Those Inhabiting within the parishes of South Uist, North Uist, Barra, and Harris at the Church of North Uist on the Seventeenth day of June next; Those Inhabiting within the parish of Kildonnan, otherways called Rum, or the Little Isles, comprehending the Islands of Egg, Muck, Canna, and Rum, at Bernera upon the Tenth day of August next to come, All and Singular Their Arms" [here the printed portion of the Letter of Summons is affixed, and reads as given below].

The various officers entrusted with the proclamation of this Letter of Summons had to appear at Inverness and make oath before a justice of the peace that they had accomplished this task. The document under consideration has been kept for the purpose of recording these attestations, and on the back of the paper there are twelve dockets containing

written declarations signed by the justices of the peace before whom the oaths were taken, and also by the officers, save five of these officers who declared that they could not write. Nearly all these attestations were made before Evan Baillie of Abriachan, the representative of a junior branch of the Baillies of Dochfour. One of the attestations was sworn before William Maclean, Junr., Provost of Inverness. As they are all in the same terms, it will be sufficient to transcribe one of them, and give the contents of the others in tabular form.

“Invernes, twenty-second June, One Thousand Seven hundred and flourty Eight years, In presence of Evan Baillie of Abriachan, One of his Majestie’s Justices of the peace for the Shyre of Invernes, Compeared Lachlan M’Intosh, residenter in Invernes, Who made Oath That upon Sunday the fifteenth day of May Last, betwixt the hours of Ten in the forenoon and two in the afternoon of the Said Day, He did affix a full Coppie of the within Summonds on Each of the parish church doors of Kilmonivaick and Killmaly, Lying within the said Shyre, Requireing all persons Inhabiting within both the s^{ds} parishes, To Delyver their Arms at Fort William on the Third Day of June current, in terms of the within Summonds, and left the said Summonds on the s^{ds} Church doors.

Jurat Coram me



Eleven of these attestations bear the same date (22d June 1748). The last of these eleven dockets declares that a copy of the Summonds relating to five of the districts had been affixed to “the Mercat Cross of the burgh of Invernes, head burgh of the Sherrifdome,” by John Scott. The twelfth docket bears that William Morison had left a copy of the Summonds on the church door of Kildonan on 24th July, and had affixed a similar copy to the Mercat Cross of Inverness on 26th August, the latter being the date of his attestation, which ends “and made Oath he could not wryt.” There were seven officers employed in making these proclamations, but only four of them could sign their names. It is worthy of notice that the Summonds for the districts of South Uist,

North Uist, Barra, and Harris was not proclaimed in these islands, but only at the Mercat Cross of Inverness, though the nearest of them is about 120 miles distant from Inverness as the crow flies.

The following table summarises the attestations :—

Name of Officer.	District Proclaimed.	Place of Proclamation.	Arms to be delivered at	Date of Proclamation.	Date of Delivery.
Lachlan M'Intosh	Kilmornaiveck and Kilmallie.	Kilmornaiveck Ch.	Fort William.	May 15.	June 3.
John M'Pherson		Kilmallie Ch.		May 15.	May 27.
John Chisholm	Glenelg.	Glenelg Ch.	Bernera.	May 15.	May 27.
William Morison	Portree.	Portree Ch.	Bernera.	May 15.	May 27.
John M'Innes	Slaith.	Slaith Ch.	Bernera.	May 15.	May 27.
George Cameron	Strath.	Strath Ch.	Bernera.	May 15.	May 27.
John M'Pherson	Snizort.	Snizort Ch.	Bernera.	May 15.	May 27.
John M'Innes	Bracadale and Migavie.	Bracadale Ch.	Dunvegan.	May 22.	June 13.
William Morison	Kilmuir in Trotternish.	Kilmuir Ch.	Dunvegan.	May 22.	June 13.
Lachlan M'Intosh	Kilmuir in Macleod's Country.	Kilmuir Ch.	Dunvegan.	May 22.	June 13.
	Ardnamurchan.	Ardnamurchan Ch.	Ardnamurchan.	May 22.	June 13.
	Glenelg, Slaith, Strath, Portree, Snizort.	Mercat Cross of Inverness.	Bernera.	May 13.	May 27.
	Kilmornaiveck, Kilmallie.	Do.	Fort William.	May 13.	June 3.
John Scott	Kilmuir in Trotternish.	Do.	Dunvegan.	May 13.	June 13.
	Kilmuir in Macleod's Country.	Do.	Dunvegan.	May 13.	June 13.
	Ardnamurchan.	Do.	Ardnamurchan.	May 13.	June 13.
	South Uist, North Uist.	Do.	Church of North Uist.	May 13.	June 17.
William Morison	Barra and Harris.	Do.	Church of North Uist.	May 13.	June 17.
	Kildonan, Rum, Eigg, Canna and Muck.	July 24, Kildonan Ch. Aug. 26, Mercat Cross of Inverness.	Bernera.	July 13.	Aug. 10.

This interesting historical document has been presented to the Society of Antiquaries for preservation in the Museum. As it has already been misread by historians of the period, it may be advisable to print the text in full in the *Proceedings*, so that it will be readily available for writers on the history of the Rebellion of 1745.

George, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith : to

Executors hereof, conjunctly and severally, specially constitute, Greeting. Whereas, by an Act of Parliament, passed in the Nineteenth Year of our Reign, entitled, *An Act for the more effectual disarming the Highlands in Scotland, and for more effectual securing the Peace of the said Highlands, &c.* It is, amongst other Things, enacted, That from and after the First Day of August, One thousand seven hundred and forty six Years, it should be lawful

for such Person or Persons, as We, Our Heirs or Successors, by Our or Their Sign Manual, should, from time to time, think fit to authorise and appoint in that Behalf, to issue or cause to be issued out, Letters of Summons, in Our Name, and under his and their respective Hands and Seals, directed to such Persons, within the several Shires and Bounds, in the said Act mentioned, as he or they, from time to time, should think fit ; thereby commanding and requiring, all and every Person and Persons therein named, or inhabiting within the particular Limits therein described, to bring and deliver up, at a certain Day, in such Summons to be prefixed, and, at a certain Place therein to be mentioned, all and singular his and their Arms, and warlike weapons, unto such Person or Persons appointed by Us, Our Heirs or Successors, in that Behalf as aforesaid, for the use of Us, Our Heirs or Successors, and to be disposed of in such Manner as We, Our Heirs or Successors, should appoint. And, if any Person or Persons, in such Summons mentioned by Name, or inhabiting within the Limits therein described, shall, by the Oaths of one or more credible Witness or Witnesses, be convicted of having or bearing any Arms or warlike Weapons, after the Day prefixed in such Summons, before any one or more of Our Justices of the Peace for the Shire or Stewartry where such Offender or Offenders shall reside, or be apprehended, or before the Judge Ordinary or such other Person or Persons, as We, Our Heirs or Successors, shall appoint, in Manner herein directed, every such Person or Persons so convicted shall forfeit the Sum of Fifteen Pounds *Sterling*, and shall be committed to Prison until Payment of the said Sum ; and if any Person or Persons, convicted as aforesaid, shall refuse or neglect to make Payment of the foresaid Sum of Fifteen Pounds *Sterling*, within the space of one Kalendar Month, from the date of such Conviction, it shall and may be lawful to any one or more of Our Justices of the Peace, or to the Judge Ordinary of the Place, where such Offender or Offenders is or are imprisoned, in Case he or they shall judge such Offender or Offenders fit to serve Us as a Soldier or Soldiers, to cause him or them to be delivered over (as they are by the said Act required to do) to such Officer or Officers belonging to our Forces, who shall be appointed from time to time to receive such men, to serve as Soldiers in any of our Forces in America ; for which Purpose the respective Officers, who shall receive such men, shall then cause the Articles of War against Mutiny and Desertion to be read to him or them, in the Presence of such Justices of the Peace, or Judge Ordinary, who shall so deliver over such Men; who shall cause an Entry or Memorial thereof to be made, together with the Names of the Persons so delivered over, with a Certificate thereof in Writing, under his or their hands, to be delivered to the Officers appointed to receive such Men ; and, from and after reading of the said Articles of War, every Person so delivered over to such Officer, to serve as Soldier aforesaid, shall be deemed a listed Soldier to all Intents and Purposes, and shall be subjected to the Discipline of War, and in case of Desertion shall be punished as a Deserter ; and in case such Offender or Offenders, shall not be judged fit to serve Us as aforesaid, then he or they shall be imprisoned for the Space of Six Kalendar Months, and also until he or they shall give sufficient Security for his or their good Behaviour for the Space of two Years from the giving thereof. *And it is thereby further enacted*, That all Persons summoned to deliver up their Arms as aforesaid, who shall, from and after the Time in such Summons prefixed, hide or conceal any Arms, or other Warlike Weapons, in any Dwelling-house, Barn

Out-house, Office, or any other House, or in the Fields, or any other Place whatsoever ; and all Persons, who shall be accessory or privy to the hiding or concealing of such Arms, and shall be thereof convicted, by the Oaths of one or more credible Witness or Witnesses, before any one or more of Our Justices of the Peace, Judge Ordinary, or other Person or Persons authorised by Us in Manner above mentioned, shall be liable to be fined by the said Justices of the Peace, Judge Ordinary, or other Persons authorised by Us, before whom he shall be convicted, according to their Discretion, in any Sum not exceeding one hundred Pounds *Sterling*, nor under the Sum of Fifteen Pounds *Sterling* of lawful money of *Great Britain*, and shall be committed to Prison until Payment ; and if the Person so convicted, being a Man, shall refuse or neglect to pay the fine so imposed, within the Space of one Kalendar Month, from the date of the said Conviction, he shall, in case he be judged by any one or more Justice or Justices of the Peace, or the Judge Ordinary of the Place where such Offender is imprisoned, fit to serve also His Majesty as a Soldier, he be delivered over to serve as a Soldier in our Forces in *America*, in the Manner before directed, with respect to Persons convicted of having, or bearing of Arms ; and in Case such Offender shall not be judged fit to serve Us as aforesaid, then he shall be imprisoned for the space of Six Kalendar Months, and also until he give sufficient Security for his good Behaviour, for the Space of two Years from the giving thereof ; and if the Person convicted shall be a Woman, she shall, over and above the aforesaid Fine, and Imprisonment till Payment, suffer Imprisonment for the Space of six Kalendar Months, within the Tolbooth of the Head Burgh of Shire or Stewartry, within which she is convicted. *And it is*, by the Act foresaid, *further enacted*, That if, after the Day appointed by any Summons, for the delivering up of Arms in Pursuance of the said Act, any Arms, or Warlike Weapons, shall be found hidden or concealed in any Dwelling-house, Barn, Out-house, Office, or any other House whatsoever, being the Residence or Habitation of, or belonging to any of the Persons summoned to deliver up Arms as aforesaid, the Tenant or Possessor of such Dwelling-house or of the Dwelling-house to which such Barn, Office, or Out-house belongs, being thereof convicted in Manner above mentioned, shall be deemed and taken to be the Haver and concealer of such Arms ; and being thereof convicted in manner above mentioned, shall suffer the Penalties thereby enacted against Concealers of Arms, unless such Tenant or Possessor, in whose House, Barn, Out-house, Office, or other House by them possessed, such Arms shall be found concealed, do give Evidence, by his or her making Oath, or otherways to the Satisfaction of the said Justices of the Peace, Judge Ordinary, or other Person authorised by Us, before whom he or she shall be tried ; that such Arms were so concealed, and hid without his or her Knowledge, Privy, or Contrivance. And it is thereby further enacted, That if any Person, who shall have been convicted of any of the above Offences, of bearing, hiding, or concealing Arms, contrary to the Provisions in the said Act, shall thereafter presume to commit the like Offence a Second Time, that he or she being thereof convicted before any Court of Justiciary, or at the Circuit-Courts, shall be liable to be transported to any of Our Plantations beyond the Seas, there to remain for Seven Years. And for the more effectual Execution of the foresaid Act, it is enacted, That it should be lawful to Us, Our Heirs or Successors, by Our Sign Manual, from time to time, to authorise and appoint such Persons, as We or they should think proper to execute all the Powers and

Authorities thereby given to one or more Justice or Justices of the Peace, or to the Judge Ordinary within their respective Jurisdictions, as to the Apprehending, Trying, and Convicting such Person or Persons, who shall be summoned to deliver up their Arms, in Pursuance of the foresaid Act: And to the End, that every Person or Persons, named or concerned in such Summons, may have due Notice thereof; and to prevent all Questions concerning the Legality of such Notice, it is thereby enacted, That such Summons, notwithstanding the Generality thereof, be deemed sufficient, if it express the Person or Persons that are commanded to deliver up their Weapons, or the Parishes, or the Lands, Limits, and Boundings of the respective Territories, and Places whereof the Inhabitants are to be disarmed as aforesaid, and that it should be a sufficient and legal Execution or Notice of the said Summons, if it is affixed on the Door of the Parish Church, or Parish Churches of the several Parishes within which the Lands (the Inhabitants whereof are to be disarmed) do ly, on any Sunday between the Hours of Ten in the Forenoon, and Two in the Afternoon, four Days at least before the Day prefixed for the delivering up of the Arms, and on the Market-Cross of the Head-burgh of the Shire or Stewartry, within which the said Lands ly eight Days before the Day appointed for the said Delivery of the Arms; and in case the Person or Persons employed to affix the said Summons on the Doors of the several Churches, or any of them, shall be interrupted, prevented, or forcibly hindered from affixing the said Summons on the Doors of the said Churches, or any of them, upon Oath thereof made before any of Our Justices of the Peace, the Summons affixed on the Market-Cross of the said Head-burgh of the Shire or Stewartry as aforesaid, shall be deemed and taken to be a sufficient Notice to all the Persons commanded thereby to deliver up their Arms, within the true Intent and Meaning, and for the Purposes of the foresaid Act: And to the End, that there may be sufficient Evidence of the Execution, or Notice given of the Summons for disarming the several Persons and Districts as aforesaid, it is thereby enacted, That upon elapsing of the said several Days to be prefixed for the delivering up of Arms, the Person or Persons employed to fix the Summons, as above mentioned, on the Market-Cross of the Head-burghs of any Shire or Stewartry, shall, before any one of Our Justices of the Peace for the said Shire or Stewartry, make Oath, that he or they did truly execute and give Notice of the same by affixing it as aforesaid; and the Person or Persons employed to affix the said Summons on the Doors of the Parish Church or Parish Churches, shall make Oath in the same Manner, and to the same Effect, or otherways shall swear, that he or they were interrupted, prevented, or forcibly hindered from affixing the said Summons as aforesaid; which Oaths together with Copies or Duplicates of the Summons to which they severally relate, shall be delivered to the Sheriff or Steward-Clerk of the several Shires or Stewartries, within which the Persons intended to be disarmed do live or reside, who shall enter the same in Books, which he and they are thereby required to keep for that Purpose; and the said Books, in which the Entries are so made, or extracts out of the same, under the Hand of the Sheriff or Steward-Clerk, shall be deemed and taken to be full and complete Evidence of the Execution of the Summons, in order to the Conviction of the Persons, who shall neglect or refuse to comply with the same. And further, it is thereby enacted, That if any such Sheriff or Steward-Clerk neglect, or refuse to make such entry as is above-mentioned, or

shall refuse to exhibit the Books, containing such Entries, or to give extracts of the same, being thereto required by any Person or Persons, who shall carry on any Prosecutions in Pursuance of this Act, the Clerk so neglecting or refusing shall forfeit his Office, and shall likewise be fined in the Sum of Fifty Pounds *Sterling*, to be recovered on a Summary Complaint before the Court of Session for Our Use. And it is by the foresaid Act further declared, That it shall and may be lawful to the Person or Persons authorized by Us, Our Heirs or Successors as aforesaid, to summon the Person or Persons aforesaid, to deliver up his or their Arms in Manner above-mentioned, or to and for any one Justice of the Peace of the respective Shires mentioned in the said Act, or to the Judge-Ordinary within their respective Jurisdictions, or to such Person or Persons as shall be authorized by Us, Our Heirs or Successors, for trying Offences against the said Act, to authorize and appoint such Person or Persons as they shall think fit to apprehend all such Person or Persons, as may be found within the Limits aforesaid, having or wearing any Arms, or other warlike Weapons, contrary to Law, and forthwith to carry him or them to some sure Prison, in order to their being proceeded against according to Law. And it is thereby further enacted, That it shall and may be lawful to Us, Our Heirs or Successors, by Warrant under Our or their Royal Sign Manual; and also to and for the Person or Persons authorized by Us, to summon the Person or Persons aforesaid to deliver up their Arms, or any one or more Justices of the Peace, by Warrant under his or their Hands, to authorize and appoint any Person or Persons to enter into any House or Houses within the Limits aforesaid, either by Day or by Night, and there to search for, and to seize all such Arms, as shall be found contrary to the Direction of the said Act; by which it is provided, That if the above-mentioned Search shall be made in the Night-time, that is to say, between Sun-setting and Sun-rising, it shall be made in the Presence of a Constable, or of some Person particularly to be named for that Purpose in the Warrant for such Search; and if any Persons, to the Number of Five or more, shall at any time assemble together, to obstruct the Execution of any Part of the said Act, it may be lawful to, and for every Justice of the Peace, where such Assembly shall be; and also to and for every Peace Officer, within any such Shire, Stewartry, City, Burgh, or Place, where such Assembly shall be; and likewise to and for all and every such other Person or Persons, as by Us, Our Heirs or Successors, shall be authorized and appointed in that Behalf as aforesaid, to require the Aid and Assistance of Our Forces, by applying to the Officer commanding the said Forces (who is thereby authorized, empowered, and commanded, to give such Aid and Assistance accordingly) to suppress such unlawful Assembly, in order to the putting the foresaid Act in due Execution; and also to seize, apprehend, and disarm such Persons so assembled together, and forthwith to carry the Persons so apprehended, before one or more of Our Justices of the Peace, of the Shire or Place where such persons shall be so apprehended, in order to their being proceeded against, for such their Offences, according to Law: And if the Persons so unlawfully assembled, or any of them, or any other Person or Persons, summoned to deliver up his or their Arms, in pursuance of the foresaid Act, shall happen to be killed, maimed, or wounded, in the dispersing, seizing, and apprehending, or in the endeavouring to disperse, seize, or apprehend, by reason of their resisting the Persons endeavouring to disperse, seize, and apprehend them: Then all and

every such Justice or Justices of the Peace, or any Peace Officer or Officers, and all and every Person or Persons, authorized and appointed by Us, Our Heirs or Successors, in that Behalf as aforesaid, and all Persons aiding and assisting to him, them or any of them, shall be freed, discharged, and idemnified, as well against Us, Our Heirs or Successors, as against all and every other Person and Persons, of, for, or concerning the killing, maiming, or wounding, any such Person or Persons, so unlawfully assembled, that shall be so killed, maimed, or wounded as aforesaid. And it is thereby Enacted, That if any Action, Civil or Criminal, shall be brought before any Court whatever, against any Person or Persons, for what he or they shall lawfully do, in Pursuance or Execution of the said Act, such Court shall allow the Defendant the Benefit of the Discharge and Indemnity above-mentioned, and shall further decern the Pursuer to pay to the Defender, the full and real Expenses, that he shall be put to by such Action or Prosecution, as in the said Act of Parliament more fully is contained. And Whereas We, by Our Royal Sign Manual, bearing Date at *Kensington* the Sixteenth Day of *October* One Thousand seven hundred and forty-seven Years, in the Twenty First Year of Our Reign, Gave and Granted unto *Humphry Bland*, Esq. Lieutenant-General, and Commander of Our Forces in *North-Britain*, full Power and Authority, during Our Pleasure, from Time to Time, to issue, or cause to be issued out Letters of Summons in Our Name, and under his Hand and Seal, directed to such Persons within the several Shires and Bounds in the said Act mentioned, as he from time to time should think fit; Thereby commanding and requiring all and every Person or Persons therein named, or inhabiting within the particular Limits therein described, to bring in, and deliver up, at a certain Day, in such Summons to be prefixed, all and singular his and their Arms and warlike Weapons, unto him the said *Humphry Bland*, for the Use of Us, Our Heirs or Successors, and to be disposed of in such Manner, as We, Our Heirs or Successors, should appoint: And We did, by the said Royal Sign Manual, further will and require the said *Humphry Bland*, to execute all the Powers given by the said Act to the Person or Persons authorized by Us, Our Heirs or Successors, to issue such Letters of Summons as aforesaid, which should be requisite for the more effectual carrying the said Act into Execution: Provided nevertheless, That no Peers of this Realm, nor their Sons, nor any Member of Parliament, nor any Person or Persons, who, by an Act made in the First Year of Our late Royal Father's Reign (entitled, *An Act for the more effectual Securing the Peace of the Highlands of Scotland* [sic]) were allowed to have, or carry Arms, should be liable to be summoned to deliver up their Arms or Warlike Weapons, as in the said Royal Sign Manual, more fully is exprest. And it being Our Royal Pleasure, That the Act of Parliament above recited, be carried into Execution, within the Bounds and Limits after-mentioned, Our Will Is Therefore, and We charge you, That upon Sight hereof ye pass, and in Our Name and Authority, lawfully summon, warn, charge, command and require, the Persons following, viz. [*Here the written portion already quoted is inserted*] and warlike Weapons, to the said *Humphry Bland*, Esq.; for the Use of Us, Our Heirs or Successors, and to be disposed of as We, Our Heirs or Successors shall think fit: With Certification to them, if they fail herein, that they shall be liable to the Pains and Penalties contained in the Act of Parliament aforesaid; and that ye affix this Our Summons on the Door of the Parish Churches aforesaid, and on the Market-Cross of the Head Burgh of

the said Shire, in Manner mentioned in the Act of Parliament above-recited : And that ye use the hail remanent Order prescribed by the said Act of Parliament, after the Form and Tenor thereof in all Points. According to Justice, as ye will answer to Us hereupon. The which to do, We commit to you conjunctly and severally, as said is, Our full Power by thir Our Letters of Summons. Given under the Hand and Seal of Me, the said *Humphry Bland*, at *Edinburgh* the *Twenty-fifth* Day of *April* One thousand seven hundred and forty-eight, and of his Majesty's Reign the Twenty first Year.

By Virtue of his Majesty's Royal Sign Manual.

Hum: Bland.