

[James VI: Translation](#)  
[1594, 22 April, Edinburgh, Parliament](#)  
[Parliamentary Register](#)  
[8 June 1594](#)  
[Legislation](#)

[For punishment of theft, robbery, oppression and sorning](#)

Our sovereign lord and his estates in this present parliament, considering that notwithstanding the sundry acts made by his highness and his more noble progenitors for punishment of the authors of theft, robbery, oppression and sorning and masters and sustainers of thieves, yet such has been and presently is the barbarous cruelties and daily harrying of the wicked thieves and rogues of the clans and surnames following inhabiting the highlands and isles, they are to say Clangregor, Clanfarlane, Clanmaclaren, Clandowal, Clandonnachie, Clanchattan, Clanchewill, Clancameron, Clanronald in Lochaber, Clanranald in Knoydart, Moidart and Glangarry, Clanmacleod of the Lewis, Clanmacleod of Harris, Clandonald south and north, Clangilliane, Claneoin, Clankinnon, Clanneill, Clankenzie, Clanandries, Clanmorgan, Clangun, Cheilphale and also many broken men of the surnames of Stewarts in Atholl, Lorne and Balquhider, Campbells, Grahams in Menteith, Buchanans, MacCalls, Galbraiths, MacNabbs, MacNabrichis, Menzies, Fergusons, Spaldings, MacIntoshes in Atholl, MacThomas in Glenshee, Farquharsons in Brae of Mar, MacPhersons, Grants, Rosses, Frasers, Montroses, Neilsons and others inhabiting the sheriffdoms of Argyll, Bute, Dunbarton, Stirling, Perth, Forfar, Aberdeen, Banff, Elgin, Forres, Nairn, Inverness and Cromarty, stewartries of Strathearn and Menteith and likewise a great number of wicked thieves, oppressors and peace-breakers and harbourers of thieves of the surnames of Armstrong, Elliott, Nicolsons, Crosars, Grahams, Irvings, Bells, Carlises, Beatsons, Littles, **Thomsons**, Glendinnings, Carruthers, Johnstons, Jardines, Moffatts, Latimers and others inhabiting the borders opposite England in the sheriffdoms of Roxburgh, Selkirk, Peebles, Dumfries and stewartry of Annandale, in the murder, harrying and daily oppression of his highness's peaceable and good subjects in the whole countries adjacent to the highlands and borders, to the displeasure of God, contempt and dishonour of his highness's person and authority and to the wasting and desolation of a good part of the plentiful ground of the country, if speedy remedy be not provided. And understanding that this mischief and shameful disorder increases and is nourished by the oversight, incitement, sheltering, maintenance and non-punishment of the thieves, rogues and vagabonds partly by the landlords, masters and bailies of the lands and bounds where they dwell and resorts, and partly through the counsels, directions, assistance and partaking of the chieftains, principals of the branches, and householders of the said surnames and clans which bears quarrel and seeks revenge for the least hurting or slaughter of any one of their unhappy races, although it were by order of justice or in rescue and following of true men's gear stolen or robbed, so that the said chieftains, principals of the branches, and householders worthily may be esteemed the very authors, fosterers and maintainers of the wicked deeds of the vagabonds of their clans and surnames. For remedy whereof, and that there may be also a perfect distinction by names and surnames between those that are and desires to be esteemed honest and true men and those that are and not ashamed to be esteemed thieves, robbers, sorners and harbourers and sustainers of theft and thieves in their wicked and odious crimes and deeds, it is statute and ordained that there be a roll and catalogue made with all possible diligence of all persons of the surnames foresaid suspected of slaughter, theft, robbery, reset of theft or thieves or sornings within the said sheriffdoms and stewartries, in what towns and parishes and under what landlords, masters or bailies they dwell, that all landlords and bailies be charged to find surety to relieve the king and warden in the borders and over everywhere to make their men, tenants and servants answerable to justice, and to redress parties damaged which have not found the said surety already, that the whole persons suspected and accused of the said crimes shall be given in valentines to their masters, landlords or bailies to be presented before his highness's justice and his deputes and other commissioners or assessors to be appointed at certain days and places, that it may be understood who will be obedient and who disobedient and fugitive, such householders of the said clans as compears to find caution for relief of their landlords, such as compears not to be denounced rebels and fugitives. The chieftains, principal of the branches, and householders to be charged to enter pledges for relief

also of the landlords. The pledges to be delivered in keeping to the noblemen, barons and gentlemen that have received greatest and latest harm of the said thieves and sorners of clans and their assisters in their own houses, or with their friends in the country where they think most sure. If the persons complained upon compears and finds good surety for relief of their masters and landlords, to hold their tacks and titles. If they compear not, or compearing finds not the said surety, to be denounced rebels and their escheats of tacks to be conveyed to their landlords. For their better relief, the complainer to have action, criminal or civil, against the landlords, masters or bailies or their sureties for the attempt to be committed after the surety found. The value and quantity of the goods stolen or robbed or other damage done shall be referred to the oath of the complainer, the truth of the fact being proven by two witnesses. Or if the party complained on compears not personally before the justice to make his defence, or excuses him not by the oath of his master personally compearing, no landlord to set his land or to suffer his land to be occupied and possessed with his consent or receive mails, grassum or duty from the occupier thereof that being of a clan finds not surety to relieve his landlord between now and 1 August next, which if the landlord omits to seek for his relief, he to be answerable to the complainer, criminally or civilly, as if he had done the deed himself. None of the said clans or other broken men, their wives, bairns, heirs, executors or assignees shall have action, criminally or civilly, against whatsoever person for effecting plunder, slaughter, fire-raising or other alleged violent deed committed against them by any of his highness's lieges, except they instruct with their summons that the person allegedly hurt, plundered, slain or ejected was the king's free liege man the time of that deed, and had found surety to be answerable to justice for relief of his landlord. And to redress parties damaged, every thief and sornor shall be esteemed the man and servant of him whom of he has land in tillage and pasturage, or whom the said thief, sornor or reiver accompanies at conventions, gatherings or at any violent deeds, or on whose ground the thief or reiver is sheltered and tarries 12 hours together with the knowledge of the landlord being of ability and power to apprehend him, or who has received bond of manrent or given bond of maintenance to the thieves or reivers or receives their caulps and herields, or who has had the said thieves and reivers under their assurance or exemption. Two justice courts to be held yearly for the ordinary execution of this present act and statute within every one of the said sheriffdoms and stewartries at least, at Jedburgh for Roxburgh, Selkirk and Peebles; at Dumfries for the sheriffdom thereof and stewartries of Kirkcudbright and Annandale; at Stirling for Argyll, Bute, Dunbarton and Perth, stewartries of Menteith and Strathearn; at Aberdeen for the sheriffdom thereof and Banff; at Elgin or Inverness for the sheriffdoms of Elgin, Forres, Nairn, Inverness and Cromarty. And the expenses of officers, clerks and other things needful to be taken off the readiest penalties and escheats of the said courts, a bond to be made, sworn and subscribed by all noblemen, barons and landed men within the bounds of the said sheriffdoms and stewartries, obliging them to seek the true execution of this present act for their own parts and to concur against the said thieves, rebels and sorners, and to keep ordinary watching and warding and to contribute to that effect in such sort as shall be thought fittest among themselves. Certifying them that shall be found not to convene and further this good work, they shall be held infamous and favourers and partakers with the said thieves and sorners in their evil deeds. And our said sovereign lord, with advice of his said estates, declares that this present act of parliament shall extend not only against all inhabitants of the said special sheriffdoms and stewartries but against the landlords, masters and bailies of all persons that are or shall be suspected and accused of theft, robbery, oppression and sorning over all parts of the realm, and namely against the heritors and life-renters of lands within towns and suburbs thereof which shall be held to enter and present to justice persons dwelling within their tenements and houses suspected to be harlots, thieves, harbourers of thieves or vagabonds; likewise as landlords in highlands or borders for their men and tenants that are thieves and sorners. And therefore that the said heritors or life-renters in towns or suburbs thereof take surety of their tenants to whom they set their houses, for their relief at their own peril. And further, our sovereign lord, with advice of his said estates, ratifies and approves and for his highness and his successors perpetually confirms all former laws and acts made by his highness and his most noble progenitors in any times bygone regarding punishment of theft, robbery, sorning and oppression, not rising and following to affray, sitting under assurance of thieves, or taking or paying of blackmail, and ordains the same acts to be put into execution with diligence after the form and tenor thereof. And finally that as thieves and sorners concurs, assists and maintains others in wicked deeds against true men without fear of God, the king or the laws, so it shall be lawful to true and honest men to concur and join themselves in counsels and actions for defence of the lives and goods of themselves and their tenants against thieves and sorners, and to follow and pursue them and all of their races, clans and names dwelling within the bounds of the highlands and

borders (not subject by good and sufficient sureties and pledges to be answerable to the laws and redress of parties damaged), and to take and apprehend their persons and goods, keep themselves in prison or execute them to the death, making all our sovereign lord's officers and ministers of justice to burgh or land and all his freeholders remaining at his highness's faith, peace and obedience jointly or severally his highness's justice to that effect, with power to hold courts, create members thereof, summon assizes, each person under the pain of £10, as often as need be. And in case any of the said thieves, sorners of the said clans or their assisters dwelling in the highlands or borders (which shall not be under good surety and pledging as said is, between now and 1 August next to come) happens to be taken hurt, slain or mutilated, their goods to be taken and intromitted with, their houses to be burnt, destroyed or cast to the ground, our sovereign lord, with advice of his said estates in this present parliament, wills, grants and declares that the same shall never be imputed as any crime or offence to whatsoever true men, authors or executors thereof, nor they nor none of them shall be called nor accused thereof criminally nor civilly by any manner of way in time coming, exonerating and discharging them of the same for ever. And ratifies and approves all others acts above-specified and ordains them to extend over all the realm.