

1670. *July 6.*ARCHBISHOP and PRESBYTERY of ST ANDREWS *against* GEORGE PITTILLO.

No 15.

A bill for horning being presented upon excommunication, the person excommunicated was allowed to object against the grounds of excommunication, and he having appealed to the King and Council, who remitted the matter to the Bishop, the Lords passed the bill.

GEORGE PITTILLO being called before the Presbytery of St Andrews for scandalous conversation with Agnes Mitchell, two ministers of the Presbytery were appointed to speak with him, to whom he proponed he was married to the said Agnes Mitchell, and produced a testificate of some persons, bearing, that they were witnesses to the marriage, but neither designing themselves nor the minister, which being reported to the Presbytery they rejected the testimonial, unless the minister and witnesses were designed; and if they were designed, ordained the party to make satisfaction for private marrying without warrant; and the said George not compearing before the Presbytery so to do, they, for his contumacy, appoint the process to be seen by the Archbishop, who ordained the party to be excommunicated, and accordingly he was excommunicated; and now the Archbishop and Presbytery caused present a common bill for horning against the excommunicated person, for charging him to answer, submit and obey the censure of the kirk. This being brought by the Ordinary to the Lords, to know whether they would pass the horning in course, or if they would consider whether the sentence of excommunication was orderly proceeded; the LORDS ordained two of their number to consider the process of excommunication, and to hear any that did compear for the party excommunicated, to debate whether horning should be direct thereon. Before whom compearance was made for the said George Pittillo, who *alleged* that horning ought not to be direct, because the sentence was disorderly and unjust, and because there was an appeal to the Council yet undiscust; and founded upon the late act of supremacy, alleging that the King and his Council were supreme in all causes ecclesiastic, so that appeals might be lawfully made (from any churchman, or church judicature) to the King and his Council; and further *alleged*, That he being unclear to acknowledge the Bishop or his Presbytery; and the King having now granted an indulgence to many that did not acknowledge episcopal authority; it could not be contumacy in him not to appear; but he was content that it should be now cognosced whether he was in the fault, and if he were found guilty, he should submit and make satisfaction; which being reported to the Lords and there being several other nullities in the process of excommunication, which behoved to be cleared by the warrants of the process, and having heard those of their number that are upon the Council, declare that upon the appeal, the Council remitted the matter to the Archbishop.

THE LORDS ordained letters of horning, unless Pittillo would presently offer satisfaction, in which case they would give him a time, and supersede the outgiving of the letters.