

F1-5-54

Septer 1741

Memorials to be laid before Mr Robert Craigie
Concerning Binny's catastrophe

The sett of the burrow at least ane extract thereof is delivered to the Town Clerk Depute to be laid before Mr Craigie for his full opinion therein.

The next thing to be consulted is a catastrophe of a verry extraordinary nature of which wee can give no more than a sketch thereof as will appear by the sequell of this storie which is that upon ffryday last the eighteen day of September Jaiviiect and fourty one Andrew Binny shoemaker in fforfar and one of the common Council of the said burgh having businees at the burgh of dundee went tither in the morning of the foresaid day and on his returne home much about halfway at a place called Petterden being the kings highway leading to and from the foresaid burgh. He alt all of a sudden was invade and assaulted by four men who furiously threw him off his Horse, clapt a thick Cloath (which he apprehends was woolen) about his face and fixing the same before & behind his neck in so much that he was almost suffocated, the moment thereafter so inhumane and barbarous were they that they fettered his armes with strong Coards behinde his back then they remounted him on his horse with one of the ruffians who rode behinde him with his armies Graspd about his body the oyr three accompanying him on foot He asked them if they wanted his money which was about three pound he had in his pocket If so they were welcome to it and begd for Christs Sake to spare his life But in place of that they carried him as he imagines And is pretty sure two hours at leaset And then brought him to Some dwelling, took him off his horse in the above Situation And two of them each on one hand with their hands & armes about his west & and under his thyghs caried him up several pairs of Stairs which he is positive were not streight by reason of the frequent turnings they made with him and their resting two three times untill they put him in a room where without meat or drink they kept him fettered and blindfolded as at first and one or two always walking by him yea their barbarity went still furder That the Saliva or Spitt could not be discharged without one of his attendants moveing the cloath a litle above his chin Neither could he get nature eased or supplied ffor he was put in a bed wanting cloaths or any thing else below or above him tho' frequently he demanded the same for the sake of his & their Redeemer to which demands they never gave any suly or return keeping him in this miserable condition 30 hours or thereby During which tyme they used their outmost endeavours with him by horrid imprecationes menaces and threatenings to leave the present magistrates their party To which he had always firmly stood by & come over to the oyer side of the question And as no doubt he came lengths of his Speedy enlargement which perhapes happened the sooner with this circumstance That the noise that he made while able occasioned their chageing his room to a Darker at which time one of his atendants slakt a litle the cloath about his head when he heard a voice from the former roum and grasping about him by great accident laid hold of the sneck of the Door which he lifted and perceptably saw Mr Fletcher of Ballanshoe his Liveryman with a candle in his hand calling to one of his attendants are you coming to bed whereupon Mr Binny called and cryed the loader And swore

wherever or in whatever place he was thus treated, fletcher's servant was there And if they should torture him to Death he would Aby'd by it, Upon which tow of the Gang straitned his Cords and the Cloaths about his Head and swore bloodlely if he spake or made any more noise they would scobb his mouth and inflict oyer punishments upon which forced his silence and soon after he was caried off by two of these ruffians blindfolded and fettered as above Somtime walking and at oyer tyme riding on his horse for the space of two houres or thereby and about twelve at night as he apreheands being the Saturday was left by them in the muire of Kincaldrum, unloused In a moment both at armes and face and certified with great oaths to conceal the treatment he met with an abide by the promises or oaths he had come under oyerwayes it would fare worse with him This part where they left him is within a mile or thereby where they first attackt him This being all the Magistrates can presently gather of Mr Binny's treatment Mr Craigies opinion and advice is humbly asked therein, And what is the most habite method to be taken herein for detailing such a piece of villany or if it were possible upon Mr Bennys signeing ane informatione agt Fletchers Servt That a warrant could be got for apreheending his person And from what Judecature the said warant should be issued and if Mr Benny could be prevailed upon further which the magistrates think he will be to condesiend upon any other persones concerned what method shall be taken que ad them.

The Election being presently at hand, And the same divisione in Council still subsisting as when the Deleगत was chosen The Magistrates are afraid and still the more upon this hapening (to) one of their number that the like practice should be used upon one or oyr of their ffriends What method would be most proper to suply their roum or if a missive letter by way of Proxy to any of the Magistrates would be good in their absence and if the form herewith sent is strong enough for that purpose or if each of the Baillies can vote by Proxy form moe then, one of their number

A Comeing to the dwelling place where his attendants keep him standing at the Door some time and then took him in at a door gil he heard upon and one of them going in and returning immediately they led him in where he had to steps up or down to a timber floor and as he is sure he was in a Dark rom where they unloused his arms and unfolded And his attendants leaving him he stamered from one roum to another where he seid light & sitting there a Door adjoining there appears to him Liveryman to Mr ffletcher younger of Balanshoe with a cande in his hand then he cryd and made a noise and swore that wherever he was Mr ffletcher's sevt was there after they bound his armes and threatened him to hold his peaace otherways they would tie him neit and heel & stab up his mouth Some short time thereafter his atendants takeing him and putting him in some confined place fetered and kurcaster They takeing him up and carieing up several pairs of stairs where they rested two three times ere they can to the top and putting him in a room where he continued with the cloth on his face and fetered sometime And the one unknown man caning in to him, Said you was speaking of provost Binny now if youle do as He told tou I let you hume And that is that vorte for Provost Binny & his Bailies he will name and in a moment as he apreheended that person going out for orders he put to him again and for his

Councilor ___ which he promised so sometime after they carried him down Stairs again and two one on each arme led him for some time from the said dwelling house and then put him on his horse again and attending him brought him to the Muir of Kingoldrum And unfolded his fave and untyed his face but before this they had him ___ his promise otherwise he was a Dead man