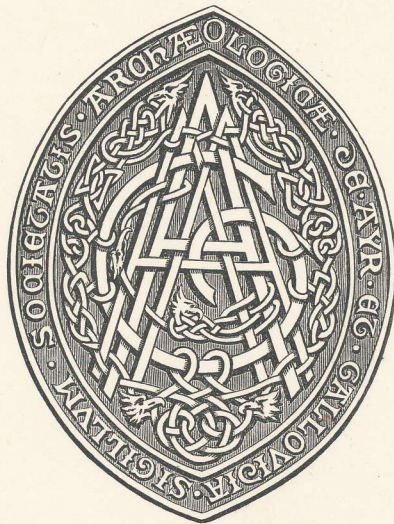


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XI.

PROTOCOL BOOK OF ROBERT BROUN.¹

Apud Edinburgh decimo sexto die mensis Januarii anno domini
millesimo sexcentesimo duodecimo :

THE quhilk day in presens of Sir Alexander Drumound of Meidope knycht and Andro Weymis of Maircairnie senatouris of the Colledge of Justice examinatouris underwrittin Compeirit personallie Robert Broun sumtyme servitor to umquhile Johnne Buchanan writter to our soverane Lordis Signett and now to Mr. Johnne Scott of Caiplye director of our soverane Lordis Chancellarie of the age of tuentie yeires or thairby and producet the letter underwrittin quhairof the tenour followis, JAMES R. Chancellor

¹ The original of the following Protocol Book is preserved in the Library of the University of Edinburgh, and the Members of the Association are much indebted to the University authorities for their kind permission to print it. Protocol Books are of great value in family history, and Broun's is no exception to the rule. When a notary public, after examination as to his qualifications, was admitted to practise, it was (and still is) part of the formality observed to deliver to him a volume of blank paper, officially marked on every leaf, and bearing at the end a docquet stating the number of leaves it contained. This was called his Protocol, and he was strictly enjoined to inscribe in it an exact copy of every instrument drawn by him. Before the public registers of sasines and deeds were established such records were obviously of great value and importance, inasmuch as certified

transcripts could be furnished from them of the writs which they contained. On this account, in 1567, it was ordained by Parliament that the "Protocol Books of notaries within the shire be brought (for custody) to the sheriff of the shire, and within burgh to the provost and bailies"; and in 1587 the Lord Clerk Register was appointed the custodier instead of the sheriffs. This enactment appears to have been generally enforced by the officials of the burghs, but the Lord Clerk Register and his deputies allowed it to remain practically inoperative. Soon after this, however, the Registers of Sasines were established, and the chief purpose served by the Protocol Books was found to be so much more effectually attained that they gradually became of less account, and have now fallen altogether into disuse.

President and remanent lordis of our counsall and sessioun, We greit yow weill. Forsameikill as being credibilie informit of the literature qualificatioun and guid conversatioun of our lovit Robert Broun servitor to Johnne Buchannane writter to our signet and of the diligent cair and traivell taikine be him thir four yeiris bygane in lerneing the commoun forme and practique of this our realme with the said Johne Buchanan quha is ane famous and qualifeit notar quhairthrow the said Robert is now becum apt and haible for useing and exerceing of the office of notarie within this realme Heirfoire we requyre yow to give command to the Lordis examinaturis to try and examine the lyf literature and qualificatioun of the said Robert and he being apt and haible for useing and exerceing of the said office to ressave and admit him thairto and authorize him with your testimoniall thairupon, caus mark and subsryve his prothogoll buik ressave his aythe and cautioun conforme to the ordour observit in sic caiss and grant to him all uther priviledgis immunitis and libertis quhatsumeuer perteneing and belonging to the said office, to be bruikit joysit and uset be him dureing all the dayes of his lyf tyme siclyk and als frielie in all respectis as ony uther notar hes usit the samin in ony tyme bygane or may use the samin in ony tyme cummyng: Givin be us at Edinburgh the nynt day of May the yeir of God j^m vj^c and ellevin yeires. Conforme to the quhilk the said Robert Broun desyrit to be admittit ane publict notar and efter dew examinatioun had be the saides Lordis of Medope and Maircarny thay understanding the said Robert to be qualifeit hes admittit and admittis him to the said office of notarie: Quha maid faythe that he sould trewlie and faithfullie minister thairintill dureing the dayes of his said office, and sall observe and keip the actis of Parliament in all poyntes: And for observeing and doing of justice Williame Barclay of Perstoun is becum presentlie cautioun for the said Robert and to that effect hes bund him and his aires that the said Robert sall pay to all persounes damnifeit be him in giving of ony note or instrument in all tyme cummyng sic soumes of money as sall be modifeit be the saidis Lordis of Sessioun unto quhatsumeuer persoun or persounes: And forder that within fyfteine dayes efter the said Robertis deceis his aires executouris or assignayes or ressaveris of this buik sall produce the samin togidder with sic uther buikes as he sall performe in instrumentis befor his deceis to the Clerk of Register or his deputtis, quha sall be haldin to content and pay to his executours the soumes of money that sall be modifeit be the saides Lordis: And in signe and taikine of his admissioun hes causit him ingros his signe and subscriptioun manuall

quhilk he sall use in tyme cummyng in the buikes of counsall to remane apud registrum, and als hes causit him ingros the samin in this buik presentlie producet in presens of the lordis examinaturis be Mr. Johnne Hay clark, quhilk conteines j^e and fourtie leives quhilk ar all markit at command of the saidis lordis examinaturis be the said Mr. Johnne Hay clark, videlicet the first of everie tent leif thair of with his signe and subscription manuall at the leist with Hay: and the said Robert Broun bindis and obleissis him to perfyt this buik with autentick instrumentis to the finall end thair of: And gif he be leivand efter the compleit ending thair of he sall produce ane new buik to be markit be the saidis lordis clark Register or his deputtis, quha sall find caution and tak present injunctiounes as the said clark register or his deputtis sall give him. And the said Robert Broun obleissis him and his foirsaides to warrand releive and keip skaithles the said William Barclay of Perstoun his cautioner, and ar content and consentis that lettres of horneing or poynding be direct thairupoun against thame. To the quhilk the Lordis of Counsall hes interponit and interponis thair auctoritie and decreit lykas the saides commissioneris hes admittit and admittis the said Robert to the said office of notarie and he and his said cautioner hes subscrivit the samin.

Et ego vero Robertus Broun notarius publicus clericus Glasguensis diocesis auctoritate regali, ac per dominos consilii secundum tenorem acti parlamenti visus examinatus et admissus, Quia premissis omnibus et singulis dum sic ut premittitur agerentur dicerentur et fierent, unacum prenominationis testibus presens personaliter interfui, eaque omnia et singula premissa sic fieri vidi scivi dici et audivi ac in notam cepi: Ideoque hoc presens publicum instrumentum manu mea propria fideliter scriptum exinde confeci, signoque meo nomine et cognomine solitis et consuetis signavi et subscripsi in fidem robur et testimonium omnium et singulorum premissorum rogatus et requisitus.

WILLIAME BARCLAY of Perstoun.

R. BROUN with my hand.

Vincet tandem veritas.

R. B. *No. Pub.*

I.—PRO JONETA ASLOWANE, Etc.

In Dei nomine Amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo duodecimo mensis vero Novembris die vigesimo primo, regnique S. D. N. Regis annis quadragesimo sexto et decimo In mei notarij publici et testium subscriptorum presenciis personaliter comparuit providus vir Andreas Coupar scriba tanquam actornatus et nomine Jonete Aslowane filie legitime ac heredis quondam Davidis Aslowane pellionis burgensis burgi de Edinburgh procreate inter eum et Helenam Achesoun suam sponsam nunc vero sponse Magistri Joannis Ray ludimagistri dicti burgi per literas actornatorias e cancellaria dicti S. D. N. regis directas legitime constitutus de cujus actornatoria potestate mihi notario publico et testibus subscriptis satis lucide constabat Et accessit ad solum et fundum illarum decem acrarum terrarum, cum suis pertinentiis contigue adjacentium prope monasterium Sancte Crucis inter communem viam qua itur ad pontem de Cloksorrowmylne ex boreali et orientali partibus et torrentem discendentem prope cymeterium et hortos dicti monasterii ad molendinum predictum vocatum Cloksorrowmylne ex australi et occidentali partibus jacentium infra vicecomitatum de Edinburgh: Et ibidem habens et tenens suis in manibus quodam sasine preceptum subscriptum pergameno scriptum factum per Magistrum Eduardum Merschell clericum commissariatum Edinburgensem nunc hereditarium proprietarium dictarum acrarum et superiorem annui redditus subscripti et probo adolescenti Joanni Morisoun filio legitimo quondam Isaaci Morisoun burgensis dicti burgi tanquam ballivo in hac parte ad effectum infrascriptum directum Quodquidem preceptum dictus Andreas actornatus antedictus dicto Joanni Morisoun ballivo in hac parte antedicto porrexit Eumque requirens quatenus debite executioni demandaret secundum ejusdem tenorem Quiquidem ballivus dictum preceptum omni humilitate et reverentia qua decuit recepit mihique notario publico subscripto perlegendum publicandum et in vulgari astantibus exponendum tradidit cujusquidem precepti sasine tenor sequitur sub hac forma: Magister Edwardus Merschell clericus commissariatus Edinburgi nunc hereditarius proprietarius terrarum subscriptarum annui redditus subtus mentionati Necnon dilectis nostris Joanni Morisoun filio legitimo quondam Isaaci Morisoun burgensis dicti burgi ac vestrum

cuilibet conjunctim et divisim ballivis meis in hac parte specialiter constitutis Salutem Quia per autentica documenta et instrumenta coram nobis producta et ostensa clare constat et est notum quod quondam David Aslowane pello burgensis burgi de Edinburgh pater dilecte nostre Jonete Aslowane latricis presentium obiit ultimo vestitus et sasitus ut de feodo ad pacem et fidem S. D. N. Regis de toto et integro uno annuo redditu quinquaginta quinque mercarum usualis monete regni Scotie percipiendo annuatim et levando ad duos anni terminos consuetos festa videlicet Penthecostes et Sancti Martini in hyeme per equales portiones de totis et integris illis meis decem acris terre cum suis pertinentiis contigue adjacentibus prope monasterium Sancte Crucis inter communem viam qua itur ad pontem de Cloksorrowmylne ex boreali et orientali partibus et torrentem discendentem prope cymeterium et hortos dicti monasterii ad molendinum predictum vocatum Cloksorrowmylne ex australi et occidentali partibus jacentibus infra vicecomitatum de Edinburgh: Et quod dicta Joneta Aslowane est legitima et propinquior heres dicti quondam Davidis Aslowane sui patris inter ipsum et Helenam Achesoun suam sponsam legitime procreata de predicto annuo redditu Et quod est legitime etatis: Et quod perprius tenebatur de Joanne Achesoun portionario de Inneresk et nunc tenetur de me in capite tanquam hereditario proprietario dictarum terrarum per alienationem et dispositionem earundem factam per dictum Joannem Achesoun prout in dictis documentis et instrumentis coram me productis et ostensis latius continetur. Vobis igitur precipimus et firmiter mandamus quatenus visis presentibus indilate statum et Sasinam hereditaream pariter et possessionem corporalem actualem et realem totius et integri predicti annui redditus quinquaginta quinque mercarum monete predictae annuatim levandi et percipiendi prefate Jonete Aslowane tanquam filie et heredi antedictae vel suo certo actornato latori presentium per terre et lapidis fundi dictarum terrarum necnon unius denarii ut moris est traditionem et deliberationem, secundum formam et tenorem dicti [alienationis] quondam Davidi Aslowane ejusque sponse predictis, per dictum Joannem Achesoun desuper concessae juste haberi faciatis tradatis et deliberetis sine dilatione Salvo jure cujuslibet Et hoc nullo modo omittatis ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim ballivis meis in hac parte antedictis meam plenaream et irrevocabilem tenore presentium committo potestatem: In cujus rei testimonium presentibus ex chyrographo Jacobi Scott servitoris Jacobi Kynneir signeto regio scribe manu

mea subscriptis Sigillum meum proprium est appensum apud Edinburgum vigesimo primo die mensis Novembris, anno domini millesimo sexcentesimo duo decimo. Coram his testibus dicto Jacobo Kynneir, Magistro Francisco Hay, et dicto Jacobo Scott ejus servitoribus: sic subscribitur E. MERSCHELL. Ja. Kynneir, *witnes*. Mr. Frances Hay, *witnes*. J. Scott, *witness*. Post cujusquidem precepti sasine perlectionem publicationem et in vulgari astantibus expositionem prefatus Joannes Morisoun ballivus in hac parte antedictus virtute et vigore sui officii ballivatus sibi in hac parte commissi necnon de mandato dicti precepti, statum et sasinam hereditaream pariter et possessionem corporalem actualem et realem totius et integri predicti annui redditus quinquaginta quinque mercarum monete prescripte annuatim levandi et percipiendi de dictis decem acris terrarum cum suis pertinentiis ut supra jacentibus ad dictos terminos et per equales portiones prescriptas prefato Andree Coupar actornato antedictae et nomine dictae Jonete Aslowane per terre et lapidis fundi dictarum acrarum et unius denarii ut moris est traditionem et deliberationem secundum vim formam et tenorem infeofamentorum dicti quondam Davidis ejusque sponse predictae et precepti sasine suprascripti in omnibus punctis dedit tradidit contulit pariter et cum effectu deliberavit (salvo jure cujuslibet) Super quibus omnibus et singulis premissis prefatus Andreas Coupar actornatus antedictus et eo nomine quo supra a me notario publico subscripto sibi fieri petiit hoc presens publicum instrumentum unum seu plura: Acta erant hec super solum et fundum dictarum terrarum horam circiter terciam postmeridiem aut eo circa sub anno die mense et regno regis prenominationis presentibus ibidem Magistro Joanne Cant de Sanctgellis - grange Magistro Jacobo King avvocato et Thoma Tuedy mercatore apud occidentalem portum burgi de Edinburgh testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR JANET ASLOWANE, ETC.

Notarial instrument narrating that on the 21st of November 1612, there compeared personally, in presence of the notary and witnesses, a prudent man, Andrew Coupar, writer, as attorney and in the name of Janet Aslowane, lawful daughter and heir of the late David Aslowane, skinner, burgess of Edinburgh, begotten between him and Helen Achesoun his

spouse, but now wife of Master John Ray, schoolmaster of the said burgh, —lawfully constituted by letters of attorney directed from the chancery of our sovereign lord the king, and went to the ground of those ten acres of land lying contiguously near the monastery of the Holy Rood, between the common way which leads to the bridge of Cloksorrowmill, on the north and east parts, and the burn flowing near the cemetery and gardens of the said monastery, to the mill aforesaid, called Cloksorrowmill, on the south and west parts, lying within the sheriffdom of Edinburgh; and there, having and holding in his hands a certain precept of sasine written on parchment, granted by Master Edward Merschell, commissary clerk of Edinburgh, now heritable proprietor of the said acres and superior of the annual rent aftermentioned, and directed to a worthy young man John Morisoun, lawful son of the late Isaac Morisoun, burgess of the said burgh, as bailie in that part to the effect underwritten; which precept the said Andrew, attorney, held forth to the said bailie, requesting that he would put the same to due execution: whereupon the bailie, receiving the said precept with all due humility and reverence, delivered the same to the notary to be read, and published and explained in the vulgar tongue to the bystanders; which was done, and the tenor of the precept was, that the said Master Edward Marshall, having understood by authentic documents that the late David Aslowane aforesaid, father of the said Janet Aslowane, died last vest and seized as of fee at the king's faith and peace, of an annual rent of fifty-five merks furth of the ten acres of land aforesaid; and that the said Janet was lawful and nearest heir of her said father of the said annual rent, which was formerly held of John Achesoun, portioner of Inneresk, and now of the granter, in chief, therefore charging the bailie to give sasine of the same to the said Janet, which was done accordingly by delivery of earth and stone of the ground of the said lands, and of one penny, to the said Andrew Coupar, in name of the said Janet Aslowane. The precept, dated 1st November 1612, is witnessed by James Kinneir, Writer to the Signet, Master Francis Hay, and James Scott, his servitors: The sasine is witnessed by Master John Cant of St. Giles Grange, Master James King, advocate, and Thomas Twedy, merchant at the West Port of Edinburgh.

II.—DISCHARGE BY TACKSMEN OF BURGH MILLS OF IRVING.

Apud Irwing duodecimo die mensis Januarii anno domini millesimo sexcentesimo decimo tercio :

The quhilk day in presens of ws noteris publict and witness underwrittin Compeirit personallie Johnne Myller at Lochmylne and Thomas Miller his sone taksmen and fermoureris of the borrowmylnes of Irwing, and upoun thair awin propper confessioun uncompellit or coactit thairto grantit and confest that thay wer fullie satisfeit and compleitlie payit be the haill Inhabitantis of the burghe of Irwing and laboureris of the haill landis of the said burghe subject to the saides mylnes, alsweill the hoistleris within the said burghe as laboureris of the saides landis, of all multouris and utheris deuteis quhatsumeuer onnywayes addebtit to thame as fermoureris of the said mylnes of thair haill cornis malt and uther stuff grindable thirlit to the saides mylnes, and that of all yeiris termes monethis and dayes preceeding the dait heirof (exceptand Neill Henrie, Robert Hendrie, and Thomas Gairdner, of certane victuall this last yeir of of God j^m vj^c and tuelf) And thairfoir be thir presentis exoneris and dischairges the provest bailleis counsall commounitie and inhabitantis of the said burghe hoistleris and laboureris of the said landis and all utheris quhatsumeuer addebtit and thirlit to the saidis mylnes of the saidis multouris knaiffschipes and utheris deuteis quhatsumeuer of all yeiris termes monethis and dayes preceeding the dait heirof (exceptand as is abone exceptit) Quhairupoun Archibald George provest, in name and behalf of the said burght askit instrumentis : Thir thingis were done in the Tolbuithe of the said burghe about tua houris efter none or thairby In presens of James Quhyt Robert Kyle Johnne Campbell and William Cauldwell co-noter, witnesses callit and requyrit to the premisses day hour monethe and yeir, and place abonewrittin :

R. BROUN.

III.—PRO MAGISTRO JACOBO SCOTT ET SPONSA.

In Dei nomine Amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo tercio mensis vero Januarii die decimo quarto et regnorum S. D. N. Jacobi dei gratia Magne Britannie, Francie, et Hibernie Regis quadragesimo sexto et decimo In mei notarii publici et testium subscriptorum presentia personaliter accessit providus vir

Andreas Craufurd de Dringis vicecomes de Renfrew ac ballivus de Kylesteuart in hac parte per preceptum sasine subscriptum specialiter constitutus ad turrim et fortalitium baronie de Craigie et ad solum et fundum terrarum et baronie de Newtoun olim vocate Sanquhair Hammiltoun jacentium infra baroniam de Renfrew vicecomitatum ejusdem balliatum de Klyestewart, et vicecomitatum de Air respective: Et ibidem discretus vir Willielmus Legatt in Craigie tanquam verus certus et indubitatus actornatus discreti etiam viri Magistri Jacobi Scott filii legitimi quondam Magistri Roberti Scott de Knychtspottie Cancellarie dicti S. D. N. Regis directoris, et Mariote Scott sue sponse, de cujus actornati potestate mihi notario publico et testibus subscriptis satis lucide constabat habens et tenens suis in manibus quoddam sasine preceptum e cancellaria dicti S. D. N. regis directum, sub testimonio sui magni sigilli factum datum et concessum prefatis Magistro Jacobo Scott et Mariote Scott sue coniugi eorumque alteri diutius viventi in conjuncta infeodatione et heredibus inter ipsos legitime procreatis seu procreandis; Quibus deficientibus legitimis et propinquioribus heredibus dicti Magistri Jacobi Scott quibuscunque hereditarie de toto et integro uno annuo reddito mille mercarum usualis monete huius regni Scotie annuatim levando et percipiendo ad festum Sancti Martini in hyeme de totis et integris terris et baronia de Craigie et terris et baronia de Newtoun predictis Et de alio annuo reddito quingentarum mercarum monete pro dicte annuatim levando et percipiendo similiter ad festum Sancti Martini in hyeme de totis et integris predictis terris et baroniis ut supra jacentibus seu de aliqua earundem parte et portione: Quodquidem preceptum dictus Willielmus Legat actornatus antedictus et eo nomine dicti Magistri Jacobi sueque sponse predictae prefato Andree Craufurd de Dringis vicecomiti et ballivo in hac parte prescripto presentavit et deliberavit Ipsumque requirens quatenus secundum ejusdem tenorem debite executioni demandaret: Quiquidem vicecomes et ballivus dictum preceptum omni humilitate et reverentia qua decuit recepit mihique notario publico subscripto perlegendum publicandum et in vulgari exponendum tradidit Cujusquidem precepti tenor sequitur sub hac verborum forma et est talis JACOBUS Dei gratia Magne Britannie Francie et Hibernie Rex fideique defensor Vicecomiti et ballivis suis de Renfrew ballivo nostro de Kylesteuart et deputatis suis Necnon dilectis nostris Andree Craufurd de Dringis, et eorum cuilibet conjunctim et divisim vicecomitibus nostris de Renfrew et ballivis nostris de Kylestewart in hac parte, Salutem Quia nos pro nostro se ipso ac tanquam pater et legitimus administrator tutor et gubernator nostri

charissimi filii Caroli principis et senescalli regni nostri Scotie, cum avisamento fidelissimi et familiaris nostri consilarii Alexandri comitis de Dunfermling domini Fyvie et Vrquhart magni cancellarii dicti regni nostri Scotie et domini Gedeonis Murray de Elibank militis nostri Thesaurarii deputati ac reliquorum dominorum nostrorum commissionariorum pro administratione nostrorum reddituum et casualitatum infra dictum regnum nostrum nominatorum dedimus concessimus et disposuimus predilecto nostro Magistro Jacobo Scott filio legitimo quondam Magistri Roberti Scott de Knychtspottie nostre cancellarie directoris et Mariote Scott sue sponse eorumque alteri diutius viventi in conjuncta infeodatione et heredibus inter ipsos legitime procreatis seu procreandis Quibus deficientibus legitimis et propinquioribus heredibus et assignatis dicti Magistri Jacobi quibuscunque hereditarie Totum et integrum unum annum redditum mille mercarum usualis monete regni Scotie annuatim levandum et percipiendum ad festum Sancti Martini in hyeme de totis et integris terris et baronia de Cragie et terris et baronia de Newtoun olim nuncupata baronia de Sanquhar Hammiltoun domino Joanni Wallace de Carnhill militi hereditarie spectantibus in se comprehendentibus particulares villas terras molendina, silvas, piscarias, annuos redditus et alia respective in dicti domini Joannis infeofamento earundem nostro sub magno sigillo confecto cum omnibus suis partibus pendiculis et pertinentiis seu de aliqua earundem parte seu portione, jacentibus infra baroniam de Renfrew vicecomitatum ejusdem balliatum de Kylesteuart et vicecomitatum de Air respective Necnon dedimus concessimus et disposuimus prefato Magistro Jacobo Scott suisque heredibus inter ipsum et dictam Mariotam Scott ejus sponsam legitime procreatis seu procreandis Quibus deficientibus legitimis et propinquioribus heredibus et assignatis dicti Magistri Jacobi quibuscunque hereditarie Totum et integrum unum alium annum redditum quingentarum mercarum monete predictae annuatim ad dictum festum Sancti Martini in hyeme similiter percipiendum et levandum de totis et integris predictis terris et baroniis de Cragie et Newtoun alias Sanquhar Hammiltoun respective cum suis partibus pendiculis et pertinentiis seu de aliqua earundem parte et portione Quicquidem duo annui redditus perprius ad dictum dominum Joannem Wallace de Carnhill militem hereditarie pertinuerunt et quos ipse per suos procuratores ad hoc legitime constitutos et litteras suas patentes in manibus dictorum dominorum commissionariorum pro receptione resignationum infra dictum regnum nostrum Scotie nominatorum tanquam in manibus nostris pro nostro se ipso et tanquam patris et legitimi administratoris dicti nostri

charissimi filii domini sui immediati superioris earundem apud Edinburgum sursum reddidit pureque et simpliciter per fustim et baculum resignavit ac totum jus et clameum proprietatem et possessionem que in eisdem habuit omnino quieteclamavit pro nostra nova carta et infeodatione hereditaria nostro sub magno sigillo prefato Magistro Jacobo Scott et sue sponse antedictae eorumque alteri diutius viventi in conjuncta infeodatione ac suis heredibus et assignatis prescriptis predicti annui redditus mille mercarum necnon dicti alterius annui redditus quingentarum mercarum prefato magistro Jacobo Scott suisque heredibus et assignatis prescriptis hereditarie desuper in debita forma danda et conficienda Prout in carta nostra desuper confecta latius continetur: Vobis precipimus et mandamus quatenus prefato Magistro Jacobo Scott et Mariote Scott sue sponse eorumque alteri diutius viventi in conjuncta infeodatione vel suis certis actornatis latoribus presentium Sasinam totius et integri predicti annui redditus mille mercarum annuatim levandi et percipiendi ad dictum festum Sancti Martini de totis et integris predictis terris et baroniis respective cum suis partibus pendiculis et pertinentiis seu de aliqua earundem parte Necnon prefato Magistro Jacobo Scott vel suo certo actornato latori presentium Sasinam totius et integri predicti annui redditus quingentarum mercarum monete predictae annuatim levandi et percipiendi ad dictum festum Sancti Martini in hyeme de totis et integris predictis terris et baroniis cum suis pertinentiis seu de aliqua earundem parte ut premissum est secundum formam et tenorem antedictae carte nostre quam de nobis inde habet juste haberi faciatis et sine dilatione Salvo jure cujuslibet Et hoc nullo modo omittatis Ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim vicecomitibus nostris de Renfrew et ballivis nostris de Kylesteuart in hac parte committimus potestatem Datum sub testimonio nostri magni sigilli apud Edinburgum decimo septimo die mensis Decembris anno domini millesimo sexcentesimo duodecimo et regni nostri annis quadragesimo sexto et decimo Post cujusquidem precepti sasine perlectionem publicationem et in vulgari expositionem prefatus Andreas Craufurd de Dringis vicecomes et ballivus in hac parte antedictus virtute et vigore sui officii sibi in hac parte commissi et de mandato dicti precepti Statum et sasinam hereditaream necnon realem actualem et corporalem possessionem totius et integri predicti annui redditus mille mercarum usualis monete predictae annuatim levandi et percipiendi de totis et integris predictis terris et baroniis de Cragie et Newtoun ad festum Sancti Martini in hyeme predictum prefato Willielmo Legatt actornato antedicto et nomine dicti Magistri Jacobo suorumque heredum at assignatorum predictorum

totius et integri predicti annui redditus quingentarum mercarum annuatim levandi et percipiendi ad dictum festum Sancti Martini in hyeme predictum de totis et integris predictis terris et baroniis de Cragie et Newtoun seu de aliqua earundem parte et portione ut supra jacentibus per terre et lapidis fundi dictarum terrarum et baroniarum respective prescriptarum et duorum denariorum pro dictis duobus annuis redditibus prefato Willielmo Legatt, actornato antedicto et nomine dictorum conjugum ut moris est donationem secundum formam et tenorem dicti precepti in omnibus punctis dedit tradidit contulit pariter et cum effectu deliberavit (Salvo jure cujuslibet) Super quibus omnibus et singulis premissis prefatus Willielmus Legatt actornatus antedictus et nomine quo supra a me notario publico subscripto sibi fieri petiit hoc presens publicum instrumentum seu plura publica instrumenta unum sive plura. Acta erant hec apud dictum turrin et fortalitium de Cragie Necnon super solum et fundum dictarum terrarum et baronie de Newtoun horam circiter primam post meridiem sub anno die mense et regno regis quibus supra. Presentibus ibidem Willielmo Wallace de Failfuir, Joanne Wallace in Cragie, Alexandro Baxter, Joanne Johnestoun et Joanne Lamount ibidem testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR MASTER JAMES SCOTT AND SPOUSE.

Notarial instrument, narrating that on 14th January 1613, in presence of the notary and witnesses, a prudent man, Andrew Craufurd of Dringis, sheriff of Renfrew, and bailie of Kylestewart, in that part specially constituted by the precept undermentioned, personally went to the tower and fortalice of the barony of Craigie, and to the ground of the lands and barony of Newtoun, formerly called Sanquhar Hamiltoun, lying within the barony of Renfrew, sherifffdom thereof, bailiery of Kylestewart and sherifffdom of Ayr respectively: And there a discreet man, William Legatt in Craigie, as attorney of an also discreet man, Master James Scott, lawful son of the late Master Robert Scott of Knightspottie, director of the Chancery of our sovereign lord the king, and Marion Scott his spouse, holding in his hands a precept of sasine directed from Chancery under the testimonial of the great seal, granted to the said Master James Scott and Marion his spouse, and the longer liver of them, in conjunct fee, and the heirs gotten or to be gotten between them, which failing, to the nearest

and lawful heirs whatsoever of the said Master James Scott, heritably, of an annual rent of one thousand merks usual money of Scotland to be uplifted furth of the lands and barony of Craigie, and the lands and barony of Newtoun aforesaid: and of another annual rent of five hundred merks furth of the said lands and baronies, or any part of the same: which precept the said William Legatt, attorney, and in name of the said Master James Scott and his spouse, presented to the said Andrew Craufurd, requiring him to put the same to execution; and the said Andrew, with all due humility and reverence took the said precept, and gave it to the notary to read and expound in the vulgar tongue, which he did, to the effect above indicated, the precept containing the information that the said two annual rents belonged before to Sir John Wallace of Carnhill, knight, and were resigned by him, as in the king's hands, for this new infeftment to be given to the said Master James Scott and his spouse; in accordance with which precept, sasine was given in the usual form, by delivery of earth and stone of the ground, and of two pennies, to the said William Legatt, as attorney for the said spouses, before these witnesses, William Wallace of Failfurd, John Wallace in Craigie, Alexander Baxter, John Johnstoun and John Lamont there.

The Instrument of seasein following being begun and then blankit be reassoun I wantit the charter to form out the seasein is the caus quhy it is so compactit in the end for fault of boundis.

R. BROUN.

IV.—PRO MAUSIA WEIR, ROBERTO DOBIE DE STANYHILL ET SPONSA, ETC.

In Dei nomine Amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo tercio mensis vero Augusti die ultimo Regnique S. D. N. Jacobi sexti Dei gratia Magne Britannie Francie et Hybernice regis fideique defensoris annis quadragesimo septimo et undecimo: In mei notarii publici et testium subscriptorum presentiis personaliter comparuerunt discreti viri Carolus Hammiltoun mercator burgensis burgi de Edinburgi tanquam actornatus et eo nomine probe mulieris Mausie Weir relicte quondam Roberti Dobbie etiam mercatoris burgensis dicti burgi et Petrus Fraser servus Andree Sinclair stabularij in Edinburgh tanquam actornatus et eo nomine providi adolescentis Roberti Doby de Stanyhill et Margarete

Richertsoun ejus sponse per literas actornatorias e cancellaria S. D. N. regis ad effectum subscriptum legitime constituti super solum et fundum terrarum et baronie de Pittinreif et accesserunt ad molendinum granarium ejusdem, et deinde et immediate postea ad terras de Pitcany subscriptas jacentes infra vicecomitatum de Fyff Et ibidem respective prefati duo actornati antedicti habentes eorumque in manibus tenentes quandam cartam subscriptam preceptumque sasine subscriptum in se continentem factam datam et concessam per honorabilem virum Dominum Georgium Bruce de Carnok militem hereditarium proprietarium dictarum terrarum et molendini pro sasina earundem dicte Mausie Weir in vitali reddito pro omnibus illius vite diebus dictoque Roberto Dobie in feodo dicteque Margarete Richartsoun ejus sponse de toto et integro uno annuo reddito unius mille librarum usualis monete huius regni Scotie annuatim levando et percipiendo de dictis terris de Pittinreif et molendino ejusdem exceptis terris de Gallowrig et ——— cum domibus hortis toftis croftis partibus pendiculis et pertinentiis earundem ac de totis et integris prefatis terris de Pitcany cum singulis earundem partibus pendiculis et pertinentiis quibuscunque ad duos anni terminos consuetos festo videlicet Penthecostes et sancti Martini in hyeme per equales portiones : Quamquidem cartam preceptumque sasine subscriptum in se continentem, prefati duo actornati antedicti discreto viro Davidi Horn filio legitimo Davidis Horn incole in Culros ballivo dicti domini Georgii in dicto sasine precepto in hac parte nominato et constituto presentaverunt et deliberaverunt eumque requirendo quatenus dictum sasine preceptum debite executioni secundum ejusdem tenorem poneret et demandaret Qui vero David ballivus in hac parte antedictus dictam cartam preceptumque sasine subscriptum in se continentem e manibus eorum recepit mihique notario publico subscripto perlegendum publicandum et in vulgari astantibus exponendum tradidit cujusquidem sasine precepti tenor sequitur verbatim et est talis : In super dilectis meis Davidi Horn filio legitimo Davidis Horn in Culros—et vestrum cuilibet et conjunctim et divisim ballivis meis in hac parte specialiter constitutis salutem vobis precipio et firmiter mando quatenus visis presentibus indilate statum et sasinam pariter et possessionem corporalem actualem et realem totius et integri predicti annui redditus unius mille librarum monete antedicte annuatim levandi et percipiendi de dictis terris et molendino prefate Mausie Weir in vitali reddito pro omnibus sue vite diebus et dicto Roberto Dobie in feodo et Margarete ejus sponse vel suis certis actornatis latoribus presentium per terre et lapidis fundi dictarum terrarum et lie clap dicti molendini necnon unius denarii ut

moris est traditionem secundum tenorem dicte carte et huius precepti juste habere faciatis tradatis et deliberetis sine dilatione et hoc nullo modo omittatis ad quod faciendum vobis et vestrum euilibet conjunctim et divisim ballivis meis antedictis meam plenaream et irrevocabilem tenore presentium committo potestatem: In cujus rei testimonium [huic presenti carte mee] per Willielmum Andersoun notarium publicum scripte manu mea subscripte sigillum meum est appensum apud Edinburgh vigesimo septimo die mensis Augusti anno domini millesimo sexcentesimo decimo tertio Coram his testibus Andrea Creich mercatore burgensi de Edinburgh Roberto Broun servitore Alexandri Cunnyngnam scribe in Edinburgh Willielmo Androsoun scriba presentium. Sic subscribitur George Bruce Andro Creich witnes R. Broun witnes Wm. Androsoun witness Post cujus quidem carte preceptique sasine suprascripti in eadem contenti perlectionem publicationem et in vulgari expositionem prefatus David Horn ballivus dicti domini Georgii in hac parte antedictus virtute et vigore sui officii ballivatus sibi in hac parte commissi, necnon de mandato dicti sasine precepti propriis suis manibus statum et sasinam necnon realem actualem et corporalem possessionem totius et integri predicti annui redditus unius mille librarum monete prescripte annuatim levandi de prefatis terris et molendino prescripto ad dictos duos anni terminos predictos prefate Mausie Weir in vitali reddito et prefato Roberto Dobie in feodo dicteque Margarete Richesoun ejus sponse per terre et lapidis fundi dictarum terrarum de Pittincreif et lie clap dicti molendini et dictarum terrarum de Pittcany respective et unius denarii ut moris est traditionem dicto Carolo Hamiltoun tanquam actornato et eo nomine dicte Mausie et dicto Petro Fraser actornato dicti Roberti et ejus sponse ut moris est traditionem dedit et deliberavit secundum tenorem dicte carte et precepti sasine in eadem contenti Super quibus omnibus et singulis premissis prefato duo actornati antedicti nominibus dicte Mausie Weir Roberti Dobie et ejus sponse a me notario publico sibi petierunt instrumenta Acta erant hec super fundum dictarum terrarum de Pitencreif et in molendino ejusdem hora undecima antemeridiem et terrarum de Pitcanny hora prima post meridiem anno die mense et regno prescriptis presentibus ibidem apud Pittincreif Alexandro Cunyngnam scriba in Edinburgh Joanne Howy mercatore burgense de Glesgw et Georgio Craig servitore Roberti Clatthie stabularii in Edinburgh et apud Pitcany Joanne Hugyn in Tullyboyll et Andrea Rew servitore Adami Fynlasoun fabri ferrarii in Morishill cum testibus predictis testibus ad premissis vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR MAUSE WEIR, ROBERT DOBIE OF STANYHILL AND SPOUSE.

Notarial Instrument narrating that on the last day of August 1613, there compeared in the presence of the notary and witnesses, discreet men, Charles Hamilton, merchant burghess of Edinburgh, as attorney and in name of a worthy woman, Mause Weir, relict of Robert Dobie, who was also a merchant burghess of the same burgh, and Peter Fraser, servant of Andrew Sinclair, stabuler in Edinburgh, as attorney and in name of a prudent young man, Robert Doby of Stanyhill, and Margaret Richertsoun his spouse,—upon the ground of the lands and barony of Pittencreif: and went to the grain mill thereof, and thence, immediately after to the lands of Pitcany under written, in the sheriffdom of Fife, and there respectively, the aforesaid two attorneys, having and holding in their hands a certain charter containing the precept of Sasine after mentioned, granted by an honourable man Sir George Bruce of Carnock, knight, heritable proprietor of the said lands and mill, for sasine of the same to be given to the said Mause Weir in liferent, and to the said Robert Dobie in fee, and to the said Margaret Richertsoun his spouse, of the annual rent of £1000 Scots, to be uplifted and taken from the said lands of Pittencreif and mill thereof, excepting the lands of Gallowrig and ——— : and from the aforesaid lands of Pitcany, at the two usual terms of the year, Whitsunday and Martinmas, by equal portions. The which charter and precept therein contained, the aforesaid two attorneys presented to a discreet man, David Horn, lawful son of David Horn, indweller in Culross, bailie of the said Sir George in that part, in the said precept named and constituted, requesting him forthwith to put the same to due execution; who, after the reading of the precept by the notary, gave and delivered sasine and corporal possession of the said annual rent, by delivery of earth and stone of the ground of the said lands, and the clap of the said mill, and also of one penny, as the custom is, to the said Charles Hamilton and Peter Fraser, as attorneys for the parties, respectively, according to the tenor of the said charter and precept; the charter being dated at Edinburgh 27th August 1613, and witnessed by Andrew Creich, merchant burghess of Edinburgh, Robert Broun, servitor of Alexander Cunynghame, writer in Edinburgh, and William Androsoun, writer thereof; and the sasine being given on the

ground of Pittencreif and in the mill thereof, at the eleventh hour before noon, and on the ground of Pitcany at the first hour after noon of 31st August, same year, before these witnesses, at Pittencreif, Alexander Cunyngham, writer in Edinburgh, John Howy, merchant burgess of Glasgow, and George Craig, servitor of Robert Clathie, stabler in Edinburgh: and at Pitcany, John Hugyn in Tullyboyll, and Andrew Rew, servitor of Adam Fynlasoun, blacksmith in Morishill.

V.—SASINA DAVIDIS HOME JUNIORIS DE WODDERBURNE.

In Dei nomine Amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo quarto mensis vero Junii die decimo Regnique S. D. N. Regis Jacobi Dei gratia Magne Britannie, Francie, et Hibernie fideique protectoris annis quadragesimo septimo et duodecimo In mei notarii publicii et testium subscriptorum presentiis personaliter comparuit probus adolescens Andreas Clerk filius legitimus Andree Clerk in Bymersyd actornatus et eo nomine honorabilis viri Davidis Home junioris de Wodderburne per literas actornatorias forma cancellarie eo circa directas legitime constitutus de cujus actornati potestate mihi notario publico et testibus subscriptis satis lucide constabat Et accessit ad solum et fundum totius et integre ville et terrarum de Bimersyd extendentium ad decem libratas terrarum antiqui extentus jacentium infra balliatum de Lauderdaill: Et ibidem habens suisque in manibus tenens quoddam sasine preceptum e cancellaria dicta S. D. N. regis sub testimonio sui magni sigilli directum ballivis suis de Lauderdaill ejusque deputatis Necnon dilectis suis ballivis ejus de Lauderdaill in hac parte pro sasina dicto Davidi Home juniore de Woderburn danda de totis et integris predictis villa et terris de Bimersyd, extendentibus et jacentibus ut supra cum turribus fortaliciis maneriei locis domibus edificiis hortis pomariis toftis croftis outsettis silvis molendinis piscationibus super aquam de Tueid aliisque piscationibus dependenciis annexis cottagiis partibus pendiculis et pertinentiis earundem prout in dicto sasine precepto de data subsequente latius continetur: Quodquidem sasine preceptum dictus Andreas Clerk actornatus predictus reverentia qua decuit probo et discreto viro Carolo Campbell filio legitimo — Campbell in Cultoun ballivo dicti ballivatus de Lauderdaill in hac parte in dicto precepto specialiter nominato et constituto porrexit eumque requires quatenus hujusmodi sasine pre-

ceptum secundum ejusdem tenorem debite executioni demandaret Qui vero ballivus, in hac parte antedictus dictum sasine preceptum e manibus dicti Andree Clerk actornati predicti recepit mihi que notario publico subscripto perlegendum publicandum et in vulgari exponendum tradidit cujusquidem sasine precepti tenor sequitur et est talis Jacobus Dei gratia Magne Britannie Francie et Hibernie Rex fideique defensor, Ballivo nostro de Lauderdaill et deputatis suis necnon dilectis nostris Carolo Campbell filio legitimo — Campbell in Cultoun et eorum cuilibet conjunctim et divisim ballivis ballivatus nostri de Lauderdaill in hac parte salutem : Quia dedimus et concessimus dilecto nostro Davidi Home juniore de Woderburne heredibus suis et assignatis quibuscunque Totam et integram villam et terras de Bymersyd extendentes ad decem libratas terrarum antiqui extentus cum turribus fortaliis maneriei locis domibus edificiis hortis pomariis toftis croftis outsettis silvis molendinis piscationibus super aquam de Tueid aliisque piscationibus dependenciis annexis cottagiis partibus pendiculis et pertinentiis quibuscunque jacentes infra ballivatum de Lauderdaill que fuerunt Magistri Willielmi Haig de Bymersyd pretensi hereditarii possessoris earundem et debite ab ipso una cum omnibus reversionibus tam legalibus quam conventionalibus obligationibus promissis aut reversionum conditionibus per quamcunque personam seu quascunque personas factis et concessis pro dictarum terrarum redemptione seu alicujus earundem partis cum omnibus decimarum tam rectorie quam vicarie dictarum terrarum assedationibus omnibusque aliis jure et titulo quibuscunque ad predictas terras seu aliquam earundem partem in persona dicti Magistri Willielmi competentibus appreciate sunt pro summis respective subscriptis videlicet pro summa quinque mille novem centum et quadraginta quinque mercarum usualis monete Regni nostri Scotie tanquam pro principali et pro summa ducentarum nonaginta septem mercarum sex solidorum et octo denariorum monete predictae pro vicecomitis feodo sibi pro executione sui officii debito Quequidem summe omnes in simul computate in integro extendunt ad summam sex mille ducentarum et quadraginta duarum mercarum Et defectu bonorum mobilium super hujusmodi terris pro prefatis summis destringibilium dicto Davidi Home juniore de Woderburne secundum tenorem acti nostri parlamenti vendite et assignate Prout in carta nostra appreciationis desuper confecta latius continetur Vobis precipimus et mandamus quatenus dicto Davidi Home vel suo certo actornato latori presentium sasinam totius et integre predictae ville et terrarum de Bymersyd

extendentium ad decem libratas terrarum antiqui extentus cum omnibus et singulis earundem annexis connexis partibus pendiculis et pertinentiis aliisque respective et particulariter supra specificatis jacentium et appreciatarum ut prefertur Secundum tenorem antedictæ carte nostre quam de nobis inde habet juste haberi faciatis et sine dilatione et hoc nullo modo omittatis: Ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim ballivis dicti ballivatis nostri de Lauderdaill in hac parte antedictis committimus potestatem: Datum sub testimonio nostri magni sigilli apud Edinburgum ultimo die mensis Maij anno domini millesimo sexcentesimo decimo quarto regnorumque nostrorum annis quadragésimo septimo et duodecimo: Post cujusquidem sasine precepti perlectionem publicationem et in vulgari astantibus expositionem prefatus Carolus Campbell ballivus dicti ballivatus de Lauderdaill in hac parte antedictus virtute et sui officii vigore necnon de mandato speciali dicti precepti statum et sasinam pariter et possessionem corporalem actualem et realem totius et integre predictæ ville et terrarum de Bymersyd extendentium ad decem libratas terrarum antiqui extentus cum turribus fortaliciis maneriei locis domibus edificiis pomariis toftis croftis outsettis silvis molendinis piscationibus super dictam aquam de Tueid aliisque piscationibus dependenciis annexis cottagiis partibus pendiculis et pertinentiis quibuscunque ut prefertur jacentium prefato Andree Clerk actornato predicto et eo nomine prefati Davidis Home junioris de Wodderburne per traditionem et deliberationem sibi terre et lapidis fundi dictæ ville et terrarum de Bymersyd ut moris est in talibus fieri consuetum secundum formam et tenorem antedictæ carte quam de prefato S. D. N. rege inde habet preceptique sasine superscripti desuper concessi in omnibus punctis dedit tradidit contulit pariter et cum effectu deliberavit super quibus omnibus et singulis premissis prefatus Andreas Clerk actornatus antedictus et eo nomine quo supra a me notario publico subscripto sibi fieri petiit hoc presens publicum instrumentum seu plura publica instrumenta: Acta erant hec super solum et fundum dictæ ville et terrarum de Bymersyd horam circiter nonam antemeridiem aut eo circa sub anno die mense regnoque regis quibus supra presentibus ibidem Thoma Rutherford servitore Joannis Halliburton in Bymersyd Andrea Younge ibidem Adamo Williamsoun molendinario apud Dryburghe et Davidi Gibsoun in Ellissudane cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

SASINE OF DAVID HOME, YOUNGER, OF WEDDERBURNE.

Instrument of Sasine proceeding on precept from Chancery, in favour of David Home, younger, of Wedderburne, of the ten pound lands of old extent of Bemersyde, lying within the bailiery of Lauderdale, with towers, fortalices, manor-places, mills, fishings on the Water of Tweed, etc., which belonged before to Mr. William Haig of Bemersyde, and were duly and lawfully apprised from him for the sums of money therein specified, amounting in whole to 6242 marks, and sold and assigned to the said David Home, according to Act of Parliament, as is more fully contained in the charter of apprising granted by the King thereupon: the precept is directed to Charles Campbell, lawful son of ——— Campbell in Cultoun, as bailie in that part of the bailiery of Lauderdale, by whom the sasine was given to Andrew Clerk, lawful son of Andrew Clerk in Bemersyde, as attorney for the said David Home. Done upon the ground of the said lands about the ninth hour before noon of 10th June 1614, in presence of Thomas Rutherford, servitor of John Haliburtoun in Bemersyde, Andrew Young there, Adam Williamson, miller at Dryburgh, and David Gibbsoun in Ellissudden.

VI.—PRO ROBERTO HUNTAR DE HUNTERSTOUN.

In Dei nomine Amen per hoc presens publicum instrumentum, cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo quarto mensis vero Decembris die decimo quarto regnique S. D. N. Jacobi Dei gratia Magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo octavo et duodecimo: In mei notarii publici et testium subscriptorum presentiis personaliter accessit probus adolescens Patricius Hunter in Hunterstoun ballivus in hac parte honorabilis viri Joannis Lyn de eodem specialiter constitutus per preceptum sasine infrascriptum ad solum et fundum totarum et integrarum viginti solidatarum terrarum antiqui extentus de Hileis jacentium in parochia de Dalry balliatu de Cunynghame et infra vicecomitatum de Air et ibidem honorabilis vir Robertus Hunter de Hunterstoun habens et tenens suis in manibus quoddam sasine preceptum pergameni scriptum sub sigillo et subscriptione manuali dicti Joannis Lyn de eodem dictarum terrarum superioris pro sasina hereditaria dicto Robert Hunter de Hunterstoun

dictarum terrarum cum pertinentiis in debita et competenti forma danda et conficienda Quodquidem sasine preceptum dictus Robertus Hunter de Hunterstoun prefato Patricio Hunter ballivo in hac parte antedicto in dicto precepto specialiter nominato et constituto presentavit et deliberavit, ipsumque requirens quatenus hujusmodi sasine preceptum debite executioni secundum ejusdem tenorem poneret et demandaret: Qui vero ballivus dictum sasine preceptum e manibus dicti Roberti recepit mihiq[ue] notario publico subscripto perlegendum publicandum et in vulgari exponendum tradidit cujusquidem sasine precepti tenor sequitur et est talis Joannes Lin de eodem ac superior terrarum subscriptarum dilectis meis Patricio Hunter in Hunterstoun et vestrum cuilibet conjunctim et divisim ballivis meis in hac parte specialiter constitutis Salutem Quia mihi clare constat et est notum per autentica documenta et sasine instrumenta publice mihi ostensa et perlecta quod quondam Robertus Hunter de Hunterstoun pater Roberti Hunter nunc de Hunterstoun latoris presentium obiit ultimo vestitus et sasitus ut de feodo ad pacem et fidem S. D. N. regis in totis et integris illis viginti solidatis terrarum antiqui extentus de Hileis cum singulis suis pertinentiis jacentibus in parochia de Dalry balliatu de Cunynghame et infra vicecomitatum de Air, Et quod dictus Robertus Hunter nunc de Hunterstoun est legitimus et propinquior heres ejusdem quondam Roberti sui patris de dictis terris et quod est legitime etatis: Et quod prefate terre cum pertinentiis de me tanquam domino superiore earundem tenentur in capite Vobis igitur et vestrum cuilibet conjunctim et divisim precipio et firmiter mando quatenus visis presentibus indilate statum et sasinam hereditariam pariter et possessionem realem actualem et corporalem Totarum et integrarum predictarum viginti solidatarum terrarum de Hileis cum omnibus suis pertinentiis ut supra jacentium memorato Roberto Hunter tanquam filio et heredi antedicti vel suo certo actornato latori presentium per terre et lapidis fundi earundem traditionem ut moris est tradatis et deliberetis seu alter vestrum tradet et deliberet Secundum tenorem antiqui infeofamenti dictarum terrarum (Salvo jure cujuslibet) Et hoc nullo modo omittatis Ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim ballivis meis in hac parte antedictis meam plenaream et irrevocabilem tenore presentium committo potestatem: In cujus rei testimonium presentibus manu Gilberti Garven famuli Hugonis Garven communis scribe burgi de Irving scriptis manuque mea subscriptis sigillum meum proprium est appensum apud Kilwynning tercio die mensis Junii Anno

domino millesimo sexcentesimo tercio, coram his testibus Jacobo Hammiltoun de Ardoche, Hugone Montgomerie de Smeythstoun, Cuthberto Hammiltoun de Auchintiber, Robert Kyll burgensi de Irwin et dicto Hugone Garven sic subscribitur Johne Lin of that ilk James Hammiltoun witnes Hew Montgomerie witnes Robert Kyll witnes Cuthbert Hammiltoun witnes H. Garven witnes: Post cujusquidem sasine precepti perlectionem publicationem et in vulgari astantibus expositionem prefatus Patricius Hunter ballivus in hac parte antedictus virtute et vigore sui ballivatus officii sibi in hac parte commissi Necnon de mandato speciali dicti precepti Statum et sasinam hereditarie pariter et possessionem realem actualem et corporalem totarum et integrarum prefatarum viginti solidatarum terrarum antiqui extentus de Hileis cum singulis suis pertinentiis ut supra jacentium memorato Roberto Hunter de Hunterstoun personaliter presenti et acceptanti per terre et lapidis fundi dictarum terrarum ut moris est traditionem et deliberationem secundum vim formam et tenorem antedicti precepti et antiquorum infeofamentorum dicti Roberti dictarum terrarum perprius concessis in omnibus punctis dedit tradidit contulit pariter et cum effectu deliberavit: Salvo jure cujuslibet: Super quibus omnibus et singulis premissis prefatus Robertus Hunter de Hunterstoun a me notario publico subscripto sibi fieri petiit hoc presens publicum instrumentum seu plura publica instrumenta unum sive plura: Acta erant hec super solum et fundum dictarum terrarum horam circiter primam postmeridiam aut eo circa sub anno die mense regnoque regis quibus supra presentibus ibidem Willielmo Rasyd et Joanne Broun in Hileis Willielmo Broun filio — Broun in Baidlandhill, Joanne Walker in Cunynghame Baidland et Thoma Craufurd servitore dicti Roberti Hunter de Hunterstoun testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR ROBERT HUNTER OF HUNTERSTOUN.

Notarial Instrument narrating that a worthy young man, Patrick Hunter in Hunterstoun, bailie in that part, of an honourable man, John Lyn of that Ilk, specially constituted by the precept of sasine, personally went to the ground of All and Whole the twenty shilling lands of old extent of Hileis, lying in the parish of Dalry, bailiery of Cunynghame, and

within the sheriffdom of Ayr; and there an honourable man, Robert Hunter of Hunterstoun, having and holding in his hands a certain precept, written on parchment, under the seal and subscription manual of the said John Lyn of that ilk, for sasine to be given to the said Robert Hunter of Hunterstoun, of the said lands, in due and competent form: which precept the said Robert Hunter presented and delivered to the aforesaid Patrick Hunter, bailie in that part, requiring him to put the same to due execution: who, having received the precept, handed it to the notary public to be read, published, and set forth in the vulgar tongue, which was accordingly done, to the effect that it was evident to the said John Lyn, by authentic documents shown to him, that the late Robert Hunter of Hunterstoun, father of Robert Hunter now of Hunterstoun, died last vest and seized as of fee, at the king's faith and peace, in the aforesaid lands of Hileis; and that the said Robert Hunter now of Hunterstoun is lawful and nearest heir of the said Robert his father, of the said lands; and that he is of lawful age; and that the said lands are held in chief of the said John Lyn as lord superior thereof, and therefore charging the said Patrick Hunter as his bailie in that behalf, to give and deliver heritable state and seizin of the said lands, by delivery of earth and stone thereof to the said Robert Hunter or his certain attorney, which was accordingly done. The precept, written by Gilbert Garven, servant of Hugh Garven, common clerk of the burgh of Irvine, was subscribed and sealed by the said John Lyn, at Kilwinning, 3rd June 1603, in presence of James Hamilton of Ardoche, Hugh Montgomerie of Smeythstoun, Cuthbert Hamilton of Auchintiber, Robert Kyll, burgess of Irvine, and the said Hugh Garven: and seizin was given on the ground of the said lands about the first hour after noon of the 14th of December 1614, in presence of William Rasyd and John Broun in Hileis, William Broun son of ——— Broun in Baidlandhill, John Walker in Cunynghame Baidland, and Thomas Craufurd, servitor of the said Robert Hunter of Hunterstoun.

VII.—PRO ANDREA TRAN.

In Dei nomine Amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo quarto mensis vero Decembris die vigesimo tercio regnorumque S. D. N. Jacobi Dei gratia Magne Britannie, Francie, et

Hibernie regis fideique defensoris annis quadragesimo octavo et duo decimo : In mei notarii publici et testium subscriptorum presentiis personaliter accessit probus vir Robertus Cunynghame senior burgensis burgi de Irving non vi aut metu ductus nec errore lapsus fraude aliquo circumventus Sed sua mera pura libera et spontanea voluntate ratione pure venditionis et alienationis per ipsum titulo oneroso facte Totum et integrum illud suum tenementum terre extendens ad ——— Jacens infra dictum burgum super montem vocatam M'misserthill inter terras quondam Thome Randell ex australi terras quondam Patricii Tran nunc vero Magistri Alexandri Tran sui filii ex boreali partibus communem viam regiam qua itur ad ecclesiam dicti burgi ex orientali et terras dicti Magistri Alexandri ex occidentale partibus cum omni actione jure juris titulo interesse juris clameo proprietate et possessione que seu quas habuit habet seu quovismodo in futurum in et ad totum et integrum predictum tenementum terre extendens et jacens ut supra habere clamare petere seu pretendere potuerat omnino quiete clamavit imperpetuum in manibus honorabilis viri Willielmi Mure unius ballivorum dicti burgi sursum reddidit pureque et simpliciter ut moris est per fustim et baculum resignavit In favorem honorabilis etiam viri Andree Tran alterius ballivorum dicti burgi suorumque heredum successorum et assignatorum et pro sasina hereditaria et nova infeodatione ejusdem per dictum ballivum prefato Andree suisque antedictis inde danda et deliberanda Qua resignatione sic ut premittitur facta et per dictum ballivum debite rite et legittime recepta et admissa prefatus Willielmus Mure ballivus antedictus virtute et vigore sui officii necnon de mandato et rogatu speciali dicti resignantis propriis suis manibus Statum et sasinam hereditaream necnon realem actualem et corporalem possessionem Totius et integri predicti tenementi terre extendentis et jacentis ut prefertur memorato Andree Tran personaliter presenti et acceptanti, per terre et lapidis fundi earundem ut moris est traditionem et deliberationem, dedit tradidit deliberavit realiter et cum effectum secundum formam et tenorem dicte resignationis prescripte investivit Tenendum de S. D. N. rege suisque successoribus more burgali: Reddendo inde annuatim firmam burgalem aliaque onera solita et consueta tantum: Super quibus omnibus et singulis premissis prefatus Andreas Tran a me notario publico subscriptos sibi fieri petiit hoc presens publicum instrumentum seu plura publica instrumenta unum sive plura: Acta erant hec super solum et fundum dicti tenementi horam circiter nonam antemeridiem aut eo circa, sub anno die mense regno-

que regis quibus supra: Presentibus ibidem Petro Randel burgensi de Irwing Joanne Boyd et Olivero Broun serjandis dicti burgi testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR ANDREW TRAN.

Notarial Instrument narrating that a worthy man, Robert Cunynghame, elder, burgess of Irvine, not led by force or fear, nor fallen in error, nor circumvented by any fraud, but of his own mere, free, and spontaneous will, by way of pure sale and alienation, personally resigned and wholly quitclaimed All and Whole that his tenement of land lying in the burgh of Irvine, upon the hill called M'isserthill, between the lands of the late Patrick Tran, but now of Mr. Alexander Tran his son, on the north, the common highway which leads to the church of the said burgh on the east, and the lands of the said Master Alexander on the west,—and that by staff and baton in the hands of an honourable man, William Mure, one of the bailies of the said burgh, in favour of an honourable man, Andrew Tran, another of the bailies of the said burgh, his heirs, successors, and assignees, and for heritable seizin and new infeftment of the same, to be given and delivered by the said bailie to the said Andrew, which was accordingly done: the said tenement of land being held of the king burgage, for payment yearly of the burghal ferme and other burdens used and wont. Done upon the ground of the said tenement about the ninth hour before noon of 23rd December 1614, before Peter Randel, burgess of Irvine, John Boyd and Oliver Broun, serjeants of the said burgh, witnesses to the premises.

VIII.—PRO JOANNE NEILSOUN NOTARIO.

In Dei nomine Amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno domini millesimo sexcentesimo decimo quinto mensis vero Marcii die undecimo Regnique S. D. N. Jacobi Dei gratia Magne Britannie Francie et Hibernia regis illustrissimi fideique defensoris annis quadragesimo octavo et duo decimo: In mei notarii publici et testium subscriptorum presentia personaliter comparuerunt discrete persone Robertus Cunynghame senior mercator burgensis burgi de Irving et

Margareta Cunynghame ejus sponsa super solum et fundum suorum duorum aggerorum lie tua tailling rigs et terrarum earundem subscriptarum illis hereditarie pertinentium: Et ibidem pro impletione et observatione unius clausule cujusdam litere alienationis et dispositionis per ipsum Robertum cum consensu dicte Margarete Cunynghame ejus sponse necnon unanimi consensu et assensu probo viro Joanni Neilsoun notario burgensi dicti burgi penes presens infeofamentum sibi de dictis aggeribus et terris ut sequitur concedendum facte proque summa centum librarum usualis monete hujus regni Scotie in dicta dispositione contenta per dictum Joannem Neilsoun prefatis conjugibus in pecunia numerata gratanter et integre persoluta et deliberata cum plena exoneratione ejusdem tenore presentis instrumenti imperpetuum Igitur antedictus Robertus Cunynghame cum consensu prefate Margarete Cunynghame ejus sponse Necnon dicti conjuges unanimi consensu et assensu Totos et integros eorum duos aggeres lie tua tailling rigs et terras ejusdem immediate sequentes suorum duo horrea et horta ejusdem eisdem adjacentia extendentium ad ——— aut eo circa cum omnibus suis pertinentiis, jacentes contigue infra predictum burgum de Irving ad finem orientalem ejusdem ex orientali latere vie regie predicti burgi incipiendo apud hortorum fossam predictorum horreorum ubi de presenti conditur et discendendo ad communes burgales terras dicti burgi nuncupatas Bogflattis inter easdem terras ex orientali horta predictorum horreorum ex occidentali aggerum Willielmi Holmis burgensis dicti burgi ex boreali partibus et alium aggerum quondam Willielmi Robisoun nunc suis heredibus pertinentem ex australi partibus ab una et aliis In manibus honorabilis viri Willielmi Mure unius ballivorum prefati burgi de Irving sursum reddiderunt extra donaverunt pureque et simpliciter per fustim et baculum ut moris est resignaverunt cum omni jure juris titulo clameo interesse proprietate et possessione tam petitorio quam possessorio que seu quas dicti Robertus et Margareta Cunynghame conjuges heredes assignati predecessores aut successores sui ad prefatos duos aggeres lie tua tailling rigs et terras ejusdem aut aliquam earundem partem cum suis pertinentiis ut predicatur limitantes extendentes et jacentes, habuerunt habent seu quovismodo in futurum habere vel clamare poterint omnino quiete clamaverunt imperpetuum In favorem et pro hac nova sasina et infeodatione earundem per dictum ballivum prefato Joanni Neilsoun heredibus suis et assignatis quibuscunque hereditarie ac irredimabiliter absque ulla reversione regressu aut redemptione quacunque infuturum inde danda et deliberanda Quibus peractis prefatus

Willielmus Mure ballivus antedictus vertute et vigore dicte resignationis suique balliatus officii ac de mandato dictorum resignantium propriis suis manibus statum et sasinam hereditariam pariter et possessionem realem actualem et corporalem Totorum et integrorum prenominatorum duorum aggerorum lie tua tailling rigs et terrarum earundem contigue adjacentium cum suis pertinentiis ut supra bondantium extendentium et jacentium memorato Joanne Neilsoun personaliter presenti et dictam sasinam pro se heredibus suis et assignatis quibuscunque acceptanti per traditionem et deliberationem sibi terre et lapidis fundi eorundem contigue adjacentium ut moris est hereditarie ac irredimabiliter absque ulla reversione regressu aut redemptione quacunque in futurum secundum vim formam et tenorem dicte littere dispositionis dicteque resignationis in omnibus dedit tradidit realiter et cum effectu deliberavit imperpetuum Tenendos de dicto S. D. N. rege et successoribus suis more burgali. Reddendo inde annuatim firmas burgales aliaque onera debita solita et consueta tantum In super comparuit prefata Margareta Cunynghame extra presentiam predicti Roberti Cunynghame sui mariti in presentia dicti Willielmi Mure ballivi et corporale prestitit suum jurementum se minime per dictum suum maritum ad premissa compulsam aut coactam fuisse sed eandem ex sua propria voluntate (utilitate sua premissa et considerata) fecisse super quibus omnibus et singulis sic premissis dictus Joannes Neilsoun a me notario publico subscripto sibi fieri petiit hoc presens publicum instrumentum seu instrumenta unum sive plura acta erant hec super solum et fundum dictorum duorum aggerorum et terrarum earundem contigue adjacentium horam circiter undecimam antemeridiam aut eo circa sub anno die mense regnisque quibus supra presentibus ibidem Alexandro Montgomerie mercatore Roberto Dunlop fabro ferrario Davide Tueidy juniore ephippiario burgensibus burgi de Irwein et Thoma Adam textore ibidem testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR JOHN NEILSON, NOTARY.

Notarial instrument narrating that discreet persons, Robert Cunynghame, elder, merchant, burgess of Irvine, and Margaret Cunynghame his spouse, compeared personally upon the ground of two tailling rigs and the lands of the same, pertaining to them heritably, with two barns and yards adjacent,

lying contiguously within the said burgh at the east end thereof, and on the east side of the high street of the same, bounded between the yard dyke of the said barns where it is presently built, and extending to the common burgh lands called the Bogflatts on the east, the yards of the aforesaid barns on the west, the rig of William Holmes, burgess of the said burgh, on the north, and another rig belonging to the late William Robinson, and now to his heirs, on the south; and resigned the said subjects in the hands of an honourable man, William Mure, one of the bailies of Irvine, for sasine to be given of the same to a worthy man John Neilson, notary, burgess of the said burgh, in terms of disposition granted to him by the said Robert Cunynghame and his spouse, for the sum of £100 Scots: Sasine was given accordingly on 11th March 1615, in presence of Alexander Montgomerie, merchant, Robert Dunlop, blacksmith, David Tweidy, younger, stabler, burgesses of Irvine, and Thomas Adam, weaver there.

IX.—PRO JOANNE ROS ET SUA FUTURA SPONSA.

In Dei nomine Amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo quinto mensis vero Maij die decimo quinto regnique S. D. N. Jacobi Dei gratia Magne Britannie, Francie, et Hibernie, regis fideique defensoris annis quadragesimo octavo et duodecimo. In mei notarii publici et testium subscriptorum presentiis personaliter accessit providus vir Allanus Ros pello burgensis burgi de Irweine et Helena Neilstoun conjuges non vi aut metu ducti nec errore lapsi fraude nec dolo aliquo circumventi sed suis meris veris puris liberis et spontaneis voluntatibus pro singularibus amore gratia et favore quas habent et gerent erga Joannem Ros pellationem eorum filium legitimum primo genitum et Margaretam Speir ejus futuram sponsam Necnon pro observatione et impletione unius eorum partis cujusdam contractus matrimonialis initi et confecti inter dictos Allanum et Helenam pro semet ipsis et onus super eos acceptantibus pro dicto Joanne eorum filio et dicto Joanne pro semet ipso ex una et David Speir fullonem patrem dicte Margarete pro semet ipso et onus super eum acceptantem pro dicta sua filia Necnon dicta Margareta pro semet ipsa partibus ab altera: Totum et integrum eorum tenementum terre ante et retro cum horto aggere et earundem pertinentiis jacens infra

burgum de Irweine ex parte boreali vie regie ejusdem ad finem dicti burgi inter tenementum Joannis Peiblis de Knodgerhill ex orientali et tenementum Alexandri Cunynghame junioris mercatoris burgensis dicti burgi ex australi partibus unacum omni jure juristitulo interesse jurisclameo proprietate et possessione que seu quas habuerunt habent seu quovismodo in et ad eundem clamare seu pretendere potuerant In manibus honorabilis viri Andree Tran unius ballivorum dicti burgi sursum reddiderunt pureque et simpliciter ut moris est per fustim et baculum resignarunt In favorem dicti Joannis sueque future sponse predictae ac pro hac nova sasina et hereditaria infeodatione per dictum ballivum dicto Joanni Ros et Margarete Speir ejus future sponse in sua pura virginitate eorumque alteri diutius viventi in conjuncta infeodatione heredibusque inter eos legitime procreandis quibus deficientibus heredibus et assignatis dicti Joannis quibuscunque ejusdem inde danda et deliberanda (Reservato nihilominus dicto Allano sueque sponse predictae eorumque alteri diutius viventi in conjuncta infeodatione eorum vitales redditus predicti tenementi horti et aggeris cum pertinentiis eorundem pro omnibus eorum eorumque alteri diutius viventi vite diebus.) Qua resignatione sic ut premittitur facta debite rite et legitime per dictum ballivum admissa et recepta Prefatus Andreas Tran ballivus antedictus virtute et vigore sui officii Necnon de mandato et requestu speciale dictorum resignantium propriis suis manibus statum et sasinam hereditaream necnon realem actualem et corporalem possessionem totius et integri predicti tenementi terre ante et retro cum horto aggere et earundem pertinentiis ut supra jacentis memorato Joanni Ros et Margarete Speir ejus future sponse eorumque alteri diutius viventi in conjuncta infeodatione eorumque prescriptorum personaliter presentibus et acceptantibus per terre et lapidis fundi earundem ut moris est traditionem exhibitionem et deliberationem dedit tradidit pariter et cum effectum hereditarie investivit secundum formam et tenorem dicti resignationis prescripte Reservato tamen ut prius reservatur Tenendum de S. D. N. rege suisque successoribus more burgali: Reddendo inde annuatim firmas burgales aliaque onera et divorias solui solitas et consuetas tantum: super quibus omnibus et singulis premissis prefati Joannes Ros et Margareta Speir ejus futura sponsa et eorum quilibet necnon dictus Allanus Ros ejusque sponsa predicta a me notario publico subscripto sibi fieri petierunt hoc presens publicum instrumentum seu plura publica instrumenta. Acta erant hec super solum et fundum dicti tenementi horam circiter quartam post meridiem aut eo circa sub anno die

mense regnoque regis quibus supra presentibus ibidem Jacobo Blair mercatore Roberto Speir et Joanne Young officario templario ac burgen-sibus dicti burghi et Olivero Broun serjando cum diversis aliis, testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR JOHN ROS AND HIS FUTURE SPOUSE.

Notarial instrument upon the resignation by a prudent man, Allan Ros, skinner, burgess of Irvine, and Helen Neilson, his spouse, of their tenement of land, fore and back, with garden, tail rig, etc., lying within the said burgh, on the north side of the high street of the same, at the end of the said burgh, between the tenement of John Peibles of Knodgerhill on the east, and the tenement of Alexander Cunynghame, younger, merchant burgess of said burgh, on the south, in the hands of an honourable man, Andrew Tran, one of the bailies of Irvine; and that for new sasine and heritable infeftment thereof to be by him delivered to John Ros, eldest son of the resigners, and Margeret Speir his future spouse, daughter of David Speir, waulker, in conjunct fee, and to their heirs to be lawfully procreated between them, and that in implement of their marriage-contract; reserving to the said Allan and his spouse their liferents respectively of the said tenement, etc: Holding of the King burgage, for the usual burghal fermes and duties: Done upon the ground of the said tenement the fourth hour after noon of 15th May 1615, the witnesses being James Blair, merchant, Robert Speir, John Young, kirk-officer, burgesses of Irvine, and Oliver Broun, serjeant.

X.—PRO WILLIELMO PARKER IN SEWALTOUN.

In Dei nomine Amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis Dominice millesimo sexcentesimo decimo quinto mensis vero Junii die nono Regnorumque S. D. N. Jacobi Dei gratia Magne Britannie, Francie, et Hibernie, regis, fideique defensoris annis quadragesimo octavo et decimo tercio In mei notarii publici et testium subscriptorum presentiis personaliter comparuerunt providus vir Willielmus Gemmill burgensis burghi de Irweine et Joneta Turnour ejus sponsa super solum et fundum tenementi terre subscripte

illis hereditarie pertinentis jacentis infra dictum burgum ad caput vie ecclesiastice ejusdem inter tenementum et hortum ejusdem olim quondam Mathei Cunynghame, postea ad Robertum Cunynghame ejus fratrem nunc vero Joanni Hilhous mercatori burgensi dicti burgi ex occidentali tenementum et hortum olim quondam Hugonis Tran postea Patricii Tran nunc vero heredum dicti quondam Patricii ex orientali partibus ab una et aliis : Et ibidem dicti Willielmus Gemmill et Joneta Turnour conjuges, non vi aut metu ducti nec errore lapsi fraude nec dolo aliquo circumventi sed suis meris liberis et spontaneis voluntatibus unanimi consensu et assensu ut asseruerunt pro impletione et observatione unius clausule cujusdam litere alienationis et dispositionis per dictum Willielmum cum consensu et assensu dicte Jonete sue sponse probo viro Willielmo Parker in Seweltoun ejus leviro penes presens infeofamentum sibi de dicto tenemento terre subtus et supra ante et retro cum horto ejusdem et earundem pertinentiis dandum et concedendum Totum et integrum eorum tenementum terre ante et retro subtus et supra cum horto et earundem pertinentiis ut supra jacens et bondatum ut dictum est unacum omni jure juristitulo interesse jurisclameo proprietate et possessione que seu quas habuerunt habent seu quovismodo in et ad eundem habere clamare seu pretendere potuerant imperpetuum In manibus honorabilis viri Willielmi Mure unius ballivorum dicti burgi sursum reddiderunt pureque et simpliciter per fustim et baculum ut moris est resignarunt In favorem prefati Willielmi Perker suorumque heredum et assignatorum ac pro hoc novo infeofamento et sasina hereditarea sibi suisque prescriptis hereditarie et irredimabiliter absque ulla reversione redemptione seu regressu per dictum ballivum de eodem danda et conficienda Qua resignatione sic ut permittitur facta debite rite et legitime per dictum ballivum admissa et recepta prefatus Willielmus Mure ballivus antedictus virtute et vigore sui officii Necnon de mandatis specialibus dictorum resignantium propriis suis manibus statum et sasinam hereditaream necnon realem actualem et corporalem possessionem Totius et integri predicti tenementi terre ante et retro subtus et supra cum horto et earundem pertinentiis ut supra jacentis memorato Willielmo Parker personaliter presenti et acceptanti hereditarie sine ulla reversione ut predicatur per terre et lapidis fundi ejusdem ut moris est traditionem et deliberationem Secundum formam et tenorem dicte litere alienationis et dispositionis ac resignationis prescripte dedit tradidit pariter et cum effectu deliberavit : Tenendum de S. D. N. rege suisque successoribus more burgali.

Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum. Insuper super solum et fundum dicti tenementi coram dicto ballivo personaliter comparuit dicta Joneta Turnour et ibidem extra presentiam dicti sui mariti non coacta seu compulsa sed sua mera libera et spontanea voluntate utilitate et commodo suis undique previsis et pensatis ut asseruit ad omnia et singula premissa per se facta et perpetrata approbavit ratificavit et de non revocando in futuram corporale suum prestitit juramentum: Super quibus omnibus et singulis sic premissis prefatus Willielmus Parker a me notario publico subscripto sibi fieri petiit hoc presens publicum instrumentum seu plura publica instrumenta: Acta erant hec super solum et fundum dicti tenementi horam circiter quartam post meridiem aut eo circa sub anno die mense regnisque regis quibus supra: Presentibus ibidem Joanne Young officario ecclesie burgi de Irweine Roberto Montgomerie filio legitimo Hugonis Montgomerie de Auchinhuid Joanne Neilsoun notario et Olivero Broun serjando cum diversis aliis testibus ad premissa vocatis pariterque rogatis. R. BROUN.

ABSTRACT.

FOR WILLIAM PARKER IN SEWALTOUN.

Notarial Instrument narrating that a prudent man, William Gemmill, burgess of Irvine, and Janet Turnour his spouse, personally compeared upon the ground of a tenement of land belonging to them in heritage, lying within the said burgh, at the head of the Kirkgate thereof, between the tenement and yard sometime of the late Matthew Cunynghame, afterwards belonging to Robert Cunynghame his brother, and now to John Hilhous, merchant, burgess of the said burgh, on the west, the tenement and yard sometime of the late Hugh Tran, afterwards of Patrick Tran, and now of the heirs of the said Patrick, on the east; and there the said William Gemmill and his spouse, of one consent, freely resigned the said tenement and yard in the hands of an honourable man, William Mure, one of the bailies of the said burgh, for new infestment thereof to be given by him to a worthy man, William Parker in Sewaltoun, his brother-in-law, which the said bailie gave accordingly. Moreover, upon the ground of the said tenement, the said Janet Turnour, outwith the presence of her husband, affirmed before the said bailie that she was not compelled, but acted of her own free

will in this matter, and gave her bodily oath that she would not in future revoke the premises: Done at the said tenement about the fourth hour after noon of 9th June 1615, the witnesses being John Young, officer of the church of the burgh of Irvine, Robert Montgomerie, lawful son of Hew Montgomerie of Auchinhuid, John Neilson, notary, and Oliver Brown, serjeant.

XI.—PRO JOANNE WALKER, ROBERTO LIN, MERCATORE, ET SPONSA.

In Dei nomine Amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis Dominice millesimo sexcentesimo decimo quinto mensis vero Augusti die tercio regnorumque S. D. N. Jacobi Dei gratia Magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio in mei notarii publici et testium subscriptorum presentiis personaliter constituti honorabiles viri Willielmus Mure et Andreas Tran ballivi burgi de Irweine Quia sibi clare constabat et compertum fuit per autentica documenta et sasine instrumenta scripta publice ostensa perlecta et demonstrata quod quondam Georgius Brockett burgensis dicti burgi proavus Joannis Walker filii legitimi et heredis apparentis quondam Joannis Walker burgensis dicti burgi inter eum et quondam Margaretam Barclay ejus sponsam legitime procreati latoris presentium obiit ultimo vestitus et sasitus ut de feodo ad pacem et fidem dicti S. D. N. regis in tota et integra quadam particata terre cum pertinentiis jacente in dicto burgo in communi vico ducente a via ecclesiastica ad aquam de Irweine ex parte occidentali ejusdem vici inter terras quondam Joannis Calbane nunc vero ———— ex una et terras Sancte Marie virginis de Banco partibus ab altera Et quod dictus Joannes Walker lator presentium est legitimus et propinquior heres ejusdem dicti quondam Georgii Brockett sui proavi de dicta particata terre cum pertinentiis ut supra jacente Et quod est legitime etatis Et quod predicta particata terre cum pertinentiis de dicto S. D. N. Rege suisque successoribus tenetur in capite more burgali: Propterea prefati Willielmus Mure et Andreas Tran ballivi antedicti virtute et vigore suorum officiorum ad solum et fundum predictae particate terre cum pertinentiis ut supra jacentis accesserunt Et ibidem propriis eorum manibus statum et sasinam hereditaream necnon realem actualem et corporalem possessionem totius et integre predictae particate terra cum pertinentiis ut supra jacentis me-

morato Joanni Walker tanquam legitimo et propinquiore heredi antedicti quondam Georgii Brockett sui proavi per traditionem illi personaliter presenti et acceptanti terre et lapidis fundi predictae particatae terre ut moris est secundum vim formam et tenorem infeofamentorum dicti quondam Georgii sui proavi desuper confectorum exhibuerunt tradiderunt deliberarunt realiter et cum effectu hereditarie investiverunt (Salvo jure cujuslibet) Tenenda de dicto S. D. N. Rege suisque successoribus more burgali: Quibus peractis prefatus Joannes Walker non vi aut metu ductus nec errore lapsus fraude nec dolo aliquo circumventus sed sua mera vera pura libera et spontanea voluntate ratione pure venditionis et alienationis per ipsum facte de predicta particata terre provido viro Robert Lyn mercatori burgensi dicti burgi et Elizabethae Cunynghame ejus sponse ac pro certis pecuniarum summis per dictos conjuges sibi plenarie et integre tempore presentium confectionis in pecunia numerata persolutis de quibus tenuit se bene contentum plenarie et integre persolutum ac dictos conjuges eorumque heredes et assignatos de eisdem exoneravit et per presentis instrumenti tenorem quieteclamavit imperpetuum totam et integram predictam particatam terre cum pertinentiis ut supra jacentem In manibus dictorum Willielmi Mure et Andree Tran ballivorum dicti burgi sursum reddidit pureque et simpliciter per fustim et baculum ut moris est resignavit renunciavit et extra donavit Unacum omnibus jure juristitulo interesse jurisclameo proprietate et possessione tam petitorio quam possessorio que seu quas in et ad eandem seu aliquam earundem partem habuit habet seu quovismodo habere clamare seu ullo tempore in futurum pretendere potuit In favorem dicti Roberti Lin et Elizabethae Cunynghame sue sponse ac pro hac nova sasina et infeodatione hereditaria illis eorumque alteri diutius viventi in conjuncta infeodatione heredibusque inter eos legitime procreatis seu procreandis quibus deficientibus heredibus et assignatis dicti Roberti quibuscunque per dictum ballivum predictae particatae terre cum pertinentiis in debita et competenti forma ut congruit danda et conficienda Qua resignatione sic ut premittitur facta debite rite et legitime per dictos ballivos admissa et recepta Prefati ballivi virtute et vigore suorum officiorum necnon de mandato et requestu speciale dicti Joannis Walker resignantis Propriis eorum manibus statum et sasinam hereditariam pariter et possessionem corporalem actualem et realem Totius et integre predictae particatae terre cum pertinentiis ut supra jacentis Memoratis Roberto Lin et Elizabethae Cunynghame ejus conjugii eorumque alteri diutius viventi in

conjuncta infeodatione eorumque prescriptis per terre et lapidis fundi predice particate terre illis personaliter presentibus et acceptantibus traditionem et deliberationem ut moris est dederunt tradiderunt pariter et cum effectu deliberaverunt secundum vim formam et tenorem litere dispositionis per dictum Joannem dictis conjugibus de data presentium ea circa confecte ac resignationis prescripte Tenenda de dicto S. D. N. rege suisque successoribus more burgali Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum: Super quibus omnibus et singulis premissis prefati Joannes Walker pro semetipso Necnon dicti conjuges et eorum quilibet pro semetipsis a me notario publico subscripto sibi fieri petierunt hoc presens publicum instrumentum seu plura publica instrumenta unum sive plura Acta erant hec super solum et fundum predice particate terre horam circiter octavam antemeridiem aut eo circa Sub anno die mense regnisque regis quibus supra presentibus ibidem Hugone Scott burgensi dicti burgi Joanne Neilsoun notario Joanne Bigart mercatore burgensibus dicti burgi de Irwein et Joanne Boyd uno officiariorum dicti burgi et Laurentio Leygatt portionario de Warrix cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR JOHN WALKER, ROBERT LIN, MERCHANT, AND SPOUSE.

Notarial Instrument narrating that in presence of the notary and witnesses there compeared personally honourable men, William Mure and Andrew Tran, bailies of the burgh of Irvine; and whereas it was evident to them and clearly known by authentic documents and written instruments of sasine, publicly shown, read, and demonstrated, that the deceased George Brockett, burgess of the said burgh, great-grandfather of John Walker, lawful son and heir-apparent of the late John Walker, burgess of the said burgh, begotten between him and the late Margaret Barclay his spouse, bearer of these presents, died last vest and seized as of fee at the peace and faith of our sovereign lord the King, in All and Whole a certain particate of land lying in the said burgh, in the common way leading from the Kirkgate to the Water of Irvine, on the west side of the same street, between the lands of the late John Calbane, now of ——— on the one part, and the lands of Saint Mary the Virgin de Banco on the other part: and that the said

John Walker, bearer, is lawful and nearest heir of the said deceased George Brockett his great-grandfather, of the said particate of land: and that he is of lawful age: and that the aforesaid particate of land is held of the King in chief by way of burgage: Therefore the aforesaid William Mure and Andrew Tran, bailies, in virtue of their office, went to the ground of the said land, and there, with their own hands, gave state and heritable sasine, and also real, actual, and corporal possession of the aforesaid particate of land, to the said John Walker, personally present and accepting, by delivery to him of earth and stone of the ground thereof, according to the tenor of the infeftments of the said George his great-grandfather, granted thereupon: To be holden of the King burgage: which things having been done, the aforesaid John Walker, of his own free will, and by reason of pure vendition and alienation granted by him to a prudent man Robert Lyn, merchant burgess of the said burgh, and Elizabeth Cunynghame his spouse, and for certain sums of money paid by the said spouses to him, resigned the said particate of land in the hands of the aforesaid bailies, by staff and baton, for new infeftment to be given of the same to the said Robert Lyn and his spouse, in conjunct fee, and to their heirs, which was accordingly done by the bailies: Done about the eighth hour before noon of 3rd August 1615, the witnesses being Hugh Scott, burgess, John Neilson, notary, John Bigart, merchant, burgesses of said burgh, John Boyd, one of the officers thereof, and Lawrence Legat, portioner of Warrix.

XII.—PRO JEANNA CUNYNGHAME ET ANDREA CALDERWOD,
EJUS FUTURO SPONSO.

Licet hic scribitur et ante sasinam precedentem inseri debuisset.
R. BROWN.

In Dei nomine Amen: Per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo quinto mensis vero Junii die vigesimo quinto regnique S. D. N. Jacobi Dei gratia Magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo octavo et duodecimo. In mei notarii publici et testium subscriptorum presentiis personaliter constituta proba et discreta virgo Jeanna Cunynghame filia legitima et heres quondam Davidis Cunynghame in Perstoun burgensis burgi de Irweine non vi aut

metu ducta nec errore lapsa fraude nec dolo aliquo circumventa sed sua mera vera pura libera et spontanea voluntate pro singularibus amore et favore quos habet et gerit erga Andream Calderwod mercatorem suam affeodatum sponsam Necnon pro impletione et observatione unius partis cujusdam contractus matrimonialis inter dictum Andream et dictum Andream et dictam Jeannam cum avisamento et consensu quarundem personarum curatorum dicte Jeanne in dicto contractu specificatorum pro eorum interesse: Totum et integrum illud suum antierius tenementum tegulatum cum pertinentiis jacens in dicto burgo de Irweine ex orientali latere vie regie ejusdem inter tenementum quondam Mathei Cunynghame ex australi et tenementum quondam Roberti Kyll ex boreali partibus: Necnon totam et integram ejus australem dimedietatem totius et integri posterioris tenementi vocati Sanct Conuelliswallis cum integra dimedia horti et aggeris ejusdem inde sequentis cum pertinentiis jacentis inter tenementum dicti Roberti Kyll ex boreali, et tenementum dicti quondam Mathei Cunynghame ex australi partibus, in manibus honorabilis viri Andree Tran unius ballivorum dicti burgi sursum reddidit extradonavit pureque et simpliciter per fustim et baculum ut moris est resignavit unacum omni jure juris titulo interesse juris clameo proprietate et possessione que et quas habuit habet seu quovismodo in futurum habere poterit in et ad eundem seu aliquam earundem partem cum pertinentiis omnino quieteclamavit imperpetuum, in favorem et pro sasina hereditarea et nova infeodatione eorundem per dictum ballivum inde dicto Andree Calderwod et sibi dicte Jeanne resignanti futuris conjugibus (nomine dotis) eorumque alteri diutius viventi in conjuncta infeodatione et heredibus inter eos legitime procreatis seu procreandis: Quibus forte quod absit deficientibus heredibus et assignatis dicti Andree quibuscumque hereditarie Qua resignatione sic ut premittitur facta rite et legitime per dictum ballivum recepta et admissa prefatus Andreas Tran ballivus antedictus virtute et vigore sui officii Necnon de rogatu et speciale desiderio dicte Jeanne resignantis Statum et sasinam hereditaream necnon realem actuaalem et corporalem possessionem Totius et integri anterioris tegulati tenementi terre predicti cum pertinentiis necnon totius et integre dicte australis dimedietatis totius et integri posterioris tenementi terre prescripti vocati Sanct Conuells-wallis et integre dimedie horti et aggeris ejusdem cum pertinentiis ut supra jacentium bondatarum et limitatarum memoratis Andree Calderwod et Jeanne Cunynghame futuris conjugibus personaliter

presentibus eorumque alteri diutius viventi in conjuncta infeodatione eorumque prescriptis per terre et lapidis fundi dictorum tenementorum prescriptorum ut moris est exhibitionem et deliberationem secundum vim formam et tenorem antedictæ resignationis prescripte ac contractus matrimonialis eo circa confecte in omnibus punctis dedit tradidit contulit pariter et cum effectu deliberavit: Tenenda de supremo domino nostro rege suisque successoribus more burgali Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum. Super quibus omnibus et singulis premissis prefati Andreas Calderwod et Jeanna Cunynghame futuri conjuges a me notario publico subscripto sibi fieri petierunt hoc presens publicum instrumentum seu plura publica instrumenta unum sive plura: Acta erant hec super sola et funda dictorum tenementorum horti et aggeris respective prescriptorum horam circiter quartam post meridiem aut eo circa sub anno die mense regnoque regis quibus supra presentibus ibidem Alexandro Montgomerie mercatore Joanne Neilsoun notario Davide Tueidy ephippiario burgensibus dicti burgi, Roberto Calderwod de Pacokbank et Joanne Boyd officario dicti burgi testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

PROTESTATIO.

Eodem die hora et loco coram testibus suprascriptis: Compeirit the said Alexander Montgomerie and protestit that the instrument of seaseine abonewrittin gevin to the saidis futour spousis sould nowayes be hurtfull nor prejudiciall to Jonet Cunynghame relict of umquhile John Cunynghame in the croce, anent hir lyfrent richt of the saidis tenement and utheris particulerlie abonspecifeit: And thairupoun in name of the said Jonet askit instrumentis.

R. BROUN.

ABSTRACT.

FOR JEAN CUNYNGHAME AND ANDREW CALDERWOD, HER
FUTURE SPOUSE.

Instrument narrating that on 25th June 1615, in presence of the notary and witnesses, there compeared personally a modest and discreet virgin, Jean Cunynghame, lawful daughter and heir of the late David Cunynghame

in Perstoun, burgess of Irvine, and for the singular love and favour which she had and bare towards Andrew Calderwod, merchant, her affianced spouse, and for implementing of one part of the matrimonial contract made between them, with advice and consent of her curators, she freely resigned in the hands of an honourable man, Andrew Tran, one of the bailies of the said burgh, all and whole her fore tenement, with tiled roof, lying in the said burgh, on the east side of the High Street thereof, between the tenement of the late Mathew Cunynghame on the south, and that of the late Robert Kyll on the north: Also all and whole her south half of the back tenement called Saint Conwell's walls, with half of the garden and dyke thereof, lying between the tenement of the said Robert Kyll on the north, and that of the said Mathew Cunynghame on the south, in favour and for new infeftment thereof to be given to the said Andrew Calderwod and herself, the said Jean, in conjunct fee, and to the heirs to be gotten between them, heritably: To be holden of the king in burgage manner: Whereupon sasine was duly given by the said bailie, before witnesses, namely, Alexander Montgomerie, merchant, John Neilson, notary, David Tweidy, saddler, burgesses of Irvine, Robert Calderwod of Pacokbank, and John Boyd, officer of the said burgh.

XIII.—PRO GEORGIO FULTOUN ET WALTERO KID, Etc.

In Dei nomine Amen: per hoc presens publicum instrumentum, cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo quinto mensis vero Augusti die duodecimo regnorumque S. D. N. Jacobi sexti Dei gratia Magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio, in mei notarii publici et testium subscriptorum presentiis personaliter constitutus honorabilis vir Willielmus Mure unus ballivorum burgi de Irwein: Quia sibi clare constat per autentica documenta et sasine instrumenta scripta et publice ostensa perlecta et demonstrata notum est quod quondam Robertus Fultoun burgensis dicti burgi pater Georgii Fultoun latoris presentium obiit ultimo vestitus et sasitus ut de feodo ad pacem et fidem dicti supremi domini nostri regis in toto et integro uno tenemento terre ante et retro cum pertinentiis olim edificato nunc wasto jacente in monte arenoso dicti burgi inter tenementum Jacobi Bryding naucleri ex boreali et tenementum quondam Joannis Symssoun nunc vero heredibus quondam Hugonis

Garven communis scribe burgi de Irweine pertinens ex australi partibus Et quod dictus Georgius Fultoun est legitimus et propinquior heres ejusdem quondam Roberti sui patris de predicto tenemento ante et retro cum pertinentiis ut supra jacente: Et quod est legitime etatis et quod predictum tenementum cum pertinentiis de dicto supremo domino nostro rege tenetur in capite more burgali: Propterea prefatus Willielmus Mure ballivus antedictus ad solum et fundum dicti tenementi cum pertinentiis accessit: Et ibidem propriis suis manibus statum et sasinam hereditaream pariter et possessionem corporalem actualem et realem, totius et integri predicti tenementi terre cum pertinentiis ut supra jacentis memorato Georgio Fultoun tanquam filio et heredi antedicti sui patris personaliter presenti et dictam sasinam hereditarie acceptanti per terre et lapidis fundi ejusdem ut moris est traditionem secundum formam et tenorem infeofamenti dicti quondam Roberti sui patris dedit contulit et deliberavit: salvo jure cujuslibet: Tenendo de dicto supremo domino nostro rege suisque successoribus more burgali: Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum: Quibus peractis prefatus Georgius Fultoun non vi aut metu ductus nec errore lapsus fraude nec dolo aliquo circumventus, sed sua mera libera et spontanea voluntate ratione pure venditionis et alienationis per eum provido vero Waltero Kid filio legitimo quondam ——— Kid in Lugeourmyln nunc incole infra regnum Hibernie, de dicto tenemento cum pertinentiis facte, necnon pro quibusdam pecuniarum summis per dictum Walterum dicto Georgio die date presentium gratanter et integre in pecunia numerata persolutis, de quibus dictus Georgius tenuit se bene contentum plenarie et integre persolutum dictumque Walterum suosque heredes et assignatos de eisdem presentis instrumenti tenore exoneravit imperpetuum Totum et integrum predictum tenementum terre ante et retro cum suis pertinentiis unacum omnibus jure juristitulo interesse jurisclameo proprietate et possessione que seu quas in et ad predictum tenementum terre ante et retro cum pertinentiis vel aliquam earundem partem habuit habet seu quovismodo habere clamare seu pretendere potuerat in manibus dicti Willielmi Mure unius ballivorum dicti burgi sursum reddidit pureque et simpliciter per fustim et baculum ut moris est resignavit renunciavit et extradonavit in favorem prefati Walteri Kid heredum suorum et assignatorum ac pro hac nova sasina et hereditarie infeodatione per dictum ballivum dicto Waltero ejusdem hereditarie et irredimabiliter absque ulla reversione redemptione aut regressu quocunque

inde danda et in debita et competenti forma prout congruit conficienda; Ac ulterius dictus Georgius suosque heredes et assignatos dictum tenementum ante et retro cum pertinentiis ut supra jacens prefato Waltero suisque prescriptis liberas et immunes esse ab omnibus eschaetis dominarum terciis conjunctis infeodationibus non introitibus vitalibus redditibus forisfacturis purispresturis disclamationibus bastardiis inhibitionibus interdictionibus evictionibus appretiationibus annuis redditibus ac a cunctis fundi debitis preteritis necnon ab omnibus aliis periculis damnis et inconvenientiis quibuscunque presentibus preteritis et futuris per presentis instrumenti tenorem warantizare acquietare et imperpetuum contra omnes mortales defendere sese obligavit: Qua resignatione sic ut premittitur facta debite rite et legitime per dictum ballivum admissa et recepta prefatus Willielmus Mure ballivus antedictus virtute et vigore sui officii necnon de mandato et requestu speciale dicti resignantis propriis suis manibus statum et sasinam hereditaream pariter et possessionem corporalem actualem et realem, totius et integri predicti tenementi terre ante et retro cum pertinentiis ut supra jacentis memorato Waltero Kid personaliter presenti et acceptanti per terre et lapidis fundi dicti tenementi ut moris est traditionem et deliberationem dedit tradidit contulit et cum effectum hereditarie et iredimabiliter sine ulla reversione redemptione aut regressu secundum tenorem dicte resignationis prescripte investivit Tenendi de dicto supremo domino nostro rege suisque successoribus more burgali Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum: Necnon dictus ballivus ad requestum dicti resignantis suum decretum et auctoritatem omnibus et singulis aliis premissis tenore presentium interposuit Ordinando idem vim et effectum decreti judicialis habere et executoriales inde sequi prout congruit: Super quibus omnibus et singulis premissis prefatus Georgius Fultoun ac Walterus Kid ac eorum quilibet pro se metipsis a me notario publico subscripto sibi fieri petierunt hoc presens publicum instrumentum seu plura publica instrumenta: Acta erant hec super solum et fundum dicti tenementi horam circiter primam postmeridiem aut eo circa sub anno die mense regnoque regis quibus supra presentibus ibidem Joanne Nevein burgensi de Irweine Roberto Speir seniore Davide Speir juniore burgensibus dicti burgi Joanne Ros pellione et Joanne Boyd serjando cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR GEORGE FULTOUN, WALTER KID, Etc.

Instrument narrating that on 12th August 1615, an honourable man, William Mure, one of the bailies of the burgh of Irvine, compeared in presence of the notary and witnesses, and gave heritable state and sasine to George Fultoun, as found by authentic documents to be nearest and lawful heir of the deceased Robert Fultoun, burgess of Irvine, his father, of a tenement of land, fore and back, sometime built, now waste, lying in the sandy hill of the said burgh, between the tenement of the late James Bryding, mariner, on the north, and the tenement of the late John Symson, now pertaining to the heirs of the late Hugh Garven, common clerk of the burgh, on the south, holding of the king burgage: which sasine having been received by the said George Fultoun, he freely resigned again the tenement aforesaid in the hands of the said bailie, for new infeftment thereof to be given to a prudent man, Walter Kid, son lawful of the late ——— Kid, in Lugeourmyln, now dwelling within the kingdom of Ireland, in terms of the alienation made by the said George to him thereof: upon which the said bailie gave sasine accordingly to the said Walter Kid of the tenement above described, in presence of these witnesses, John Nevein, burgess of Irvine, Robert Speir, elder, David Speir younger, burgess of the said burgh, John Ros, skinner, and John Boyd, serjeant.

XIV.—PRO JONETA MERTINE ET ALEXANDRO HOBKIN SUA SPONSA.

In Dei nomine Amen: per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo quinto mensis vero Augusti die decimo sexto regnorumque supremi Domini nostri Jacobi Dei gratia Magne Britannie, Francie, et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio In mei notarii publici et testium subscriptorum presentiis personaliter accessit proba mulier Joneta Merteine filia legitima quondam Joannis Merteine burgensis burgi de Irweine nunc sponsa Alexandri Hopkin molendinarii apud Buschmyln in Hibernia ad sola et funda duorum tenementorum respective subscriptorum contigue jacentium infra burgum de Irweine inter tenementum Roberti Craig ex boreali et tenementum

Stephani Quhyt ex australi partibus ab una et aliis hereditarie spectantium quondam Niniano Weir burgensis dicti burgi nunc vero heredibus dicti quondam Niniani: Et ibidem dicta Joneta non vi aut metu ducta nec errore lapsa fraude nec dolo aliquo circumventa sed sua mera vera pura libera et spontanea voluntate pro singularibus amore gratia et favore quos habet et gerit erga dictum Alexandrum Hobkin suum maritum necnon pro observatione et impletione unius partis cujusdam contractus matrimonialis ut asseruit inter eos penes presens infeofamentum subscriptum confecti Totum et integrum unum annum redditum decem librarum usualis monete hujus regni Scotie, in quo dicta Joneta infeodata debite existebat annuatim levandum et percipiendum ad duos anni terminos consuetos festa videlicet Penthecostes et Sancti Martini in hieme per equales portiones de totis et integris dictis duobus tenementis terre ante et retro cum singulis suis pertinentiis vel de aliqua earundem parte cum pertinentiis ut supra jacentibus In manibus honorabilis viri Andree Tran unius ballivorum dicti burgi sursum reddidit pureque et simpliciter per fustim et baculum ut moris est resignavit renunciavit pureque et simpliciter extra donavit unacum omni jure juristitulo interesse jurisclameo proprietate et possessione que seu quas habuit habet seu quovismodo in et ad dictum annum redditum habere clamare seu pretendere potuerat imperpetuum In favorem prefati Alexandri Hobkin sui mariti ac pro hac nova sasine et hereditaria infeodatione predicto Alexandro Hobkin et sibe dicte Jonete Merteine eorumque alteri diutius viventi in conjuncta infeodatione heredibusque inter ipsos legitime procreatis seu procreandis quibus deficientibus heredibus et assignatis dicti Alexandri quibuscunque de dicto annuo redditu danda et conficienda Qua resignatione sic ut premittitur facta debite rite et legitime per dictum ballivum admissa et recepta. Prefatus Andreas Tran ballivus antedictus virtute et vigore sui officii necnon de mandato et requestu speciale dicte Jonete resignantis propriis suis manibus statum et sasinam hereditaream necnon realem actualem et corporalem possessionem totius et integri predicti annui redditus decem librarum monete predictae annuatim levandi et percipiendi ad terminos antedictos de prefatis tenementis aut aliqua earundem parte cum pertinentiis ut supra jacentibus memoratis Alexandro Hobkin et Jonete Merteine conjugibus eorumque alteri diutius viventi in conjuncta infeodatione eorumque prescriptis personaliter presentibus et dictam sasinam acceptantibus per terre et lapidis fundi dictorum tenementorum

respective prescriptorum ac unius denarii ut moris est traditionem et deliberationem dedit tradidit pariter et cum effectu deliberavit Secundum vim formam et tenorem dicte resignationis ac contractus matrimonialis prescripti Necnon infeofamentorum et evidentiary originalium dicte Jonete de dicto annuo redditu confectarum ac sub provisionibus et reversionum conditionibus in eisdem contentis Tenendum de dicto supremo domino nostro rege suisque successoribus more burgali: Reddendo inde annuatim onera debita et consueta tantum: Super quibus omnibus et singulis premissis prefati conjuges ac eorum quilibet pro se metipsis: a me notario publico subscripto sibi fieri petiit hoc presens publicum instrumentum seu plura publica instrumenta Acta erant hec super sola et funda dictorum tenementorum respective prescriptorum horam circiter octavam antemerideam aut eo circa sub anno die mense regnisque regis quibus supra: Presentibus ibidem Magistro Roberto Peblis filio legitimo quondam Roberti Peblis ballivi dicti burgi, Magistro Patricio Hammiltoun de ———, Joanne Wilsoun nuncio et Joanne Nevein burgensi dicti burgi; cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR JANET MARTINE AND ALEXANDER HOBKIN HER SPOUSE.

Notarial instrument narrating that on 16th August 1615, in presence of the notary and witnesses, there went an honest woman Janet Mertein, lawful daughter of the late John Mertein, burgess of Irvine, and now wife of Alexander Hobkin, miller at Buschmylne, in Ireland, to the ground of two tenements lying contiguously within the burgh of Irvine, between the tenement of Robert Craig on the north, and that of Stephen Quhyte on the south, belonging to the late Ninian Weir, burgess of the said burgh, and now to his heirs: and that the said Janet freely resigned, in the hands of Andrew Tran, bailie, an annual rent of £10 out of the said two tenements, for new infeftment thereof to be given to her said husband and herself in conjunct fee, and to their heirs: whereupon the bailie gave sasine accordingly to the said Alexander and Janet his wife, both personally present and accepting thereof, before these witnesses, Mr. Robert Peblis, son of the late Robert Peblis, bailie of Irvine, Mr. Patrick Hamilton of ———, John Wilsoun, messenger, and John Nevein, burgess, of the said burgh.

XV.—PRO THOMA MURE.

In Dei nomine Amen : per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo quinto mensis vero Augusti die vigesimo secundo regnique supremi domini nostri Jacobi Dei gratia magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio in mei notarii publici et testium subscriptorum presentiis personaliter constitutus honorabilis vir Willielmus Mure unius ballivorum burgi de Irweine : Quia sibi clare constabat per autentica documenta et sasine instrumenta publice scripta ostensa perlecta et demonstrata et evidenter notum est quod quondam Thomas Mure burgensis burgi de Irweine avus Thome Mure naute latoris presentium obiit ultimo vestitus et sasitus ut de feodo ad pacem et fidem supremi domini nostri regis preclarissimi memorie in toto et integro quoddam tenemento terre jacente infra dictum burgum in via marina ejusdem inter tenementum olim quondam Joannis Mure nunc vero heredum quondam Hugonis Garven ex boreali et tenementum olim pertinens quondam Thome Mure nunc vero heredibus etiam dicti quondam Hugonis ex australi partibus ab una et aliis Et quod dictus Thomas Mure lator presentium est legitimus et propinquior heres ejusdem quondam Thome sui avi de dicto tenemento cum pertinentiis ut supra jacenti : Et quod est legitime etatis : Et quod de dicto supremi domini nostri rege tenetur in capite more burgali Propterea prefatus Willielmus Mure ballivus antedictus ad solum et fundum dicti tenementi personaliter accessit, et ibidem propriis suis manibus statum et sasinam hereditaream necnon realem actualem et corporalem possessionem totius et integri predicti tenementi terre cum pertinentiis ut supra jacentis memorato Thome Mure tanquam legitimo nepoti et propinquiori heredi dicti quondam Thome sui avi personaliter presenti et dictam sasinam hereditarie acceptanti per terre et lapidis fundi ejusdem ut moris est traditionem dedit tradidit realiter et cum effectu secundum tenorem infeofamentorum dicti quondam Thome sui avi desuper confectorum hereditarie investivit Salvo jure cujuslibet : Tenendo de dicto supremi domini nostri rege suisque successoribus more burgali. Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum super quibus omnibus et singulis premissis prefatus Thomas a me notario publico subscripto sibi fieri petiit hoc presens publicum instrumentum seu plura publica instrumenta : Acta erant hec

super solum et fundum dicti tenementi horam circiter nonam antemeridiem aut eo circa sub anno die mense regnoque regis quibus supra: Presentibus ibidem Hugone Scott custumario Jacobo et Stephano Quhytes fratribus mercatoribus burgensibus dicti burgi et Olivero Broun uno officiariorum dicti burgi cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR THOMAS MURE.

Instrument of Sasine given by an honourable man, William Mure, one of the bailies of Irvine, to Thomas Mure, sailor, as grandson and heir of the late Thomas Mure, burgess of Irvine, of a tenement of land lying within the said burgh, in the Seagate thereof, between the tenement formerly of the late John Mure, and now pertaining to the heirs of the late Hugh Garven, on the north, and the tenement sometime pertaining to the late Thomas Mure, and now to the heirs of the said late Hugh, on the south, holding of the King burgage, for the yearly burghal fermes used and wont to be paid. Done on the ground of the said tenement about the ninth hour before noon of the 22nd day of August 1615, before these witnesses, Hugh Scott, custumar, James and Stephen Quhytes, brothers, merchants, burgesses of the said burgh, and Oliver Broun one of the officers thereof.

XVI.—PRO MAGISTRO JACOBO CUNYNGHAME DE MONTGREYNAN, suaque
Sponsa eorumque filio legitimo primogenito.

In Dei nomine Amen: per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo quinto mensis vero Octobris die octavo regnorumque supremi domini nostri Jacobi Dei gratia Magne Britannie, Francie, et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio. In mei notarii publici et testium subscriptorum presentiis personaliter constitutus honorabilis vir Willielmus Cunynghame de Clonbeith ballivus balliatus de Cunyngham in hac parte per preceptum sasine subscriptum specialiter constitutus, accessit ad solum et fundum

totarum et integrarum decem mercatarum terrarum antiqui extentus de Montgreynane ac molendinorum, granorum et fullonium subtus specificatorum jacentium infra dictum balliatum de Cunyngham et infra vicecomitatum de Air: Et ibidem honorabiles persone Magister Jacobus Cunynghame de Montgreynane et Mariota Douglas ejus conjunx et Alexander Cunynghame eorum filius legitimus primo genitus habentes et tenentes eorum in manibus quoddam sasine preceptum e cancellaria dicti supremi domini nostri regis emanatum sub testimonio sui magni sigilli ballivo balliatus de Cunyngham ejusque deputatis necnon dilectis suis ballivis dicti balliatus de Cunyngham in hac parte directum pro sasina dictarum terrarum molendinorum granorum et fullonium cum earundem pertinentiis dicto Magistro Jacobo sueque conjugi prescripte eorumque alteri diutius viventi in conjuncta infeodatione ac dicto Alexandro eorum filio legitimo primogenito in feodo hereditarie et heredibus de corpore suo legitime procreandis: Quibus deficientibus heredibus et assignatis dicti Magistri Jacobi quibuscunque hereditarie in debita et competenti forma ut congruit desuper danda et concedenda prout in dicto sasine precepto latius fit mentio: Quodquidem sasine preceptum prefati Magister Jacobus suaque sponsa ac filius prescriptus memorato Willielmo Cunynghame de Clonbeith ballivo dicti balliatus de Cunynghame in hac parte antedicto in dicto sasine precepto specialiter nominato et constituto omni reverentia qua decuit presentaverunt et deliberaverunt eumque humiliter requirendo quatenus hujusmodi sasine preceptum debite executioni secundum ejusdem tenorem poneret et demandaret: Qui vero ballivus dictum sasine preceptum recepit mihiq[ue] notario publico subscripto perlegendum publicandum et invulgari astantibus exponendum tradidit cujusquidem sasine precepti tenor sequitur verbatim et est talis: JACOBUS Dei gratia Magne Britannie Francie et Hibernie Rex fideique defensor, ballivo nostro de Cunynghame et deputatis suis necnon dilectis nostris Willielmo Cunynghame de Clonbeith, et eorum cuilibet conjunctim et divisim ballivis balliatus nostri de Cunynghame in hac parte Salutem Quia nos pro nobismet ipsis et tanquam pater et legitimus administrator tutor et gubernator predilecto nostro filio Carolo Duci de Rothesay Comiti de Carrik Kyll et Cunynghame, domino Insularum baroni baronie de Renfrew principi et Senescallo Scotie immediato superiori terrarum molendinorum aliorumque subscriptorum cum suis pertinentiis cum avisamento et consensu confisi nostri consilarii domini Gedeonis Murray de Elibank militis nostri thesaurarii computorum

rotulatoris et collectoris per nos deputati regni nostri Scotie necnon ceterorum dominorum nostri secreti consilii ejusdem regni nostri nostrorum dominorum commissionariorum nunc in absentia nostra ex eodem regno nostro Dedimus concessimus et disposuimus dilectis nostris Magistro Jacobo Cunynghame de Montgreynane et Mariote Douglas ejus conjugii eorumque alteri diutius viventi in conjuncta infeodatione et Alexandro Cunynghame eorum filio legitimo primogenito et heredibus de corpore suo legitime procreandis quibus deficientibus heredibus et assignatis dicti Magistri Jacobi quibuscunque hereditarie Totas et integras decem mercatas terrarum antiqui extentus de Montgreynane cum turre fortalicio manerie loco hortis pomariis toftis croftis tenentibus tenandriis libere tenentium servitiis unacum molendinis tam granorum quam fullonium et singulis suis partibus pendiculis et pertinentiis quibuscunque jacentes infra dictum balliatum de Cunynghame et vicecomitatum nostrum de Air: Quequidem terre molendina aliaque prescripta cum suis pertinentiis antedictis perprieus ad dictum Magistrum Jacobum Cunynghame hereditarie pertinuerunt: Et quas ipse per suos procuratores et literas patentes manu sua subscriptas ad hunc effectum legitime constitutos de data vigesimo die mensis Junii anno domini millesimo sexcentesimo decimo quarto in manibus dictorum dominorum nostri Secreti consilii nostrorum commissionariorum antedictorum tanquam in manibus nostris pro nobismet ipsis et tanquam patri et legitimo administratori dicto nostro charissimo filio principi et senescallo Scotie immediato superiori terrarum molendinorum aliorumque prescriptorum cum suis pertinentiis pure et simpliciter per fustim et baculum ut moris est omni qua decuit reverentia apud Edinburgum legitime renunciavit et resignavit ac imperpetuum extradonavit unacum omni jure titulo interesse jurisclemeo proprietate et possessione que seu quas dictus Magister Jacobus heredes sui aut assignati ad easdem quovismodo habere clamare seu pretendere potuerat in futurum et hoc in favorem dicti Magistri Jacobi Cunyngham dicteque sue sponse eorumque alterius diutius viventis in conjuncta infeodatione necnon dicti Alexandri Cunynghame eorum filii heredum suorum et assignatorum supra mentionatorum hereditarie et pro novo nostro infeofamento et sasina per nos pro nobismet ipsis et tanquam patrem et legitimum administratorem antedictum prefatis personis dictarum terrarum molendinorum aliorumque prescriptorum cum suis pertinentiis in debita et competenti forma ut congruit dando et concedendo prout in autenticis instrumentis desuper susceptis et dicto infeofamento

desuper confecto latius continetur : Vobis precepimus et mandamus quatenus prefato Magistro Jacobo Cunyngham et Mariote Douglas ejus conjugumque alteri diutius viventi in conjuncta infeodatione et dicto Alexandro Cunyngham eorum filio in feodo hereditarie vel suis certis actornatis latoribus presentium sasinam Totarum et integrarum dictarum decem mercatarum terrarum antiqui extentus de Montgreynane cum turre fortalicio manerie loco hortis pomariis tenentibus tenandriis libere tenentium servitiis unacum molendinis tam granorum quam fullonum et omnibus et singulis suis partibus pendiculis et pertinentiis quibuscunque Secundum formam et tenorem antescripte carte nostre quam de nobis inde habet juste haberi faciatis et sine dilatione et hoc nullo modo omittatis ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim ballivis balliatus nostri de Cunynghame in hac parte committimus potestatem Datum sub testimonio nostri magni sigilli apud Edinburgum vigesimo tercio die mensis Septembris anno domini millesimo sexcentesimo decimo quinto regnorumque nostrorum annis quadragesimo nono et decimo tercio : Post cujusquidem sasine precepti perlectionem publicationem et in vulgari astantibus expositionem prefatus Willielmus Cunynghame ballivus dicti balliatus de Cunynghame in hac parte antedictus ac in dicto precepto specialiter nominatus et constitutus virtute et vigore sui officii balliatus sibi in hac parte commissi necnon de mandato speciali dicti precepti propriis suis manibus statum et sasinam necnon realem actuaalem et corporalem possessionem totarum et integrarum predictarum decem mercatarum terrarum antiqui extentus de Montgreynane cum turre fortalicio manerie loco hortis pomariis tenentibus tenandriis et libere tenentium serviciis unacum molendinis tam granorum quam fullonum et singulis suis partibus pendiculis et pertinentiis quibuscunque ut predictur jacentium memorato Magistro Jacobo Cunynghame de Montgreynane et Mariote Douglas ejus conjugumque alteri diutius viventi in conjuncta infeodatione et dicto Alexandro Cunynghame eorum filio legitimo primogenito in feodo hereditarie omnibus personaliter presentibus et acceptantibus per terre et lapidis fundi dictarum terrarum de Montgreynane ac lie clap et happer dicti molendini granarii et lie clog dicti molendini fullonii respective ut moris est illis et eorum cuilibet traditionem et deliberationem dedit tradidit pariter et cum effectu secundum vim formam et tenorem dicte sasine precepti in omnibus punctis deliberavit : Super quibus omnibus et singulis premissis prefati Magister Jacobus Cunynghame et Mariota Douglas conjuges necnon

dictus Alexander Cunynghame eorum filius ac eorum quilibet pro se metipsis a me notario publico subscripto sibi fieri petierunt hoc presens publicum instrumentum seu plura publica instrumenta : Acta erant hec super solum et fundum dictarum decem mercatarum terrarum de Montgreynane necnon infra dicta molendina granorum et fullonum respective horam circiter decimam antemeridiem aut eo circa sub anno die mense regnisque regis quibus supra presentibus ibidem Alexandro Cunyngham scriba in Edinburgh, Roberto Kyle burgensi de Irweine, Allano Bruntoun mercatore burgensi de Edinburgh, Davide Craufurd portionario de Brochtoun, et Willielmo Cunynghame fratre germano dicti Magistri Jacobi Cunynghame de Montgreynane, cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR MR. JAMES CUNYNGHAME OF MONTGRENAN AND HIS SPOUSE,
AND THEIR FIRST-BORN SON.

Instrument of Sasine proceeding on precept from Chancery, under the testimonial of the Great Seal, in favour of Master James Cunynghame of Montgreynane and Marion Douglas his spouse in conjunct fee, and Alexander Cunynghame their lawful first-born son in fee heritably, of all and whole the ten merk lands of old extent of Montgreynane, with the tower, fortalice, and manor-place, yards, orchyards, etc., together with the grain mill and waulk mill thereof, lying within the bailiery of Cunynghame and sherifffdom of Ayr, which belonged before to the said Mr. James Cunynghame heritably, and were resigned by him in the hands of the Lords of Privy Council as in the hands of the king, as father and administrator to his dearest son the Prince and Steward of Scotland, immediate superior of the said lands, mills and others, for this new infestment, whereupon sasine was duly given by the hands of William Cunynghame of Clonbeith, to whom as bailie in that part the precept was directed, by delivery of earth and stone of the said lands, the clap and happer of the grain mill, and the clog of the waulk mill, to the parties aforesaid, personally present and accepting the same : Done upon the ground of the said lands and within the said mills respectively about the tenth hour before noon of the 8th day of October 1615, the witnesses being, Alexander Cunynghame, writer in Edinburgh, Robert Kyle, burgess of Irvine, Allan Bruntoun,

merchant burgess of Edinburgh, David Craufurd portioner of Brochtoun, and William Cunynghame, brother german of the said Mr. James Cunynghame.

XVII.—PRO ROBERT HUNTER DE HUNTERSTOUN

Licet hic inseritur et ante sasinam precedentem inseri debuisset.

Apud burgum de Irwein ——— die mensis Septembris anno domini millesimo sexcentesimo decimo quinto regnorumque annis S. D. N. regis quadragesimo nono et decimo tercio respective.

The quhilk day In presens of me noter publict and witnesses underwrittin personallie constitut, ane honorabill man Robert Hunter of Hunterstoun, past to the personall presens of Ninian Garven eldest lawful sone to umquhile Hew Garven court clerk of Irwein, and of Robert Cunynghame of Auchinhervie and Thomas Nevein of Monkriding, tua of the said Ninianes curators: And thair the said Robert Hunter of Hunterstoun lauchfullie warnit and premonischit the said Ninian Garven sone and air foirsaid and his saidis curatoris abonespecifeit, to compeir within the parochie kirk of Irweine upoun the ellevint day of November nixtocum being Mertinmes day: and thair upoun the said day betuix the sone rysing and down passing thairof to ressave fra the said Robert all and haill the soume of ane thousand merkis money of Scotland for redemptioun lousing and outquytting be the said Ninian and his saidis curatouris of all and haill ane yeirlie annualrent of saxteine bollis ait meill annaleit be the said Robert to the said umquhile Hew Garven father to the said Niniane his aires and assignayes out of his fourtie sax schilling aucht penny land of auld extent of Annanhill-Hunter, lyand within the baronie of Robertoun baillearie of Cunynghame and sherefdom of Air, quhilk annualrent wes alweyis redeimable and under reversione to the said Robert Hunter his aires and assignayes be payment of the said sowme of ane thousand merkis, quhairupoun the samen annualrent was wodset and annaleit in maner specifeit in the contract of alienatioun past betwixt the said Robert and the said umquhile Hew containd and beirand the foirsaid reversion And maid intimatioun and certificatioun to thame gif thay failzeit to compeir day and place abonspecifeit and to ressaive the said sowm for redemptioun of the said annualrent, as said is, that he wold mak lafull consignatioun thairof

conform to the tenour of the said contract and provisioun contenit in the said reversioun Upoun the quhilkis all and sindrie premisses the said Robert Hunter askit and requirer instrument ane or mae in the handis of me noter publict underwrittin. Thir thingis war done within the said burght of Irwein foiraganes the foir zaitt of Hew Scott sumtyme bailie of Irwein betuix thrie and for houris efternone or thairby in presens of Robert Fergushill of that ilk, Robert Kelso younger of Kelsoland, William Scott eldest lawful sone to Laurence Scott advocat, Ritcherd Broun servitour to the said Laurence and Patrik Hunter in Hunterstoun, witnesses speciallie callit and requirer to the premisses, day, year, moneth, place, and our soverane lordis regnes abonewrittin.

R. BROUN.

XVIII.—PRO THOMA GALBRAITH, ALEXANDRO CUNYNGHAME
SCRIBA IN EDINBURGH, ET SPONSA.

In Dei nomine Amen : Per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo quinto mensis vero Octobris die undecimo regnorumque S. D. N. Jacobi Dei gratia Magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio : In mei notarii publici et testium subscriptorum presentiis personaliter accessit honorabilis vir Joannes Blair unus ballivorum burgi de Irweine super solum et fundum terrarum de Guilliland subscriptarum jacentium infra territorium dicti burgi de Irweine balliatum de Cunynghame et infra vicecomitatum de Air : Et ibidem quia sibi clare constabat per autentica documenta et sasine instrumenta publice perlecta ostensa et demonstrata quod quondam Robertus Galbraith mercator burgensis de Edinburgh frater germanus Thome Galbraith latoris presentium et quondam Robertus Galbraith junior filius dicti quondam Roberti et filius fratris etiam dicti Thome obierunt ultimo vestiti et sasiti ut de feodo ad pacem et fidem dicti S. D. N. regis in totis et integris predictis terris de Guilliland cum singulis suis pertinentiis : Et quod dictus Thomas Galbraith lator presentium est legitimus et propinquior heres dicti quondam Roberti Galbraith sui fratris et dicti quondam Roberti Galbraith sui fratris filii de dictis terris cum pertinentiis. Et quod est legitime etatis : Et quod predictae terre cum pertinentiis de urbis prefecto ballivis consulibus et communitate dicti burgi tenentur more burgali : Propterea prefatus Joannes Blair ballivus antedictus virtute et

vigore sui officii propriis suis manibus statum et sasinam hereditariam pariter et possessionem corporalem actuaalem et realem Totarum et integrarum prefatarum terrarum de Guilliland cum singulis suis pertinentiis ut supra jacentium discreto viro Magistro Alexandro Scrymgeour ministro verbi Dei apud dictum burgum de Irweine tanquam certo et indubitato actornato et eo nomine dicti Thome Galbraith per terre et lapidis fundi earundem dicto Magistro Alexandro actornato antedicto et eo nomine dicti Thome Galbraith ut moris est traditionem et deliberationem dedit tradidit et deliberavit secundum tenorem dicti quondam sui fratris ac fratris filii predictorum infeofamentorum que de eisdem inde habent: Salvo jure cujuslibet. Tenendarum de urbis prefecto ballivis consulibus et communitate dicti burgi more burgali: Quibus peractis prefatus magister Alexander Scrymgeour procurator rite et legitime constitutus et eo nomine dicti Thome ac nomine discreti viri Roberti Kyll mercatoris burgensis de Irweine et Margarete Hammiltoun conjugum pro omnibus jure titulo seu interesse illis ad dictas terras seu aliquam earundem partem competentibus virtute cujusdem litere procuratorialis in quodam contractu contentis facto inter dictum Thomam cum expressis avisamento et consensu Jonete Cochrane relicte dicti quondam Roberti Galbraith pro omnibus jure titulo et interesse sibi ad dictas terras competentibus ratione conjuncte infeodationis vitalis redditus et dictam Jonetam cum expressis consensu et assensu Roberti Dauling nunc sue sponse pro suo interesse necnon dictum Thomam cum expressis avisamento et consensu et assensu dicti Roberti Kyll et Margarete Hamiltoun sue sponse et dictam Margaretam pro se metipsa cum expressis avisamento dicti Roberti sui mariti et dictos conjuges pro se metipsis unanimi consensu et assensu pro omnibus jure juristitulo et interesse illis seu eorum alicui ad predictas terras seu aliquam earundem partem competentibus ut predicitur ex una et Alexandrum Cunynghame scribam in Edinburgh et Grisselldam Cunynghame ejus sponsam partibus ab altera penes presens infeofamentum et dictarum terrarum dispositionem dicto Alexandro sueque sponse predicte earundem de data apud Edinburgh, Leith, et Irwing, ultimo et decimo diebus mensium Augusti et Octobris anno domini millesimo sexcentesimo decimo quinto Totas et integras predictas terras de Guilliland cum earundem pertinentiis unacum omnibus jure juristitulo interesse jurisclameo proprietate et possessione tam petitorio quam possessione que seu quas illi eorumve alicui suive heredes aut assignati in et ad easdem seu aliquam earundem partem habuerunt habent

seu quovismodo habere clamare seu pretendere potuerant In manibus dicti Johannis Blair ballivi sursum reddidit pureque et simpliciter per fustim et baculum ut moris est resignavit renunciavit et extradonavit In favores prefati Alexandri et Grissellidis Cunynghames conjugum ac pro hac nova sasina et infeodatione hereditaria per dictum ballivum illis eorumque alteri diutius viventi in conjuncta infeodatione et heredibus inter eos legitime procreatis seu procreandis quibus deficientibus heredibus et assignatis dicti Alexandri quibuscunque earundem danda et in debita et competenti forma ut congruit conficienda Quibus etiam peractis prefatus Joannes Blair ballivus antedictus personaliter existens super fundum dictarum terrarum propriis suis manibus statum et sasina hereditaream pariter et possessionem corporalem actualem et realem totarum et integrarum prefatarum terrarum de Guillilandis cum singulis suis pertinentiis ut supra jacentium memorato Alexandro Cunynghame personaliter presenti et acceptanti et provido viro Alano Bruntoun mercatori burgensi de Edinburgh tanquam actornato et eo nomine dicte Grissellidis eorumque alteri diutius viventi in conjuncta infeodatione per terre et lapidis fundi dictarum terrarum dicto Alexandro pro se metipso et dicto Alano Bruntoun actornato antedicto et eo nomine dicte Grissellidis quo supra ut moris est traditionem et deliberationem dedit tradidit pariter et cum effectum secundum formam et tenorem dicti contractus ac resignationis prescripte deliberavit et hereditarie investivit: Tenendarum de dicto urbis prefecto ballivis consulibus et communitate dicti burgi more burgali Reddendo inde annuatim firmas et divorias aliaque onera pro eisdem prius solvi solita et consueta tantum In super dicta Margareta Hammiltoun in presentia dicti ballivi personaliter extra presentiam dicti Roberti Kyll sui mariti comparuit et sacro sanctis tactis Dei evangeliiis corporale suum prestitit juramentum se minime ad premissa coactam aut compulsam fuisse sed eandem ex sua mera libera et spontanea voluntate fecisse et de non revocando in futuram ac ratificavit et approbavit dictam dispositionem presens hoc infeofamentum et omnia desuper sequutura: Super quibus omnibus et singulis premissis prefatus Magister Alexander Scrymgeour actornatus antedictus ac nomine dicti Thome Galbraith necnon dictus Alexander Cunynghame pro semetipso et dictus Allanus Bruntoun actornatus antedictus et eo nomine dicte Grissellidis Cunynghame sponse dicti Alexandri ac eorum quilibet pro se metipsis a me notario publico subscripto sibi fieri petierunt hoc presens publicum instrumentum seu plura publica instrumenta: Acta erant hec super solum et fundum dictarum

terrarum de Guillilandis horam circiter decimam antemeridiem aut eo circa sub anno die mense regnisque regis quibus supra presentibus ibidem Thoma Neveine de Monkriding, Joanne Peblis de Knogerhill, Magistro Roberto Peblis Joanne Campbell nauclero burgensibus dicti burgi et Olivero Broun officario cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR THOMAS GALBRAITH, ALEXANDER CUNYNGHAME, WRITER
IN EDINBURGH, AND SPOUSE.

Notarial Instrument, narrating that on the 11th of October 1615, in presence of the notary and witnesses, an honourable man, John Blair, one of the bailies of Irvine, went personally to the ground of the lands of Guilliland, within the territory of the said burgh, and there, because it clearly appeared by authentic documents, publicly shown and read, that the late Robert Galbraith, merchant burgess of Edinburgh, brother german of Thomas Galbraith, bearer of the said documents, and the late Robert Galbraith, younger, son of the aforesaid Robert, and brother's son of the said Thomas, died last vest and seized as of fee at the peace and fealty of the King, in all and whole the aforesaid lands of Guilliland: and that the said Thomas is lawful and nearest heir of his said brother and brother's son of the said lands, which are held of the provost, bailies, councillors, and community of the said burgh, in burghal manner: wherefore, the said bailie gave heritable state and seizin of the said lands of Guilliland to a discreet man, Mr. Alexander Scrymgeour, minister of the Word of God at Irvine, as attorney, and in name of the said Thomas Galbraith, by delivery to him of earth and stone of the ground of the said lands: which having been done, the said Mr. Alexander Scrymgeour, as procurator lawfully constituted in name of the said Thomas, and in name of a discreet man, Robert Kyll, merchant burgess of Irvine, and of Margaret Hamilton his spouse, and in virtue of contract made between the said Thomas with consent of Janet Cochrane relict of the said Robert Galbraith, and the said Janet with consent of Robert Dauling now her spouse, for their respective rights, and also the said Thomas with consent of the said Robert Kyll and his said spouse for their rights, on the one part, and Alexander Cunynghame, writer in Edinburgh, and Grissell

Cunynghame his spouse on the other part, of date at Edinburgh, Leith, and Irvine, the last of August and 10th of October respectively, 1615, resigned the aforesaid lands by staff and baton in the hands of the said John Blair, in favour of the said Alexander Cunynghame and Grissell his spouse, and for this new sasine and heritable infeftment to be given in due form by the said bailie to them in conjunct fee, and to their heirs: whereupon the said bailie gave sasine accordingly, by delivery of the aforesaid symbols to the said Alexander Cunynghame for himself, and to a prudent man, Alan Brunton, merchant burgess of Edinburgh, as attorney in name of the said Grissell; and further, the said Margaret Hamiltoun, in presence of the bailie, and outwith the presence of the said Robert Kyle her husband, gave her bodily oath by touching the sacred Evangel, that she was in no wise compelled to this transaction, but ratified and approved the same: Done upon the ground of the said lands about the tenth hour before noon of the said 18th day of October 1615, before these witnesses, Thomas Nevein of Monkriding, John Peblis of Knogerhill, Mr. Robert Peblis, John Campbell, sailor, burgesses of Irvine, and Oliver Broun, officer, etc.

XIX.—PRO THOMA GALBRAITH, ALEXANDRO CUNYNGHAME SCRIBA
IN EDINBURGH, ROBERTO KYLL ET SUA SPONSA, Etc.

In Dei nomine Amen: per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo quinto mensis vero Octobris die undecimo, regnorumque S. D. N. Jacobi Dei gratia magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio in mei notarii publici et testium subscriptorum presentiis personaliter constitutus honorabilis vir Joannes Blair unius ballivorum burgi de Irweine Quia sibi clare constabat per autentica documenta et sasina instrumenta publice scripta ostensa perlecta et demonstrata quod quondam Robertus Galbraith mercator burgensis burgi de Edinburgh frater germanus Thome Galbraith latoris presentium et quondam Robertus Galbraith junior filius dicti quondam Roberti et filius fratris etiam dicti Thome obierunt ultimo vestiti et sasiti ut de feodo ad pacem et fidem dicti S. D. N. regis in toto et integro illo tenemento terre ante et retro subtus et supra cum hortis horreo et ejusdem pertinentiis jacente infra burgum de Irwein ex ——— vie regie

ejusdem ad caput vie marine vulgo lie Siegaitheid dicti burgi inter tenementum et terras ——— ex ——— et tenementum ——— ex ——— partibus ab una et aliis Necnon in toto et integro illo tenemento sive petia terre cum pertinentiis jacente infra territorium dicti burgi inter vicum ducentem ad veridarium ejusdem ex boreali ab una et cloacam nuncupatam vulgariter lie groupe guitter ex australi partibus ab altera: Et quod dictus Thomas Galbraith est legitimus et propinquior heres ejusdem dicti quondam Roberti Galbraith sui fratris germani et dicti quondam Roberti Galbraith sui fratris filii de dictis tenementis terre cum pertinentiis: Et quod est legitime etatis Et quod de dicto S. D. N. rege more burgali tenentur in capite: Propterea prefatus ballivus ad sola et funda prefati tenementi et petie terre respective prescripti accessit et ibidem virtute et vigore sui officii propriis suis manibus statum et sasinam hereditariam pariter et possessionem corporalem actualem et realem Totius et integri prefati tenementi terre ante et retro subtus et supra cum hortis horreo et singulis suis pertinentiis ut supra jacentis necnon totius et integre prefate petie terre jacentis ut prefertur discreto viro Magistro Alexandro Scrymgeour ministro verbi Dei apud dictum burgum tanquam actornato et eo nomine dicti Thome per terre et lapidis fundi dicti tenementi et petie terre respective prescripti ut moris est traditionem et deliberationem illi personaliter presenti et nomine dicti Thome acceptanti dedit tradidit pariter et cum effectum secundum tenorem infeofamentorum dicti Roberti Galbraith sui fratris germani ac fratris filii prescripti que de eisdem inde habent hereditarie investivit (salvo jure cujuslibet) Tenendis de dicto S. D. N. rege more burgali Quibus peractis prefatus Magister Alexander Scrymgeour procurator rite et legitime constitutus et eo nomine dicti Thome Galbraith virtute cujusdam littere procuratorialis in quodam contractu contente inito et confecto inter dictum Thomam cum avisamento et consensu quarundem personarum in dicto contractu particulariter specificatarum et cum consensu Roberti Kyll mercatoris burgensis de Irwein et Margarete Hammiltoun sue sponse pro omnibus jure titulo seu interesse illis seu eorum alicui ad predictum tenementum sive petiam terre vel aliquam earundem partem competentibus et dictos conjuges pro se metipsis et unanimi consensu et assensu ex una et Alexandrum Cunyngham scribam in Edinburgh et Grisselldam Cunyngham ejus sponsam partibus ab altera de datis apud Edinburgh Leith et Irwing diebus mensium Augusti et Octobris anno domini millesimo sexcentesimo

decimo quinto penes dicti tenementi et pecie terre prescripte alienationem et dispositionem dictis conjugibus: Necnon dicti Robertus Kyll et Margareta Hammiltoun conjuges super funda dicti tenementi et pecie terre respective existentes cum dicto Magistro Alexandro Scrymgeour procuratore antedicto nomine dicti Thome Galbraith quo supra ac eorum quilibet omnes unanimi consensu et assensu pro impletione et observatione eorum partium predicti contractus Totum et integrum predictum tenementum terre ante et retro subtus et supra cum hortis horreo et ejusdem pertinentiis Necnon totam et integram predictam peciam terre cum suis pertinentiis ut supra respective jacentes Unacum omnibus jure juristitulo interesse jurisclameo proprietate et possessione tam petitorio quam possessorio illis seu eorum alicui competentibus seu clamare aut pretendere potuerunt in futurum In manibus dicti Joannis Blair ballivi antedicti sursum reddiderunt pureque et simpliciter per fustim et baculum ut moris est resignarunt imperpetuum In favorem dicti Alexandri Cunyngham suorumque heredum et assignatorum ac pro hac nova sasina et infeodatione hereditaria per dictum ballivum illi suisque prescriptis de eisdem hereditarie et irredimabiliter absque aliqua reversione redemptione seu regressu danda et in debita forma prout congruit conficienda: Quibus etiam peractis prefatus Joannes Blair ballivus antedictus virtute et vigore sui officii Necnon de mandatis specialibus dictorum resignantium propriis suis manibus statum et sasinam hereditariam pariter et possessionem corporalem actuaalem et realem totius et integri predicti tenementi terre ante et retro subtus et supra cum hortis necnon illius partis sive loci super quem dictum horreum ab antiquo edificabatur cum singulis suis partibus pendiculis et pertinentiis Necnon totius et integre predictae pecie terre ut supra jacentis memorato Alexandro Cunynghame personaliter presenti et pro se heredibus suis et assignatis hereditarie acceptanti per traditionem et deliberationem illi terre et lapidis fundorum earundem ut moris est dedit tradidit realiter et cum effectu secundum formam et tenorem dictorum resignationum ac contractus predicti hereditarie investivit Tenendorum de dicto S. D. N. rege suisque successoribus more burgali Ac ulterius dicta Margareta Hammiltoun in presencia dicti ballivi super sola et funda dicti tenementi et pecie terre prescripte extra presentiam dicti sui mariti comparuit et ibidem sacrosanctis tactis Dei evangeliis se ad premissa minime coactam aut compulsam fuisse sed eadem ex sua mera libera et spontanea voluntate fecisse utilitate et commodo suo undique previsis et pensatis et omnia et

singula premissa sic ut premittitur facta ratificavit approbavit et de non revocando in futurum corporale suum prestitit juramentum: In super dictus Alexander Cunynghame non vi aut metu ductus nec errore lapsus fraude nec dolo aliquo circumventus sed sua mera vera pura libera et spontanea voluntate ratione pure venditionis et alienationis per ipsum predicto Roberto Kyll et Margarete Hammiltoun sue coniugi predicti tenementi et pecie terre respective prescriptorum facte pro impletione cujusdam littere dispositionis per eum de eisdem dictis conjugibus die date presentium confecte ac pro certis pecuniarum summis per eos dicto Alexandro tempore presentium confectionis plenarie et integre in pecunia numerata persolutis cum plena exoneratione earundem dictis conjugibus per presentis instrumenti tenorem Totum et integrum predictum tenementum terre ante et retro subtus et supra cum hortis et loco predicto super quem horreum predictum edificabatur cum singulis suis partibus pendiculis et pertinentiis ut supra jacens Necnon totam et integram predictam peciam terre jacentem et bondatam ut prefertur unacum omnibus jure juristitulo interesse jurisclameo proprietate et possessione tam petitorio quam possessorio que seu quas dictus Alexander suive heredes aut assignati in et ad easdem seu aliquam earundem partem habuerant habent seu quovismodo in futurum habere clamare vel pretendere poterint In manibus dicti Joannis Blair ballivi antedicti sursum reddidit pureque et simpliciter per fustim et baculum ut moris est resignavit renunciavit et extradonavit imperpetuum In favores dicti Roberti Kyll et Margarete Hammiltoun conjugium ac pro hac nova sasina et infeodatione hereditarea per dictum ballivum illis eorumque alteri diutius viventi in conjuncta infeodatione heredibusque inter eos legitime procreatis seu procreandis quibus deficientibus heredibus et assignatis dicti Roberti quibuscunque hereditarie et irredimabiliter absque aliqua reversione redemptione seu regressu in debita et competenti forma prout congruit danda et conficienda Qua resignatione sic ut premittitur facta debite rite et legitime per dictum ballivum admissa et recepta prefatus Joannes Blair ballivus antedictus virtute et vigore sui officii Necnon de mandato speciali dicti Alexandri resignantis propriis suis manibus statum et sasinam hereditaream necnon realem actualem et corporalem possessionem totius et integri predicti tenementi terre ante et retro subtus et supra cum hortis et loco predicto super quem dictum horreum edificabatur cum singulis suis partibus pendiculis et pertinentiis necnon totius et integre predictae pecie terre ut

supra respective jacentium Memoratis Roberto Kyll et Margarete Hammiltoun conjugibus eorumque alteri diutius viventi in conjuncta infeodatione per terre et lapidis fundorum predicti tenementi et pecie terre respective prescriptorum illis personaliter presentibus et acceptantibus traditionem et deliberationem dedit tradidit realiter et cum effectu hereditarie investivit secundem tenorem dicte resignationis ac littere dispositionis per dictum Alexandrum dictis conjugibus eorumque prescriptis eo circa confecte Tenendorum de dicto S. D. N. rege suisque successoribus more burgali: Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum super quibus omnibus et singulis premissis prefatus Magister Alexander Scrymgeour actornatus antedictus et eo nomine dicti Thome Galbraith quo supra necnon dictus Alexander Cunyngham pro se metipso ac etiam dicti Robertus Kyll et Margareta Hammiltoun conjuges pro se metipsis ac eorum quilibet pro se a me notario publico subscripto sibi fieri petierunt hoc presens publicum instrumentum seu plura publica instrumenta: Acta erant hec super sola et funda dicti tenementi et pecie terre respective prescriptorum horam circiter nonam antemeridiam aut eo circa sub anno die mense regnisque regis quibus supra Presentibus ibidem Thoma Nevein de Monkriding Joanne Peibles de Knodgerhill Willielmo Caulduell de Annanhill et Olivero Broun uno officiariorum dicti burgi cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR THOMAS GALBRAITH, ALEXANDER CUNYNGHAME, WRITER IN
EDINBURGH, ROBERT KYLL AND HIS SPOUSE.

Notarial Instrument narrating, as in preceding instrument, that Thomas Galbraith was found to be lawful heir of the late Robert Galbraiths, elder and younger, respectively, in that tenement of land, with yards, barns, and pertinents of the same, lying within the burgh of Irvine at the head of the Seagate thereof: and in that tenement or piece of land lying within the territory of the said burgh, between the way leading to the Green of the same on the north, and the Gruipe Gutter on the south: of which subjects therefore John Blair, bailie, gave sasine to Mr. Alexander Scrymgeour, minister of Irvine, as attorney for the said Thomas Galbraith: To be holden

of the king in manner of burgh : Whereupon the said Mr. Alexander Scrymgeour, as procurator duly constituted and in name of the said Thomas, by virtue of a letter of procuratory contained in a contract made between the said Thomas, with consent of parties therein specified, and with consent of Robert Kyll, merchant burgess of Irvine, and Margaret Hamiltoun his spouse, on the one part, and Alexander Cunynghame, writer in Edinburgh, and Grissell Cunynghame his spouse on the other part, anent the sale of the said tenement and piece of land to the said spouses : and the said Robert Kyll and Margaret Hamiltoun being upon the ground of the said tenement and piece of land respectively, with the said Mr. Alexander Scrymgeour in name of the said Thomas Galbraith, they, with one consent, and for observing their parts of the aforesaid contract, purely and simply resigned, by staff and baton, in the hands of the said bailie, all and whole the aforesaid tenement of land, with yards, barns, etc., also all and whole the aforesaid piece of land, in favour of the said Alexander Cunynghame and his heirs ; upon which the said bailie gave to the said Alexander heritable state and sasine of the same, and of that part or place of the said tenement upon which the said barn was formerly built : the said Margaret Hamilton giving her solemn oath by touching the gospels in presence of the bailie and outwith the presence of her husband, that she was no way forced to the premises ; whereupon the said Alexander Cunynghame freely resigned the said subjects again in the hands of the bailie, in favour of and for new infeftment to be given to the said Robert Kyll and Margaret Hamilton his spouse in conjunct fee, and to their heirs heritably, of the said tenement and piece of land, and that in terms of a disposition and sale made by him to them of the date of these presents, and for certain sums of money paid to him by them ; which resignation having been so made, the bailie aforesaid gave heritable state and sasine to the said Robert Kyll and Margaret Hamilton his spouse, of the said subjects : Done on the ground of the said tenement and piece of land respectively, about the ninth hour before noon of the 11th day of October 1615, before these witnesses, Thomas Nevein of Monkriding, John Peibles of Knodgerhill, William Cauldwell of Annanhill, and Oliver Broun, one of the officers of the burgh of Irvine.

XX.—Apud burgum de Irweine infra ecclesiam parochialem ejusdem undecimo die mensis Novembris anno domini millesimo sexcentesimo decimo quinto regnorumque annis S. D. N. Regis quadragesimo nono et decimo tercio respective.

The quhilk day in presens of me noter publick and witnesses underwrittin ane discreit man Johnne Dunlop of Guislone as procurator speciallie constitut for ane honorabill man Robert Hunter of Hunterstoun be his lettres of procuratoriales subscriyvit with his hand of the dait the day of November instant Compeirit within the said paroch kirk of Irweine and producit ane contract of alienatioun maid and perfytit betuix umquhill Hew Garven court clerk of Irwein on the ane pairt and the said Robert Hunter of Hunterstoun on the uther pairt of the dait the day of the zeir of God j^m vj^c yeiris be vertew quhair of and for the sowme of ane thousand merkis money of Scotland than payit and delyverit be the said umquhill Hew to the said Robert, the said Robert band and obleist him to deulie and sufficientlie infest and seas the said umquhill Hew and his airis in all and haill ane yeirlie annualrent of saxtene bollis guid and sufficient ait meill to be uplifted furth of his landis of Annanhill Hunter with the pertinents, lyand within the parochin of , baillearie of Cunyngham, and shirefdome of Air, redeimabill alwayes and under reversioun contenand thairintill the said soume of ane thousand merkis money foirsaid as the said contract of the dait foirsaid mair fullie proportis Togidder also with the foirsaid procuratory grantit to him be the said Robert for compeirance within the said parochie kirk, and causit me noter publict underwrittin oppinlie and publictly reid the samen : Efter the publict reiding of the quhilk contract of alienatioun and procuratory abone specifeit togidder also with the instrument of premonitioun maid be the said Robert Hunter to Niniane Garven eldest lawful sone and air of the said umquhill Hew and to Robert Cunyngham of Auchinhervie and Thomas Nevein of Monkridding tua of the said Ninianes curatouris, for compeirance this day and place for ressaveing of the said soum of ane thousand merkis money abonspecifeit for the lawful redemptioun lousing and outquytting of the said annualrent of saxtein bollis ait meill annaleit be the said Robert to the said umquhill Hew father to the said Niniane out of his lands of Annanhill abonspecifeit under reversioun contenand the said sowme The said John Dunlop procurator foirsaid conforme to the foirsaid

procuratory, instrument of premonitioun and reversioun abonespecifeit contenit in the said contract, in name and behalf of the said Robert Hunter of Hunterstoun numerat and tauld within the said parochie kirk the said soun of ane thousand merkis quhairupoun the said annualrent was redeimable and thairefter publictly offerit the samen to the said Ninian and his said curatours or ony utheris in his name that wald ressave the samen and delyver to the said Robert Hunter ane sufficient renunciatioun of the said annualrent: And becaus efter long attendance and onwaiting be the said John Dunlop procurator fairsaid within the said paroch kirk and that the said Ninian nor his saidis curatoris nor nane in thair names comperit as said is Thairfor the said John Dunlop procuratour fairsaid past to the personall presens of Johnne Blair ane of the baillies of the burght of Irwein, and, conforme to the tenour of the said reversioun and procuratory abon specifeit, maid dew and lawful consignatioun in his handis of the said soume of ane thousand merkis within the dwelling-hous of me noter publict under subscryvand, and protestit that the said annualrent nicht be haldin in all tyme heirefter cummyng lauchfullie lousit redemit and outquyt conforme to the said reversioun and that the samen soun should be furth cummand to the weill utilitie and proffeit of the said Ninian Upoun the quhilkis all and sindrie premissis the said John Dunlop procurator fairsaid askit and requirit instrumentis in the hand of me noter publict undersubscryvand Thir thingis war done within the said paroch kirk and duelling-hous abon specifeit about xj houris and four houris efter none or thairby day moneth yeir and place abonwritin: In presens of John Peblis of Knodgerhill Andro Tran lait baillie of Irwein James Patoun mariner in Irwein and Robert Fergushill of that Ilk with utheris divers specially callit and requirit to the premises.

R. BROWN, notarius ad premissa.

XXI.—PRO HUGONE MONTGOMERIE ET JEANNA HEREOT
EJUS FUTURA SPONSA ETC.

In Dei nomine Amen: per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo quinto mensis vero Novembris die decimo quarto regnorumque S. D. N. Jacobi Dei gratia Magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio: In mei notarii publicii et testium subscriptorum presentiis

personaliter comparuerunt probe persone Alexander Montgomerie mercator burgensis burgi de Irwing et Besseta Broun ejus sponsa super sola et funda illorum duorum tenementorum illis hereditarie pertinentium jacentium infra dictum burgum de Irwing ex occidentale latere vie regie ejusdem inter tenementum Mathei Hommill burgensis dicti burgi ex orientale et tenementum et terras Roberti Cunynghame senioris burgensis dicti burgi ex boreali et occidentali vulgo lie north-west partis Et ibidem dicti conjuges pro observatione et impletione unius eorum partis cujusdam contractus matrimonialis initi et confecti inter eos et Hungonem Montgomerie eorum filium et heredem apparentem ab una et Magistrum Joannem Hereot ministrum verbi Dei apud Kilbirnie et Jeannam Barclay ejus sponsam pro semetipsis et onus super eos acceptantes pro Jeanna Hereot eorum filia legitima et dictam Jeannam pro semetipsa partibus ab altera de data decimo tercio die mensis Novembris instantis Tota et integra predicta eorum duo tenementa ante et retro subtus et supra cum duobus hortis eisdem adjacentibus unacum omnibus jure juristitulo interesse proprietate et possessione illis in et ad eadem seu aliquam earundem partem competentibus In manibus honorabilis viri Joannis Blair unius ballivorum dicti burgi sursum reddiderunt pureque et simpliciter per fustim et baculum ut moris est resignarunt renunciarunt et extradonarunt imperpetuum In favores prefati Hugonis eorum filii dicteque Jeanne Hereot ejus sponse affuture eorumque heredum et assignatorum ac pro hac nova sasina et infeodatione hereditaria per dictum ballivum illis eorumque alteri diutius viventi in conjuncta infeodatione heredibusque inter eos legitime procreandis quibus deficientibus dicto Alexandro suisque heredibus et assignatis quibuscunque hereditarie revertenda eorundem inde danda et in debita forma prout congruit conficienda Reservatis tamen vitalibus redditibus dictorum Alexandri sueque sponse predictae totorum et integrorum predictorum duorum tenementorum terre ante et retro subtus et supra cum hortis ejusdem quam diu illi vel eorum alter in humanis vixerint (exceptis lie north-westmost laich buith) olim per quondam Joannem Cumyng occupatorum una cum horto inferiore dictis tenementis adjacente ab antiquo limite ad lie kirk dyk Ac etiam reservato illis eorumque alteri diutius viventi libertatem liberi introitus et exitus a predictis tenementis anterioribus in et ad templum et lie kirk yeard predicto horto inferiore Qua resignatione sic ut premittitur facta debite rite et legitime per dictum ballivum admissa et recepta prefatus Joannes Blair ballivus antedictus

virtute et vigore sui officii neq̄non de mandatis et requestibus specialibus dictorum resignantium Propriis suis manibus statum et sasinam hereditariam pariter et possessionem corporalem actuaalem et realem Totorum et integrorum predictorum duorum tenementorum terre ante et retro subtus et supra cum hortis et singulis suis pertinentiis ut supra jacentium memoratis Hugoni Montgomerie et Jeanne Hereot ejus future sponse eorumque alteri diutius viventi in conjuncta infeodatione per terre et lapidis fundorum eorundem illis personaliter presentibus et manibus junctis acceptantibus traditionem et deliberationem ut moris est dedit tradidit et deliberavit Secundum formam et tenorem dicti contractus ac resignationis prescripte ac sub reservationibus particulariter supra recitatis: Tenenda de dicto S. D. N. rege suisque successoribus more burgali Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum In super in presentia dicti ballivi personaliter comparuit dicta Besseta extra presentiam prefati sui mariti et ibidem se ad premissa minime coactam aut compulsam fuisse sed eadem ex sua libera et spontanea voluntate fecisse et de non revocando in futurum sacrosanctis tactis Dei evangeliis juramentum suum prestitit corporale Super quibus omnibus et singulis premissis prefati Hugo et Jeanna futuri conjuges ac eorum cuilibet pro se metipsis a me notario publico subscripto sibi fieri petierunt hoc presens publicum instrumentum seu plura publica instrumenta unum sive plura Acta erant hec super sola et funda dictorum duorum tenementorum horam circiter decimam antemeridie aut eo circa sub anno die mense regnisque regis quibus supra Presentibus ibidem Adamo Montgomerie de M'behill Magistro Roberto Montgomerie ejus filio Andrea Tran burgensi de Irwin et Olivero Broun officario testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR HUGH MONTGOMERIE AND JEAN HERIOT, HIS FUTURE SPOUSE.

Notarial Instrument upon the resignation by worthy persons, Alexander Montgomerie, merchant burgess of Irvine, and Bessy Broun his spouse, of two tenements belonging to them heritably, lying within the burgh of Irvine on the west side of the king's street thereof, between the tenement of Matthew Hommill, burgess of the said burgh, on the east, and the

tenement and lands of Robert Cunynghame elder, burgess of said burgh, on the north and west, in the hands of an honourable man, John Blair, one of the bailies of the said burgh, for new infeftment of said tenements to be given to Hugh Montgomerie their son and heir-apparent, and Jean Heriot his future spouse (lawful daughter of Master John Heriot, minister of the Word of God at Kilbirnie and Jean Barclay his spouse), in conjunct fee, and the heirs to be gotten between them, which failing, to return to the said Alexander and his heirs, and that in implement of marriage-contract between said Hugh and Jean: Reserving to the said Alexander and his spouse their liferents of the said two tenements, with yards thereof (excepting the north-westmost laigh shop), formerly occupied by the late John Cumyng, together with the lower yard adjacent to the said tenements, of old bounded at the Kirk dyke; and also reserving to the resigners free entry and ish by the said tenements to and from the kirk and kirkyard: Sasine was given accordingly by the bailie, by delivery of earth and stone to the said Hugh and Jean, who received the same with their hands joined; Then the said Bessy Broun, outwith the presence of her husband, and in presence of the bailie, declared that she was not compelled to the said resignation, but acted freely, and made solemn oath that she should never revoke the same: Done on the ground of the said tenements about the tenth hour before noon of the 14th day of November 1615, the witnesses present being Adam Montgomerie of M'behill, Master Robert Montgomerie his son, Andrew Tran, burgess of Irvine, and Oliver Broun, officer.

XXII.—PRO JOANNE ANDERSOUN SARTORE.

Anno domini millesimo sexcentesimo decimo quinto mensis vero Novembris die vigesimo quarto regnorumque S. D. N. Jacobi Dei gratia magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio: In mei notarii publici et testium subscriptorum presentiis personaliter accessit egregius vir Joannes Blair unus ballivorum burgi de Irweine ad instanciam et requestum speciale probi adolescentis Niniani Barclay mercatoris burgensi dicti burgi ad solum et fundum totarum et integrarum terrarum de Scottiswardis cum singulis earundem pertinentiis jacentium infra territorium dicti burgi ad dictum Ninianum hereditarie pertinentium pro presenti per Mariotam Ros ejus matrem suosque subtenentes occupatarum Et ibidem dictus Ninianus non

vi aut metu ductus nec errore lapsus fraude nec dolo aliquo circumventus sed sua mera vera pura libera et spontanea voluntate pro impletione et observatione unius ejus partis cujusdam contractus initi et confecti inter dictum Ninianum ab una et Joannem Andersoun sartorem fratrem germanum Alexandri Andersoun sartoris in Killwynning partibus ab altera penes infeofamentum subscriptum prout in dicto contractu de data presentium latius sit mentio Totas et integras predictas suas terras de Scottisward cum singulis earundem pertinentiis ut supra jacentes et occupatas In manibus dicti Joannis Blair ballivi sursum reddidit pureque et simpliciter per fustim et baculum ut moris est resignavit unacum omni jure juristitulo interesse juriscleameo proprietate et possessione tam petitorio quam possessorio que seu quas dictus Ninianus heredes seu assignati sui habuerunt habent seu quovismodo habere clamare seu pretendere potuerant in futurum In favorem prefati Joannis Andersoun heredum suorum et assignatorum ac pro hoc novo infeofamento et sasina hereditarea dicto Joanni per dictum ballivum earundem inde danda et in debita et competenti forma prout congruit conficienda: Qua resignatione sic ut premittitur facta debite rite et legittime per dictum ballivum admissa et recepta prefatus Joannes Blair ballivus antedictus virtute et vigore sui officii necnon de mandato speciale dicti resignantis propriis suis manibus statum et sasinam hereditaream pariter et possessionem corporalem actualem et realem totarum et integrarum predictarum terrarum de Scottisward cum singulis suis pertinentiis jacentium et occupatarum ut supra memorato Joanni Andersoun personaliter presenti ac pro se heredibus suis et assignatis quibuscumque dictam sasinam hereditarie acceptanti per terre et lapidis fundi earundem traditionem ut moris est in talibus fieri consuetum secundum vim formam et tenorem dicte litere contractus ac resignationis prescripte in omnibus punctis deliberavit ac pariter et cum effectu hereditarie investivit Tenendarum de S. D. N. rege suisque successoribus more burgali Reddendo inde annuatim firmas et divorias in antiquis infeofamentis dicti Niniani dictarum terrarum aliaque onera pro eisdem perprieus solvi solita et consueta tantum super quibus omnibus et singulis premissis prefatus Joannes Andersoun a me notario publico subscripto sibi fieri petiit hoc presens publicum instrumentum seu plura publica instrumenta: Acta erant hec super solum et fundum dictarum terrarum de Scottiswardis horam circiter terciam postmeridiem aut eo circa sub anno die mense regnisque regis quibus supra. Presentibus ibidem Magistro Alexandro Wrentoun in Kilwynning Magistro

Joanne Garven in Dykheid Eglintoun et Joanne Neilsoun notario burgensi de Irweine cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR JOHN ANDERSON, TAILOR.

Instrument of Sasine, proceeding upon the resignation by a worthy young man, Ninian Barclay, merchant burghess of Irvine, whereby, in implement of a contract therein mentioned, he resigned his lands of Scottiswards, lying in the territory of the said burgh, and presently occupied by Marion Ros his mother, in the hands of an excellent man, John Blair, one of the bailies of Irvine, for new infestment thereof to be given to John Anderson, tailor, brother german of Alexander Anderson, tailor in Kilwinning; Whereupon sasine was given by the said bailie to the said John Anderson, with the usual formalities: Done on the ground of the said lands about the third hour after noon of the 24th day of November 1615, before these witnesses, Mr. Alexander Wrentoun in Kilwinning, Mr. John Garven in Dykehead, Eglintoun, and John Neilson, notary, burghess of Irvine.

XXIII.—PRO EGEDIA ALIAS GEILLIS TUEIDY.

Anno domini millesimo sexcentesimo decimo quinto mensis vero Decembris die quarto regnorumque S. D. N. Jacobi Dei gratia magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio In mei notarii publici et testium subscriptorum presentiis personaliter constitutus providus vir David Tueidy junior ephippiarius burgensis burgi de Irwein accessit super solum et fundum illius domus et pecie horti eidem correspondentis jacentis infra dictum burgum in medio tenementi olim Roberti Gemmill ex boreale latere vici regii qua ducit ad pontem dicti burgi inter domos Gulielmi Hendrysoun ex orientali et domos Joannis Dyett ex occidentali partibus ab una et aliis Quequidem domus et petia horti suprascripta eidem adjacens perprieus ad Gulielmum Boyd filium et heredem quondam Adami Boyd burgensis dicti burgi pertinebat et nunc vero ad dictum Davidem ratione pure venditionis et alienationis per ipsum dicto Davidi titulo oneroso facte

pertinet Et ibidem dictus David non vi aut metu ductus nec errore lapsus fraude nec dolo aliquo circumventus sed sua mera vera pura libera et spontanea voluntate necnon pro paterno amore gratia et favore quos habet et gerit erga dilectam suam filiam Egidiam Tueidy legitime inter eum et Egediam Dunlop ejus sponsam procreatam ac pro diversis aliis bonis causis et considerationibus eum ad hoc moventibus totam et integram predictam domum et peciam horti suprascriptam eidem correspondentem et singulis suis pertinentiis ut supra jacentem In manibus honorabilis viri Allani Dunlop unius ballivorum dicti burgi sursum reddidit pureque et simpliciter per fustim et baculum ut moris est resignavit renunciavit et extradonavit unacum omnibus jure juristitulo interesse jurisclameo proprietate et possessione tam petitorio quam possessorio que seu quas dictus David suive heredes aut assignati in et ad eandem seu aliquam earundem partem cum pertinentiis habuit habet seu quovismodo habere clamare vel pretendere potuerant in futurum In favorem prefate Egedie Tueidy ejus filie legitime primo genite ac pro hac nova sasina et infeodatione hereditaria per dictum ballivum ille et heredibus de corpore suo legitime procreandis quibus deficientibus Agnete Tueidy ejus filie legitime secundo genite et heredibus de corpore suo legitime procreandis quibus etiam deficientibus Jeanne Tueidy ejus filie legitime tercio genite et heredibus de corpore suo legitime procreandis quibus omnibus (quod absit) deficientibus legitimis et propinquioribus heredibus et assignatis dicti Davidis quibuscunque hereditarie et irredimabiliter absque aliqua reversione redemptione seu regressu pacto promisso seu reversionum conditione quocunque in debita et competenti forma prout congruit danda et conficienda: Qua resignatione sic ut premittitur facta debite rite et legitime per dictum ballivum admissa et recepta prefatus Allanus Dunlop ballivus antedictus virtute et vigore sui officii necnon de mandato et requestu speciale dicti Davidis resignantis propriis suis manibus statum et sasinam hereditariam pariter et possessionem corporalem actualem et realem totius et integre predictae domus et pecie horti prescripte eidem adjacentis et correspondentis ut predicatur cum singulis suis pertinentiis ut supra jacentis prefate Egedie Tueidy personaliter presenti et pro se heredibus suis et assignatis prescriptis hereditarie acceptanti per terre et lapidis fundi earundem ille ut moris est traditionem et deliberationem dedit tradidit pariter et cum effectum secundum vim formam et tenorem dicte resignationis prescripte hereditarie irredimabiliter absque aliqua

reversione redemptione seu regressu pacto promisso seu reversionum conditione quocunque ut premissum est hereditarie investivit Tenende de dicto S. D. N. rege suisque successoribus more burgali: Reddendo inde annuatim firmas et divorias burgales aliaque onera solvi solitas et consuetas tantum super quibus omnibus et singulis premissis prefata Egedia Tueidy a me notario publico subscripto sibi fieri petiit hoc presens publicum instrumentum seu plura publica instrumenta unum sive plura Acta erant hec super solum et fundum dicti tenementi horam circiter decimam antemeridiem aut eo circa sub anno die mense regnisque regis quibus supra presentibus ibidem Thoma Randell Andrea Dunlop fabro ferrario Davide Tueidy seniore ephippiario et Roberto Dunlop fabro ferrario burgensibus de Irwein et Joanne Boyd uno officiariorum dicti burgi cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROWN.

ABSTRACT.

FOR GEILLIS TUEIDY.

Notarial Instrument narrating that on the 4th day of December 1615, there compeared personally in presence of the notary and witnesses, a prudent man, David Tweidy younger, saddler, burgess of Irvine, and passed to the ground of that house and piece of yard corresponding thereto, lying within the said burgh of Irvine, in the midst of the tenement formerly of Robert Gemmill, on the north side of the King's street, which leads to the bridge of the said burgh, between the houses of William Hendryson on the east and the houses of John Dyett on the west; which house and piece of yard belonged before to William Boyd, son and heir of the late Adam Boyd, burgess of the said burgh, and now to the said David by reason of pure sale by the said William Boyd to him; and there the said David, for the fatherly love and favour which he bare towards his beloved daughter Egidia Tweidy, begotten between him and Egidia Dunlop his spouse, did freely resign the said subjects, by staff and baton, in the hands of an honourable man, Allan Dunlop, one of the bailies of the said burgh, in favour of the aforesaid Egidia Tweidy his first-born daughter, and for this new sasine to be given by the said bailie to her and the heirs of her body lawfully procreate, which failing, to Agnes Tweidy his second daughter and the heirs of her body, which also failing, to Jean Tweidy his

third daughter and the heirs of her body; which all failing (which may God avert) to the lawful and nearest heirs and assignees whatsoever of the said David, heritably and irredeemably, without reversion; which resignation having been duly made and received by the said bailie, he, in virtue of his office, and by the mandate and special request of the said David, gave state, heritable sasine, and likewise corporal, actual, and real possession of the said house and piece of yard, by delivery of earth and stone thereof to the said Egidia Tweidy personally present and accepting thereof for herself and her heirs: To be holden of the King burgage, for the yearly fermes and burghal dues used and wont: These things were done about the 10th hour before noon of the aforesaid day, before these witnesses, Thomas Randell, Andrew Dunlop, smith, David Tweidy elder, saddler, and Robert Dunlop, smith, burgesses of Irvine, and John Boyd, one of the officers of the burgh.

XXIV.—PRO JOANNE HARPER MERCATORE SUAQUE SPONSA
FUTURA.

Anno domini millesimo sexcentesimo decimo quinto mensis vero Decembris die duodecimo regnorumque S. D. N. Jacobi Dei gratia magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio In mei notarii publicii et testium subscriptorum presentis personaliter constitute probe persone Robertus Cunynghame senior burgensis burgi de Irwein et Margareta Cunynghame conjuges existentes super solum et fundum totarum et integrarum illarum quinque rodarum terrarum cum pertinentiis illis hereditarie pertinentium jacentium infra territorium dicti burgi inter terras olim quondam Willielmi Scott ex boreali ab una et communem viam ducentem ad molendina burgalia ex australi partibus ab altera et ibidem dicti conjuges non vi aut metu ducti nec errore lapsi fraude nec dolo aliquo circumventi sed suis meris veris puris liberis et spontaneis voluntatibus necnon pro observatione et impletione unius eorum partis cujusdam contractus matrimonialis initi et confecti inter dictos conjuges propter semetipsos et onus super eos acceptantes pro Joneta Cunynghame eorum filia legitima et dictam Jonetam pro semetipsa ex una et Joannem Harper mercatorem burgensem dicti burgi partibus ab altera totas et integras illas predictas suas quinque rodas terrarum cum singulis suis pertinentiis ut supra jacentes In manibus honorabilis viri Allani Dunlop unius ballivorum dicti burgi sursum reddiderunt pureque et

simpliciter per fustim et baculum ut moris est resignarunt renunciarunt et extradonarunt unacum omnibus jure jurisclameo proprietate et possessione tam petitorio quam possessorio que seu quas dicti conjuges in et ad easdem sue aliquam earundem partem cum pertinentiis habuit habet seu quovismodo in futurum habere clamare vel pretendere potuerat in favores prefati Joannis Harper et Jonete Cunynghame futurorum conjugum ac pro hac nova sasina et infeodatione hereditaria per dictum ballivum dicto Joanni (nomine dotis) dicteque sue sponse future eorumque alteri diutius viventi in conjuncta infeodatione heredibusque inter eos legitime procreandis quibus deficientibus heredibus et assignatis dicti Joannis quibuscunque dictarum quinque rodarum terrarum cum pertinentiis hereditarie et irredimabiliter absque aliqua reversione redemptione seu regressu quocunque in debita et competenti forma prout congruit danda et conficienda Qua resignatione sic ut premittitur facta debite rite et legitime per dictum ballivum admissa et recepta prefatus Allanus Dunlop ballivus antedictus virtute et vigore sui officii necnon de mandato et requestu speciale dicti Roberti Cunynghame et Mariote Cunynghame conjugum resignantium propriis suis manibus statum et sasina hereditariam pariter et possessionem corporalem actualem et realem totarum et integrarum predictarum quinque rodarum terrarum cum singulis suis pertinentiis ut supra jacentium memoratis Joanni Harper et Agneti Cunynghame futuris conjugibus eorumque alteri diutius viventi in conjuncta infeodatione per terre et lapidis fundi dictarum terrarum illis personaliter presentibus et acceptantibus ut moris est traditionem et deliberationem dedit tradidit pariter et cum effectu hereditarie et irredimabiliter absque aliqua reversione redemptione seu regressu deliberavit et investivit secundum formam et tenorem dicti contractus ac resignationis prescripte Tenendarum de dicto S. D. N. rege suisque successoribus more burgali. Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum insuper dicta Margareta Cunynghame in presencia dicti ballivi extra presentiam dicti Roberti Cunynghame sui mariti super solum et fundum dictarum quinque rodarum terrarum personaliter comparuit et ibidem sacrosanctis tactis Dei evangeliis se ad premissa minime coactam aut compulsam fuisse sed eadem ex sua propria libera et spontanea voluntate fecisse ac presens hoc infeofamentum ac resignationem suprascriptam ratificavit et approbavit et de non revocando in futurum corporalem suum prestitit juramentum super quibus omnibus et singulis premissis prefati Joannes Harper et Agnes

Cunynghame futuri conjuges ac eorum quilibet pro semetipsis a me notario publico subscripto sibi fieri pecierunt hoc presens publicum instrumentum seu plura publica instrumenta Acta erant hec super solum et fundum dictarum terrarum horam circiter octavam antemeridiam aut eo circa sub anno die mense regnisque regis quibus supra presentibus ibidem Joanne Hilhous mercatore burgensi dicti burgi de Irwein Waltero Stewart incola ibidem Joanne Symsoun fabro ferrario Joanne Boyd et Olivero Broun seriandis dicti burgi cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR JOHN HARPER, MERCHANT, AND HIS FUTURE SPOUSE.

Notarial Instrument, narrating that on the 12th day of December 1615, there compeared personally on the grounds of the lands undermentioned, worthy persons, namely, Robert Cunynghame elder, burgess of Irvine, and Margaret Cunynghame his spouse, and there, in implement of their part of a certain matrimonial contract begun and completed between them for themselves, and taking burden on them for Janet Cunynghame their daughter, and she for herself on the one part, and John Harper, merchant burgess of the said burgh, on the other part, they freely resigned their five roods of land, lying within the territory of the burgh of Irvine, between the lands sometime of the late William Scott on the north, and the common way leading to the burgh mills on the south, by staff and baton, in the hands of an honourable man, Allan Dunlop, bailie of the said burgh, and that in favour of and for new sasine of the same to be given to the said John in name of dowry, and to his said future spouse in conjunct fee, and the heirs to be gotten between them, which failing, to the heirs and assignees whatsoever of the said John, heritably : Which resignation having been so made, the said bailie gave sasine accordingly ; and the said Margaret Cunynghame, in presence of the said bailie, and outwith the presence of the said Robert her husband, declared upon oath that she was not compelled to the aforesaid resignation, and would never seek to revoke it : Done on the ground of the said lands about the eighth hour before noon of the day aforesaid, the witnesses being John Hilhous, merchant burgess of Irvine, Walter Stewart, indweller there, John Symson, blacksmith, John Boyd and Oliver Broun, serjeants of the said burgh.

XXV.—PRO ALEXANDRO BAILLIE WILLIELMO CAULDWELL DE
ANNANHILL ET SPONSA.

Anno domini millesimo sexcentesimo decimo sexto mensis vero Januarii die decimo sexto regnorumque S. D. N. Jacobi Dei gratia magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio In mei notarii publici et testium subscriptorum presentiis personaliter comparuit honorabilis vir Allanus Dunlop unus ballivorum burgi de Irwein super solum et fundum tenementi terre subscriptis et ibidem quia sibi clare constabat et notum fuit per autentica documenta et sasine instrumenta et scripta publice ostensa perlecta et demonstrata quod quondam Martinus Baillie burgensis dicti burgi pater Alexandri Baillie latoris presentium obiit ultimo vestitus et sasitus ut de feodo ad pacem et fidem dicti S. D. N. regis in toto et integro illo tenemento terre ante et retro cum horto aggere et suis pertinentiis jacente infra dictum burgum ex orientali latere vie regie ejusdem inter tenementum olim Roberti Montgomerie burgensis dicti burgi nunc vero Joannis Kennedy ex boreali et tenementum Alexandri Gray cultellarii et Jonete Renkein ex australi et prata ex occidentali partibus ab una et aliis et quod dictus Alexander Baillie latore presentium est legitimus et propinquior heres ejusdem quondam Mertini Baillie sui patris de dicto tenemento terre ante et retro subtus et supra cum horto aggere et singulis suis pertinentiis ut supra jacente et quod est legitime etatis et quod de dicto S. D. N. rege tenetur in capite more burgali propterea prefatus Allanus Dunlop ballivus antedictus virtute et vigore sui officii propriis suis manibus statum et sasinam hereditaream pariter et possessionem corporalem actualem et realem totius et integri predicti tenementi terre ante et retro subtus et supra cum horto aggere et singulis suis pertinentiis ut supra jacenti memorato Alexandro Baillie tanquam filio et legitimo et propinquiori heredi dicti quondam Mertini sui patris per terre et lapidis fundi ejusdem illi personaliter presenti et acceptanti ut moris est traditionem et deliberationem dedit tradidit pariter et cum effectu secundum vim formam et tenorem antiquorum infeofamentorum dicti quondam Mertini sui patris ejusdem (salvo jure cujuslibet) deliberavit et hereditarie investivit Tenendo de dicto S. D. N. rege suisque successoribus more burgali Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum In super prefatus Alexander Baillie existens super fundum predicti tenementi terre horti et aggeris

suprascriptis pro certis pecuniarum summis sibi pre manibus providi viri Willielmi Caulduell de Annanhill et Jeanne Dunlop eius sponse de quibus dictus Alexander tenebat se bene contentum plenarie et integre persolutum dictosque conjuges eorumque heredes successores et assignatos de eisdem quietos inde clamat et exonerat per presentis instrumenti tenorem imperpetuum necnon pro impletione et observacione unius eius partis cujusdam littere dispositionis per eum cum consensu Allani Steinsoun in Mylnetoun Willielmi Steinsoun in Craig et Hugonis Holmes in Dreghorne ad quorum instanciam dictus Alexander interdictus est pro eorum interesse de dicto tenemento terre ante et retro subtus et supra cum horto aggere et suis pertinentiis dictis conjugibus factis de datis apud Irwing et decimo quarto et diebus mensium Januarii et anno domini millesimo sexcentesimo decimo sexto totum et integrum predictum tenementum terre ante et retro subtus et supra cum anteriore fronte ejusdem horto aggere et singulis suis pertinentiis ut supra jacens unacum omnibus jure jurisclameo interesse proprietate et possessione tam petitorio quam possessorio que seu quas dictus Alexander Baillie suive heredes aut assignati habuerunt habent seu quovismodo in et ad eundem seu aliqua earundem partem habere clamare seu pretendere potuerunt in futurum in manibus dicti Allani Dunlop ballivi sursum reddidit pureque et simpliciter per fustim et baculum ut moris est resignavit renunciavit et imperpetuum extradonavit in favores dicti Willielmi Caulduell et Jeanne Dunlop conjugum ac pro hac nova sasina et infeodatione hereditaria per dictum ballivum illis eorumque alteri diutius viventi in conjuncta infeodatione et heredibus inter eos legitime procreatis seu procreandis quibus deficientibus heredibus et assignatis dicti Willielmi quibuscunque hereditarie et irredimabiliter absque aliqua reversione redemptione regressu pacto promisso seu reversionum conditione aliquali in debita et competenti forma prout congruit danda et conficienda qua resignatione sic ut premittitur facta debite rite et legitime per dictum ballivum admissa et recepta prefatus Allanus Dunlop ballivus antedictus virtute et vigore sui officii Necnon de mandato et requestu speciale dicti Alexandri Baillie resignantis propriis suis manibus statum et sasinam hereditariam pariter et possessionem realem actualem et corporalem totius et integri predicti tenementi terre ante et retro subtus et supra cum fronte anteriore ejusdem horto aggere et singulis suis pertinentiis ut supra jacente memoratis Willielmo Caulduell et Jeanne Dunlop ejus conjugum eorumque alteri diutius viventi in conjuncta infeodatione per terre et

lapidis fundi ejusdem illis personaliter presentibus et pro se heredibus suis et assignatis hereditarie acceptantibus ut moris est traditionem et deliberationem dedit tradidit et deliberavit ac secundum vim formam et tenorem dictis resignationis ac dispositionis litere prescriptis hereditarie investivit Tenendi de dicto S. D. N. rege suisque successoribus more burgali Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum super quibus omnibus et singulis premissis prefatus Alexander Baillie pro se ipso necnon dicti conjuges et eorum quilibet pro se metipsis a me notario publico subscripto sibi fieri petierunt hoc presens publicum instrumentum seu plura publica instrumenta Acta erant hec super solum et fundum dicti tenementi horam circiter quartam postmeridiem aut eo circa sub anno die mense regnisque regis quibus supra presentibus ibidem Adamo Cunynghame mercatore burgensi de Irweine Joanne Wilsoun nuncio Willielmo Greiff burgensi dicti burgi et Olivero Broun serjando cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR ALEXANDER BAILLIE, WILLIAM CAULDWELL OF ANNANHILL,
AND SPOUSE.

In the year 1616, on the 16th day of January, there compeared personally an honourable man, Allan Dunlop, one of the bailies of the burgh of Irvine, upon the ground of the tenement of land undermentioned, and there, in virtue of authentic documents publicly shown and read, gave state, sasine, and possession to Alexander Baillie, as son and heir of the late Martin Baillie, burgess of the said burgh, of that tenement of land, fore and back, with yard, dyke, etc., lying within the said burgh, on the east side of the High Street thereof, between the tenement formerly of Robert Montgomerie, burgess, and now of John Kennedy, on the north, the tenement of Alexander Gray, cutler, and of Jonet Rankein, on the south, and the meadow on the west: holding of the king in burgage manner: Moreover, the said Alexander Baillie, being upon the ground, for certain sums of money paid to him beforehand by a prudent man, William Cauldwell of Annanhill and Jean Dunlop his spouse, and also in terms of disposition granted by him with consent of Allan Steinsoun in Mylnetoun, William Steinsoun in Craig, and Hugh Holmes in Dreghorn, at whose

instance the granter was interdicted, did purely and simply resign the said tenement in the hands of the said Allan Dunlop, bailie, for new infeftment of the same to be given to the said William Cauldwell and Jean Dunlop in conjunct fee, and to the heirs procreated between them, which failing, the heirs and assignees of the said William heritably: Whereupon the said bailie gave sasine accordingly by delivery of earth and stone of the tenement to the said William and Jean, personally present and accepting thereof: Done upon the said ground about the fourth hour after noon of the aforesaid day, in presence of these witnesses, Adam Cunynghame, merchant burgess of Irvine, John Wilson, messenger, William Greiff, burgess, and Oliver Broun, serjeant.

XXVI.—PRO CUTHBERTO DAVIE, PISTORE, SUAQUE SPONSA.

Licet hic scribitur et ante precedentem sasinam inseri debuisset.

R. BROUN, verifico.

Anno domini millesimo sexcentesimo decimo sexto mensis vero Januarij die octavo regnorumque S. D. N. Jacobi Dei gratia magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio in mei notarii publici et testium subscriptorum presentiis personaliter constitutus providus adolescens Jacobus Tran filius legitimus tercio loco natus honorabilis viri quondam Patricii Trane prepositi burgi de Irweine existens super solum et fundum tenementi terre subscripti sibi hereditarie pertinentis jacentis infra dictum burgum ex occidentali latere vie regie ejusdem pro presenti per Margaretam Cunyngham relictam quondam Steinsoun burgensis dicti burgi occupati jacentis inter tenementum et terras olim heredum quondam Joannis Muriall nunc vero heredum quondam ex australi et tenementum olim ad quondam Stephanum Gemmill pertinens postea ad Joannem Bryding nunc vero ad Gulielmum Gaw pertinens ex boreali partibus et ibidem dictus Jacobus non vi aut metu ductus nec errore lapsus fraude nec dolo aliquo circumventus sed sua mera vera pura libera et spontanea voluntate ratione pure venditionis et alienationis per ipsum cum consensu providi viri Andree Tran unius novissimorum ballivorum dicti burgi de dicto tenemento cum pertinentiis probis personis Cuthberto Davie pistori burgensi dicti burgi et Eufamie Dickie ejus conjugii facte et pro observatione et impletione unius ejus partis cujusdam contractus initi

et confecti inter eum cum consensu dicti sui fratris ex una et dictum Cuthbertum suamque sponsam ac quasdem alias personas eorum fidejussores in dicto contractu specificatos partibus ab altera penes dicti tenementi dispositionem de data presentium confecto totum et integrum predictum suum tenementum ante et retro cum horto et ejusdem pertinentiis jacens et bondatum ut supra in manibus honorabilis viri Joannis Blair unius ballivorum dicti burgi sursum reddidit pureque et simpliciter per fustim et baculum ut moris est resignavit renunciavit et extradonavit imperpetuum unacum omnibus jure juristitulo interesse jurisclameo proprietate et possessione tam petitorio quam possessorio que seu quas dictus Jacobus suive heredes aut assignati in et ad predictum tenementum terre seu aliquam earundem partem cum pertinentiis habuit habet seu quovismodo in et ad eundem habere clamare seu pretendere potuerunt in futurum in favorem dicti Cuthberti sueque sponse predicte ac pro hac nova sasina et infeodatione hereditaria per dictum ballivum illis eorumque alteri diutius viventi in conjuncta infeodatione et heredibus inter eos legitime procreatis seu procreandis quibus deficientibus heredibus et assignatis dicti Cuthberti quibuscunque de dicto tenemento ante et retro cum pertinentiis hereditarie et irredimabiliter absque aliqua reversione redemptione seu regressu quocunque in debita et competenti forma ut congruit conficienda qua resignatione sic ut premittitur facta debite rite et legitime per dictum ballivum admissa et recepta prefatus Joannes Blair ballivus antedictus virtute et vigore sui officii necnon de mandato et requestu speciale dicti Jacobi Tran resignantis propriis suis manibus statum et sasinam hereditaream pariter et possessionem corporalem actuaalem et realem totius et integri predicti tenementi terre ante et retro cum hortis et singulis earundem pertinentiis jacentis bondati et occupati ut supra memoratis Cuthberto Davie et Eufamie Dickie conjugibus eorumque alteri diutius viventi in conjuncta infeodatione eorumque prescriptis per terre et lapidis fundi dicti tenementi illis personaliter presentibus et acceptantibus ut moris est traditionem et deliberationem dedit tradidit pariter et cum effectu secundum tenorem dicti resignationis ac contractus prescripti hereditarie investivit Tenendi de S. D. N. suisque successoribus more burgali Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum super quibus omnibus et singulis premissis prefati Cuthbertus Davie et Eufamia Dickie conjuges a me notario publico subscripto sibi fieri petierunt hoc presens publicum instrumentum seu plura publica instrumenta unum sive plura Acta erant

hec super solum et fundum dicti tenementi horam circiter quartam post meridiem aut eo circa sub anno die mense regnisque regis quibus supra presentibus ibidem prefato Andrea Tran Alexandro Montgomerie Alexandro Cunynghame juniore et Jacobo Quhyt mercatoribus burgensibus dicti burgi et Joanne Wilsoun nuncio cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR CUTHBERT DAVIE, BAKER, AND HIS SPOUSE.

On the 8th day of January 1616, there compeared personally a prudent young man, James Tran, third son of a late honourable man, Patrick Tran, provost of the burgh of Irvine, on the ground of a tenement of land belonging to him heritably, lying within the said burgh, on the west side of the High Street thereof, for the present occupied by Margaret Cunynghame, relict of Steinsoun, burgess of said burgh, lying between the tenement and lands formerly of the heirs of the late John Muriall, now of the heirs of the late on the south, and the tenement sometime pertaining to the late Stephan Gemmill, afterwards to John Bryding, but now to William Gaw, on the north, and there, with consent of Andrew Tran, one of the newest bailies of the said burgh, his brother, purely and simply resigned the said tenements with yard, etc., in the hands of John Blair, one of the bailies of the said burgh, in favour of and for new infeftment to be given thereof, to the worthy persons, Cuthbert Davie, baker, burgess of the said burgh, and Euphemia Dickie his spouse, and their heirs, in implement of a contract and disposition of sale between the parties: Done upon the ground of the said tenement about the fourth hour after noon of the day aforesaid, these witnesses being present, Andrew Tran aforesaid, Alexander Montgomerie, Alexander Cunyngham younger, and James Quhyt, merchants burgesses of the said burgh, and John Wilson, messenger.

XXVII.—PRO HENRICO DYETT, FABRO FERRARIO, SUAQUE SPONSA.

In Dei nomine amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo sexto mensis vero Januarii die decimo nono regnorum-

que S. D. N. Jacobi Dei gratia magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio in mei notarii publici et testium subscriptorum presentiis personaliter constitutus honorabilis vir Joannes Peiblis de Knodgerhill existens super solum et fundum illarum quinque rodarum terrarum sibi hereditarie spectantium jacentium infra territorium dicti burgi ad caput ejusdem ex occidentali latere vie communis sive passagii directe ducentis a capite dicti urbis ad aquam de Annok inter terras quondam Willielmi Scott prepositi dicti burgi nunc vero Hugonis Thomsoun ex orientali et terras quondam Stephani Boyd ex occidentali partibus et ibidem dictus Joannes Peiblis non vi aut metu ductus nec errore lapsus fraude nec dolo aliquo circumventus sed sua mera vera pura libera et spontanea voluntate ratione pure venditionis et alienationis per ipsum de dictis terris provide viro Henrico Dyett fabro ferrario burgensi dicti burgi facte necnon pro impletione et observatione unius ejus partis cujusdam contractus inter eos penes dictarum terrarum alienationem de data presentium confecti totas et integras predictas illas suas quinque rodas terrarum jacentes ut supra in manibus honorabilis viri Allani Dunlop unius ballivorum dicti burgi sursum reddidit pureque et simpliciter per fustim et baculum ut moris est resignavit renunciavit et extradonavit imperpetuum unacum omnibus jure juristitulo interesse jurisclameo proprietate et possessione tam petitorio quam possessorio que seu quas dictus Joannes suive heredes aut assignati in et ad easdem seu aliquam earundem partem cum pertinentiis habuerunt habent seu quovismodo in futurum habere clamare vel pretendere potuerat in favorem prefati Henrici Dyett suorumque heredum et assignatorum ac pro hac nova sasina et infeodatione hereditaria per dictum ballivum dicto Henrico suisque prescriptis de dictis terris cum pertinentiis danda et conficienda qua resignatione sic ut premittitur facta debite rite et legitime per dictum ballivum admissa et recepta prefatus Allanus Dunlop ballivus antedictus virtute et vigore sui officii necnon de mandato et requestu speciale dicti resignantis propriis suis manibus statum et sasinam hereditariam pariter et possessionem corporalem actuaalem et realem totarum et integrarum prefatarum quinque rodarum terrarum cum pertinentiis ut supra jacentium memorato Henrico Dyett personaliter presenti et acceptanti per terre et lapidis fundi earundem ut moris est traditionem et deliberationem dedit tradidit pariter et cum effectu secundum tenorem dicte resignationis ac contractus prescripti ac sub reversionum conditionibus in eodem contentis

deliberavit et hereditarie investivit tenendas de dicto S. D. N. rege suisque successoribus more burgali insuper dictus Henricus pro singularibus amore gratia et favore quos habet et gerit erga dilectam suam sponsam Jonetam Holmes totas et integras predictas quinque rodas terrarum cum pertinentiis ut supra jacentes unacum omnibus jure juristitulo interesse jurisclameo proprietate et possessione sibi in et ad easdem competentibus in manibus dicti ballivi sursum reddidit pureque et simpliciter per fustim et baculum ut moris est resignavit renunciavit et extradonavit imperpetuum in favorem sui ipsius dicti Henrici et Jonete conjugum ac pro hac nova sasina et infeodatione hereditaria per dictum ballivum illis eorumque alteri diutius viventi in conjuncta infeodatione et heredibus inter eos legitime procreatis seu procreandis quibus deficientibus heredibus et assignatis dicti Henrici Dyett quibuscunque inde danda et conficienda quibus peractis prefatus ballivus virtute et vigore sui officii necnon de mandato speciale dicti Henrici resignantis personaliter existentis super fundum dictarum terrarum propriis suis manibus statum et sasinam hereditariam pariter et possessionem corporalem actualem et realem totarum et integrarum prefatarum quinque rodarum terrarum cum suis pertinentiis ut supra jacentium memorato Henrico Dyett et Jonete Holmis conjugibus eorumque alteri diutius viventi in conjuncta infeodatione per terre et lapidis fundi earundem illis personaliter presentibus et pro se heredibus suis et assignatis hereditarie acceptantibus ut moris est traditionem et deliberationem dedit tradidit pariter et cum effectu secundum tenorem dicte resignationis prescripte deliberavit et investivit tenendas de dicto S. D. N. rege suisque successoribus more burgali Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum super quibus omnibus et singulis premissis prefati Henricus Dyett et Joneta Holmes conjuges ac eorum quilibet pro se metipsis a me notario publico subscripto sibi fieri petierunt hoc presens publicum instrumentum seu plura publica instrumenta unum sive plura Acta erant hec super solum et fundum dictarum terrarum horam circiter terciam postmeridiem aut eo circa sub anno die mense regnisque regis quibus supra presentibus ibidem Willielmo Mure uno novissimorum ballivorum dicti burgali Willielmo Dyett juniore fabro ferrario Eduardo Cowan et Alexandro Patoun burgensibus de Irwing et Joanne Boyd officario cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR HENRY DYETT, SMITH, AND HIS SPOUSE.

Notarial Instrument narrating that an honourable man, John Peiblis of Knodgerhill, being personally, in presence of the notary and witnesses, on the ground of those five roods of land belonging heritably to him, lying within the territory of the burgh of Irvine, at the head thereof, on the west side of the way or common thoroughfare leading from the head of the said town to the Water of Annok, between the lands of the late William Scott, provost of the said burgh, but now of Hugh Thomson, on the east, and the lands of the late Stephan Boyd on the west: and there the said John Peiblis did spontaneously and freely resign the said lands in the hands of an honourable man, Allan Dunlop, one of the bailies of the said burgh, in favour of and for new sasine to be given to a prudent man, Henry Dyett, smith, burgess of Irvine, and that in terms of contract of sale between the resigner and him: which resignation being so made, duly and lawfully, and by the said bailie received, he, the said Allan Dunlop, did with his own hands give state and sasine of the said roods to the said Henry Dyett, personally present and accepting the same, by delivery of earth and stone of the ground thereof: whereupon the said Henry, for the singular love and favour which he had and bare towards his beloved spouse, Jonet Holmes, did resign the said five roods again in the hands of the bailie aforesaid, in favour of himself, the said Henry, and of Jonet his spouse, for new sasine to be given to them in conjunct fee, and to the survivor of them, and the heirs lawfully gotten or to be gotten between them; which failing, to the heirs and assignees of the said Henry: which was accordingly done: the said lands holding of the king burgagewise: these things were done on the ground of the lands about the third hour after noon of the 19th day of January 1616, in presence of these witnesses, William Mure, one of the newest bailies of the said burgh, William Dyett younger, smith, Edward Cowan and Alexander Paton, burgesses, and John Boyd, officer.

XXVIII.—PRO ROBERTO DYET, MERCATORE, SUAQUE SPONSA.

In Dei nomine Amen: per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo

sexcentesimo decimo sexto mensis vero Januarij die vigesimo sexto reg-
norumque S. D. N. Jacobi Dei gratia magne Britannie Francie et Hibernie
regis fideique defensoris annis quadragesimo nono et decimo tercio in mei
notarii publici et testium subscriptorum presentiis personaliter constitutus
providus vir Robertus Cunynghame senior burgensis burgi de Irweine non
vi aut metu ductus nec errore lapsus fraude nec dolo aliquo circumventus
sed sua mera vera pura libera et spontanea voluntate super sola et funda
dictorum tenementorum respective subscriptorum illi perprius hereditarie
pertinentium accessit jacentium infra dictum burgum ex orientali latere vie
regie ejusdem inter tenementum Alexandri Patoun ex et
Davidis Dickie burgensibus dicti burgi ex partibus ab una et aliis
et ibidem dictus Robertus pro certis pecuniarum summis sibi per discretum
virum Robertum Dyett mercatorem burgensem dicti burgi et Margaretam
Steinsoun ejus sponsam tempore confectionis presentium plenarie et integre
in pecunia numerata persolutis de quibusquidem dictus Robertus Cunynghame
fatebatur se bene contentum et persolutum dictosque conjuges plena
per presentis instrumenti tenorem inde quietos clamavit et exoneravit im-
perpetuum totas et integras equales dimedietates dictorum duorum
tenementorum et hortorum earundem contigue adjacentium bondatorum et
limitatorum ut prefertur unacum omnibus jure juristitulo interesse juris-
clameo proprietate et possessione tam petitorio quam possessorio que seu
quas dictus Robertus Cunynghame suive heredes aut assignati in et ad
easdem seu aliquam earundem partem cum pertinentiis habere clamare seu
in futurum pretendere potuerat in manibus honorabilis viri Willielmi Mure
unius ballivorum commissionariorum dicti burgi in absencia ballivorum
principalium ejusdem sursum reddidit pureque et simpliciter per fustim et
baculum ut moris est resignavit renunciavit et extradonavit imperpetuum
in favorem dictorum conjugum eorumque alterius diutius viventis in con-
juncta infeodatione et heredum inter eos legitime procreatis seu procreandis
quibus deficientibus heredibus et assignatis dicti Roberti Dyett quibus-
cunque ac pro hac nova sasina et hereditaria infeodatione per dictum
ballivum illis eorumque prescriptis hereditarie et irredimabiliter absque
aliqua reversione redemptione regressu pacto promisso seu reversionum
conditione prout congruit conficienda qua resignatione sic ut premittitur
facta debite rite et legitime per dictum ballivum admissa et recepta prefatus
Willielmus Mure ballivus commissionarius antedictus virtute et vigore sui
officii necnon de mandato et requestu speciale dicti Roberti Cunynghame

resignantis propriis suis manibus statum et sasinam hereditariam pariter et possessionem corporalem actualem et realem totarum et integrarum predictarum equalium dimedietatum dictorum tenementorum et hortorum eorundem contigue adjacentium jacentium et bondatorum ut prefertur memorato Roberto Dyett personaliter presenti et provido viro Joanni Neilsoun notario tanquam vero certo indubitato actornato et eo nomine dicte Margarete eorumque alteri diutius viventi in conjuncta infeodatione per terre et lapidis fundorum dictorum tenementorum et hortorum ut moris est traditionem et deliberationem dedit tradidit pariter et cum effectu hereditarie et irredimabiliter absque aliqua reversione redemptione aut regressu ut prefertur investivit tenendas de dicto S. D. N. rege suisque successoribus more burgali Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum ac ulterius dictus Robertus Cunyngham se suosque heredes successores et assignatos totas et integras prefatas equales dimedietates dictorum duorum tenementorum et hortorum eorundem jacentium ut supra prefatus conjugibus eorumque heredibus prescriptis liberas et immunes esse ab omnibus wardis releviis nonintroitibus dominarum terciis conjunctis infeodationibus vitalibus seu annuis redditibus prioribus alienationibus et dispositionibus privatis seu publicis sasinis inhibitionibus interdictionibus evictionibus appreciationibus forisfacturis purpresturis disclamationibus bastardiis ac ab omnibus fundi annuis redditibus et debitis preteritis ac ab omnibus et singulis aliis periculis damnis et inconvenientiis quibuscunque contra omnes mortales warrantizare acquietare et imperpetuum defendere sese firmiter per hujus instrumenti tenorem astrinxit et obligavit quequidem warrantizationis clausule prescripte dictus ballivus ad requestum speciale dicti Roberti obligantis suum decretum judiciale et auctoritatem interposuit ordinariam per presentes eandem vim et effectum decreti sui judicialis habere et quod executoriales desuper si necesse fuerit sequantur prout congruit super quibus omnibus et singulis premissis prefatus Robertus Dyett pro se metipso necnon dictus Joannes Neilsoun actornatus antedictus et eo nomine quo supra a me notario publico subscripto sibi fieri petierunt hoc presens publicum instrumentum seu plura publica instrumenta Acta erant hec super sola et funda dictorum duorum tenementorum et hortorum respective prescriptorum horam circiter nonam antemeridiem aut eo circa sub anno die mense regnisque regis quibus supra presentibus ibidem Alexandro Montgomerie mercatore et Davide Dickie burgensibus dicti burgi Joanne

Boyd et Olivero Broun serjandis cum diversis aliis testibus ad premissa
vocatis pariterque rogatis. R. BROUN.

ABSTRACT.

FOR ROBERT DYET, MERCHANT, AND HIS SPOUSE.

Notarial Instrument narrating that a prudent man, Robert Cunynghame elder, burgess of Irvine, compeared personally in presence of the notary and witnesses, and went to the grounds of two tenements respectively, formerly belonging to him heritably, lying within the said burgh, on the east side of the High Street thereof, between the tenement of Alexander Paton on the one part and of David Dickie, burgesses of said burgh, on the other parts; and there the said Robert, for certain sums of money paid to him by a discreet man, Robert Dyett, merchant burgess of said burgh, and Margaret Steinsoun his spouse, at the time of the making hereof, did purely and simply resign the equal halves of the said two tenements, and yards thereof lying contiguously thereto, by staff and baton as the custom is, in the hands of an honourable man, William Mure, one of the bailies commissioners of the said burgh, in the absence of the principal bailies thereof, in favour of the said spouses, and for new sasine thereof to be given to them in conjunct fee, and to the survivor of them, and the heirs procreated or to be procreated between them, which failing, to the heirs and assignees whatsoever of the said Robert Dyett, heritably and irredeemably: which resignation having been duly made, and by the said bailie received, he did with his own hands give sasine of the said equal halves of the two tenements and yards by delivery of earth and stone of the ground thereof to the said Robert Dyett personally present, and to a prudent man, John Neilson, notary, as attorney and in name of the said Margaret, in accordance with the aforesaid resignation: Holding of the king in burgage manner; the said Robert Cunynghame granting warrant against all mortals; to which warrant the said bailie, at special request of the resigner, interposed his judicial decree and authority ordinary: Done upon the grounds aforesaid about the ninth hour before noon of the 26 day of January 1616, in presence of witnesses, Alexander Montgomerie, merchant, and David Dickie, burgesses of said burgh, John Boyd and Oliver Broun, merchants.

XXIX.—PRO WILLIELMO CAULDWELL DE ANNANHILL.

In Dei nomine Amen: per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo sexto mensis vero Januarii die vigesimo septimo regnorumque S. D. N. Jacobi Dei gratia magne Britannie, Francie et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio in mei notarii publici et testium subscriptorum presentiis personaliter constituti probe persone Robertus Kyll mercator burgensis burgi de Irweine et Margareta Hammiltoun ejus sponsa existentes super sola et funda anterioris sui tenementi terre stabuli horti et aggeris subscriptorum cum pertinentiis illis hereditarie pertinentium jacentium infra dictum burgum ad caput vie marine ejusdem inter tenementum quondam Hugonis Tran nunc vero Joannis Gottray ex australi et dictam viam marinam et tenementum quondam Hugonis Garven ex boreali partibus ab una et aliis et ibidem dicti conjuges non vi aut metu ducti nec errore lapsi fraude nec dolo aliquo circumventi sed suis meris veris puris liberis et spontaneis voluntatibus ratione pure venditionis et alienationis per eos de dicto eorum tenemento anteriore subtus et supra cum horto inferiore ejusdem et aggere eidem adjacente et stabulo inferiore infra aream dicti tenementi provido viro Willielmo Cauldwell de Annanhill facte necnon pro observatione et impletione unius eorum partis cujusdam contractus initi et confecti inter dictos conjuges ex una et dictum Willielmum partibus ab altera penes dicti tenementi anterioris horti aggeris et stabuli alienationem et dispositionem de data presentium confecti totum et integrum predictum eorum anterius tenementum subtus et supra unacum horto inferiore ejusdem ac aggere eidem adjacente cum stabulo predicto unacum libero introitu et exitu sursum et deorsum per aream dicti tenementi ad predictum inferius hortum stabulum et aggerem predictum in manibus honorabilis viri Willielmi Mure unius ballivorum commissionariorum dicti burgi in absencia ballivorum principalium ejusdem sursum reddiderunt pureque et simpliciter per fustim et baculum ut moris est resignarunt renunciarunt et extradonarunt unacum omnibus jure juristitulo interesse jurisclameo proprietate et possessione tam petitorio quam possessorio que seu quas habuerunt habent seu quovismodo in et ad eundem seu aliquam earundem partem cum pertinentiis habere clamare seu pretendere potuerant in futurum in favorem predicti Willielmi Caulduell suorumque heredum et assignatorum ac pro hac nova

sasina et infeodatione hereditaria de eisdem per dictum ballivum illis danda et in debita et competenti forma prout congruit conficienda qua resignatione sic ut premittitur facta debite rite et legitime per dictum ballivum admissa et recepta prefatus Willielmus Mure ballivus commissionarius antedictus virtute et vigore sui officii necnon de mandatis specialibus dictis resignantium propriis suis manibus statum et sasinam hereditariam pariter et possessionem realem actuaalem et corporalem totius et integri predicti anterioris tenementi subtus et supra stabuli horti inferioris et aggeris predicti ut supra jacentis memorato Willielmo Cauldwell personaliter presenti et acceptanti per terre et lapidis fundorum earundem respective sibi ut moris est traditionem et deliberationem unacum libero introitu et exitu ad dictum stabulum hortum inferiorem et aggerem sursum et deorsum per aream dicti tenementi secundum formam et tenorem dicte resignationis ac contractus prescripti dedit tradidit realiter et cum effectum hereditarie investivit Tenendum de dicto S. D. N. rege suisque successoribus more burgali Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum Insuper dicta Margareta Hammiltoun personaliter coram dicto ballivo in absentia dicti Roberti Kyll sui mariti comparuit super solum et fundum dicti tenementi et ibidem omnia et singula premissa sic ut premittitur facta ratificavit approbavit et se minime coactam aut compulsam ad premissa fuisse et de non revocando in futurum corporale suum prestitit juramentum super quibus omnibus et singulis premissis prefatus Willielmo Caulduell a me notario publico subscripto sibi fieri petiit hoc presens publicum instrumentum seu plura publica instrumenta unum sive plura Acta erant hec super solum et fundum dicti tenementi anterioris stabuli horti inferioris et aggeris prescriptorum horam circiter decimam antemeridiem aut eo circa sub anno die mense regnisque regis quibus supra presentibus ibidem Thoma Neveine de Monkriding Jacobo Hammiltoun de Ardoche Jacobo Quhyt burgensi de Irweine Jacobo Ros famulo dicti Willielmi et Joanne Boyd serjando cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROWN.

ABSTRACT.

FOR WILLIAM CAULDWELL OF ANNANHILL.

Instrument narrating that on the 27th day of January 1616, in presence of the notary and witnesses, there compeared personally the worthy persons, Robert Kyll, merchant burgess of Irvine, and Margaret Hamiltoun, his spouse, upon the ground of their fore tenement of land, stable, lower yard and dyke, lying within the said burgh, at the head of the Seagate thereof, between the tenement of the late Hugh Tran, now of John Gottray, on the south, and the said Seagate, and tenement of the late Hugh Garven, on the north; and there the said spouses did freely, purely, and simply resign their said tenement, by staff and baton, in the hands of an honourable man, William Mure, one of the bailies commissioners of the said burgh, in the absence of the bailies principals thereof, in favour of a prudent man, William Cauldwell of Annanhill, for new sasine thereof to be given to him and his heirs, and that according to disposition and alienation granted by the resigners to him, of same date: whereupon the said bailie gave sasine accordingly, by delivery of earth and stone of the ground to the said William Cauldwell, who was personally present and accepting thereof: to hold of the King in burgage manner: and further, the said Margaret Hamilton compeared personally before the bailie, and in the absence of the said Robert Kyll, her husband, declared that she was in no way forced to the said resignation, and gave her bodily oath that she should not revoke the same in time coming. Done upon the grounds of the said subjects respectively, about the tenth hour before noon of the day aforesaid, the witnesses being Thomas Neveine of Monkriding, James Hamiltoun of Ardoche, James Whyte, burgess of Irvine, James Ros, servant of the said William, and John Boyd, serjeant.

XXX.—PRO HELENA GALBRAITH.

Licet hic scribitur.

In Die nomine Amen: per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo sexto mensis vero Januarii die secundo regnorumque

S. D. N. Jacobi Dei gratia Magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio in mei notarii publici et testium subscriptorum presentiis personaliter constitutus providus vir Adamus Montgomerie de Makbehill personaliter accessit super sola et funda terrarum suarum aliarumque particulariter subtus specificatarum sibi hereditarie pertinentium videlicet super solum et fundum totarum et integrarum illarum undecim acrarum terrarum de terris suis de M'behill jacentium in parochia de Steuartoun balliatu de Cunynghame et infra vicecomitatum de Air pro presenti per Robertum Gibbsoun in Holl occupatarum necnon super solum et fundum totarum et integrarum illarum suarum quatuor acrarum terrarum de dictis suis terris de M'behill pro presenti per Joannem Ros occupatarum ac etiam super solum et fundum totarum et integrarum illarum quadraginta sex acrarum terrarum de dictis suis terris de M'behill per se ipsum pro presenti occupatarum, jacentium ex australi latere urbis de M'behill incipiendo ad lie holhous mairche ex australi parte vie eo ducentis et versus circa ad occidentalem metam lie wast marche dictarum terrarum de M'behill quarum warda lie Ward et Langsyd sunt proprie partes et pertinentie necnon super solum et fundum totius et integre equalis dimidietatis horti contigue aule adjacenti lie hall yeard ad austrum et occidentalem adjacentis vulgo lyand to the south-west necnon super solum et fundum cubiculi in area jacenti ex australi latere predictae aule ac alterius cubiculi pro presenti per Willielmum Tod occupati ac lie outhschott ejusdem ac super solum et fundum illius partis et bonde jacentis super boreale latus dicti domus noviter edificati pro lie stack yeard edificande correspondentis in quantitate quarte parti quinque mercatarum terrarum de M'behill ac etiam super locum pro sterquilinio et glebario lie peit stack edificatione jacens ex parte occidentali dicti domus noviter edificati Et ibidem dictus Adamus pro singularibus amore gratia et favore quos erga dilectam suam sponsam Helenam Galbraith habet et gerit Necnon pro observatione et impletione cujusdem carte per dictum Adamum dicte sue sponse de data presentium penes infeofamentum subscriptum confecte propriis suis manibus statum et sasinam vitalis redditus necnon actualement realem et corporalem possessionem totarum et integrarum predictarum acrarum terrarum domorum cubiculorum horti ac aliorum respective et particulariter supra recitatorum cum domibus edificiis hortis partibus pendiculis et singulis earundem pertinentiis jacentium et bondatarum ut supra unacum privilegiis glebarum et cespitum super petarium lie

peit mos fodiendi vechendi et transportandi quarte parti dictarum quinque mercatarum terrarum solummodo correspondentium ac lapidis et calcis lie stane and lyme super quamvis partem dictarum terrarum vincendi suo proprio et usui necessario tantummodo convenientium una etiam cum privilegio frumentorum et segetum super dictas terras crescentium super ustrinam suam torrendi ac usus fontis eidem adjacentis memorate Helene Galbraith sue conjugi personaliter presenti et acceptanti per terre et lapidis fundi dictarum terrarum ac eorundem quorumlibet ut moris est traditionem dedit tradidit et deliberavit Et hoc in plenaream satisfactionem et contentationem sibi dicte Helene omnis partis tercie dictarum quinque mercatarum terrarum de M'Behill sibi per decessum dicti Adami sui mariti competenti cum contigerit per leges et hujus regni practica sive ratione contractus matrimonialis inter eos confecti seu quovis alio jure seu titulo quocunque secundum tenorem predictae carte eo circa confecte super quibus omnibus et singulis premissis prefata Helena Galbraith a me notario publico subscripto sibi fieri petiit hoc presens publicum instrumentum seu plura publica instrumenta Acta erant hec super sola et funda dictarum terrarum domorum hortorum cubiculorum aliorumque particulariter supra-recitatorum singulatim et successive per se horam circiter undecimam antemeridiem aut eo circa sub anno die mense regnisque regis quibus supra presentibus ibidem Alexandro Montgomerie mercatore burgensis de Irwing fratre germano dicti Adami Magistro Roberto Montgomerie filio legitimo primogenito dicti Adami Adamo Montgomerie fratre germano dicti Magistri Roberti Jacobo Broun servo dicti Adami et Joanne Ros textore cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR HELEN GALBRAITH.

Instrument narrating that there compeared personally in presence of the notary and witnesses, a prudent man, Adam Montgomerie of Makbehill, and went upon the ground of his lands and others under specified, namely, of those eleven acres of the lands of Makbehill, lying in the parish of Stewartoun, bailiery of Cunynghame, and within the shire of Ayr, presently occupied by Robert Gibson in Holl: also of those four acres of the same lands presently occupied by John Ros: and also of those forty-six acres

of his said lands of Makbehill, presently occupied by the said Adam himself, lying on the south side of the town of Makbehill, beginning at the Holhouse march on the south side of the way leading thereto, and towards the west march of the said lands of Makbehill, of which the Ward and Langsyde are proper parts and pertinents : also of the equal half of the yard adjacent to the Hall, called the Hall Yard, lying towards the south and west : also of the chamber lying in the area on the south side of the said hall, and of another chamber presently occupied by William Tod, and the outshot thereof : and of that part and bound lying on the north side of the house newly built, for the stackyard to be builded thereon, corresponding to the fourth part of the five merk lands of Makbehill, and also upon the place for the midden and peat stack, lying on the west side of the said house newly built : and there the said Adam, for the singular love and favour which he had to his beloved spouse, Helen Galbraith, and for implement of a charter granted by him to her, did with his own hands give to the aforesaid Helen Galbraith his spouse, personally present and accepting, state and sasine and liferent of all and whole the aforesaid acres, lands, houses, chambers, yard, and others respectively before recited, with houses, biggings, yards, and other pertinents of the same, together with privilege of digging and carrying away of peats and divots on the peat moss, corresponding to the fourth part of the said lands, and of winning lime and stone on any part of the said lands, as much as may be necessary for her own use only : with the privilege also of drying upon her kiln the corn and grain grown upon the said lands, and of the use of the well adjacent to the same : and that in full satisfaction to her if all terce of the said lands of Makbehill competent to her by decease of the said Adam her husband, when it should happen, by the laws of this kingdom, or by reason of the matrimonial contract made between them : Upon all which things the said Helen craved instruments from the notary : Done upon the ground of the said lands and others, singly and successively, about the eleventh hour before noon of the second day of January 1616, the witnesses being Alexander Montgomerie, merchant burgess of Irvine, brother-german of the said Adam, Mr. Robert Montgomerie, eldest son of the said Adam, Adam Montgomerie, brother-german of said Mr. Robert, James Brown, servant of said Adam, and John Ros, weaver.

XXXI.—PRO ALEXANDRO CUNYNGHAME, SCRIBA IN EDINBURGH.

Licet hic etiam scribitur.

In Dei nomine Amen : per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo sexto mensis vero Januarii die tercio regnorumque S. D. N. Jacobi Dei gratia magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio In mei notarii publici et testium subscriptorum presentiis personaliter constitutus probus vir Willielmus Cunyngham burgensis burgi de Irweine super solum et fundum totarum et integrarum terrarum de Guilliland accessit extendentium ad decem acras terrarum aut eo circa jacentes infra territorium dicti burgi balliatum de Cunyngham et infra vicecomitatum de Air et ibidem dictus Willielmus tanquam procurator rite et legitime constitutus et eo nomine honorabilium virorum Magistri Joannis Elphingstoun filii legitimi minimi natu quandam Georgii Elphingstoun de Blythswod et domini Georgii Elphingstoun de Blythswod militis fratris germani dicti Magistri Joannis per eorum procurationis litteras in quadam dispositionis litera dictarum terrarum contentas factas per dictum Magistrum Joannem cum consensu dicti sui fratris pro omnibus jure titulo seu interesse illi ad easdem competentibus provide viro Alexandro Cunyngham scribe in Edinburgh de data nono die mensis Decembris ultime elapsi Totas et integras dictas terras de Guilliland cum singulis suis pertinentiis extendentes et jacentes ut supra In manibus honorabilis viri Joannis Blair unius ballivorum dicti burgi sursum reddidit pureque et simpliciter per fustim et baculum ut moris est resignavit renunciavit et extradonavit unacum omnibus jure juristitulo interesse jurisclameo proprietate et possessione tam petitorio quam possessorio que seu quas illi seu eorum aliquis eorumque heredes aut assignati habuerunt habent seu quovismodo in et ad easdem seu aliquam earundem partem habere clamare seu pretendere potuerant in futurum in favorem dicti Alexandri suorumque heredum et assignatorum ac pro hac nova sasina et infeodatione hereditaria per dictum ballivum illi suisque prescriptis earundem in debita et competenti forma prout congruit danda et conficienda Qua resignatione sic ut premittitur facta debite rite et legitime per dictum ballivum admissa et recepta prefatus Joannes Blair ballivus antedictus virtute et vigore sui officii necnon de mandato et

requestu speciale dicti Willielmi Cunynghame procuratoris et resignantis antedictorum propriis suis manibus statum et sasinam hereditaream pariter et possessionem corporalem actualem et realem totarum et integrarum prefatarum terrarum de Guillilandis cum singulis suis partibus pendiculis et pertinentiis extendentium et jacentium ut supra provido viro Laurencio Lyn incole infra dictum burgum tanquam actornato et eo nomine dicti Alexandri per litteras actornatorias legitime constituti per terre et lapidis fundi eorundem illi ut moris est traditionem et deliberationem Secundum vim formam et tenorem dicte littere dispositionis et resignationis prescripte dedit tradidit realiter et cum effectu hereditarie investivit Tenendas de urbis prefecto ballivis consulibus et communitate dicti burgi in feodo et hereditate imperpetuum Reddendo inde annuatim feudifirme firmas et divorias pro eisdem perprieus solvi solitas et consuetas tantum super quibus omnibus et singulis premissis prefatus Laurencius Lin actornatus antedictus et eo nomine dicti Alexandri quo supra a me notario publico subscripto sibi fieri petiit hoc presens publicum instrumentum seu plura publica instrumenta Acta erant hec super solum et fundum dictarum terrarum horam circiter nonam antemeridiem aut eo circa sub anno die mense regnisque regis quibus supra presentibus ibidem Allano Dunlop altero ballivorum dicti burgi Roberto et Hugone Lynes mercatoribus burgensibus dicti burgi Davide Dickie etiam burgensi dicti burgi et Joanne Boyd serjando cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROWN, *notarius*.

ABSTRACT.

FOR ALEXANDER CUNYNGHAME, WRITER IN EDINBURGH.

Notarial Instrument narrating that a worthy man, William Cunynghame, burgess of Irvine, as procurator of honourable men, Master John Elphingstoun, youngest son of the late George Elphingstoun of Blythswod, and Sir George Elphingstoun of Blythswod, knight, brother-german of said Master John, compeared on the ground of the lands aftermentioned, and there, in virtue of disposition granted by the said Master John, with consent of his said brother, to a prudent man Alexander Cunynghame, writer in Edinburgh, of date the 9th day of December last, did resign All and Whole the lands of Guillilands, extending to ten acres or thereby, lying within the territory of

the said burgh of Irvine, in the hands of an honourable man, John Blair, one of the bailies of the said burgh, and that for new sasine thereof to be given to the said Alexander, which was accordingly given by the said bailie with his own hands, by delivery of earth and stone of the said lands, to a prudent man, Laurence Lyn, indweller within the said burgh, as attorney and in name of the said Alexander Cunynghame: To be holden of the provost, bailies, councillors, and community of the said burgh in fee and heritage for ever; rendering therefor yearly the feu-ferme fermes and duties which were formerly used and wont to be paid: Whereupon the said Laurence craved instruments. Done on the ground of the said lands about the ninth hour before noon of the 3rd day of January 1616, before witnesses, namely, Allan Dunlop, another of the bailies of the said burgh, Robert and Hugh Lyns, merchant burgesses of same, David Dickie, also burgess, and John Boyd, serjeant.

XXXII.—PRO MAGISTRO JOANNE BELL, MINISTRO, Quamvis hic scribitur.

At the parochie kirk of Stevinsoun the xxviiij day of Januar, being Sondag, the yeir of God j^m vj^e thretteine yeires and of His Majesteis regnes the xlix and xiiij yeires. [28th January 1613.]

The quhilk day in presens of me notar publict and witnesses under-written Compeirit personallie Mr. Alexander Scrymgeour minister at Irwing within the said parochie kirk of Stevinsoun lyand within the diocie of Glesgow baillearie of Cunyngham and shirefdome of Air and conforme to our soverane lordis letteris of presentatioun grantit be his Majestie under his hienes privie seall to Mr. Johnne Bell minister at Perstoun of the vicarege pensionarie of the said parochie kirk of Stevinsoun and for obedience of ane richt reverend father in God James Archbishop of Glasgow his letteris of collatioun and admissioun proceidand upoun the saidis letteris of presentatioun conteinand precept of institutioun thairintill and directioun of the presbyterie to that effect quha efter dew and publict reiding of the said lettres of presentatioun collatioun and admissioun abonwrittin gaive to the said Mr. John Bell lauffull institutioun of the said vicaredg pensionarie of the said parochie kirk of Stevinsoun with manse gleib kirk lands housis

biggingis teyndis maillis fermes fruttis rentis emolumentis and deuteis quhatsumever pertening and belonging thairto and put him in the reall actuall and corporall possessioun be placeing of him in the pulpet of the said kirk and delyvering to him of the buik of God callit the bybill in his handis requyreing the parochiners of the said parochin of Stevinsoun to ansuer and obey the said Mr. Johnne Bell as the lawfull pastor of thair soullis with sic deutie and reverence as becumis to be done to the pastor of the kirk of God: And also to mak payment to him of the teyndis maillis fermes fruttis rentis emolumentis and deuteis quhatsumever perteneing to the said viccarege pensionarie efter the forme and tenour of our said soverane lordis letteris of presentatioun my lord archibischop of Glasgows letteris of collatioun and admissioun direct thairupoun in all poyntes upoun the quhilkes all and sindrie premisses the said Mr. Alexander Scrymgeour for himselff and in takine of his obedience and the said Mr. Johnne Bell for himselff askit and requyrit instrumentis in the handis of me notar publict underwrittin: Thir thingis were done within the said paroche kirk about ten houris befor none or thairby in presens of Joseph Cunyngham in Saltecoittis Hew Campbell of Hollerhirst Glasgow elderis of the said kirk and Mr. Robert Cunyngham minister at Holliwod in Irland witnessis speciallie callit and requyrit to the premissis day moneth yeir our soverane lordis regnes and place abonewrittin.

R. BROUN.

XXXIII.—PRO ROBERTO BROUN DE BUROWLAND.

In Dei nomine Amen: per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo sexto mensis vero Januarii die ultimo regnorumque S. D. N. Jacobi Dei gratia Magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio In mei notarii publici et testium subscriptorum presentiis personaliter constitutus discretus vir Joannes Michel de Fraserhill ballivus in hac parte nobilis et prepotentis comitis Alexandri comitis de Eglintoun domini Montgomerie et Kilwynning etc., specialiter constitutus per preceptum sasine infrascriptum accessit ad solum et fundum viginti solidatarum terrarum de Nether Maynes Kilwynning olim ad quondam Hugonem Garven hereditarie spectantium jacentium infra dominium et regalitatem de Kilwynning balliatum de Cunynghame et infra vicecomitatum de Air tanquam locum pro sasina

capienda inferius mentionata designatum et ibidem providus vir Robertus Broun de Burowland habens et tenens suis in manibus quamdam cartam preceptum sasine in se continentem factam datam et concessam per predictum nobilem et prepotentem comitem tanquam dominum totius dominii et regalitatis de Kilwynning nunc in loco et vice abbatis et conventus monasterii de Kilwynning ac dominum superiorem terrarum particulariter postea mentionatarum prefato Roberto Broun de Burrowland suisque heredibus et assignatis quibuscunque de omnibus et singulis terris aliisque particulariter subtus specificatis videlicet de totis et integris tredecim solidatis et quatuor denariatis novi extentus terrarum de Nethirmaynes Kilwynning cum suis pertinentiis olim ad Jacobum Couper portionarium de Nethirmaynes hereditarie pertinentibus necnon de totis et integris illis viginti solidatis novi extentus terrarum de Nethirmaynes Kilwynning olim ad dictum quondam Hugonem Garven hereditarie pertinentibus ac etiam de totis et integris illis tredecim solidatis et quatuor denariatis novi extentus terrarum de Nethirmaynes Kilwynning ad Willielmum Hammiltoun de Dalserff perprie hereditarie pertinentibus necnon de totis et integris illis tredecim solidatis et quatuor denariatis novi extentus terrarum de Nethirmaynes Kilwynning cum domibus edificiis hortis partibus pendiculis et singulis suis pertinentiis perprie ad Georgium Dunlop de Lumfurd hereditarie spectantibus omnes jacentes infra dictum dominium et regalitatem balliatum et vicecomitatum prescriptum ac postea ad dictum Robertum et per eum in manibus dicti nobilis prepotentis comitis domini sui superioris earundem resignate prout in dicta carta et novo infeofamento de eisdem illi suisque heredibus per dictum superiorem conficienda latius continetur quamquidem cartam preceptum sasine in se continentem prefatus Robertus Broun de Burrowland memorato Joanni Michell de Fraserhill ballivo in hac parte prescripto in dicto sasine precepto specialiter nominato et constituto presentavit et deliberavit ipsumque requirens quatenus hujusmodi sasine preceptum debite executioni poneret et demandaret qui vero ballivus dictam cartam preceptum sasine in se continentem e manibus dicti Roberti recepit mihique notario publico subscripto perlegendum publicandum et in vulgari astantibus exponendum tradidit cujusquidem sasine precepti tenor sequitur sub hac verborum forma et est talis In super dilectis nostris Joanni Michell de Fraserhill et vestrum cuilibet conjunctim et divisim ballivis nostris in hac parte specialiter constitutis salutem vobis precepimus et firmiter mandamus quatenus visis

presentibus indilate statum et sasinam hereditariam pariter et possessionem corporalem actualem et realem totarum et integrarum prefatarum tredecim solidatarum et quatuor denariatarum terrarum de Nethirmaynes cum suis pertinentiis olim ad dictum quondam Jacobum Couper pertinentium totarum et integrarum prefatarum viginti solidatarum terrarum de Nethermaynes Kilwynning cum singulis suis pertinentiis olim ad dictum quondam Hugonem Garven pertinentium totarum et integrarum predictarum tredecim solidatarum et quatuor denariatarum terrarum de Nethirmaynes Kilwynning perprius ad dictum Gulielmum Hammiltoun de Dalserff pertinentium necnon totarum et integrarum predictarum tredecim solidatarum et quatuor denariatarum terrarum de Nethirmaynes ad dictum Georgium Dunlop de Lumfurd prius spectantium cum domibus edificiis hortis partibus pendiculis et singulis suis pertinentiis ut supra jacentium memorato Roberto Broun de Burowland vel suo certo actornato latori presentium per terre et lapidis fundi earundem ut moris est traditionem et deliberationem juste iradatis deliberetis et haberi faciatis sine dilatione et hoc nullo modo omittatis ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim ballivis nostris in hac parte antedictis nostram plenaream et irrevocabilem tenore presentium committimus potestatem præterea volumus et concedimus ac pro nobis heredibus et successoribus nostris decernimus et ordinamus quod unica sasina capienda per dictum Robertum suosque heredes prescriptum super solum et fundum cujusvis partis dictarum viginti solidatarum terrarum de Nethermaynes omni tempore futuro stabit et sufficiens erit sasina pro omnibus et singulis terris aliisque particulariter prescriptis non obstante quod eedem non insimul jacent et contigue sed in diversis partibus et locis In cujus rei testimonium presentibus (ex chirographo Roberti Broun notarii publici manuque nostra subscriptis sigillum nostrum proprium presentibus est appensum Apud burgum de Irweine vigesimo tercio die mensis Octobris anno domini millesimo sexcentesimo decimo quinto coram his testibus Jacobo Dunlop seniore de eodem Thoma Neveine de Monkriding dicto Roberto Broun et Willielmo Bunteine nostro servitore sic subscribitur Eglintoun James Dunlop witnes T. Neveine of Monkriding witnes R. Broun witnes Williame Bunteine witnes Post cujus quidem carte preceptique sasine suprascripti in eadem contenti perlectionem publicationem et in vulgari astantibus expositionem prefatus Joannes Mitchell ballivus in hac parte antedictus virtute et vigore sui officii ballivatus sibi in hac parte commissi necnon de mandato speciale

dicti precepti propriis suis manibus statum et sasinam hereditariam pariter et possessionem corporalem actuaalem et realem omnium et singularum terrarum aliarumque particulariter supra et subtus specificatarum videlicet totarum et integrarum predictarum tredecim solidatarum et quatuor denariatarum novi extentus terrarum de Nethirmaynes Kilwynning olim ad dictum Jacobum Couper portionarium de Nethermaynes pertinentium totarum et integrarum predictarum viginti solidatarum novi extentus terrarum de Nethermaynes olim ad dictum quondam Hugonem Garven hereditarie pertinentium totarum et integrarum predictarum tredecim solidatarum quatuor denariatarum novi extentus terrarum de Nethermaynes Kilwynning perprius ad dictum Willielmum Hammiltoun de Dalserff spectantium necnon totarum et integrarum predictarum tredecim solidatarum et quatuor denariatarum novi extentus terrarum de Nethermaynes prius ad dictum Georgium Dunlop de Lumfurd pertinentium cum domibus edificiis hortis partibus pendiculis et singulis earundem pertinentiis Omnes ut predicatur jacentes memorato Roberto Broun de Burrowland personaliter presenti et pro se heredibus suis et assignatis hereditarie acceptanti per terre et lapidis fundi dictarum viginti solidatarum terrarum ut moris est traditionem et deliberationem dedit tradidit pariter et cum effectu secundum tenorem dicte carte preceptique sasine suprascripti in eadem contenti in omnibus punctis deliberavit super quibus omnibus et singulis premissis prefatus Robertus Broun a me notario publico subscripto sibi fieri petiit hoc presens publicum instrumentum seu plura publica instrumenta Acta erant hec super solum et fundum dictarum viginti solidatarum terrarum de Nethirmaynes olim ad dictum quondam Hugonem Garven spectantium tanquam locum in dicto sasine precepto pro sasina capienda designato apud illam partem ejusdem ubi domus habitationis Joannis Deine tegulatoris situata est horam circiter nonam antemeridiem aut eo circa sub anno die mense regnisque regis quibus supra presentibus ibidem Joanne Couper seniore de eister Brigend Kilwynning Roberto Couper ejus filio Joanne Dunlop in Lumfurd et Joanne Kyd in Lugeourmylne cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR ROBERT BROUN OF BURROWLAND.

Notarial Instrument narrating that a discreet man, John Mitchell of Fraserhill, as bailie in that part of a noble and right potent earl, Alexander Earl of Eglintoun, lord Montgomerie and Kilwynning, went personally to the ground of the lands aftermentioned, and there a prudent man, Robert Broun of Burrowland, having and holding in his hands a certain charter granted by the said noble earl to him, his heirs and assignees whatsoever, of all and sundry the lands, namely, the thirteen shillings and fourpenny land of new extent of the Nether Maynes, Kilwynning, formerly pertaining to James Coupar, portioner of Nether Maynes; also the twenty shilling lands of new extent of the Nether Maynes, Kilwynning, formerly pertaining to the late Hugh Garven; and also the thirteen shillings and fourpenny lands of new extent of Nether Maynes, Kilwynning, formerly pertaining to William Hamilton of Dalserf: also the thirteen shillings and fourpenny lands of Nether Maynes, Kilwynning, with houses, etc., formerly belonging to George Dunlop of Lumfurd, all lying within the lordship and regality of Kilwynning, bailiery of Cunynghame and sheriffdom of Ayr, and afterwards belonging to the said Robert, and by him resigned in the hands of the said earl, his lord superior; which charter containing in itself precept of sasine, the said Robert Broun presented to the said John Mitchell, bailie, specially nominated in the said precept of sasine, requiring him to put the same to due execution: and the bailie having received the said charter, delivered it to the notary public to read, publish, and explain the same in the vulgar tongue to the bystanders; which having been done, the said John Mitchell, bailie, gave heritable state and sasine of the aforesaid lands, by delivery of earth and stone thereof, to the said Robert Broun, personally present and accepting of the same, upon the ground of the said twenty shilling lands which belonged to the late Hugh Garven, as the place designated in the precept for taking sasine, at that part of the said lands where the dwelling-house of John Deane, slater, was situated: Done about the ninth hour before noon of the last day of January 1616, in presence of witnesses, John Couper elder, of Easter Brigend of Kilwynning, Robert Couper, his son, John Dunlop in Lumfurd, and John Kyd in Lugeourmill: The charter on which the sasine proceeds is dated at Irvine 23rd

October 1615; the witnesses being, James Dunlop elder, of that ilk, Thomas Neveine of Monkriding, Robert Broun, the notary, who is also the writer of the charter, and William Buntein, servitor to the earl.

XXXIV.—PRO JOANNE STEUART DE ARDMOLEIS, VICECOMITE DE BUIT, ETC.

Apud burgum de Irweine vigesimo sexto die mensis Februarii anno domini millesimo sexcentesimo decimo sexto regnorumque S. D. N. regis annis quadragesimo nono et decimo tercio respective. [26th February 1616.]

The quhilk day in presens of us noteris publict and witnessis underwrittin Johnne Glas servitor to the richt honorabill Johnne Steuart of Ardmoleisch schirreff of Bute and as procurator speciallie constitute for the said Johnne Steuart donatour and haveing be gift of our soverane lord to him his aires and assignayes ane or mae the mareage of James Steuart lawfull sone to umquhill Johnne Steuart of Ardmoleis with all proffeittis and commoditeis of the said mareage specifeit in the samen lettre of gift maid to him thairupoun as the lettres of procuratory maid be the said Johnne Steuart to the said Johnne Glas to the effect underwrittin of the dait the tuentie thrid day of Februar instant proportis past to the personall presens of the said James Steuart and producit the richt and lettre of gift maid to the said Johnne Steuart schireff of Buit be our said soverane lord under his hienes privie seill of the mareage of the said James proffeittis and commoditeis thair of and causit us notaris publictis under subscriyveris heirof opinlie reid the said lettre of gift to the said James and maid dew and lafull intimatioun of the samen Efter the reiding and intimating quhairof the said Johnne Glas procurator foirsaid conforme to his commissioun and lettre of procuratory abonwrittin offerit to the said James Elizabeth Bannatyne dochter lafull to Hector Bannatyne of Kaymes in mareage as partie aggrieable to him ane frie woman of perfyt age of honorabill parentage and to quhome he may haive acces to resort and repair unto and quhois parentis ar willing to performe the said mareage and requyrit and desyrit him to tak hir in mareage and to compleit and solemnizat the halie band of matrimonie with hir in face of halie kirk with all solempniteis requisit and assignit and apointit to him the tuelf day of March nixtocum within the parochie kirk of Rothesay in Buit for convening

ending and perfyting of the said mareage as effeiris quhilk day and place the said Johnne Steuart be his said procurator in his name promiseis to observe and keip or utherwayes desyrit the said James that he wold assigne and apoint ane speciall day and place convenient to the effect forsaid quhilk also the said John Steuart be his said procurator in his name promiseis to observe and keip and to the effect that the said James nicht in the meintyme bettir know and understand the richt and titl maid to the said donatour of his said mareage and proffeittis thair of the said Johnne Glas procurator foirsaid delyverit to him the autentik copie and doubl of the saidis lettres of gift togidder with ane tickett beirand the said offer day and place abonspecifeit assignit to him for conveneing ending and perfyting of the said mareage quhairunto the said James ansuerit he wold advys with his mother and freindis thairanent: Thairfore the said Johnne Glas procurator foirsaid in respect of the said deferring ansuer protestit solempnlie that the samin sould be haldin for ane absolut refuissall and for the double avaiill of his said mareage and haille proffeittis to the said donatour in so far as be the lawis and consuetud of this realme may be had and obtenit Upoun the quhilkis all and sundrie premisis the said Johnne Glas procurator foirsaid in name of the said John Steuart his maister and donatour abonementionat askit instrumentis ane or mae in the handis of us notaris publict underwrittin: Thir thingis war done in the ludging of Archibald Georg lait provest presentlie inhabit and possesst be the Lady Montgreynane younger about aucht houris in the morneing or thairby day yeir moneth and place abonwrittin in presens of Patrik Bryding in Irwein Hew Lyn thesaurar of the said burgh Archibald Deine and Patrik Kyll couperis induelleris within the said burgh and William Caulduell notar publict my colleg in this part, witnesses specially callit and requyrit to the premisses.

R. BROUN.

XXXV.—PRO WILLIELMO BARCLAY BALLIVO INCORPORATIONIS DE BANGOR
SUAQUE SPONSA FUTURA.

In Dei nomine Amen: per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo sexto mensis vero Marcii die vigesimo septimo regnorumque S. D. N. Jacobi Dei gratia Magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo nono et decimo

tercio In mei notarii publici et testium subscriptorum presentiis personaliter comparuit providus vir Archibaldus Barclay faber murarius burgensis burgi de Irwing super solum et fundum totius et integri illius tenementi terre ad Willielmum Barclay burgensem etiam dicti burgi et ballivum incorporationis de Bangour in comitatu de Doun infra regnum Hibernie hereditarie pertinentis jacentis infra dictum burgum ex occidentali latere vie regie ejusdem inter tenementum heredum quondam Willielmi Patoun ex australi et tenementum quondam Jacobi Lauchlan ex boreali partibus et ibidem dictus Archibaldus tanquam procurator rite et legitime constitutus et eo nomine dicti Willielmi virtute cujusdam littere procuratorialis pergameno scripte sub ejus sigillo et subscriptione manuali de data apud Bellimarneill in dicto regno Hibernie vigesimo octavo die mensis Februarii ultime elapsi per eum ad effectum subscriptum confecte pro impletione et observatione unius clausule cujusdam contractus matrimonialis initi et confecti inter dictum Willielmum ab una et Uchthridum M'Dowell de Kilsay nunc prepositum dicte incorporationis armigerum pro seipso ac onus super ipsum acceptante pro Joneta M'Dowell ejus filia naturali partibus ab altera de data dicte littere procuratorialis totum et integrum predictum illud tenementum ante et retro subtus et supra cum horto et singulis suis pertinentiis ut supra jacens ad dictum Willielmum Barclay hereditarie pertinens ut predicatur Unacum omnibus jure juristitulo interesse juris-clameo proprietate et possessione tam petitorio quam possessorio que seu quas dictus Willielmus suive heredes aut assignati et ad eundem seu aliquam earundem partem cum pertinentiis habuit habet seu quovismodo in futurum habere clamare vel pretendere potuerat In manibus honorabilis viri Andree Tran unius ballivorum commissionariorum dicti burgi in absentia ballivorum principalium ejusdem sursum reddidit pureque et simpliciter per fustim et baculum ut moris est resignavit renunciavit et extradonavit imperpetuum in favorem sui ipsius dicti Willielmi Barclay et Jonete M'Dowall ejus future sponse ac pro hac nova sasina et infeodatione hereditaria illis eorumque alteri diutius viventi in conjuncta infeodatione heredibusque inter eos legitime procreandis quibus deficientibus legitimis et propinquioribus heredibus et assignatis dicti Willielmi quibuscunque hereditarie per dictum ballivum in debita et competenti forma prout congruit danda et conficienda Qua resignatione sic ut premittitur facta debite rite et legitime per dictum ballivum admissa et recepta prefatus Andreas Tran ballivus commissionarius antedictus virtute et vigore sui

officii necnon de mandato et requestu speciale dicti Archibaldi Barclay procuratoris et resignantis antedicti propriis suis manibus statum et sasinam hereditariam pariter et possessionem corporalem actualem et realem totius et integri predicti tenementi terre ante et retro subtus et supra cum horto et singulis suis pertinentiis ut supra jacente memoratis Willielmo Barclay et Jonete M'Dougall sue future sponse eorumque alteri diutius viventi in conjuncta infeodatione per terre et lapidis fundi ejusdem ut moris est traditionem et deliberationem dicto Archibaldo tanquam vero certo et indubitato actornato et eo nomine dicti Willielmi et discreto viro Archibaldo Hay burgensi de Air tanquam vero certo et indubitato actornato et eo nomine dicte Jonete M'Dowall per eorum litteras actornatorias ad effectum subscriptum legitime constitutis dedit tradidit pariter et cum effectu secundum tenorem dicte resignationis litereque procuratorialis prescripte deliberavit et investivit Tenendum de dicto S. D. N. rege suisque successoribus more burgali Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum super quibus omnibus et singulis premissis prefatus Archibaldus Barclay actornatus antedictus et eo nomine dicti Willielmi quo supra Necnon dictus Archibaldus Hay actornatus antedictus et eo nomine dicte Jonete ac eorum quilibet nominibus respective quo supra a me notario publico subscripto sibi fieri petiit hoc presens publicum instrumentum seu plura publica instrumenta unum sive plura Acta erant hec super solum et fundum dicti tenementi horam circiter duodecimam in meridie aut eo circa sub anno die mense regnisque regis quibus supra presentibus ibidem Willielmo Wallace de Marres Willielmo Caulduel de Annanhill clerico balliatus de Cunyngham Joanne Cruikis mercatore Joanne Barclay sartore burgensibus ibidem Joanne Wilsoun nuncio et Joanne Boyd serjando cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT. FOR WILLIAM BARCLAY,

BAILIE OF THE INCORPORATION OF BANGOR, AND HIS FUTURE SPOUSE.

Notarial Instrument, narrating that a prudent man, Archibald Barclay, mason, burgess of Irvine, compeared personally upon the ground of that tenement of land belonging heritably to William Barclay, also burgess of said burgh, and bailie of the Incorporation of Bangor, in the county of Down, within the kingdom of Ireland, lying in the said burgh, on the west

side of the High Street thereof, between the tenement of the heirs of the late William Patoun on the south, and the tenement of the late James Lauchlan on the north; and there the said Archibald, as procurator lawfully constituted in name of the said William, in virtue of letter of procuratory, written on parchment, under the seal and subscription of said William, of date at Bellimarneill, in the said kingdom, the 28th day of February last, and for observation of a clause of a certain matrimonial contract begun and perfected between the said William on the one part, and Uchtred M'Dowell of Kilsay, now provost of the said Incorporation, Esquire, for himself, and taking burden on him for Janet M'Dowell his natural daughter, on the other part, of the date of the aforesaid letter, resigned All and Whole the aforesaid tenement in the hands of an honourable man, Andrew Tran, one of the bailies commissioners of the said burgh, in the absence of the principal bailies thereof, in favour of the said William himself, and of Janet M'Dowell his future spouse, and for new sasine thereof to be given to them in conjunct fee, and to the heirs to be procreated between them: Which resignation having been duly made, the said bailie commissioner, at the mandate and special request of the said Archibald Barclay, gave state and sasine of the said tenement to the said William and Janet, by delivery of earth and stone of the same to the said Archibald, as attorney for the said William, and to a discreet man Archibald Hay, burgess of Ayr, as attorney lawfully constitute for the said Janet M'Dowell: To be holden of the king in burghal manner, for rendering yearly the usual duties. Done on the ground of said tenement about noon of the 27th March 1616, in presence of witnesses, William Wallace of Marres, William Caldwell of Annanhill, clerk of the bailiery of Cunynghame, John Cruiks, merchant, John Barclay, tailor, burgess there, John Wilson, messenger, and John Boyd, serjeant.

XXXVI.—PRO HUGONE THOMSOUN ET BESSETA ERSKYNE
CONJUGIBUS.

Licet hic inseritur et inseri debuit super vigesimum folium immediate ante sasinam Alexandri Baillie et Willielmi Caulduell.

R. BROUN, *verifico premissa.*

Anno domini millesimo sexcentesimo decimo quinto mensis vero Decembris die vigesimo octavo regnorumque S. D. N. Jacobi Dei gratia

Magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio in mei notarii publici et testium subscriptorum presentis personaliter constitutus providus vir Willielmus Caulduell de Annanhill clericus balliatus de Cunyngham procurator rite et legitime constitutus et eo nomine Magistri Roberti Scott unius ordinariorum civitatis Glasguensis ministeriorum et Estri Flemyng ejus conjugis per eorum procuracionis litteras in quadam dispositionis littera contentas per ipsos penes venditionem et dispositionem omnium et singularum terrarum particulariter subtus specificatarum provideo etiam viro Hugoni Thomsoun burgensi de Lundondarrie infra regnum Hibernie facta et concessa totas et integras illas terras particulariter subtus mentionatas perprieus ad dictum Magistrum Robertum suamque sponsam hereditarie pertinentes videlicet et Primo totas et integras illas nonem rodas terrarum aut eo circa jacentes inter tenementa et terras olim ad quondam Stephanum Robesoun nunc vero ad Patricium Kyl ex boreale et tenementum templarium Magistri Hugonis Tran ex australi partibus Secundo totas et integras illas duas acras terrarum aut eo circa jacentes inter dictum tenementum templarium ex boreali et terras quondam Willielmi Robesoun ex australi partibus Tercio totam et integram illam unam acram terre jacentem inter terras quondam ex boreali et terras domini de Gaitgirth ex australi partibus Quarto totas et integras illas nonem rodas terrarum jacentes inter terras Roberti Cunyngham ex australi et terras Joannis Peiblis de Knodgerhill ex boreali partibus Quinto totam et integram unam rodam terre jacentem sub Patounesthorne inter terras Stephani Boyd ex australi et terras dicti Joannis Peblis ex boreali partibus Sexto totam et integram illam acram terre lie rig of land jacentem inter terras Deine ex australi et terras Willielmi Patoun ex boreali partibus Septimo totam et integram illam peciam aggeris lie piece of rig jacentem inter terras quondam Thome Tran ex boreali et tenementum Willielmi Holmes ex australi partibus omnes jacentes infra territorium dicti burgi In manibus honorabilis viri Allani Dunlop unius ballivorum dicti burgi de Irwing sursum reddidit extradonavit pureque et simpliciter per fustim et baculum ut moris est resignavit unacum omnibus jure juristitulo interesse juriscleameo proprietate et possessione tam petitorio quam possessorio que sue quas dictus Magister Robertus suaque sponsa eorumve heredes aut assignati habuerunt habent seu quovismodo in et ad easdem seu aliquam earundem partem in futurum habere clamare seu pretendere potuerant omnino quieteclamavit imperpetuum In favorem dicti Hugonis Thomsoun

suorumque heredum et assignatorum quorumcunque ac pro hac novo infeofamento et sasina hereditaria per dictum ballivum dicto Hugoni suisque prescriptis de dictis terris particulariter supra recitatis hereditarie et irredimabiliter absque aliqua reversione redemptione regressu pacto promisso seu reversionis conditione aliquali desuper danda in debita et competenti forma prout congruit conficienda Qua resignatione sic ut premittitur facta debite rite et legitime per dictum ballivum admissa et recepta prefatus Allanus Dunlop ballivus antedictus virtute et vigore sui officii necnon de mandato et requestu speciale dicto resignantis personaliter existens super sola et funda dictarum terrarum particulariter supra recitata singulatim et successive per se propriis suis manibus statum et sasinam hereditariam pariter et possessionem realem actuaalem et corporalem omnium et singularum terrarum particulariter supra specificatarum cum singulis suis pertinentiis jacentium et bondatarum ut supra memorato Hugoni Thomsoun personaliter presenti et acceptanti per terre et lapidis fundorum dictarum terrarum ac earundem quorumlibet dicto Hugoni deliberationem ut moris est secundum tenorem dicte resignationis litereque dispositionis prescriptis dedit tradidit et deliberavit tenendas de dicto S. D. N. rege suisque successoribus more burgali Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum In super dictus Hugo Thomsoun non vi aut metu ductus nec errore lapsus fraude nec dolo aliquo circumventus sed sua mera vera pura libera et spontanea voluntate pro singularibus amore gratia et favore quos habet et gerit erga dilectam suam sponsam Bessetam Erskyne totas et integras predictas terras aliaque particulariter superius specificata cum singulis earundem pertinentiis jacentes et bondatas ut supra In manibus dicti Allani Dunlop ballivi sursum reddidit pureque et simpliciter per fustim et baculum ut moris est resignavit unacum omnibus jure juristitulo interesse juriscleameo proprietate et possessione tam petitorio quam possessorio que seu quas dictus Hugo sui heredes successores seu assignati in et ad easdem seu aliquam earundem partem cum pertinentiis habuit habet seu quovismodo in futurum habere clamare seu pretendere potuerat in favores ipsius dicti Hugonis dicteque Elizabethe Erskyn sue sponse ac pro infeodatione et sasina hereditaria per dictum ballivum de eisdem illis eorumque alteri diutius viventi in conjuncta infeodatione et heredibus inter ipsos legitime procreatis seu procreandis quibus deficientibus heredibus et assignatis dicti Hugonis quibuscunque desuper danda et conficienda Qua resignatione sic etiam ut premittitur facta debite rite et

legitime per dictum ballivum admissa et recepta prefatus Allanus Dunlop ballivus antedictus virtute et vigore sui officii necnon de mandato et requestu speciale dicti Hugonis resignantis personaliter existens super sola et funda dictarum terrarum respective particulariter superius mentionatarum propriis suis manibus statum et sasinam hereditaream pariter et possessionem realem actualem et corporalem totarum et integrarum terrarum aliarumque particulariter superius specificatarum cum singulis earundem pertinentiis jacentium et bondatarum ut supra memoratis Hugoni Thomsoun et Joanni Dunlop uno novissimorum ballivorum dicti burgi tanquam actornato et eo nomine dicte Elizabethe Erskyne sponse dicti Hugonis eorumque alteri diutius viventi in conjuncta infeodatione per terre et lapidis fundi dictarum terrarum ac earundem quarumlibet singulatim et separatim per se dicto Hugoni Thomsoun personaliter presenti et dicto Joanni Dunlop actornato antedicto et eo nomine dicto Elizabethe acceptanti ut moris est traditionem dedit tradidit et deliberavit secundum formam et tenorem dicte resignationis prescripte Tenendas de dicto S. D. N. rege suisque successoribus more burgali Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum super quibus omnibus et singulis premissis prefatus Hugo Thomsoun pro se metipso necnon dictus Joannes Dunlop actornatus antedictus et eo nomine dicte Elizabethe a me notario publico subscripto sibi fieri petierunt hoc presens publicum instrumentum seu plura publica instrumenta unum sive plura Acta erant hec super sola et funda dictarum terrarum singulatim et separatim per se horam circiter decimam antemeridiem aut eo circa sub anno die mense regnisque regis quibus supra presentibus ibidem Joanne Blair uno ballivorum dicti burgi Joanne Hilhous mercatore Williemo Dyet fabro ferrario Laurencio Randel pistore burgen-sibus de Irwing et Olivero Broun uno officiariorum dicti burgi cum diversis aliis testibus ad premissa vocatis pariterque rogatis. R. BROUN.

ABSTRACT.

FOR HUGH THOMSON AND BESSIE ERSKYNE.

Notarial Instrument, narrating that a prudent man, William Cauldwell of Annanhill, clerk of the bailiery of Cunynghame, procurator lawfully constituted, in name of Mr. Robert Scott, one of the ordinary ministers of the city of Glasgow, and Esther Flemyng his spouse, compeared personally

in presence of the notary and witnesses, and resigned all and whole these lands, namely, First, those nine roods of land lying between the tenements and land sometime belonging to the late Stephan Robesoun, but now to Patrick Kyll, on the north, and the Templar tenement of Mr. Hugh Tran on the south: Second, those two acres of land lying between the said Templar tenement on the north, and the lands of the late William Robesoun on the south: Third, that one acre of land lying between the lands of the late on the north, and the lands of the Laird of Gaitgirth on the south: Fourth, those nine roods of land lying between the lands of Robert Cunynghame on the south, and the lands of John Peibles of Knodgerhill on the north: Fifth, that one rood of land lying below Patoune's Thorne, between the lands of Stephan Boyd on the south, and the lands of the said John Peibles on the north: Sixth, that acre or rig of land lying between the lands of Deine on the south, and the lands of William Patoun on the north: Seventh, that piece of rig lying between the lands of the late Thomas Tran on the north, and the tenement of William Holmes on the south, all lying within the territory of the burgh of Irvine, in the hands of an honourable man, Allan Dunlop, one of the bailies of the said burgh, in favour of and for new infeftment to be given to a prudent man, Hugh Thomsoun, burgess of Londonderry, in the kingdom of Ireland, his heirs and assignees: Which resignation having been duly made, and by the said bailie admitted and received, the said Allan Dunlop, bailie, by virtue of his office, and on the special mandate and request of the resigner, did, with his own hands, give state and sasine of the lands above recited, singly and successively, to the said Hugh Thomsoun, personally present and accepting, according to the tenor of a disposition granted to him by the said Mr. Robert Scott and his spouse: To be holden of the King burgage, for the usual fermes and duties: Moreover, the said Hugh Thomsoun, for the singular love and favour which he had and bare towards his beloved spouse, Bessie Erskyne, did freely resign all and whole the lands aforesaid in the hands of the said bailie, for new sasine thereof to be given to himself, the said Hugh, and Elizabeth Erskyne his spouse, and the survivor of them, in conjunct fee, and the heirs lawfully gotten or to be gotten between them, which failing, to the heirs and assignees whatsoever of the said Hugh. Sasine was thereupon given accordingly to the said Hugh Thomsoun, and to John Dunlop, one of the newest bailies of the said burgh, as attorney for the said Elizabeth Erskyne. Done upon the grounds of the said lands

singly and separately, about the tenth hour before noon of the 28th day of December 1615, the witnesses being John Blair, one of the bailies of Irvine, John Hilhous, merchant, William Dyet, blacksmith, Laurence Randel, baker, burgesses of Irvine, and Oliver Broun, one of the officers of the burgh.

XXXVII.—SASINA JOANNIS SPEIR SARTORIS SUEQUE SPONSE.

Licet hic inseritur et inseri debuerat immediate ante sasinam Willielmi
Barclay. R. BROUN, *attestor*.

In Dei nomine Amen : per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo sexto mensis vero Februarii die vigesimo octavo regnorumque S. D. N. Jacobi Dei gratia Magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio In mei notarii publici et testium subscriptorum presentis personaliter constitutus providus vir Robertus Speir senior burgensis burgi de Irwing procurator rite et legitime constitutus et eo nomine probi viri Hugonis Montgomerie sartoris burgensi etiam dicti burgi et Jonete Auld conjugum per ipsorum procurationis literas in quodam contractu contentas initi et confecti inter dictum Hugonem ejusque sponsam predictam ab una et Joannem Speir juniorem sartorem burgensem dicti burgi et Mariotam Watsoun ejus sponsam partibus ab altera de data apud dictum burgum de Irwing nono die mensis Septembris anno domini millesimo sexcentesimo decimo quinto penes presens infeofamentum alienationem et dispositionem per dictum Hugonem suamque sponsam predictam dicto Joanne sueque sponse predictae totius et integri illius sui anterioris tegulati tenementi et borealis dimidietatis horti et australis dimidietatis aggeris eidem adjacentis jacentium infra dictum burgum de Irwing inter tenementa Oliveri Houstoun ex australi et boreali partibus totum et integrum predictum antierius tegulatum tenementum unacum dicta boreali dimidietate horti et australi dimidietate aggeris predictis ad dictum Hugonem pertinens In manibus honorabilis viri Willielmi Mure unius ballivorum commissionariorum dicti burgi in absentia ballivorum principalium ejusdem sursum reddidit pureque et simpliciter per fustim et baculum ut moris est resignavit renunciavit et extradonavit imperpetuum unacum omnibus jure juristitulo interesse

jurisclameo proprietate et possessione tam petitorio quam possessorio que seu quas dictus Hugo ejusque sponsa predicta eorumve heredes aut assignati in et ad eandem seu aliquam earundem partem habere clamare vel pretendere potuerat in futurum in favores prefati Joannis Speir et Mariote Watsoun conjugum ac pro hac nova sasina et infeodatione hereditaria per dictum ballivum illis eorumque alteri diutius viventi in conjuncta infeodatione heredibusque inter eos legitime procreatis seu procreandis quibus deficientibus heredibus et assignatis dicti Joannis quibuscunque danda et in debita et competenti forma prout congruit conficienda Qua resignatione sic ut premittitur facta debite rite et legitime per dictum ballivum admissa et recepta prefatus Willielmus Mure ballivus commissionarius antedictus virtute et vigore sui officii necnon de mandato et requestu speciali dicti Roberti Speir procuratoris et resignantis antedicti propriis suis manibus statum et sasinam hereditaream pariter et possessionem corporalem actualem et realem totius et integri predicti anterioris tegulati tenementi terre borealis dimidietatis horti et australis dimidietatis aggeris prescripti eidem adjacentis ut supra jacentis memorato Joanni Speir et Mariote Watsoun ejus sponse eorumque alteri diutius viventi in conjuncta infeodatione personaliter presentibus et acceptantibus per terre et lapidis fundorum ejusdem respective et successive ut moris est traditionem et deliberationem dedit tradidit pariter et cum effectu secundum formam et tenorem dicti contractus et resignationis prescripte deliberavit et hereditarie investivit Tenendi de dicto S. D. N. rege suisque successoribus more burgali Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum super quibus omnibus et singulis premissis prefati conjuges ac eorum quilibet pro se metipsis a me notario publico subscripto sibi fieri petierunt hoc presens publicum instrumentum seu plura publica instrumenta unum sive plura Acta erant hec super solum et fundum dicti tenementi anterioris borealis dimidietatis horti et australis dimidietatis aggeris prescripti horam circiter nonam antemeridiem aut eo circa sub anno die mense regnisque regis quibus supra presentibus ibidem Davide Tueidy seniore ephippiario Joanne Speir seniore patre dicti Joannis Roberto Bankis, Ianione, Joanne Boyd et Olivero Broun seriandis cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

SASINE OF JOHN SPEIR, TAILOR, AND HIS SPOUSE.

Notarial Instrument narrating that a prudent man, Robert Speir elder, burgess of Irvine, compeared personally in presence of the notary and witnesses as procurator for a worthy man, Hugh Montgomerie, tailor, burgess also of the said burgh, and Jonet Auld his spouse, and in their name did lawfully resign All and Whole that fore tiled tenement, and north half of the yard, and south half of the rig adjacent thereto, lying within the burgh of Irvine, between the tenements of Oliver Houstoun on the south and north parts, in the hands of an honourable man, William Mure, one of the bailies commissioners of the said burgh, in the absence of the bailies principal thereof, in favour of and for new sasine to be given of the same to John Speir younger, tailor, burgess of the said burgh, and Marion Watsoun his spouse, in terms of contract of sale between the resigners and them, of date at Irvine 9th September 1615; which resignation having been duly made, the said bailie commissioner, with his own hands, gave state and heritable sasine of the said fore tiled tenement, half yard and rig aforesaid, by delivery of earth and stone of the grounds thereof respectively and successively, to the aforesaid John Speir and Marion Watsoun, and the survivor of them, in conjunct fee, and to the heirs lawfully procreated or to be procreated between them, which failing, to the heirs and assignees whatsoever of the said John Speir: to be holden of the King in manner of burgh, for the yearly payment of the usual burgh fermes and duties. Done upon the ground of the said subjects about the ninth hour before noon of the 28th day of February 1616; the witnesses present being David Tueidy, saddler, John Speir elder, father of said John, Robert Banks, flesher, John Boyd and Oliver Brown, serjeants.

XXXVIII.—PRO WILLIELMO WALLACE ET JONETA ROBISOUN
EJUS SPONSA, Etc.

In Dei nomine Amen: per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo sexto mensis vero Marci die vigesimo septimo regnorumque S. D. N. Jacobi Dei gratia Magne Britannie Francie et Hibernie

regis fideique defensoris annis quadragesimo nono et decimo tercio in mei notarii publici et testium presentis personaliter constitutus providus vir Alexander Cunynghame junior mercator burgensis burgi de Irweine tanquam procurator rite et legitime constitutus et eo nomine discreti viri Joannis Randel mercatoris burgensis etiam dicti burgi et Elspethe Stevinsoun ejus sponse per eorum procurationis literas in quadam dispositionis litera contentas per eos probis personis Willielmo Wallace mercatori burgensi etiam dicti burgi et Jonete Robisoun ejus sponse penes venditionem hereditaream et irredimabiliter dispositionem illis per dictos Joannem et Elspetham conjuges de eorum tenemento anteriore subtus specificato confectam de data decimo quinto die mensis Februarii ultimo elapsi accessit ad solum et fundum illius anterioris tenementi terre ad dictum Joannem suamque sponsam predictam hereditarie pertinentis jacentis infra dictum burgum de Irwing in via ecclesiastica ejusdem inter tenementum olim Eduardi Calbane ex occidentali et tenementum Laurencii Randel ex orientali et posterius tenementum dicti anterioris tenementi ex boreali partibus et ibidem virtute dicte procurationis litere tanquam procurator antedictus et nominibus dictorum Joannis et Elspethe conjugum totum et integrum eorum predictum anterius tenementum terre subtus et supra cum pertinentiis jacens et bondatum ut supra In manibus honorabilis viri Willielmi Mure unius ballivorum commissionariorum dicti burgi de Irving in absencia ballivorum principalium ejusdem extra regnum Scotie sursum reddidit pureque et simpliciter per fustim et baculum ut moris est resignavit renunciavit et extradonavit imperpetuum unacum omnibus jure juristitulo interesse jurisclameo proprietate et possessione tam petitorio quam possessorio que seu quas dicti conjuges eorumve heredes aut assignati in et ad eundem habere clamare seu pretendere potuerant in futurum In favores prefati Willielmi Wallace et Jonete Robisoun conjugum ac pro hac nova sasina et infeodatione hereditaria per dictum ballivum illis eorumque alteri diutius viventi in conjuncta infeodatione heredibusque inter eos legitime procreatis seu procreandis quibus deficientibus heredibus et assignatis dicti Willielmi quibuscunque ejusdem hereditarie et irredimabiliter absque aliaque reversione redemptione seu regressu danda et in debita et competenti forma prout congruit conficienda Qua resignatione sic ut premittitur facta debite rite et legitime per dictum ballivum admissa et recepta prefatus Willielmus Mure ballivus commissionarius antedictus virtute et vigore sui officii necnon de mandato et requestu speciali dicti

procuratoris et resignantis antedicti propriis suis manibus statum et sasinam hereditaream pariter et possessionem realem actuaalem et corporalem totius et integri predicti anterioris tenementi terre subtus et supra cum pertinentiis ut supra jacentis memoratis Willielmo Wallace et Jonete Robisoun conjugibus eorumque alteri diutius viventi in conjuncta infeodatione per terre et lapidis fundi ejusdem illis personaliter presentibus et manibus junctis acceptantibus ut moris est traditionem et deliberationem dedit tradidit pariter et cum effectu hereditarie et irredimabiliter sine aliqua reversione redemptione aut regressu ut predicatur deliberavit secundum formam et tenorem dicte dispositionis litere ac resignationis prescripte Tenendum de dicto S. D. N. rege suisque successoribus more burgali Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum super quibus omnibus et singulis premissis prefatus Willielmus et Joneta conjuges ac eorum quilibet pro se metipsis a me notario publico subscripto sibi fieri petierunt hoc presens publicum instrumentum seu plura publica instrumenta unum sive plura Acta erant hec super solum et fundum dicti tenementi horam circiter nonam antemeridiem aut eo circa sub anno die mense regnisque regis quibus supra presentibus ibidem Hugone Scott urbis prefecto, Alexandro Cunynghame seniore mercatore Archibaldo Barclay fabro murario burgensibus de Irwing et Joanne Boyd uno officiariorum dicti burgi cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR WILLIAM WALLACE AND JONET ROBISON, HIS SPOUSE.

Instrument of sasine proceeding on disposition granted by a discreet man, John Randel, merchant burgess of Irvine, and Elspeth Stevensoun, his spouse, and resignation made in their names by a prudent man, Alexander Cunynghame younger, merchant burgess of the said burgh, in favour of worthy persons, William Wallace, merchant burgess of said burgh, and Jonet Robisoun, his spouse, of that fore tenement of land, lying within the burgh of Irvine, in the Kirkgate thereof, between the tenement sometime of Edward Calbane, on the west, and the tenement of Laurence Randel on the east, and the back tenement of the said fore tenement on the north: the resignation was made in the hands of an

honourable man, William Mure, one of the bailies commissioners of Irvine, in the absence of the bailies principal thereof furth of the kingdom of Scotland; who also with his own hands gave sasine to the said William Wallace and Jonet Robisoun, his spouse, they being personally present and receiving the same with their hands joined, for themselves in conjunct fee, and their heirs heritably and irredeemably. Done on the ground of the said tenement, about the ninth hour before noon of the 27th day of March 1616, before witnesses, namely, Hew Scott, provost, Alexander Cunynghame elder, merchant, Archibald Barclay, mason, burgesses of Irvine, and John Boyd, one of the officers of the burgh.

XXXIX.—PRO ELSPETA DUNLOP.

In Dei nomine Amen: per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo sexto mensis vero Aprilis die sexto regnorumque S. D. N. Jacobi Dei gratia Magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio In mei notarii publici et testium subscriptorum presentiis personaliter constitutus honorabilis vir Willielmus Mure unius ballivorum commissionariorum burgi de Irwing in absencia ballivorum principalium ejusdem accessit super solum et fundum illius tenementi terre subscripti perprius ad quondam Joannem Dunlop unum ballivorum dicti burgi hereditarie pertinentis Et ibidem quia sibi clare constabat compertum et notum fuit per autentica documenta et sasine instrumenta publice scripta ostensa perlecta et demonstrata quod dictus quondam Joannes frater germanus Elizabeth Dunlop sponse Roberti Stevinsoun burgensi de Irwing nunc vero incole in comitatu de Rapho infra regnum Hibernie latricis presentium obiit ultimo vestitus et sasitus ut de feodo ad pacem et fidem dicti S. D. N. regis in toto et integro illo tenemento terre ante et retro subtus et supra cum horto et aggere ejusdem jacente infra dictum burgum ex occidentali latere vie regie ejusdem inter tenementum et terras Joannis Neveine burgensis dicti burgi ex boreali et tenementum et terras Jacobi Boyd burgensis etiam dicti burgi ex australi partibus ab una et aliis: Et quod dicta Elizabetha est una ex duabus sororibus germanis legitimis et propinquioribus heredibus portionariis ejusdem quondam Joannis sui fratris germani de dicto tenemento terre ante et retro subtus et supra cum horto aggere et ejusdem

pertinentiis Et quod est legitime etatis et quod predictum tenementum cum pertinentiis de prefato S. D. N. rege tenetur in capite more burgali Propterea prefatus Willielmus Mure ballivus commissionarius antedictus virtute et vigore sui officii propriis suis manibus statum et sasinam hereditaream pariter et possessionem corporalem actuaalem et realem totius et integre equalis dimidietatis predicti tenementi terre ante et retro subtus et supra horti et aggeris ejusdem jacentis et bondati ut supra prefate Elizabethhe Dunlop tanquam uni ex duabus sororibus germanis legitimis et propinquioribus heredibus portionariis dicti quondam Joannis Dunlop sui fratris germani per traditionem terre et lapidis fundi ejusdem provideo viro Willielmo Cauldwell de Annanhill tanquam certo et indubitato actornato et eo nomine dicte Elizabethhe (de cujus actornatoriali potestate mihi notario publico et testibus subscriptis satis lucide constabat) dedit tradidit et deliberavit (salvo jure cujuslibet) Tenendi de dicto S. D. N. rege suisque successoribus more burgali Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum super quibus omnibus et singulis premissis prefatus Willielmus Cauldwell actornatus antedictus et eo nomine dicte Elizabethhe quo supra a me notario publico subscripto sibi fieri petiit hoc presens publicum instrumentum seu plura publica instrumenta unum sive plura Acta erant hec super solum et fundum dicti tenementi horam circiter terciam post meridiem aut eo circa sub anno die mense regnisque regis quibus supra presentibus ibidem Andrea Tran altero ballivorum commissionariorum Jacobo Quhyt Patricio Kyll et Jacobo Boyd burgensibus dicti burgi et Olivero Broun serjando cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR ELSPET DUNLOP.

Notarial Instrument, narrating that an honourable man, William Mure, one of the bailies commissioners of Irvine, in the absence of the bailies principal, went personally to the ground of that tenement of land which belonged before to the late John Dunlop, one of the bailies of the said burgh, and there, because it clearly appeared to him by documents publicly shown and read, that the said John Dunlop, brother-german of Elizabeth Dunlop, spouse of Robert Stevinsoun, burgess of Irvine, but now dwelling

in the county of Rapho, within the kingdom of Ireland, died last vest and seized as of fee at the faith and peace of the king, of that tenement of land, with yard and rig thereof, lying within the said burgh on the west side of the High Street thereof, between the tenement and lands of John Nevin, burgess of the said burgh, on the north, and the tenement and lands of James Boyd, also burgess, on the south : and that the said Elizabeth is one of the two sisters - german and lawful heirs - portioners of the said John Dunlop, of the said tenement, and that she is of lawful age, and that the said tenement is held of the king in burgage manner : Therefore the said William Mure, bailie commissioner, did, with his own hands, give state and seizin, real, actual, and bodily possession, of the equal half of the said tenement to the said Elizabeth, by delivery of earth and stone of the ground thereof to a prudent man, William Caldwell of Annanhill, as attorney and in name of the said Elizabeth. Done on the ground of said tenement about the third hour after noon of the 6th day of April 1616 : the witnesses present being Andrew Tran, another of the bailies commissioners, James Whyte, Patrick Kyll, and James Boyd, burgesses of the said burgh, and Oliver Broun, serjeant.

XL.—PRO JONETA DUNLOP ET WILLIELMO GALT, EJUS
SPONSA, Etc.

In Dei nomine Amen : per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo decimo sexto mensis vero Aprilis die sexto regnorumque S. D. N. Jacobi Dei gratia Magne Britannie Francie et Hibernie regis fideique defensoris annis quadragesimo nono et decimo tercio In mei notarii publici et testium subscriptorum presentiis personaliter constitutus honorabilis vir Willielmus Mure unus ballivorum commissionerum burgi de Irwing in absencia ballivorum principalium ejusdem extra hoc regnum accessit super solum et fundum illius tenementi terre subscripti perprieus ad quondam Joannem Dunlop unum ballivorum dicti burgi hereditarie pertinentis Et ibidem quia sibi clare constabat compertum et notum fuit per autentica documenta et sasine instrumenta publice scripta ostensa perlecta et domonstrata quod dictus quondam Joannes Dunlop frater germanus Jonete Dunlop sponse Willielmi Galt burgensis dicti burgi latricis presentium obiit ultimo vestitus et sasitus ut de feodo ad pacem et fidem

dicti S. D. N. regis in toto et integro illo tenemento terre ante et retro subtus et supra cum horto et aggere ejusdem jacente infra dictum burgum ex occidentali latere vie regie ejusdem inter tenementum et terras Joannis Neveine burgensis dicti burgi ex boreali et tenementum et terras Jacobi Boyd burgensis etiam dicti burgi ex australi partibus ab una et aliis Et quod dicta Joneta Dunlop est una ex duabus sororibus germanis legitimis et propinquioribus heredibus portionariis ejusdem quondam Joannis sui fratris germani de dicto tenemento terre ante et retro subtus et supra cum horto aggere et ejusdem pertinentiis et quod est legitime etatis et quod dictum tenementum cum pertinentiis de prefato S. D. N. rege tenetur in capite more burgali Propterea prefatus Willielmus Mure ballivus commissionarius antedictus virtute et vigore sui officii propriis suis manibus statum et sasinam hereditariam pariter et possessionem corporalem actuaalem et realem totius et integre equalis dimidietatis predicti tenementi terre ante et retro subtus et supra cum horto et aggeris ejusdem jacentis et bondati ut supra prefate Jonete Dunlop tanquam uni ex duabus sororibus germanis legitimis et propinquioribus heredibus portionariis ejusdem dicti quondam Joannis Dunlop sui fratris germani per traditionem et deliberationem dicte Jonete terre et lapidis fundi ejusdem dedit tradidit pariter et cum effectu hereditarie deliberavit secundum tenorem infeodamentorum dicti quondam Joannis Dunlop sui fratris que de eisdem inde habet (salvo jure cujuslibet) Tenendi de prefato S. D. N. rege suisque successoribus more burgali In super prefata Joneta non vi aut metu ducta nec errore lapsa fraude nec dolo aliquo circumventa sed sua mera vera libera et spontanea voluntate pro singularibus amore gratia et favore quos habet et gerit ergo dictum Willielmum Galt suum maritum totam et integram predictam equalem dimidietatem tenementi predicti ante et retro subtus et supra horti et aggeris in quo nunc debite infeodata existit cum omnibus jure titulo et interesse sibi in et ad eandem seu aliquam earundem partem competentibus In manibus predicti Willielmi Mure unius ballivorum commissionariorum prescriptorum resignavit renunciavit pureque et simpliciter per fustim et baculum ut moris est extradonavit imperpetuum In favores predicti Willielmi Galt sui mariti ac sui ipsius dicte Jonete ac pro hac nova sasina et infeodatione hereditaria per dictum ballivum illis eorumque alteri diutius viventi in conjuncta infeodatione heredibusque inter eos legitime procreatis seu procreandis quibus deficientibus legitimis et propinquioribus heredibus et assignatis dicte Jonete quibuscunque revertendam in debita et

competenti forma pro ut congruit danda et conficienda Qua resignatione sic ut premittitur facta debite rite et legitime per dictum ballivum admissa et recepta prefatus Willielmus Mure ballivus commissionarius antedictus virtute et vigore sui ballivatus officii necnon de mandato et requestu speciali dicte Jonete resignantis propriis suis manibus statum et sasinam hereditariam pariter et possessionem corporalem actualem et realem totius et integre prefate equalis dimidietatis tenementi terre ante et retro subtus et supra horti aggeris et singulis suis pertinentiis jacentis ut prefertur memoratis Willielmo Galt et Jonete Dunlop conjugibus eorumque alteri diutius viventi in conjuncta infeodatione per terre et lapidis fundi ejusdem illis personaliter presentibus et manibus junctis pro se heredibus eorum et assignatis prescriptis acceptantibus traditionem et deliberationem dedit tradidit pariter et cum effectu secundum tenorem dicte resignationis prescriptis hereditarie deliberavit Tenendi de dicto S. D. N. rege suisque successoribus more burgali Reddendo inde annuatim firmas burgales aliaque onera et divorias solvi solitas et consuetas tantum super quibus omnibus et singulis premissis prefati Joneta Dunlop et Willielmus Galt conjuges ac eorum quilibet pro se metipsis a me notario publico subscripto sibi fieri petierunt hoc presens publicum instrumentum seu plura publica instrumenta unum sive plura Acta erant hec super solum et fundum dicti tenementi horam circiter terciam postmeridiem aut eo circa sub anno die mense regnisque regis quibus supra presentibus ibidem Andrea Tran altero ballivorum commissionariorum dicti burgi Jacobo Quhyt mercatore Patricio Kyll et Jacobo Boyd burgensibus dicti burgi et Olivero Broun serjando cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

R. BROUN.

ABSTRACT.

FOR JANET DUNLOP AND WILLIAM GALT, HER SPOUSE.

Notarial Instrument, narrating as in the preceding abstract, and that the said William Mure, bailie commissioner, in the absence of the bailies principal of the burgh of Irvine furth of this kingdom, gave state and seizin of the equal half of the tenement aforesaid, belonging to the late John Dunlop, to his sister-german, Janet Dunlop, spouse of William Galt, burgess of Irvine, as one of the two sisters and heirs-portioners of the said John: Whereupon the said Janet freely resigned the said half tenement in the

hands of the said bailie, in favour of her said husband, and for new infestment thereof to be given to them both in conjunct fee, and to the heirs procreated or to be procreated between them heritably, which failing, to the heirs and assignees whatsoever of the said Janet. Sasine was given accordingly at the same hour, day, and place, as in the preceding instrument, and before the same witnesses.

