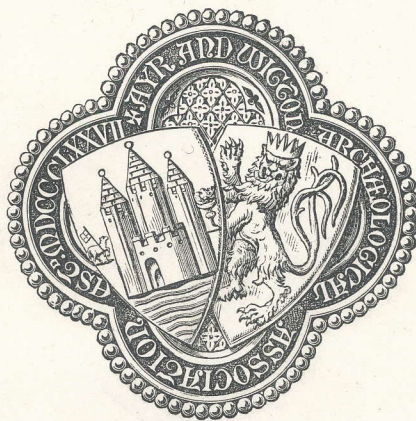


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RELATING TO THE COUNTIES OF
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XI.

COLLECTIONS TOWARDS A HISTORY OF THE MONASTERY OF KILWINNING.

§ 1. TOPOGRAPHY.

THERE is no contemporary account in existence of the Monastery of Kilwinning as it appeared before the Reformation, and consequent destruction of the buildings.

A. Bishop Lesly gives the following brief notice of it :¹—"In Cunninghamia oppidum Irvinum civium frequentia, opibus, ac portus commoditate non longè Airo inferius. Ad duo ab urbe pastuum millia est monasterium satis magnificum Kilvininum nomine."

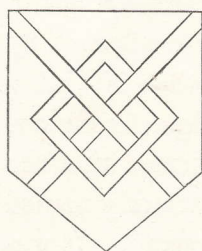
Pont gives the fullest account of the appearance of what remained of the original structure in his time :²—

B. "KILWINNEN. It doeth beare the name Vinnen of a certaine holy man so named, wich came from Irland with certane of hes discipells and folouers, and heir taught the Gospell, the place of hes residence retaning still the name Killvinnin. The church or cell of Vinnen, unto quhome as to a notable sante the superstitious posterity dedicatted. The searching out of the etomologie of this place may (as appeireth) be evidently confirmed by the names of the adiaacent places to this day, as Suy-Innen, that is Vinin's seat ; Kaer-vininhill ; St. Vinin's velles, fabled by the vulgar credulous comons to haue issewed of the tears of this sant. It is affirmed that the toune and place quher this Abbey of Kilwinin standes ves formerly named Segdoune, as the foundatione of the said monasterey beares record. It wes foundit by a Noble Englich man, named Sir Richard Morwell, fugitive from his auen countrey for the slaughter of Thomas Beckett, Archbischope of

¹ *De Origine Scotorum*. Autore Joanne Leslæo. Romæ, 1578. (Reprint, 1675.) P. 10.

² Pont's *Cunninghame*. Edited by J. S. Dobie, F.S.A. Scot. (1876), p. 254.

Canterburrey (being one of them), in the rainge of K. Henry 2^d. of England, quho flying to Scotland wes be the then Scotts King velcomed and honoured with the office of grate Constable of Scotland, as also inriched with the Lordeschips of Cuninghame, Largis, and Lauderdaill, quhosse posterity for diuers generations possessed the said office and lands. Nou the forsaied Richard being as vald seime tuoched vith compunctione for the sauety of hes soul (according to the custome of thesse tymes) did found this Abbey of Kilvinnin in testimoney of hes repentance. And first of all did bulde the Queir or Cancell of the said Abbey church endouing it vith diuerss lands, as namely, the 80th Land of Kilvinin, after this tennor:—*Damus forrestam nostram de Kilvinin ibidem deo seruientibus ad pascendum porcos eorum et ad excindenda ligna ad constructionem Monasterii vna sum decimis tergorum tam ceruorum quam damarum eiusdem forrestae*: Also Auicea Lancaster vyffe to the said Sr. Richard with consent of her said husband dottes in puram et perpetuam elimosinam the land of Bytth, Batth, and Threppe-wood to the said Monastery. Item, Dorothea de Morvill, daughter to the said Sr. Richard, and vyffe to Phillippus de Horssey, accomplished the fabrick of the said Monastery, and hes sone Dominus Valterus de Horssey confirms to them the same; and the said fundatione, with the donations and mortifications thereto belonging is confirmed by Pope Honorious the 2^d, A^o. 2^{do}. pontificatus sui: These donations and fundations are also confirmed by K. Alexander the 3^d.; as also by Jocelinus, Dei Gratia Humilis Glasguensis Ecclesiæ Minister Autoritate Episcopali, etc. The Reueneus of this Abbay wer grate and maney by ther proper Lands. The founder therof Sr. Richard Morvill layes interrid in the now cemetery of this church, vnder a tome of



Limestone, framed coffin vayes, of old polished vorke, with this coate one the stone with [out] aney superscriptione or Epitaphe. The structure of thes monastery wes solid and grate, all of free stone cutte, the church fair and staitly, after the modell of that of Glasgow, with a fair steeple of 7 score foote of height, zet standing quhen I myselue did see it. Heir wer also the Lords Montgomery and Earls of Eglintone interrid. The Riuer Garnock glyds betuixt the toune and Abbay ouerpassed with a fair stone bridge. Heir it is remarkable that this Monastery wes foundit in A^o. 1191, and destroyed in A^o. 1591. It is the precinct enuironed vith a faire stone vall, within vich ar goodly gardens and orchardes.”

C. "KILWINNING IN CUNINGHAME."¹ Glasgow Diocesis, fower miles be north Irwine, near the Irish Sea, founded by Hewgh Morville Constable of Scotland, or rather by Richard Morville, whose wife was Avicia, and father William de Morville, for the Monks calld Tyronenses, who entered Scotland in 1313. Lesly, page 10, says, 'In Cuninghamia ad duo ab Irwino passuum milia est monasterium satis magnificum Kilwinning nomine. Areopagitis Taciturniores erant ab Exordio Dies et Noctes fere insomnes ducebant, media quotidie noctis silentia Gallocinio et Conticinio rumpebant, Triplici officio, Die i. B. V. et defunctorum, et statis diebus totum explebant Psalterium, adhibitis nonnunquam ad singulos versus mutuis Scoparum et flagrorum castigationibus. Pane et aqua vivebant; Grosse vastabantur, multum laborabant, Radebantur toto fere capite, Solo Reservato invisibili poena crinium circulo.' Dempst. says, 'S. Cronanus sive Chronianus Epis. et confessor celebris ad modum apud Cuninghamenses in Scotia, Apud quos cum suis in rebus, tum in alienis, et autoritate valebat et gratia, quorum multos ex vitiorum probris, Eripuit, multos etiam ab humanis ad Divina traduxit, quorum plerique non vulgari aliqua probitatis laude contenti continuis sese includere cænobijs In Kilwinningensi præsertim, et Faillensi, quæ celebriora fuere apud Cuninghamenses. Mortuus est in prædicta Cuninghamia Scotiæ provincia sub anno Christi 640.'"—David Camerarius, lib. iii. page 74.

"Kilwinning was cast down in 1561 by the Earle of Argyle, Glencarne, and the Protestants of the West, impowred therto by ane act of the Secret Counsell, made for destroying all monuments, and places of Idolatry."—Knox, lib. iii. page 300.

"Apud Kilmarnock sub Abbate Kilwinio celeberrima devotione, miraculorum gloria, et maximo concursu frequentabatur Sanctus Marnocus dum heresis nuper Relligionem Extingueret Colitur 25 Janu."—Dempst.

"1. Nigellus Abbas de Kilwinning is wittness to a Charter of Walter the Second Stewart of Scotland, 1210, Granting to Pasley his Lands lying betwixt Hauld Patrick and Espadare. The same is wittness to a Charter Herberti Decani et Capituli, Glasgw, confirming to Passelet severall Churches granted therto by Florentius Electus Glasgw.

"2. Johannes Abbas de Kilwinning is wittness to the fundation of Dalmoulin Waltero 2, Senescallo, Waltero Epis. Glasgw et Adamo Abb.

¹ Hay's *Scotia Sacra*, p. 505. MS. Advocates' Library.

Mailros. The Abbot of Kilwinnin being appointed judge by the Pope of the debate betwixt Pasley and Malmor Hobelan, perpetuall Vicar of Kylvlinan, subdelegats Richard de Lanark, subdecanus Ecclesiæ, Glasgw, And Robertus de Edinburgh Ejusdem Ecclesiæ Canonicus, who adjudg'd to Paisley nummatam Terræ de Kylma apud Kenlochgilp ; Et Capellam Beatae Mariæ in eadem terra, 1268. Which made the subject of their contestations.

“ 3. Bernard Abbot of Kilwinning swears fealty to Edward the first :
And

“ 4. Robert, Abbot of the said place, is wittness to a Charter of Robert Earle of Stratherne and John Lord Kyle, concerning some lands belonging to Reginaldus More in Kyle and Covall ; the same is subdelegat by John Abbot of Dunfermelyne and Hugo Abbot of Newbottle, 1367, for putting in execution Pope Clement's bull.

“ 5. Willielmus Abbot of Kilwinning is wittness to a Resignation of the Lands of Thornley made to Pasley by Sir John Wallace of Cragyne, 1449. The same is subdelegat by John Abbot of Cowper for judgeing the Debats betwixt Pasley and all other Persons. Pope Urban by his Bull data Viterbij quarto Idus Maij Anno Primo Pontificatus sui, Intreats the Prior of Kilwinning to examine exactly what lands had been wrested from Pasley, under the pretext of Bulls purchasd from Rome.

“ 6. Cuidam Ex Hamiltoniorum familia Abbatiam Killwinninam impertivit Johannes Albanie Dux, Anno 1516.

“ 7. Gavinus Hamiltonius Kilwinnini Abbas in Gallia 1551. Cum Regina vidua Gavan Hamilton Abbot of Kilwinnin, a great enimie to the Congregation, stirr'd up the Duke of Chatelrault against Knox and his followers. He was sent with Argyle, and Ja. Prior of Saint Andrews to Perth by Queen Regent for ane agreement betuixt her Majesty and that City the 28 of May 1559. He is appointed by the Queen to treat at Preston, 1559, anent the means fitt to settle a solid peace betwixt her and the Congregation. He is stil'd by Knox a crafty man, lib. ii. page 149. He is chosen a Lord of the Articles in the Parliament held 1560. He is said to have taken in hand with the Earle of Bothwell to cutt off James Earle of Murray in the park of Falkland. The Conspiracy being discovered by the Earle of Arrane, Kilwinning was apprehended and sent prisoner to the Castle of Stirling, and Bothwell to the Castle of Edinburgh. In 1564 he is forced to fly to England with the other Lords, but comeing back shortly

after obtain'd his pardon and the Duke of Chatelraults. In 1568 he is one of the Commissioners att Yorke for Queen Marie, then detained att Carlile. He is declar'd guilty of Treason in a Parliament held in the Canongate, near the Gates of Edinburgh, 1571, by the Earle of Lennox Regent, And is forfeited with Secretarie Maitland, and his brothers John and Thomas, the Tenth of June. He led the foot towards Leith against the Lords with Huntley and Mr. John Maitland Prior of Coldinghame, but was forced to fly by Morton's souldiers. He was killd in the fight near the Watergate on Saturday 28 of June 1571. He was a Gentleman of good worth and moderat. He was mutch lamented."

Pont is certainly mistaken in giving the date 1591 for the destruction of the Monastery. The following extract from a note by Mr. Dobie gives all that can be said on the point:—

D. "Of the exact date when the Monastery was destroyed there is no evidence. Knox says that the Lords of Secret Council made an Act that all places and monuments of idolatry should be demolished; and for that purpose was directed to the west the Earl of Arran, having joined with him the Earls of Argyle and Glencairn, together with the Protestants of the west, who burnt Paisley (the Bishop of St. Andrews, who was Abbot thereof, having narrowly escaped), cast down Fail, Kilwinning, and a part of Crossraguel (Book III. vol. i. p. 638). This Act was passed in 1561 (*Cald. Hist.*, vol. ii. p. 130), and it is probable was forthwith acted upon, though some of the religious houses in Scotland had been destroyed before this year. No private record is known to be extant giving any details of the demolition of Kilwinning. Pont says it was destroyed in 1591. The work might be finished in that year; but Knox, who died in 1574,¹ could not narrate that Kilwinning had been 'cast down,' had not the devastation gone a considerable length in his own lifetime."

The following notice, taken from the Preface to the *Eglinton Memorials*, shows the uses to which one part of the monastic buildings had been put:²—

E. "In searching for the chartulary several papers were found connected with the Abbey. One of these refers to a dispute between the Abbot and

¹ This should be 1572.

² *Memorials of the Montgomeries, Earls of Eglinton*, vol. i. preface, p. xxiii. note.

the third Earl of Eglinton regarding the steeple. The following account of the uses to which it had been applied is given in the answers for the Earl to the summons of the Abbot:—‘As to the said stepill, it is altogether boyldit vpoun the bodie of the paroche kyrk of Kilwynning, fer distant from the queir and closter, swa that nane may haif pretext or collour to acclame the samin, onles it wer the parochin; quhairof I am ane, and vnder the Kyngis Maiestie hes the reule and commandeament of the remnant: and I and my predecessouris, not only heritable baillies of the regality of Kilwinning, bot als wa of the realtie of Connyngame, hes euer in all tymes bygane, als weill in this commendataris tyme as his predecessouris, quhen abbayis wes in greitter veneratioun, and mair sancttemony pretendit, had the said stepill for an ward and prisoun to poneis and keep malefactouris and presowneres quhairin the commoun bell hynggis, to be rung only at command of me or my deputis for conuenyng of the parochin and tenandis aithir for the kyngis seruice, my particular, or as necessitie sall require: and in all tyme of trublis, als weill of war aganis forane enemeis, ceveill tumult, particular feidis, or vther wayis as my predicessouris and I thocht conveyent: Thai and I had euer the vse and keiping of the said stepill, mannit and fortefeit the samin, had our deputis and seruandis remanyng and dwelling thairin at our plesour, without any contradictioun: Lykeas we haif euir had als weill in this commendaturis tyme as his predecessouris, the said haill abbay and every pairt thair of patent to ws, the principall hall and vnder places as we plesit, to hald our courttis, and for executioun of our office of bailliery, as occacioun seruit.’”

§ 2. ST. WYNNYN.

THE early history of Kilwinning is involved in obscurity. That it was a place of sanctity long before the foundation of the Benedictine Monastery is certain. Dempster states that in the 7th century S. Chronanus induced many to retire to the Monastery of Kilwinning; but this account has no authority. Who the patron saint was, and the exact period when he flourished, are both doubtful points. In the *Martyrologium secundum vsum Ecclesie Aberdonensis*, a MS. presented to the Library of the University of Edinburgh, in 1677, by Laurence Charteris, Professor of Divinity, there is the following notice of the Saint:¹—

¹ *Proc. Soc. Ant. of Scot.*, vol. ii. p. 260.

xij. Kl'. Februarij.—In Scotia apud Kilvinnyn Sancti Vinnini episcopi et confessoris qui adeo vite et morum honestate presentis vite miserabiles compescunt insolencias vt in cenobio ibidem fabricato multi a variis morborum Beati Vinnini precibus sunt curati languoribus.

Adam King, in his *Kalendar*, printed at Paris in 1588, under the same day, the 21st January, has "S. Winnine, bischop in Scotland," and adds the date 715, which however cannot be depended on.¹ In the *Kalendar of Scots Saints*, appended to Keith's *Catalogue of the Scottish Bishops*, the Saint appears as "S. Vimin, bishop in Scotland," on the 21st January, and the year 715 is also given. This form of the Saint's name appears to be taken from the *Historia Ecclesiastica Gentis Scotorum*² of Dempster, where the following entry occurs :—

S. VIMINUS E.

S. Viminus episcopali honore quam rexit ec-
clesiam incertum.

Scriptum

Lecturam in Threnos lib. I.

Meditationes in Psalterium lib. I.

Claruit anno DCCXV.

Colitur die xxi Januarii templis non uno
regni loco ei erectis.

[Breviar. Scot. et Calendar Adami Regii.]

The generally received account identifies S. Wynnyn of Cunninghame with S. Finnan of Moville. In the British Museum Library there is a MS. life of the Saint (MS. Cott. Tiber. E. 1, ff. 313b-315), which has been printed in the *Nova Legenda Anglie* (London, 1516). Another MS. life (of the 15th century) is in the Bodleian Library at Oxford. Both these accounts state that the Saint was buried at Kilwinning. The following is Capgrave's text, collated, by the courtesy of the Rev. H. O. Coxe, with the Bodleian MS.—

¹ Innes' *Civ. et Eccles. Hist. of Scot.*, p. 161
(Spalding Club).

² *Hist. Eccles.*, vol. ii. lib. xix. p. 637 (Ban.
Club, 1828).

“ DE SERVO DEI FINANO EPISCOPO ET CONFESSORE.¹

“ Reuerentissimus² pontifex Finanus qui et Wallico nomine Winninus appellatur : patre capreo matre vero Lassara aradeorum gente et nobili prosapia de nudia oriundus fuit. Quem beatus patricius hiberniensium episcopus venerandum insignemque episcopum futurum esse predixit cum enim cena magna qua parentes eius totam familiam tuam per tres noctes satis habunde³ procurauerant⁴ vinum⁵ deficeret de pueri sanctitate secundum beati patricii vaticinium confidentes tria vasa debili ceruisia plena per manum eiusdem infantis signantes in colorem et saporem optimi vini conuersa sunt. Adueniente post hec colmanno antistite ad erudiendum docilis puer traditur cum quo in omni obedientia et humilitate aliquot onnis⁶ instructus est, factum⁷ est aliquando dum beatus antistes manum suam ad sanctum puerum iam legente⁸ quadam de causa percutiendum cum flagello sursum extenderet angelus domini ipsam in aere suspensam retinuit. Quo facto Finanus in terra prostratus ait. Pater mi cur me non cedis ? Et ille fili hoc volo facere : sed tamen diuinitus impeditus sum. Ergo si vis flagellari ad alium magistrum ire te oportet. Ego enim ab hac hora nunquam te corripiam. Et⁹ misit eum ad venerabilem senem coelantum noendrumensem abbatem et vt corporis illius ac anime curam haberet diligenter commendauit. At ille faciem iuuenis intuens statim dixit. Iste meus nunquam erit discipulus vere enim in celo et in terris honore et merito longe me precellit. Nam episcopus erit sapientia clarus et religione ac sanctitate conspicuus. Hoc audito Finanus prophetico spiritu tactus ait. Nec mora videbitis huc venire quem sequar et sub quo erudiat qui mihi in omnibus necessitatibus succurrat. Et ecce naues quibus sanctissimus pontifex nomine Nennio cum suis inerat¹⁰ de Britannia venientes portum insule coram monasterio tenuerunt Quibus cum gaudio et honore susceptis prefati patres inuenem Finanum venerabili episcopo cum omni diligentia commendarunt . Cum eodem repatriantem nauigauit et in eius sede que magnum vocabatur monasterium regulas et institutiones monastice vite aliquot annis probus monachus didicit atque in sanctarum scripturarum paginis non parum proficiens insudauit et per inuocationem nominis Christi multa miracula fecit Quemdam hominem genere grecum pro immanissimis

¹ Capgrave's *Nova Legenda*, fol. cxlvii. b.

² Reuerendissimus.

³ abunde.

⁴ preparauerunt.

⁵ delete.

⁶ aunis.

⁷ Factum. ⁸ legentem.

⁹ et.

¹⁰ inerat.

sceleribus suis multis annis vexatum¹ quem legio demonum dum per quas-
cunque mundi partes sanitatem querens ibat infeliciter sequebatur ab omni
corporis et anime languore sua prece liberauit. Regis Britannie filiam ipsam
carnali amore nimis diligentem et quadam die ad illicitum actum impudenter
alicientem et iusto Dei iuditio coram patre et populo post peruum² interuallum
ob hoc defunctam parentum et astantium gemitibus compassus ad vitam
castam et sanctam reuocauit. Vas aque cuiusdam hominis³ inuidia veneno
infectum confidens in domino bibit et nullum omnino nocumentum postea
inde sensit. In monachorum itaque regulis et in sancte scripture paginis
non mediocriter instructus apostolicam petere sedem decreuit vt quicquid
scientie salutaris forte minus haberet illic ad plenum haurire posset. Ibi
enim annis septem studiosus indagator permanens ad sacerdocii gradum as-
cendit. Cum enim populo romano in ecclesia quadam verbum domini pre-
dicaret quorundam clericorum inuidia ne a populo vox illius audiretur organa
et tubas ceteraque musice modulationis instrumenta simul sonare fecit. Hec
tamen⁴ omnia altitudine mirabili virtute⁵ diuina vox sua superans⁶ commendan-
tur et Deus in sancto suo glorificatur. Duos post hec numerose⁷ multitudinis
populos ydola colentes predicatione simul et miraculis ad fidem Christi iuxta
italiam⁸ conuertit et quorundam pedes ipsorum in eum irruentium terre
herere fecit. Cumque rex eorum lignum ad crucifigendum virum dei terre
infigi iussisset eidem ligno altera eius manus adhesit, altera suo lateri iuncta
fuit. Omnes tamen penitentes et ad fidem conuersos illico soluit. Duo
insuper leones de silua proxima viro sancto precedente venientes ipsumque
catulos eorum in sinu portantem quasi vacce vitulos coram omni populo
sequebantur per ciuitatem. Si enim hoc faceret Deo suo se credituros spos-
ponderunt.⁹ Insuper et virum quemdam ab eis occisum vite restituit. Hiis
itaque peractis ; famulus Dei cum sanctorum reliquijs altarique marmoreo ac
tribus rotundis lapidibus angelorum ministerio sibi traditis quibus vite sue
spacio legendo, scribendo et orando vice lucernarum nocturnis fungebatur
horis repatriare festinauit. Accepto post hec presulatus officio quantis in
hibernia miraculis effulserit hominum vere nemo¹⁰ nouit. In ecclesia que cella
montis vocatur quandam monialem a morte suscitauit ministrum cuiusdam
episcopi submersum ad vitam reuocauit et episcopum nomine nathum a mor-
tuis reuocauit qui salutari viatico de manu Finam¹¹ suscepto : in pace quieuit.

¹ vexatim.² parum.³ hominis cuiusdam.⁷ innumerosae.⁸ ytaliam.⁴ cum.⁵ delete.⁶ superna.⁹ sponponderunt.¹⁰ delete.¹¹ finiam.

Filium cuiusdam vidue triduo defunctum et resuscitatum baptizauit. Iniquitatis filium qui discipulum eius hasta vulnerauit excommunicans¹ dixit. Carnem tuam volucres celi comedent et ossa vndique dispersa terra non suscipiet animaue infelix ad inferna sine fine descendet. Modico post hec elapso tempore illum Dei inimicum ventus ab austro flans in profundam vallem mari proximam detrusit vbi lignea² sude transfossus pendens interiit. Filium dameni regis seruum Dei dum corpus domini consecraret nimis iniquitatem³ ac ne sanctum opus fieret irreuerenter prohibentem: per eius orationem ad dominum extensis manibus profusam⁴ malleus ingens de celo in caput eius iam descendens prout meruit interemit. Duas quoque matronas nobiles et steriles concipere et parere sua prece effecit. Regem diarmesium⁵ pro quodam amico suo supplicaturus⁶ accessit. Cumque rex ostia opidi obserari iussisset: illico diuinitus aperta sunt. Quo audito rex ascensu⁷ curru hominem Dei deuitare⁸ nolens⁹ confracto curru cecidit et cecitate percussus virum sanctum ad se adduci iussit. Quod ille renuens¹⁰ dixit. Si meis acquieuerit petitionibus a Deo quod vult impetrabit. Tunc nuncius regi agit.¹¹ Vere rex negotium pro quo me miseris in tuo iuditio ponit. Illo acquiescente¹² vir Dei aquam benedictam qua aspergeretur et zonam suam qua cingeretur ad eum iussit deferri. Qui aqua conspersus et cingulo cinctus; ad pristinam rediit sanitatem. Tuatalus quoque dicti regis predecessor butiri elemosinam quam studiosus divinarum scripturarum tam noctibus quam diebus lector ad opus lucernarum ab eo petierat negauit. Tunc Finanus futurorum prescius aliquod propheticum materna lingua de eo verbum protulit quod illum non longo post tempore precinebat esse moriturum. Quo ille audito penitentia ductus flexis genibus veniam petiit et ait. Domine indica mihi qua morte moriar. Et ille Unus inquit de ministris tuis interficiet te. Vir autem ille in oculis suis sapiens atque superba inflatione nimis tu mens ausus est yronice famulum Dei adhuc interrogare dicens. Quantum spacium est inter nos et Dei regnum. Et ille. Non inquit nimis longum.¹³ Habitatores enim illius: vocem viri humilis audiunt.¹⁴ Quo audito adhuc in sua persistens superbia ait. Ubi est infernus: in celo vel in terra vel sub terra aut¹⁵ quante latitudinis et profunditatis est longum ve est spacium inter nos et illum. Cui doctor egregius aliquantulum Dei zelo commotus respondit. Infernum ego non men-

¹ inimicatus.² ligne.³ iniquitatem.¹⁰ rennuens.¹¹ ait.¹² adequiescenti.⁴ perfusam.⁵ diamersium.⁶ supplicatus.¹³ tam inquit longam.⁷ ascenso.⁸ enitare.⁹ volens.¹⁴ audiens.¹⁵ vel.

surauit tu vero pedibus tuis mensurabis. Via autem que ducit ad illum quam sit longa et brevis ex hoc perpenditur quod prius quam huius diei aduenerit finis tu in eo eris. Que prophetia repentina morte ipsius ante vesperam est completa.

Hec pauca de maximis¹ magni huius sanctissimique² pontificis virtutibus ad edificationem legentium deflorare decreui: qui post obseruationem mandatorum Dei omnipotentis³ post angelorum presentiam ad se consolandum sibi que consulendum crebro venientium aliasque diuinas reuelationes quam plurimas infirmitate correptus totius anni circulo in doloris decubuit lecto. Imminente vero dissolutionis eius hora sacramenta dominica corporis et sanguinis Christi sumpsit et spiritum in manus creatoris sui emisit quarto idus Septembris. Sepultum est autem corpus eius Scotia apud Cuningham in loco qui ab eis⁴ Wallico nomine Kilwinin appellatur.

The following note by Dr. Reeves was communicated to the late Bishop Forbes: ⁵—

“Who this Finan was in the history of the Irish Church we are able to ascertain through the names of his parents, as given by Capgrave. Cairpre, which answers to Capgrave’s Carpreus, appears in the Irish hagiogeneses as the father of Finnan of Moville; while Lasair, the same as Capgrave’s Lassara, is stated by Ængus to have been mother to Finnan of Moville. Thus we identify the Ayrshire saint with the founder of Moville in the Ards of the county of Down,⁶ who was also the patron saint of the Dal Fiatachs, or royal house of Uladh. He was also founder of Druimfionn, now Dromin, in the county of Louth, in which monastery S. Columba is said to have been his pupil. He died in the year 579, according to Tighernach and the Annals of Ulster. And it is curious that S. Frigidian’s death, in external authorities, is placed at 578. There is good reason for believing that he was identical with S. Frigidianus, whom the Italians commemorate as patron saint of Lucca. Two lives of him, which Colgan has published, drawn from continental authorities—one from his office as used at Lucca, the other from a MS. in the Chartreuse of Cologne—agree with our domestic records as to his extraction, his education, and his church of Maghbile. Frigidianus has

¹ delete.

² delete.

³ delete.

⁴ a eius.

⁵ Forbes’ *Kalendar of Scottish Saints*, p. 465.

⁶ See Reeves’ *Eccl. Antiq. of Down*, etc. p. 151.

the distinction of being mentioned with respect by S. Gregory, who was his contemporary."¹

By the kind permission of Mr. W. F. Skene I am enabled to give the following note as to S. Wynnyn, showing a different origin from the one suggested by Dr. Reeves in the note above:²—

"There is a difficulty in identifying S. Wynnyn with S. Finnan of Moville owing to their days being different. The Ayrshire Saint was celebrated on the 21st of January (o.s.), whilst the Irish S. Finnan (of Moville) died on the 10th of September. In point of fact our calendar is derived from two sources—the Irish and the Welsh. Wynnyn is a Welsh form, and he is also patron saint of Lumphanan in Aberdeenshire, where his day is the 21st of January. Lumphanan is simply the Welsh Llanffinan. Near it is Midmar, dedicated to S. Nidan, a Welsh saint, and between is Glengairden, dedicated to S. Mungo. It is a Welsh group. In Anglesea we have two adjacent churches, Llannidan and Llanffinan. I have therefore little doubt S. Wynnyn came from the Welsh Calendar. But they know nothing of S. Finnan of Moyville. On the other hand, S. Finnan of Clonard was educated by S. David, and is said to have founded three churches in Wales. His day in the Irish Calendar is, I think, 23d February, and I think he must have been the Welsh Ffinnan."

The following is the Office for S. Wynnyn:³—

Januarius.

Sancti Wynnini presulis tui et confessoris incliti solennia agentes te domine suppliciter deprecamur ut dum tui nominis in honore ipsius gesta recolimus et eodem pro nobis benigne intercedente patrocinia senciamus eterna. Per dominum nostrum Jesum.

Ad matuti ix. lec. fiant Lc. 1.

Wynninus Scotica prouincia ortus ex illius illustri regum stirpe et nobili educatus familia et nutritus suorum parentum cura non parua et solitudine alitus et ingenuis eruditus disciplinis binisque in eodem reuolutis lustris:

¹ *Dial.*, lib. iii. c. 9. See Colgan, *Acta SS.* pp. 634-642.

² Letter from W. F. Skene, Esq., to R. W. Cochran-Patrick, 26th April 1878.

³ *Breviarium Aberdonense.* Pars Hyemalis, fol. xxxviii.

mundanis abiectis rebus diuino se mancipauit officio et eidem deuote deseruire studuit et sic in perfectam etatem indesinenter perseuerauit. Atque exteras sepius postulabat regiones et solitariam a parentum cura ducere vitam. Tu autem domine miserere nostri.

Lectō ii.

Onerosum certe fuit suorum parentum et amicorum iugis frequentia et vicinorum visitacio assidua ob id quod suam in deum contemplacionem continuam variis impediabant curis ea cupiens studiose deuitare ab eorum aspectibus longius abesse oportunum elegit paratis nonnullis clam classibus et que nauigandi vsui erant per emptis necessariis atque comilitonibus electis quibusdam sue professioni congruis prospero vento et felici in Scociam minorem delatus est et ad locum que Cunnighame dicitur premitus terram cum suis applicuit.

Lectio tertia.

Qui mox terram illam ingressus: non habentes vnde viuerent piscandi gracia ad fluuium vocabulo Garnok applicuit cumque itinere fatigatus paululum super illius ripas consedisset cuidam puero imperauit vt hamum in eodem fluuio emitteret vt inde pisciculos aliquos prenderet. Qui iussu beati Wynini vicibus iteratis in eodem immittens nichil prendidit Contristatusque beatus Wyninus fluuium maledixit. Ita inquiring in te nullatenus per secula piscis capietur. Quiquidem fluuius paululum desiliens proprium reliquit alueum: et in aliam partem cursum suum contra naturam derigere fecit vsque in hodiernum diem.

Lectio iiii.

Discedens itaque vir Dei de eodem loco ad alium se transtulit locum qui nunc sacrum nemus a vulgo appellatur vbi cum discipulis suis viris vite approbatissimis permanendi locum eligerunt non habentes aquam ibidem vnde biberent: celitus emissa oracione fons lucidissimus ebuliuit ex quo bibentes varii ex infirmitatibus vsque in presens sanati sunt. Eaque nocte apparuit beato Wynnino angelus domini dicens Wynnine viriliter age et confortetur cor tuum in domino hunc enim locum ad incolendum preparauit deus ipse altissimus. Tu autem.

Lectio v.

Quibus dictis angelica disparuit visio beatus vero Wyninus tali confortatus oraculo Deo vero et omnipotenti gracias humiliter exhibuit ibique

mansionem suam cum ceteris suis discipulis construxerunt. In quo varios sua predicatione ad Christi fidem persuaserunt. Tandem in bona senectute et sancta ab illius patrie clericis et populo in episcopum consecratur suffultusque quam plurimis miraculis obdormiuit in domino et apud Kilwynne honorifice traditur sepulture vbi nunc monachorum viget claritas et illorum virorum sanctitas perpetua. Tu.

Lectio sexta.

Quidam dehinc in villa beati Vynnini qui graui laborabat infirmitate imminere et incurabili morbo a Deo ut eius vita omnino desperetur perduceres autem illum parentes eius ad basilicam beati Vynnini vt inde sanaretur. Qui Deo et beato Vynnino preces cum lacrimis fundebant humilimas: extabat autem ante basilicam crux lapidea miro artificio constructa quam sanctus ipse Vynninus in vita sua propriis manibus in honore beate Brigide virginis erexerat ad quam iuuenem languidum affligebant et nomen sancti viri sepius inuocabant orantes igitur paululum sacerdotum consilio basilicam ingrediuntur languido coram eo deposito et paulisper requie data statim resipiscebat domum que denuo ferentes prestine sanitati restitutus est.

§ 3. DATE OF THE FOUNDATION.

It is remarkable that the exact date of the foundation of the Monastery of Kilwinning is not given in any of the published chronicles.

Chalmers¹ says that it was founded in 1140, by Hugh Morville, Constable of Scotland, and cites the Chronicle of Melrose as his authority. But that chronicle, while it notes the death of the Constable in 1162, and his foundation of Dryburgh,² never mentions Kilwinning. Spottiswoode gives the same date.³ Crawford, in his *History of Renfrewshire*, places the foundation in the reign of Malcolm IV., and therefore between 1153 and 1165.⁴ Another account says that the founder was the son of the founder of Dryburgh, and that the date of foundation was 1157.⁵

The transcript of Pont, in the Advocates' Library at Edinburgh (which, however, is very incorrect), gives 1191 as the date of the foundation, and

¹ *Caledonia*, vol. iii. p. 484.

² *Chron. de Mailros*, p. 78.

³ Keith, p. 407 (ed. 1824).

⁴ P. 121 (ed. 1818).

⁵ Copy extract from register at London, No. 279, at Eglinton. Every effort to find the original of this in London has failed.

Richard de Morville as the founder; but if he was the founder the date is wrong, as he certainly died in 1189.¹

Dempster states that it was founded by Hugh de Morville “nepos illius qui S. Thomam Cantuarensem interfecit;” but does not give any date.²

In a List of Monasteries in Scotland, appended to some of the MSS. of the Liber Pluscardensis, the following entry occurs:—

“Kylwynnyn in Connyngham Tironensis. Fundator Morvile.”³

In the absence of the original chartulary it is useless to speculate as to who the real founder was, and when the foundation actually took place.

§ 4. SEALS BELONGING TO KILWINNING ABBEY.

The following Seals of the Monastery of Kilwinning have been preserved:—

No. 1.

The Common Seal of the Abbot and Convent of the Monastery of Kilwinning—



Regarding this seal, Mr. Laing, in his work on *Scottish Seals*, has the following observations:—

“This is a round seal, of an exceeding rich and beautiful design, representing within a Gothic niche the Virgin with the infant Jesus; the background ornamented with foliage.”⁴

¹ *Chron. de Mailros*, p. 98.

⁴ Laing's *Scottish Seals*. Ban. Club (1850),

² *Apparatus ad Historiam Scot.* (1622), p. 69. p. 191, No. 1063.

³ *Liber Pluscardensis* (1876), p. 403.

No. 2.

Counter Seal of the last—



“ Within a Gothic niche a figure of a monk (St. Winnin) with a crozier in his right hand, and a book in his left.

“The form of the letters, as well as the execution of the design of this counter seal, evidently proves it the work of a later period than the previous number, which is probably as early as the fourteenth century, when the art was in the highest state of perfection. Most likely the original matrix of the counter seal had been lost, and this one substituted by an artist of inferior skill a short time previous to the date [1557] of the instrument to which it is appended.”¹

No. 3.

Seal of an Abbot of Kilwinning²—

¹ Laing's *Scottish Seals*, p. 191, No. 1064.

² This engraving has been done from the original now in the Public Record Office.

"Much defaced half-length figure of the Virgin and infant Jesus within a Gothic niche; in the lower niche is a figure of a monk kneeling at prayer."¹

Another Seal of this Monastery is recorded, but every effort to meet with an original of it has been unsuccessful hitherto.

On the 12th April 1852 W. H. Scott, Esq., exhibited, at a Meeting of the Society of Antiquaries of Scotland, a seal of Kilwinning Abbey, which precisely corresponded with the seal No. 1 on the obverse, and bore a reverse of the same type as No. 2, but superior in style and execution, with the legend S · COMMVNE · ABBIS ET CONVENTVS MONASTERII · DE · KYLWYNYN, in lettering of the same period as No. 1.²

Unfortunately no drawing or impression of it was taken; and though the seal is alluded to by General Hutton in his MS. Collections, no drawing of it is given there.

§ 5. CHARTERS AND OTHER DOCUMENTS RELATING TO THE HISTORY OF THE ABBEY OF KILWINNING.

1. *De . viij. petris Cere de monachis de Kilwinin annuatim glasguensi episcopo debitis.*—[1202-1207.]³

Omnibus Sancte matris ecclesie filiis . N⁴ . abbas de kilwinin et conuentus eiusdem loci Salutem in domino . Sciatis nos concessisse dedisse et hac carta nostra confirmasse domino nostro florencio⁵ Glasguense Electo . et successoribus suis tres petras cere annuatim eis reddendas infra octauas sancti Jacobi apostolici apud Rochesbure . propter deuocionem quam habemus erga ipsum et ecclesiam Glasguensem . Hiis testibus . H.⁶ decano Glasguensi . Domino Roberto arch. Glasguensi⁷ . Domino . J . de Huntendon officiali⁸ . Magistro Roberto . de Hedun . Willelmo decano de Cuningham⁹ .

¹ Laing, p. 191, No. 1065.

² *Proc. Soc. Ant. of Scot.*, vol. i. p. 70.

³ *Registrum Episcopatus Glasguensis* (Mait. Club, 1843), vol. i. p. 84, No. 98.

⁴ Nigel was Abbot of Kilwinning about 1201-1212.

⁵ Florentius, a son of the Earl of Holland, was elected Bishop of Glasgow in 1202, and resigned in 1207.—*Chron. de Mailros*, pp. 105, 106.

⁶ Herbert, Dean of Glasgow, appears frequently at this time as a witness.—*Regist. Glas.*, pp. 42, 81, 83, 84.

⁷ Robert, Archdeacon of Glasgow, died in 1222.—*Chron. de Mailros*, p. 140.

⁸ John of Huntingdon witnesses several deeds in the *Regist. Glas.*, pp. 72, 76, 83, 84.

⁹ William, Dean of Cuninghame, died in 1211.—*Chron. de Mailros*, p. 110.

Alexandro . Idello capellanis . Daud personae ecclesie ville Stephani . Michaelae clerico . Decani . et pluribus aliis.

ABSTRACT.

Grant by the abbot and convent of Kilwinning, to Florence, their lord, elect of Glasgow, and his successors, of three stones of wax annually to be paid to them in the octaves of St. James the Apostle, at Roxburgh; and this on account of the devotion which they bore towards the church of Glasgow.

2. *Super portione abbati et conventui de Kylwynnyne et nobis in parochia de Lawder concessa.*—[Circa 1222.]¹

Omnibus has literas, etc. Alanus filius Rollandi Scotie constabularij salutem. Noveritis nos concessisse dedisse et hac presenti carta nostra confirmasse abbatibus et conventibus de Kilwynnyn et de Driburgh totam illam portionem quam magister Andreas de Moravia tenuit in parrochia ecclesie de Lauder scilicet decimas de Treburne de Pilmor de terra Valteri Hostiarij de terra Martini scilicet Withlaw et de Langelt et de terra Hurreddi de Langelt et Hailisepeth et de terra Samsonis scilicet Todlaw et de Aldenistoun et de Welpelaw et de Lyolstoun et de Burncastall et si quid de novo infra fines istarum villarum emergat libere quiete et plenarie et honorifice a nobis et heredibus nostris pro bono pacis perpetuo possidendam. Volumus autem ut ille qui pro tempore in ecclesia dicta persona fuerit nullam eis super eadem portione inferat molestiam vel gravamen. Et ut hec nostra donatio et concessio robur optineat firmitatis eam presenti scripto et sigilli nostri munimine roboramus. Testibus, etc.

[The names of the witnesses are not given.]

ABSTRACT.

Charter by Alan,² son of Roland, Constable of Scotland, giving, granting, and confirming, to the Abbots and Convents of Kilwinning and Dryburgh,

¹ *Liber S. Marie de Dryburgh* (Ban. Club, 1847), p. 62, No. 85.

² Alan, Constable of Scotland, Lord of Galloway and Cunninghame, was the son of Roland,

Lord of Galloway, and Eva or Ela de Moreville, daughter of Richard de Moreville, and granddaughter of Hugh de Moreville. Alan died in 1234.—*Chron. de Mailros*, p. 144.

all that portion which Master Andrew of Murray¹ held in the parish of the church of Lauder: To wit the teinds of Treburne, of Pilmor, of the land of Walter Hostiarius, of the land of Martin (to wit Withlaw), and of Langelt, and of the land of Hutred of Langelt, and Hailisepath, and of the land of Samson (to wit Todlaw), and of Aldenistoun, and of Welpelaw, and of Lyolstoun, and of Burncastall, with their pertinents, to be possessed, freely and quietly, from him and his heirs for the perpetual good of peace; declaring also that he who shall be for the time parson of the said church shall suffer no trouble or grievance from those upon the same portion; and that this his grant may be sure, it is strengthened by the present writing and his seal.

3. *Sentencia judicum super portione quam abbas et conventus de Kylwynyne recipiunt in parrochia de Lawder et conventio inter dictos abbatem et conventum et nos super decimis in parrochia predicta existentibus.*—[Circa 1222.]²

Omnibus Christi fidelibus etc. Laurentius archidiaconus sancti Andree Ricardus de May et [] de Dunfermyne priores salutem in Domino. Mandatum domini Pape in hec verba suscepimus. Honorius episcopus servus servorum Dei dilectis filiis archidiacono Sancti Andree et de May et de Dunfermyne prioribus sancti Andree diocesis salutem et apostolicam benedictionem. Querelam dilectorum filiorum abbatis et conventus de Dryburgh Premonstratensis ordinis recepimus continentem quod abbas et conventus de Kilwenyne et quidam alij Glasguensis et sancti Andree diocesis super ecclesia de Lauder ad eos de jure spectante ac rebus alijs injuriantur eisdem. ideoque discretionis vestre per apostolica scripta mandamus quatenus partibus convocatis audiatis causam et appellatione remota fine debito terminetis facientes quod decreveritis per censuram ecclesiasticam firmiter observari. Testes autem qui fuerint nominati si se gracia odio vel timore subtraxerint per censuram eandem cessante appellatione cogatis veritati testimonium perhibere. quod si non omnes hijs exequendis potueritis interesse duo vestrum ea nichilominus exequantur. Datum Lateran vij idus Julij pontificatus nostri anno quinto. Hujus igitur auctoritate mandati

¹ Andrew de Burr became Bishop of Moray 138, 155; Keith's *Scottish Bishops* (Ed. 1824), in 1222, and died 1242.—*Chron. de Mailros*, pp. p. 138.

² *Liber S. Marie de Dryburgh*, p. 61, No. 84.

partibus convocatis et in presencia nostra constitutis cum diu coram nobis causa inter abbatem et conventum de Driburgh ex parte una et abbatem et conventum de Kilwynnyne ex altera super ecclesia de Lauder esset ventilata tandem dicte partes amicorum communium et prudentium virorum consilio Deo volente sub hac forma amicabilem composuerunt. scilicet quod prefate partes de consensu et assensu domini Alani filij Rollandi Scotie constabularij libere debent percipere et quiete cum omni juris sui integritate perpetuo possidendam et mediante bonorum virorum consideratione dimidiare in omnibus illam portionem quam magister Andreas de Moravia in eadem ecclesia tenuit tempore litis mote inter partes scilicet omnes decimas de Treburne de Pilmour de terra Valteri Hostiarj de terra Martini scilicet Withlaw et de Langelt et de terra Huttredi de Langelt et de terra Ailinus-peth et de terra Samsonis scilicet Todlaw et de Aldenistoun et de Welpelaw et de Ilistoun et de Burnecastell et si quid de novo infra istarum Villarum fines emergat salvis ecclesie de Lauder obventionibus tantum. Ad hujus autem rei stabilitatem et pacem inter predictas partes perpetuam utraque pars in verbo Domini fide media auctoritate nostra interveniente fideliter se dictam amicabilem compositionem servaturam et nullo tempore contraventuram promisit nostrorum insuper signorum testimonia ad majorem fidei cautelam signis partium simul apposis duximus apponenda. Acta sunt hec anno gracie millesimo ducentesimo vigesimo secundo apud Ervyne. Hujus compositionis testes sunt dominus Thomas comes Atholie.¹ dominus Fergutianus de Glenkarn. dominus Rogerus de Craufurd et alij.

ABSTRACT.

Decree pronounced by Laurence,² Archdeacon of St. Andrews, Richard, Prior of May,³ and the Prior of Dunfermline, judges appointed under the mandate of Pope Honorius III., in the complaint by the Abbot and Convent of Dryburgh against the Abbot and Convent of Kilwinning, in regard to their respective rights in the church and parish of Lauder, to the effect that they ought to divide the teinds of Treburne, of Pilmour, of the lands of Walter Hostiarius, of the land of Martin (to wit Withlaw), Langelt, and the

¹ Thomas, fifth Earl of Athol, and brother of Alan of Galloway, died in 1231.—*Chron. de Mailros*, p. 142; Douglas' *Peerage* (1813), vol. i. p. 132.

² Laurence became Archdeacon of St. Andrews in 1209.—*Chron. de Mailros*, p. 108.

³ Records of the Priory of the Isle of May (Edin. 1848).—*Preface*, p. lxij.

land of Huttred of Langelt, Ailinuspath, Samson's land (to wit Todlaw), and of Aldenistoun, and of Welpelaw, Ilistoun, and Burnecastell, being the portion which belonged to Master Andrew of Moray in the said church at the time the dispute arose; to which the parties, by the advice of friends, and with consent of Alan, son of Roland the Constable of Scotland, solemnly agreed upon their oath.

Done at Irvine in the year 1222.

4. *Confirmatio episcopi super conventionem inter nos et Kilwynnyn super ecclesia de Lawder.*—[Circa 1222.]¹

Willelmus Dei gracia episcopus sancti Andree omnibus Christi etc. eternam in Domino salutem. Ad universitatis vestre noticiam volumus pervenire nos amicabilem compositionem inter dilectos filios abbates et conventus de Driburgh et de Kylwynnyn et dominum Alanum filium Rollandi constabularij Scotie coram viris venerabilibus archidiacono sancti Andree et de May et de Dunfermlyn prioribus iudicibus a domino Papa delegatis sicut canonice facta est super jure advocacionis [ecclesie] de Lauder et de decimis quibusdam ad eandem ecclesiam pertinentibus ratam habuisse et eandem prout in attentico predictorum iudicum delegatorum continetur quo ad nos spectat auctoritate pontificali confirmasse. Ad cujus rei majorem securitatem presenti scripto sigillum nostrum duximus apponendum. Testibus etc. [Names not given.]

ABSTRACT.

Confirmation by William,² Bishop of St. Andrews, of the agreement entered into between the Abbeys of Dryburgh and Kilwinning and Alan son of Roland, Constable of Scotland, in regard to the right of patronage of the Church of Lauder, and teinds of the same.

5. *Confirmatio capituli Sancti Andrew super eadem.*—[Circa 1222.]³

Omnibus Christi etc. Symon⁴ Dei gracia prior ecclesie sancti Andree

¹ *Liber S. Marie de Dryburgh*, p. 63, No. 86. in 1238.—*Chron. de Mailros*, p. 143; Grub's

² William Malvoisine became Bishop of St. *Eccles. Hist.*, vol. i. p. 316.
Andrews in 1202, and continued till his death

³ *Liber S. Marie de Dryburgh*, p. 63, No. 87.

⁴ Simon, Prior of St. Andrews, resigned in 1225.—Gordon's *Monasticon*, p. 76.

apostoli in Scotia et ejusdem loci conventus humilis eternam in Domino salutem. Ad universitatis vestre noticiam volumus pervenire nos amicabilem compositionem inter carissimos fratres et amicos nostros abbates et conventus de Driburgh et de Kilewynnyn et nobilem virum dominum Alanum filium Rollandi constabularij Scotie coram viris venerabilibus archidiacono sancti Andree et de May et de Dunfermlyn prioribus judicibus a domino Papa delegatis sicut canonice facta est super jure patronatus ecclesie de Lawder et decimis quibusdam ad eandem ecclesiam pertinentibus ratam habuisse et eandem prout in attentico predictorum judicum delegatorum continetur quo ad nos spectat confirmasse et ad majorem hujus rei securitatem presenti scripto sigillum nostrum duximus apponendum. Teste toto nostro capitulo.

ABSTRACT.

Confirmation by Simon, prior of St. Andrews, of the agreement between the Abbeys of Dryburgh and Kilwinning, in regard to the patronage and teinds of the Church of Lauder.

6. *Super compositione inter nos et Kilwynnyn de ecclesia de Lawder.*

[24th March 1229.]¹

Gregorius episcopus servus servorum Dei dilectis filiis abbati et conventui de Driburgh Premonstratensis ordinis salutem et apostolicam benedictionem. Ea que judicio et concordia terminantur firma sunt [*debent*] et illibata persistere et ne residire contemptionis [*contentionis*] scrupulum relabantur apostolico convenit presidio communiri. Exhibita nobis vestra petitio continebat quod cum inter vos ex una parte et abbatem et monachos de Kilwynnyn Glasguensis diocesis ex altera coram archidiacono sancti Andree et suis conjudicibus super jure patronatus ecclesie de Lauder quibusdam decimis et obvencionibus auctoritate apostolica questio verteretur tandem mediantibus judicibus ipsis inter partes compositio intervenit quam apostolico petivistis munimine roborari. Nos igitur vestris justis precibus inclinati compositionem ipsam sicut rite ac sine pravitate provide facta est et ab utraque parte sponte suscepta et hactenus pacifice observata necnon in literis exinde confectis plenius dicitur contineri auctoritate apostolica confirmamus et presentis scripti patrocinio communimus. Nulli ergo hominum

¹ *Liber S. Marie de Dryburgh*, p. 213, No. 266.

liceat hanc paginam nostre confirmationis infringere aut ei ausu temerario contraire. si quis autem hoc attemptare presumpserit indignationem omnipotentis Dei et beatorum Petri et Pauli apostolorum ejus se noverit incursum.

Datum Perusij nono kalendas Aprilis pontificatus nostri anno tertio.

ABSTRACT.

Confirmation by Pope Gregory the Ninth of the Decreet and Agreement in regard to the respective rights of the Abbeys of Dryburgh and Kilwinning, to the patronage and teinds of the Church and Parish of Lauder.

Given at Perugia, 24th March 1229.

7. *De ecclesiis de Ardrossan et de Dalri.*—[1226.]¹

Anno gracie m^o cc^o xx^o sexto. Cum controuersia mota fuisset super pluribus articulis Inter Dominum Walterum episcopum Glasguensem ex parte vna et Johannem abbatem et conuentum de Kilwinin ex altera. tandem communium amicorum consilio sub hac forma quieuit. Concessit dictus episcopus caritatis Intuitu dictis abbati et conuentui sexdecim solidos nomine pensionis. de ecclesia de ardrossan percipiendos per manum ministrantis In eadem. Dicti uero monachi remiserunt omnino causam quam mouerant super ecclesia de dalri petendo eam In capellam. renunciantes impetratis et Inpetrandis in perpetuum. Adeo quod de cetero nec episcopum. nec clericum. dictam ecclesiam tenentem fatigabunt super ea que matrix ecclesia perpetuo remanebit. Monachi uero prefati presentabunt episcopo capellanos ydoneos ad ecclesias suas in usus proprios sibi concessas. cum uacauerint. ad canonicam et sufficientem sustentationem indeterminate. Ita scilicet quod si ex post facto apparuerit ex incerta et indeterminata. sustentatione defectus: si predicti monachi ab episcopo ammoniti defectum non emendauerint: dictus episcopus de ipsis ecclesiis defectum rationabiliter supplebit. Capellanos uero eorum ydoneos sibi presentatos sine contradictione rationabili: dilatione postposita recipiet. vicarii quidem eorum aliquas contra ipsos querimonias deponentes quas probare. non possint; canonice punientur. Et si qui uicariorum qui episcopo fuerint presentati processu temporis reperti fuerint minus ydonei seu debitam facere contempserint

¹ *Registrum Episcopatus Glasguensis*, vol. i. p. 118, No. 140.

residentiam : per episcopum Legittime ammoueantur . Hoc idem autem In uicariis prius ordinatis obseruabitur . Concessit insuper ut si uicarii eorundem monachorum infra xl^a dies post terminum suum sibi debitam non soluerint pensionem ex tunc per ipsum uel officiales suos et decanos auctoritate sua ab officio et beneficio usque adolucionem. uel satisfactionem condignam suspendantur . Cedentibus autem uel decedentibus uicariis predictarum ecclesiarum custodia ecclesiarum remanebit . In manu episcopi usque ad ordinationem vicariorum . [ita] tamen quod occasione illius custodie non monachis depereat In hiis que de Jure percipere debebunt . Sentenciam autem excommunicationis uel interdicti quam episcopus in parochia sua rationabiliter tulit ; ipsi in parochialibus ecclesiis suis obseruabunt Saluis priuilegiis et autenticis scriptis utriusque partis et diocesani canonica Justicia . Presens autem compositio sigillis partium ad maiorem securitatem et ut debitam optineat firmitatem confirmatur . Hiis Testibus domino Hugone¹ abbate de driburg . domino Ricardo de alnecram officiali . domino J. decano de ualle clud . domino R. de prebenda . Magistro H. de pottoun . domino P. de Perthec . Magistris H. et A. Capellanis domini episcopi . domino Valentino Canonico de Lanarc . Magistro Radulfo de Brade . Magistris yngelramo . Roberto . Waltero . Andrea . clericis domini episcopi . Alexandro de Herssille . Roberto de hirewine et multis aliis.

ABSTRACT.

Agreement between Walter, Bishop of Glasgow, on the one part, and John, Abbot of Kilwinning, and the convent thereof, on the other, whereby, on the advice of common friends, the bishop granted to the abbot and convent sixteen shillings in name of pension, payable from the church of Ardrossan, by the hand of the minister thereof; and the said abbot and convent abandoned the plea which they had instituted regarding the church of Dalry, seeking it as a chapel; and they renounced all that had been, or might be, obtained in that matter; so that henceforth they should not trouble the bishop, nor the clerk holding the said church, in regard to that which shall for ever remain a mother church. The foresaid monks also shall present to the bishop qualified chaplains for the churches granted to them, when they shall happen to be vacant, with a lawful and sufficient

¹ Hugh was Abbot 1221-1228.—Gordon's *Monasticon*, vol. i. p. 335.

sustentation, indeterminately. If, however, it should afterwards be found that any inconvenience arose from the uncertain and indeterminate sustentation, and if the said monks, after being admonished by the bishop, failed to remedy the defect, the bishop shall supply what is needed from the churches themselves: Further, he shall not delay to receive those qualified chaplains presented to him without reasonable contradiction: Those of their vicars who shall make complaints against them which they cannot prove, shall be lawfully punished; and if any vicars presented to the bishop shall afterwards be found disqualified, or despise due residence, they may be lawfully proceeded against by the bishop; and the same rule shall be observed in reference to those vicars previously ordained: It is also granted that if the vicars of the said monks shall not pay the pension due to them within forty days after the term, they shall be suspended by the bishop, or his officials and deans, by his authority, until satisfaction be made. When vicars resign or decease, the custody of the foresaid churches shall remain in the hands of the bishop, without loss to the monks of what is due to them in the said churches. Moreover, sentence of excommunication or interdict, pronounced by the bishop on reasonable grounds, shall be observed in their respective parishes; saving the privileges and authentic writings of both the parties, whose seals are appended in confirmation.

8. *Obligatio pro redemptione monachi captivi facienda.*

[21st August 1312.]¹

Venerabili in Christo patri domino Ade² Dei gracia Abbati de Kylwynnyn Frater Bernardus³ eiusdem permissione Abbas de Aberbrothoc et eiusdem loci conuentus salutem et sinceram in Domino caritatem. Quia nuper intelleximus quod frater Johannes⁴ dudum abbas monasterii de Aberbrothoc et modo simplex monachus de guerra captus fuit in Anglia per Petrum de Strathern seu per quosdam de familia ipsius et detentus est tanquam captiuus penes ipsos pro redempcione facienda. Paternitatem vestram affectuose duximus exorandam quatinus eundem de manibus ipsorum

¹ *Liber S. Thome de Aberbrothoc* (Ban. Club, 1848), p. 288, No. 333.

² This is an Abbot not hitherto noticed. He occurs again in 1327. See p. 165.

³ Bernard de Linton was Abbot of Arbroath from 1303 till 1327. He was Chancellor of

Scotland from 1307 to 1327.—Crawford's *Officers of State*, p. 17.

⁴ John of Angus was Abbot in 1303, and was carried prisoner of war into England. He was loosed from his office in 1309.—Gordon's *Monasticon*, p. 517.

liberantes pro ipso velitis nomine nostro fideiubere . Ita videlicet quod si discretio domini nostri regis et consilii sui dictauerit quod pro tali simplici monacho redemptio fuerit facienda : ad arbitrium eorundem libenter faciemus et respondebimus pro redemptione eiusdem prout ordinatum fuerit per eosdem vel ipsum eisdem liberabimus in statu quo nobis presentatur. Et ipsum sic vobis deliberatum dompno Nicholao de Lundy commonacho nostro vel Ade Wayt et Thome de Dalgernoc liberetis ad nostrum monasterium reducendum. Quod vero pro fideiussione predicta feceritis ratum habebimus et vos ac monasterium vestrum apud omnes indempnes conseruabimus et hoc vobis fideliter promittimus per presentes sigillo nostro communi patenter roboratas. Datum in capitulo nostro apud Aberbrothoc vigesimo primo die Augusti anno gracie millesimo trecentesimo duodecimo.

ABSTRACT.

Letters of Obligation by Bernard, Abbot of Aberbrothoc, whereby he requested Adam, Abbot of Kilwinning, to become surety in his name for John, sometime Abbot of Aberbrothoc, and now a simple monk, who had been taken prisoner in war in England by Peter of Strathern, or certain of his people, and was detained a prisoner by them for the purpose of ransom, to the end that he might be set free from their hands ; so that if the King and council should determine that ransom should be made for such a simple monk, the Abbot of Aberbrothoc would willingly answer and do at their arbitration whatever should be resolved on for his ransom, or deliver him to them in the state in which he should be presented to him : and requesting that the prisoner, when delivered to the said surety, should be committed to Sir Nicholas of Lundy, fellow-monk of the Abbot of Aberbrothoc, or to Adam Wayt and Thomas of Dalgernoc, to be brought back to the monastery of Aberbrothoc : Promising to hold firm and stable whatever the Abbot of Kilwinning should do in the foresaid surety-making, and to keep him and his monastery skaithless from all men.

9. *Carta Abbatis et conuentus de Kylwinnyn.*—[Circa 1315.]¹

Robertus, etc. Sciatis nos pro salute anime nostre et pro salute omnium antecessorum et successorum nostrorum regum Scocie . dedisse concessisse et hac presenti Carta nostra confirmasse deo et beate Marie virgini et beato

¹ *Registrum Magni Sigilli* (1814), p. 9, Roll I. No. 40.—Robertson's *Index*, p. 6, No. 40.

Wynino ac Abbati et monachis de Kylwynnyn et eorum monasterio totam terram que vocatur le Hallande¹ cum pertinenciis iuxta burgum de Irwyn. Tenendam et habendam dictis monasterio Abbati et Monachis ibidem deo seruientibus et eorum successoribus inperpetuum in liberam puram et perpetuam elemosinam adeo libere et quiete plenarie et honorifice cum omnibus libertatibus commoditatibus aysiametis et iustis pertinenciis suis sicut aliquam elemosinam eis concessam liberius quiccius plenius et honorificencius tenent seu possidant preterea remisimus et quietum clamauius ac clamamus predictis Abbati et Monachis et eorum successoribus inperpetuum illos viginti solidos quos annuatim pro terra sua de Kilmernoc heredibus de balliolo reddere solebant Ita quod inde de cetero nemini teneantur respondere. In cuius rei, etc.

[The names of the witnesses are not given.]

ABSTRACT.

Charter by King Robert the Bruce in favour of the Abbot and monks of Kilwinning and their monastery, of the lands of Hallande, near the burgh of Irvine, to hold to them and their successors in free, pure, and perpetual alms; the King also remitting in their favour twenty shillings which they were accustomed to pay yearly to the heirs of Baliol for the land of Kilmarnock.

10. *A Charter from Robert I. to the Abbey of Kilwinning, granting a fishing in Leven and Clyde, is noticed in Robertson's Index, but cannot now be found.*²

11. *Judicibus, ut donationem iuris patronatus et advocacionis in ecclesia de Dunbretan Glasguensis diocesis factam per Robertum quondam regem Scotiae, et concessionem eiusdem ecclesiae factam per Joannem episcopum Glasguensem monasterio de Kylwynin confirmet.*—*Reg. An. XIV. Com. Par. iv. Epist. 266.*—[2d November 1329.]³

Johannes Episcopus, etc. Dilectis filiis Bertrando Cariti Archidiacono Vauriensis et Raymundo de Quercu Canonico Lingoniensis ecclesiarum, in Regno Scocie nostris et apostolice sedis nuntiis, salutem, etc. Significavit nobis Carissimus in Christo filius noster David Rex Scocie Illustris quod

¹ This cannot now be identified.

² Robertson's *Index*, p. 3, No. 19.

³ Vatican MSS.—*Vetera Monumenta Hibernorum et Scotorum*, p. 247, No. 486.

olim clare memorie Robertus Rex Scocie pater suus, dum vitam duceret in humanis, ad Monasterium ss. Marie et Wynnini de Kylwynin ordinis s. Benedicti Glasguensis diocesis, et personas ipsius specialis gerens devotionis affectum, ius patronatus et advocationem, quod et quam habebat in parochiali ecclesia de Dunbretan¹ dicte diocesis, dilectis filiis . . . Abbati et Conventui ac Monachis ipsius Monasterii pro sue, ac predecessorum et successorum ipsius animarum salute donavit in perpetuum et concessit, Quodque postmodum venerabilis frater noster Johannes Episcopus Glasguensis attendens hospitalitates, que fiebant in Monasterio memorato, ecclesiam supradictam, dilectorum filiorum Capituli sui ecclesie Glasguensis accedente consensu, eisdem Abbati et conventui auctoritate ordinaria concessit in eorum usus proprios et donavit, reservata tamen de ipsius ecclesie proventibus perpetuo vicario inibi servituro congrua portione ex qua possit congrue sustentari Episcopalia iura solvere, et alia sibi incumbentia onera supportare, prout in eorumdem Regis ac Episcopi et Capituli patentibus litteris inde confectis, eorumque sigillis munitis dicitur plenius contineri . Quare idem David Rex nobis humiliter supplicavit ut cum predictae littere non possint tute propter magnam locorum distanciam ad sedem apostolicam destinari, aliquibus discretis in partibus illis committere dignaremur, ut si eis ita esse constaret, quod per dictos Regem, Episcopum et Capitulum super hiis factum est, confirmationis apostolica auctoritate ex certa scientia munimine roborarent. Nos itaque ipsius Regis devotis supplicationibus inclinati, ac de circumspectione vestra plenam in domino fiduciam obtinentes, discretioni vestre per apostolica scripta committimus et mandamus, quatenus si inveneritis ita esse quod per dictos Robertum Regem, ac Episcopum et Capitulum super premissis factum est, auctoritate nostra confirmetis, iure tamen cuiuslibet alterius in omnibus semper salvo, tenorem dictarum litterarum huiusmodi confirmationis vestris litteris inserendo, Contradictores, etc. Datum Avinione iiii. Nonas Novembris, Pontificatus nostri anno quarto decimo.

ABSTRACT.

Letters by Pope John XXII., directed to Bertrand Cariti, archdeacon of the church of Lavour, and Raymund de Quercu, canon of the

¹ See *Chart. Lennox*, vol. ii. p. 130, quoted by Chalmers, *Caledonia*, vol. iii, p. 902. At the Reformation the Church of Dunbarton yielded a clear revenue of £66 : 13 : 4.

church of Langres, his nuncios in the realm of Scotland, whereby, on the narrative that David, King of Scotland, had given him to understand that Robert, King of Scotland, his father, had granted the right of patronage and advocacy which he had in the parish church of Dunbarton, in the diocese of Glasgow, to the abbot and convent and monks of the monastery of St. Mary and St. Wynnin of Kilwinning, of the order of St. Benedict, of the diocese of Glasgow, for the affection he bore it and the persons thereof, for the weal of his soul and the souls of his predecessors and successors : And that afterwards the Pope's venerable brother, John, Bishop of Glasgow,¹ with consent of his beloved sons the Chapter of the Church of Glasgow, by his ordinary authority granted the said church to the foresaid monastery for their proper uses ; reserving from the proceeds thereof a suitable portion for a vicar to serve the cure, by which he might be suitably maintained and the Episcopal rights be paid, as was said to be more fully contained in the letters patent of the said King, and of the Bishop and Chapter thereupon made and confirmed with their seals : Wherefore the said King David had made a humble supplication to the Pope, that since the foresaid letters could not be safely sent to the Apostolic See owing to the great distance, he would be pleased to give a commission to certain men of discretion in these parts, that if the premises were found to be as formerly stated, they should ratify the same with the authority of Apostolic confirmation ; and being well inclined to the King's request, and well satisfied of their discretion, the pope granted commission to the said nuncios, charging them, that on finding that it had been so done by King Robert, and by the Bishop and Chapter anent the premises, he should confirm the same by the Pope's authority, reserving the rights of every one.

12. *Iisdem iudicibus ut unionem per Episcopum Glasguensem supradicto monasterio de Kylwynin de quibusdam perpetuis vicariis factam confirment.*—*Reg. An. xiv. Com. Par. iv. Epist. 264.*—[Nov. 1329.]²

Johannes Episcopus, etc. Dilectis filiis Bertrando Cariti archidiacono Vauriensis et Raymundo de Quercu canonico Lingoniensis ecclesiarum, in

¹ John Lindsay was Bishop of Glasgow from 1326 to 1335.—Keith, p. 243 ; Grub's *Eccles. Hist.* vol. i. p. 345, note 4.

² Vatican MSS., p. 248, No. 487.

Regno Scocie nostris et apostolice sedis nuntiis, salutem, etc. Petitio carissimi in Christo filii nostri David Regis Scocie illustris nobis exhibita continebat, quod bone memorie Robertus Episcopus Glasguensis, dum adhuc vitam ageret in humanis, attendens quod Monasterium sanctorum Marie et Wynnini de Kylwynin ordinis sancti Benedicti Glasguensis diocesis, propter diversarum guerrarum discrimina et frequentes incursus malignantium, ac propter ecclesias destructas ipsius monasterii et possessiones eiusdem in redditibus attenuatas, dilecti filii . . . Abbas et Conventus dicti Monasterii ad tantam inopiam et paupertatem devenerant quod sufficientes redditus non habeant, unde possent commode sustentari, ac ob hoc dictus Episcopus eisdem Abbati et Conventui affectu pio compatiens de Kylmernoc et de Beth ecclesiarum perpetuas vicarias Glasguensis diocesis in quibus vicariorum presentatio ad eosdem Abbatem et Conventum antea pertinebat, dilectorum filiorum Capituli Glasguensis ad hoc accedente consensu, eisdem abbati, conventui et monasterio tam pro ipsorum et pauperum ibi consistentium sustentatione, quam etiam ad manutenendum hospitalitatem que fieri consuevit ibidem, in usus proprios tradidit in perpetuum et concessit, prout in litteris inde confectis, eiusdem Episcopi sigillo munitis dicitur plenius contineri. Quapropter idem Rex nobis humiliter supplicavit, ut in illis partibus aliquibus discretis committere dignaremur, ut si eis ita esse constaret quod per dictum Episcopum super hoc pie et provide factum est, id ex certa scientia debeant confirmare: Nos itaque ipsius Regis supplicationibus inclinati, ex de vestre circumspectionis industria plenam in domino fiduciam obtinentes, discretionis vestre per apostolica scripta committimus et mandamus, quatenus si inveneritis ita esse, quod per dictum Episcopum super predictis provide factum est auctoritate nostra confirmare curetis, iure tamen cuiuslibet alterius in omnibus semper salvo, tenorem dictarum litterarum ipsius Episcopi huiusmodi confirmationis vestris litteris inserentes, Contradictores auctoritate nostra, etc. Datum Avinione iiii. nonas Novembris, pontificatus nostri anno quarto decimo.

ABSTRACT.

Letters by Pope John XXII. to Bertrand Cariti, archdeacon of the church of Lavaur, and Raymund de Quercu, canon of the church of Langres, nuncios of the Pope and the Apostolic See in Scotland, proceeding on a

petition by David, King of Scotland, bearing that Robert,¹ Bishop of Glasgow, in his lifetime, considering the state of the monastery of St. Mary and St. Wynnin of Kilwinning, of the order of St. Benedict, of the diocese of Glasgow, on account of losses by various wars and frequent inroads of enemies, and that the churches of the monastery were destroyed and their possessions and rents diminished, the Abbot and convent were reduced to such a state of want and poverty, that they had not rents sufficient to maintain them in a suitable manner: And the said Bishop taking compassion on their case granted to them for ever, with consent of the chapter of Glasgow, the perpetual vicarages of the Kirks of Kilmarnock and of Beith, in the diocese of Glasgow, the presentation of the vicars of which had formerly belonged to the said Abbot and convent, gifting them to the said Abbot, convent, and monastery, for their maintenance and that of the poor living there, and for upholding of the hospitality that was wont to be kept there; as was said to be more fully contained in the Bishop's letters thereupon made: Wherefore, on the King's request for confirmation, if these things were well and piously done, the Pope committed to them by this apostolic writ, and charged them to confirm what was done by the Bishop with the Pope's authority, inserting the tenor of the Bishop's letters in such confirmation.

13. *Iisdem indicibus, ut donationem iuris patronatus cuiusdam parochialis ecclesiae factam per Walterum comitem de Monethet, et concessionem eiusdem ecclesiae factam per Andream episcopum Ergadiensem prefato monasterio de Kylwynin confirment. Ibidem, Ep. 265.—[1329.]*²

Johannes Episcopus, etc. Dilectis filiis Bertrando Cariti archidiacono Vauriensis et Raymundo de Quercu canonico Lingoniensis ecclesiarum, in Regno Scocie, nostris et apostolice sedis nuntiis, Salutem, etc. Petitio carissimi in Christo filii nostri David Regis Scocie illustris nobis exhibita continebat, quod quondam Walterus comes de Monethet, dum vitam ageret in humanis, pro sue ac uxoris, et antecessorum et successorum suorum ani-

¹ Robert Wischeart was Bishop of Glasgow from 1272 till his death in 1316.—Keith, p. 241. Chalmers' *Caledonia*, vol. iii. pp. 617,

618. *Pref. to Char. of Glas.*, pp. xxxv. xxxvi. Palgrave's *Doc. and Records*, pp. 340, 350.

² Vatican MSS., p. 248, No. 488.

marum salute ius patronatus, quod Comes predictus tunc habebat in parochiali ecclesia de Kilmachermat¹ in Cnapedale, tunc capellis sancte Marie in Cnapedale et sancti Michaelis in Inwerlaxo,² cum tribus denariatis terre in Riventos eidem ecclesiae annexis Ergadiensis diocesis, dilectis filiis . . . Abbati et Conventui ac Monachis Monasterii sanctorum Marie et Wynnini de Kylwynyn ordinis sancti Benedicti Glasguensis diocesis concessit in perpetuum et donavit. Quodque postmodum frater (ven.) noster Andreas episcopus Ergadiensis paupertati et tenuitate reddituum mense communis monasterii supradicti, qui ad sustentationem personarum degentium in eodem, et ad hospitalitatem solitam exercendam, ac alia eidem incumbentia honera supportanda minime sufficere noscebantur, pie compatiens eandem ecclesiam cum annexis ac omnibus iuribus et pertinentiis earundem dilectorum filiorum, Capituli sue ecclesie Ergadiensis super hoc interveniente consensu, eisdem Abbati, Conventui ac Monasterio in usus proprios ad sustentationem ipsorum tradidit imperpetuum et concessit, reservata tamen perpetuo vicario inibi servituro de proventibus eius ecclesie congrua portione, ex qua possit congrue sustentari, episcopalia iura solvere, et alia sibi incumbentia onera supportare, prout in patentibus litteris inde confectis dictorum Comitum, Episcopi et Capituli sigillis munitis plenius dicitur contineri. Quare idem Rex nobis humiliter supplicavit, ut quod super hiis per eosdem Comitem ac Episcopum et Capitulum factum est, mandarem per aliquos discretos in illis partibus, si ita esse reperirent auctoritate apostolica ex certa scientia confirmari. Nos igitur eiusdem Regis supplicationibus inclinati, ac de circumspectione vestra super hiis gerentes in domino fiduciam specialem, discretionem vestram per apostolica scripta mandamus, quatenus si premissa inveneritis ita esse, quod per eosdem Comitem ac Episcopum et Capitulum super illis factum est, auctoritate nostra confirmare curetis, iure tamen cuiuslibet alterius in omnibus semper salvo, tenorem dictarum litterarum Comitum, Episcopi et Capituli predictorum huiusmodi confirmationis litteris inserentes Contradictores, etc. Datum Avinione iiii nonas Novembris, Pontificatus nostri anno quarto decimo.

¹ The church of S. Charraig was in North Knapdale. In 1621 the parsonage and vicarage of Kilmachormack were resigned by John, Comendator of Kilwinning, and annexed by Parlia-

ment to the Bishopric of Argyll. *Orig. Paroch.* ii. 39. *Acts of Parl. of Scot.*, iv. p. 652, c. 60. *Fasti Eccles. Scot.*, vol. iii. pt. i. p. 13.

² Now Kilmichael Inverlussa.

ABSTRACT.

Letters by Pope John XXII. directed to Bertrand Cariti, archdeacon of the church of Lavaur, and Raymund de Quercu, canon of the church of Langres, his nuncios in Scotland; whereby, on the narrative that a petition had been presented to him by David, King of Scotland, bearing that the late Walter, Earl of Menteth,¹ for the salvation of his soul and the soul of his wife, etc., granted to the abbot, convent, and monks of the monastery of St. Mary and St. Wynnin of Kilwinning, his right of patronage in the parish church of S. Charmaig in Knapdale, with the chapels of St. Mary in Knapdale and St. Michael in Inverlussa, with three penny lands in Riventos, annexed to the said church, in the diocese of Argyle; and that thereafter Andrew,² Bishop of Argyle, taking compassion on the poverty and smallness of the rents of the common table of the said monastery, with consent of the Chapter of Argyle gave and granted the same to the abbot, convent, and monastery for their proper uses, under reservation of a suitable portion for a perpetual vicar to serve the church there, and sufficient to pay the Episcopal dues, etc. The Pope charged and commanded his nuncios, on finding the facts correctly stated, to confirm the deeds of the earl and bishop and chapter by Apostolic authority.

14. *Monasterio de Kylwynin, ord. S. Benedicti Glasguensis diocec. dantur conservatores.*—*Reg. An. xvii. Com. Par. i. Ep. 1186.*—[October 1332.]³

Johannes Episcopus, etc.; . . . Dilectis filiis . . . de Kelchou et de . . . Culros, Sancti Andree et Dumblanensis diocesum monasteriorum abbatibus, ac archidiacono Glasguensi, salutem, etc.: Militanti ecclesie, etc. Sane dilectorum filiorum . . . abbatis et conventus Monasterii de Kilwynnine ordinis Sancti Benedicti Glasguensis diocesis conquestione percepimus, quod nonnulli archiespicopi et episcopi, ac Clerici ecclesiasticeque persone, tam religiose quam seculares, necnon duces, comites, barones, nobiles, milites, et laici, communia quoque civitatum, universitates castrorum, villarum et aliorum locorum, et alie singulares

¹ Walter Stewart was third son of Walter, High Steward of Scotland, and was adjudged Earl of Menteth in 1258. He died about 1294. —Wood's *Douglas's Peerage*, vol. ii. p. 224.

² Andrew was Bishop of Argyle in 1304, and was alive in 1327.—Keith, p. 286. *Reg. de Passelet*, pp. 131, 137.

³ Vatican MSS., p. 252, No. 500.

persone civitatum et diocesum, et aliarum partium diversarum occuparunt et occupari fecerunt, villas, ecclesias, terras, domos, grangias, decimas, molendina, piscarias, maneria, possessiones, iura et iurisdictiones, necnon fructus, census, redditus, et proventus ac nonnulla alia bona mobilia et immobilia spiritualia et temporalia ad monasterium ipsum spectantia, et ea detinent indebite occupata seu eadem detinentibus praestant auxilium, consilium vel favorem. Nonnulli etiam civitatum et diocesum partium predictarum, qui nomen domini in vacuum recipere non formidant, eisdem Abbati et Conventui super predictis villis, ecclesiis, terris, domibus, grangiis, decimis molendinis, piscariis, maneriis, possessionibus, iuribus et iurisdictionibus, necnon fructibus, censibus, redditibus et proventibus eorumdem, et quibuscumque aliis bonis mobilibus et immobilibus spiritualibus et temporalibus et rebus aliis ad dictum Monasterium spectantibus multiplices molestias ac iniurias inferunt et iacturas. Quare prefati Abbas et Conventus nobis humiliter supplicarunt, ut cum valde difficile reddatur eisdem pro singulis querelis ad apostolicam sedem habere recursum providere eis super hoc paterna diligentia curaremus. Nos igitur adversus occupatores, presumptores, molestatores, et iniuriatores huiusmodi illo volentes eis remedio subvenire, per quod ipsorum compescatur temeritas, et aliis aditus committendi similia precludatur, discretionis vestre per apostolica scripta mandamus, quatenus vos, vel duo aut unus vestrum per vos, vel alium seu alios, etiam si sint extra loca in quibus deputati estis conservatores et iudices, prefatis Abbati et Conventui efficaciae defensionis presidio assistentes, non permittatis eisdem super hiis, et quibuscumque aliis bonis et iuribus ad dictum Monasterium spectantibus ab eisdem vel quibuscumque aliis indebite molestari, vel sibi gravamina seu dampna, vel iniurias irrogari, facturi dictis Abbati et Conventui, cum ab eis aut procuratore seu procuratoribus suis, vel eorum aliquo fueritis requisiti, de predictis et aliis personis quibuscumque super restitutione dictarum villarum, ecclesiarum, terrarum, domorum, grangiarum, decimarum, molendinorum, piscariarum, maneriorum, possessionum, iurium et iurisdictionum, necnon fructuum, censuum, reddituum, et proventuum, et aliorum bonorum mobilium et immobilium, spiritualium et temporalium et aliorum quorumcumque bonorum, necnon et de quibuscumque molestiis, iniuriis atque dampnis, presentibus et futuris, in illis videlicet, que iudicalem requirunt indaginem, summarie et de plano, sine strepitu et figura indicii, in aliis vero, prout qualitas ipsorum exegerit, iusticie complementum, occupatores seu detentores,

molestatores, presumptores, et iniuriatores huiusmodi, necnon contradictores quoslibet et rebelles, cuiuscumque dignitatis, status, ordinis vel conditionis extiterint. quandocumque et quotienscumque expedire videritis, auctoritate nostra, per censuram ecclesiasticam, appellatione postposita, compescendo, Invocato ad hoc, si opus fuerit, auxilio brachii secularis, non obstantibus tam felicitis recordationis Bonifacii pape VIII., etc.; usque mentio specialis. Ceterum volumus et apostolica auctoritate decernimus, quod quelibet vestrum prosequi valeat articulum, etiam per alium inchoatum, quamvis idem inchoans nullo fuerit impedimento canonico prepeditus, quodque a data presentium sit vobis et unicuique vestrum in premissis omnibus et eorum singulis, ceptis et non ceptis, presentibus et futuris, perpetuata potestas et iurisdictio attributa, ut eo vigore eaque firmitate possitis in premissis omnibus ceptis et non ceptis, presentibus et futuris, et pro predictis procedere ac si predicta omnia et singula coram vobis cepta fuissent, et iurisdictio vestra et cuiuslibet vestrum in predictis omnibus et singulis per citationem vel modum alium perpetuata legitimum extitisset, Constitutione predicta super Conservatoribus et alia qualibet in contrarium edita non obstante. Presentibus post quinquennium minime valituris. Datum Avinione iii. nonas Octobris, Pontificatus nostri anno decimo septimo.

ABSTRACT.

Letters by Pope John XXII., directed to the Abbots of Kelso and Culros, and the Archdeacon of Glasgow. Whereby, on the narrative that he understood by a complaint of the Abbot and Convent of Kilwinning, of the order of St. Benedict, of the diocese of Glasgow, that certain archbishops, bishops, kirkmen and ecclesiastical persons, as well the religious as secular, also dukes, earls, barons, nobles, knights, and laymen, commons, etc., had occupied and caused to occupy the towns, churches, lands, houses, granges, teinds, mills, fishings, manors, rights and jurisdictions, fruits, maills, etc., belonging to the monastery, and withheld them wrongfully, or gave aid and counsel to those withholding; and some of the said cities and dioceses not fearing to take the name of God in vain, perpetrated manifold wrongs, molestations, and insults, upon the said possessions of the said monastery; on which account the abbot and convent had made supplication to the Pope to provide remedy for these evils, because it was very difficult to

have recourse to the apostolic see for every complaint: Wherefore, to repress these disorders, the Pope committed to the aforesaid, and charged them by apostolic writ that they, or two or one of them, even if beyond the places in which they were deputed conservators and judges, should assist the abbot and convent in their defence and protection, and not permit the said convent to be molested in their goods, or wrongs and losses to be inflicted on them; causing justice to be done to them when required by them or their procurators to that effect, anent the restitution of the said towns, kirks, lands, etc., and in all wrongs and molestations whatsoever; and to compel and restrain the occupiers or detainers of their lands, their troublers and wrongdoers, gainsayers and rebellious persons, of whatever rank or condition, by the Papal authority and censures of the Church, invoking if need be the secular arm for that end, notwithstanding the bull of Pope Boniface VIII. And to take all steps necessary in the prosecution of their commission as if they had been taken before the Pope himself: This appointment not to be of force after five years.

15. *Monachis de Kilwynin ord. S. Benedicti Glasguensis dioecesis confirmatur donatio eis facta per regem Scotiæ et episcopum Glasguensem de parochiali ecclesia de Dumbretan, insertis ipsorum privilegiis.*—*Reg. An. XVII. Com. Par. i. Ep. 1522.*—[1333.]¹

Johannes Episcopus, etc.; Dilectis filiis . . . Abbati et Conventui Monasterii Sanctorum Marie et Wynnini de Kilwynin ordinis sancti Benedicti Glasguensis diocesis, salutem, etc.; Quamvis ea, que auctoritate sedis apostolice pie ac provide ordinantur, robur in se obtineant firmitatis, nichilominus tamen ex habundanti sedes eadem illis apostolice confirmationis munimen adicit, ut validiora consistent. Sane dudum carissimo in Christo filio nostro David Scotie Rege illustri nobis intimante, quod clare memorie Robertus Rex Scotie, pater eius, gerens ad Monasterium vestrum et personas in eo degentes specialis devotionis affectum, ius patronatus et advocacionem quod et quam habebat in parochiali ecclesia de Dunbretan Glasguensis diocesis, vobis pro sue ac predecessorum et successorum suorum animarum salute donaverat in perpetuum et concesserat; et quod postmodum vene-

¹ Vatican MSS., p. 253, No. 502.

rabilis frater noster Episcopus Glasguensis antedictus, attendens hospitalitates, que fiebant in Monasterio memorato, ecclesiam eandem, dilectorum filiorum Capituli sui ecclesie Glasguensis accedente consensu, auctoritate ordinaria vobis concesserat in usus vestros proprios et donaverat, reservata de ipsius ecclesie proventibus, perpetuo vicario inibi servituro congrua portione, ex qua possit congrue sustentari, episcopalia iura solvere, et alia sibi incumbentia onera supportare, prout in ipsorum Roberti Regis et episcopi, ac capituli patentibus litteris inde confectis, eorumque sigillis munitis dicebatur plenius contineri. Nos ad supplicationem ipsius David Regis, dilectis filiis Bertrando Cariti archidiacono Vauriensis, et Raymundo de Quercu canonico Lingoniensis ecclesiarum, in Regno Scotie nostris et apostolice sedis nuntiis, litteris nostris dedisse meminimus in mandatis, ut si predicta ita esse reperirent, quod per dictos Robertum regem et episcopum ac capitulum super hiis factum esset, auctoritate apostolica confirmarent, iure tamen cuiuslibet alterius in omnibus semper salvo, ac huiusmodi sue confirmationis litteris litterarum Regis, episcopi et capituli earundem tenorem insererent predictarum, Contradictores auctoritate nostra, appellatione postposita, compescendo, prout in eisdem nostris litteris plenius continetur. Verum prefati nuntii formam ipsarum litterarum nostrarum diligentius observantes, quia inspectis et examinatis diligenter per ipsos tam nostris quam Regis episcopi et capituli predictorum litteris antedictis premissa invenerunt legitime ita esse, deliberatione super illis prehabita diligenti dictam ecclesiam de Dunbretan cum omnibus iuribus et pertinentiis suis, vobis et Monasterio vestro predicto in usus proprios in perpetuum confirmarunt, salvo iure cuiuslibet alieno, prout in publico quodam instrumento inde confecto eorumdem nuntiorum sigillis munito, cuius tenore de verbo ad verbum presentibus inseri fecimus, plenius continetur. Quare nobis humiliter supplicastis, ut cum verisimiliter dubitetur, quod processu temporis predicta eorumdem nuntiorum sigilla fiant incognita, et quod interim vel post dicta eorum sigilla consumi poterant, vel aliquo fortuito casu corrumpi que per eosdem nuntios facta sunt super hiis, ut prefertur confirmare ex certa scientia dignaremur. Nos igitur vestris supplicationibus inclinati, premissa omnia super hiis per eosdem nuntios, ut premittitur, facta rata et grata habentes, illa auctoritate apostolica ex certa scientia confirmamus, et presentis scripti patrocinio communi-
mus. Tenor autem dicti instrumenti eorumdem nuntiorum talis est :—

Universis sancte Matris ecclesie filiis, ad quos presentes littere pervenirent

Bertrandus Cariti archidiaconus Vauriensis et Raymundus de Quercu canonicus Lingoniensis ecclesiarum, in Regno Scotie sedis apostolice nuntii delegati, salutem in domino sempiternam. Noveritis mandatum sanctissimi in Christo patris et domini nostri, domini Johannis divina providentia pape XXII. non vitiatum, non cancellatum, nec in aliqua sua parte corruptum, nos recepisse cum ea qua decuit reverentia in hec verba. Johannes Episcopus, etc. Dilectis filiis Bertrando Cariti Archidiacono Vauriensis et Raymundo de Quercu Canonico Lingoniensis ecclesiarum, in Regno Scotie nostri et apostolice sedis nunciis, Salutem, etc. Significavit nobis carissimus, etc., ut supra Nr. cccclxxxvii. pag. 247. Dat. Avinione iiii. nonas Novembris, pontificatus nostri anno quartodecimo.

Cum igitur . . . Abbas dicti Monasterii de Kylwynin nomine suo, et monasterii sui predicti coram nobis in ecclesia cathedrali Glasguensis viii. kalend. Maii anno gratie m.ccc.xxx, in presentia venerabilium virorum dominorum Walteri de Roule precentoris, Roberti Thesaurarii, et Johannis Wylebardi, Johannis de Passelet et Roberti de Sancto Andrea dicte ecclesie Glasguensis canonicorum litteras patentes serenissimi principis clare memorie domini Roberti dudum Regis Scotie super advocatione et iure patronatus ecclesie de Dumbretan Glasguensis diocesis, et etiam litteras patentes domini Johannis Dei gratia episcopi Glasguensis super advocatione sive concessione predictae ecclesie sibi et monasterio suo predicto in usus proprios, necnon et litteras Capituli ecclesie Glasguensis super consensu collationis seu concessionis memorate, sigillis dictorum dominorum Regis, episcopi et capituli sigillatas, ut prima facie apparebat, exhibuerit, ac ad informationem premissorum eas nobis presentaverit inspiciendas, legendas et examinandas, ut quarum litterarum tenores inseruntur per ordinem sub hiis verbis, Tenor littere Regis talis est. Robertus Dei gratia Rex Scotorum omnibus probis hominibus totius terre sue, tam clericis, quam laicis salutem; Sciatis nos pro salute amine nostre, et pro salute animarum antecessorum et successorum nostrorum regum Scotie dedisse concessisse et hac presenti carta nostra confirmasse deo et beate Marie Virgini et beato Wynnino ac Monasterio de Kylwynin in Cunyngham, abbati et monachis ibidem deo servientibus, et in perpetuum servituris ius patronatus et advocationem ecclesie ville nostre de Dunbretan, tenendum et habendum dicto Monasterio et Monachis predictis in perpetuum, cum omnibus iustis pertinentiis suis in liberam, puram, et perpetuam elemosinam, adeo libere, pure,

quiete et honorifice, sicut aliqua elemosina in Regno Scotie alicui monasterio seu pio loco per antecessores nostros Reges Scotie, seu per nos data et concessa liberius purius, quietius seu honorificentius tenetur aut possidetur, salvo iure Rectoris dicte ecclesie, qui nunc est, donec cedat vel decedat. In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi, testibus venerabilibus patribus Willelmo, Wyllermo et Iohanne Sancti Andree, Dunkeldensis et Breychinensis ecclesiarum dei gratia episcopis Bernardo Abbate de Abirbrothoc Cancellario nostro, Waltero Senescallo Scotie, Iacobo domino de Duglas, Iohanne de Menetech, et Roberto Boyde militibus. Apud Abirbrothoc quarto die Maii, Anno Regni nostri quinto decimo. Tenor littere domini Episcopi talis est. Universis Christifidelibus, ad quorum notitiam presens scriptum pervenerit, IOHANNES miseratione divina ecclesie Glasguensis minister humilis, salutem in domino sempiternam. Noverit universitas vestra, quod cum magnificus Princeps dominus Robertus dei gratia Rex Scotorum illustris advocationem, sive ius patronatus ecclesie sancte Marie de Dunbretan nostre diocesis Religiosis viris . . . Abbati, et Conventui Monasterii de Kylwynin in Conynghame eiusdem diocesis, et eorum Monasterio pie ac devote pro salute anime sue, et pro salute animarum antecessorum et successorum suorum Regum Scotie perpetuo contulisset, et nos tam viva voce quam per litteras suas patentes cum instantia sepius requisisset, quod dictam ecclesiam dictis Religiosis in suos proprios usus generose conferre dignaremur: Nos tam devotionem dicti domini Regis, quam hospitalitates quas dicti Religiosi indesinenter perficiunt, concorditer attendentes, utilitate et honore Ecclesie nostre pensatis, ipsam ecclesiam de Dunbretan cum terris, decimis, obventionibus et omnibus aliis iustis pertinentiis suis, predictis Religiosis et eorum successoribus, ac Monasterio suo de Kylwynin predicto divine caritatis intuitu, interveniente Consensu capituli nostri, pro nobis et successoribus nostris in suos proprios usus damus, concedimus, et Episcopali auctoritate presenti scripto imperpetuum confirmamus, salvo iure veri Rectoris eiusdem ecclesie, donec cedat vel decedat, seu alio modo de iure fuerit amovendus, reservata tamen nobis et successoribus nostris collatione Vicarie eiusdem ecclesie cum ipsam vacare contingeret. Quiquidem Vicarius per nos instituendus tenebit se contentum de portione competenti ordinanda per nos et religiosos predictos, et respondebit de omnibus et singulis oneribus ordinariis et extraordinariis pro rata portionis sue. In cuius rei testimonium presenti

scripto sigillum nostrum autenticum est appensum. Datum et actum apud Abirbrothoc vicesimoseptimo die Novembris, anno gratie M.CCC.XXV. —Tenor littere Capituli. Omnibus sancte Matris Ecclesie filiis presens scriptum visuris vel audituris Decanus et Capitulum Glasguenses, salutem in domino, Noveritis nos inspexisse et veraciter intellexisse cartam venerabilis patris nostri Iohannis dei gratia Glasguensis Episcopi in hec verba. Universis Christifidelibus etc. ut in proxima superiori per totum. Quam quidem donationem et concessionem secundum tenorem superius annotatum de communi consilio nostro et assensu, diligenti tractatu premissis, pro nobis et successoribus nostris imperpetuum ratificamus, approbamus et confirmamus, et ut ista nostra confirmatio plenam obtineat firmitatem, presenti scripto commune sigillum Capituli nostri fecimus apponi. Datum in Capitulo nostro apud Glasguam tertiodecimo die mensis Octobris, anno gratie M.CCC.XXVI.

Quibus litteris apostolicis nobis exhibitis et presentatis, dictus dominus Abbas nos cum instantia requisivit, ut ad confirmationem predictarum procedere deberemus iuxta traditam per ipsas litteras apostolicas nobis formam. Nos igitur volentes mandatum apostolicum nobis in hac parte directum ut filii obedientie exequi, ut tenemur, supradictis litteris tam apostolicis, quam aliis inspectis et examinatis, et super negotio memorato deliberatione prehabita diligenti, auctoritate apostolica in hac parte commissa, dictam ecclesiam de Dunbretan cum omnibus iuribus suis et pertinentiis universis, dictis Religiosis et eorum Monasterio predicto in usus proprios in perpetuum confirmamus, salvo iure cuiuslibet alieno. In quorum omnium testimonium premissorum presentem confirmationem scribi fecimus per Geraldum Marquesii Notarium infrascriptum et sigillorum nostrorum appensione muniri. Datum et actum apud Glasguam in domo domini Walteri de Tuwynam Rectoris ecclesie Glasguensis, prima die mensis Maii, anno domini M. CCC.XXX. presentibus dominis Iohanne de Passelet Canonico Glasguensi, Malcolmo de Kandi Vicario ecclesie Glasguensis, Guillelmo de Corri Rectore de Kenen, et fratre Iohanne Dalgarnet Monacho predicti Monasterii, testibus ad premissa vocatis et rogatis. Et ego Geraldus Marquesii clericus Vabrensis diocesis, publicus auctoritate apostolica notarius, de mandato dictorum dominorum Bertrandi Cariti et Raymundi de Quercu sedis apostolice nuntiorum predictam confirmationem, et omnia et singula in ea contenta manu mea propria scripsi, et in hanc formam publicam redegi, signoque meo solito signavi

requisitus. Signum mei Guillelmi Gaufredi hic est appensum in testimonium premissorum.

Nulli ergo etc. nostre confirmationis infringere etc. Datum Avinione Kal. Aprilis, Pontificatus nostri anno decimoseptimo.

ABSTRACT.

Letters of Pope John XXII. directed to the Abbot and Convent of the Monastery of St. Mary and St. Wynnin of Kilwinning; whereby, on the narrative that David, King of Scotland, had informed him that his father Robert, King of Scotland, had gifted to them his right of patronage of the Church of Dunbarton, and that the Bishop of Glasgow and Chapter thereof had granted and confirmed the same to them for their proper use; and that he had appointed his foresaid nuncios to confirm the same; and that the foresaid nuncios had found all the letters of gift duly and lawfully made, and had confirmed the same, as was more fully contained in a public instrument made thereupon and confirmed with their seals: Whereupon the abbot and convent had made a supplication to the Pope, bearing that it was not unlikely that in process of time the seals of the said nuncios might become unknown, or worn away, or defaced, and therefore asking the Pope to confirm what was done by his nuncios: And accordingly he confirmed with apostolic authority all that was done in the premises by his said nuncios.

The relative writs inserted in the deed are:—

1. Letters by Bertrand Cariti, archdeacon of Lavour, and Raymund de Quercu, canon of Langres, nuncios delegate of the Apostolic See in Scotland, wherein relating that having received the mandate of Pope John XXII., directed to them dated 2d November 1329 [p. 141, No. 11], the abbot of the said Monastery, in his own name and that of the Monastery foresaid, compared before them in the Cathedral Kirk of Glasgow on the 24th April 1330, in presence of Walter of Roule, precentor, Robert, treasurer, John Wylebard, and other canons of the Church of Glasgow, and exhibited to them the letters patent of Robert, late King of Scotland, on the advocation and right of patronage of the Church of Dunbarton, the letters patent of John, Bishop of Glasgow, on the same, and the letters of the Chapter of

Glasgow on their consent to the same ; and presented them to the nuncios to be seen, read, and examined by them. These deeds are inserted, and are

2. Charter by Robert, King of Scotland, for the weal of his soul and the souls of his predecessors and successors, Kings of Scotland, to God and St. Mary the Virgin, and St. Wynnin, and the Monastery of Kilwinning in Cunninghame, and the abbot and monks there serving God and to serve for evermore, of the right of patronage of the Church of his town of Dunbarton : to be held in free almsgift ; reserving the right of the rector of the church till he shall resign or die. Witnesses William, Bishop of St. Andrews, etc., at Aberbrothoc, 4th May [1320].

3. Letters by John, humble minister of the Church of Glasgow, bearing that whereas Robert, King of Scotland, had conveyed the right of patronage of the Church of St. Mary of Dunbarton to the abbot and convent of the Monastery of Kilwinning, in Cunninghame, and had both *viva voce* and by his letters patent requested the bishop generously to confer the said church on the said religious men for their proper uses, the bishop granted and confirmed the said Church of Dunbarton, with lands, teinds, obventions, and pertinents, to them and their successors, for their proper uses, reserving the right of the rector, etc., and to the bishop the collation of the vicar of the said church when it happened to become vacant ; which vicar should be bound to be content with a sufficient portion to be assigned by the bishop and religious men foresaid. Dated at Aberbrothoc, 27th November 1325.

4. Letter by the Dean and Chapter of Glasgow, ratifying and confirming, with common consent and assent, the foresaid gift and grant by John, Bishop of Glasgow. Given in the Chapter-house of Glasgow, 13th October 1326. Which apostolic letters being so exhibited and presented, the said Lord Abbot asked them to proceed to the confirmation of the same ; who accordingly confirmed, with apostolic authority committed to them in that part, the Church of Dunbarton to the said Monastery for their proper uses. In witness of all which the nuncios caused the public instrument to be written by Gerald Marquesii, notary, and confirmed with their seals. Done in the dwelling-house of Walter of Tuwynam, rector of the church of Glasgow, 1st May 1330, in presence of John of Paisley, Canon of Glasgow, etc.

The Pope's confirmation is dated at Avignon, 1st April 1333.

16. *Iisdem donatio per Episcopum Glasguensem facta de ecclesiis de Kylmernoc et de Beth dictae dioecesis confirmatur. Ibidem, ep. 1523.—[1333.]*¹

IOHANNES EPISCOPUS, etc. Dilectis filiis . . . Abbati et Conventui Monasterii sanctorum Marie et Wynnini de Kylwynin, etc. Salutem, etc. Quamvis ea que auctoritate apostolica, etc., ut supra usque consistent. Sane dudum Carissimo in Christo filio nostro David Rege Scotie illustri nobis intimante, quod bone memorie Robertus Episcopus Glasguensis, dum adhuc vitam duceret in humanis, attendens, quod Monasterium vestrum propter diversarum guerrarum discrimina et frequentes incursus malignantium, ac propter ecclesias destructas ipsius Monasterii, et possessiones eiusdem in earum redditibus attenuatas vos ad tantam deveneritis paupertatem ac inopiam, quod sufficientes redditus non habebatis, unde possetis commode sustentari, et quod ob hoc dictus Episcopus pio vobis compatiens affectu, de Kylmernoc et de Beth ecclesiarum perpetuas Vicarias Glasguensis diocesis, in quibus Vicariorum presentatio ad vos communiter pertinebat, dilectorum filiorum Capituli ecclesie sue Glasguensis ad hoc accedente consensu, vobis et dicto Monasterio vestro tam pro vestra quam pauperum illuc confluentium sustentatione, quam etiam ad manutenendam hospitalitatem, que consueverat ibi fieri, in usus proprios tradiderat imperpetuum et concesserat, prout in patentibus litteris inde confectis eiusdem Episcopi sigillis munitis dicebatur plenius contineri.

Nos ad supplicationem Regis eiusdem dilectis filiis Bertrando Cariti Archidiacono Vauriensis, et Raymundo de Quercu, Canonico Lingoniensis ecclesiarum, tunc in Regno Scotie nostris et Apostolice sedis nunciis, nostris dedimus litteris in mandatis, ut si predicta ita esse reperirent quod per dictum Episcopum super illis factum erat, auctoritate nostra confirmare curarent, iure tamen cuiuslibet alterius in omnibus semper salvo, tenorem dictarum litterarum ipsius Episcopi huiusmodi confirmationis eorum litteris inserendo, ac contradictores auctoritate nostra, appellatione postposita, compescendo, prout in dictis nostris litteris plenius continetur. Dicti namque nuntii formam ipsarum litterarum nostrarum diligentius observantes, quia inspectis et examinatis per eos tam nostris quam Episcopi litteris ante

¹ Vatican MSS., No. 503.

dictis, premissa invenerunt legitime ita esse, prout nobis per Regem erant exposita memoratum, deliberatione super dicto negotio prehabita diligenti, auctoritate apostolica eis in ea parte commissa predictas de Kylmernoc et de Beth ecclesiarum predictarum perpetuas vicarias cum omnibus iuribus et pertinentiis suis, vobis et Monasterie vestro predicto in usus proprios in perpetuum confirmarunt, salvo iure cuiuslibet alieno, prout hec in quodam instrumento inde confecto, eorundem nuntiorum nostrorum sigillis munito, cuius tenorem de verbo ad verbum presentibus inseri fecimus, plenius continetur. Quare nobis humiliter supplicastis, ut cum verisimiliter dubitaretur quod processu temporis predicta eorundem nuntiorum sigilla fiant incognita, et quod interim vel post dicta eorum sigilla consumi poterant, vel aliquo fortuito casu corrumpi, que per dictos nuncios super premissis facta sunt, ut prefertur, confirmare ex certa scientia dignaremur. Nos igitur huiusmodi supplicationibus, etc. ut in superiori. Tenor autem dicti instrumenti, etc. Iohannes Episcopus, etc.; ut supra Nr. cccc.l.xxxvii. [page 143]. Datum Avinione iiii. Nonas Novembris, Pontificatus nostri anno quartodecimo.

Post quarum litterarum apostolicarum receptionem, cum dictus dominus Abbas Monasterii de Kylwynin nomine suo, et Monasterii sui predicti in ecclesia Glasguensi viii. Kal. Maii, anno gratie m.ccc.tricesimo, in presentia venerabilium virorum dominorum Walteri de Roule precentoris, Roberti thesaurarii, Iohannis Wischard, Iohannis de Passelet, et Roberti de S. Andrea (canonicorum) dicte ecclesie Glasguensis ecclesiarum litteras patentes bene memorie domini Roberti dudum Episcopi Glasguensis super donatione, et concessione Vicarie de Kylmernoc, cum litteris Capituli ecclesie Glasguensis de consensu super huiusmodi donatione, necnon et quasdam alias litteras patentes eorundem Episcopi et Capituli super collatione, sive traditione Vicarie de Beth Glasguensis diocesis in proprios usus ipsius Monasterii factis, predictorum . . . Episcopi et Capituli sigillis sigillatas, ut prima facie apparebat, ad informationem premissorum nobis exhibuerit et presentaverit legendas, videndas et examinandas, quarum omnium exhibitarum premissarum super hoc litterarum tenores de verbo ad verbum successive secuntur. Tenor littere Episcopi super collatione Vicarie de Kylmernoc talis est.

ROBERTUS miseratione divina ecclesie Glasguensis minister humilis, dilectis in Christo filiis religiosis viris . . . Abbati et Conventui de Kylwynin nostre diocesis, salutem in domino. In nostra presentia vestra

petitio querulosa proposita continebat, quod propter diversa guerrarum discrimina et frequentes incursus malignantium sic ad summam inopiam devenistis, ut ecclesie vestre destructe et possessiones attenuate vobis alimenta tenuissima non sufficiant ministrare: unde per nos vobis petistis misericorditer subveniri, ut Vicariam de Kylmernoc vobis in proprios usus in perpetuum concedi possidendam. Nos igitur vestre compatiētes inopie, ut ex paterno tenemur affectu, ad instantiam Serenissimi principis et domini nostri domini Roberti dei gratia Regis Scotie Illustris, qui super hoc nobis humiliter supplicavit, dictam Vicariam de Kylmernoc vobis et Monasterio vestro in proprios usus imperpetuum possidendam per presentem concedimus et donamus: ita tamen, quod domino Ade Balty nuper eiusdem Vicario, qui ob cecitatem oculorum factus inhabilis, dictam Vicariam resignavit, pro tempore vite sue faciatis decenter secundum statum suum in necessariis provideri, ac etiam omnia ordinaria et extraordinaria, in quibus prius tenebatur ecclesia de Kylmernoc, imposterum teneamini nichilominus exhibere. In cuius rei testimonium ad perpetuam nostre concessionis et donationis firmitatem presentes litteras sigilli nostri munimine fecimus roborari. Datum Londonii vicesimo quarto die Martii, anno gratie M.CCC.XII. Tenor littere consensu Capituli.

Omnibus sancte matris ecclesie filiis presens scriptum visuris vel audituris, Vicegerens Venerabilis viri domini Raymundi de Monteboerii, Decani Glasguensis, in Curia Romana tunc degentis, et eiusdem loci Capitulum, salutem in domino. Noveritis nos inspexisse ac veraciter intellexisse cartam Venerabilis patris domini Roberti dei gratia Glasguensis Episcopi, factam Monasterio de Kylwynin et Monachis ibidem deo servientibus super donatione Vicarie de Kylmernoc cum pertinentiis suis eisdem Monasterio et Monachis in suos proprios usus concessa in perpetuum in hec verba. Robertus miseratione divina ecclesie Glasguensis humilis minister, etc. In nostra presentia, etc. fecimus roborari. Datum Londonii vicesimo quarto Martii, anno gratie M.CCC.XII. Quam quidem donationem et concessionem secundum tenorem superius annotatum de communi consilio nostro et consensu, diligenti tractatu premissio pro nobis et successoribus nostris in perpetuum ratificamus, approbamus et confirmamus. Et ut ista nostra confirmatio plenam obtineat firmitatem presenti scripto commune sigillum Capituli nostri fecimus apponi. Datum in Capitulo nostro apud Glasguam, duodecimo Kal. Junii anno domini M.CCC.XIII.

Item sequitur tenor littere Episcopi Glasguensis super donatione Vicarie de Beth. ROBERTUS permissione divina Glasguensis ecclesie minister humilis universis sancte matris ecclesie filiis presens scriptum visuris vel audituris, salut. in domino. Noveritis nos divine caritatis intuitu, ac utilitate ecclesie diligenter inspecta, diligenti tractatu premissu, de consensu Capituli nostri Glasguensis dedisse, concessisse, et hac presenti carta nostra confirmasse Monasterio Sancte Marie et Sancti Wynnini de Kylwynin in Cunigham, et Abbati et Monachis ibidem deo servientibus et perpetuo servituris vicariam de Beth in suos proprios usus cum omnibus comoditatibus, aisiamentis et libertatibus ad dictam Vicariam pertinentibus, ad sustentationem pauperum et ad hospitalitatem dicte domus sustentandam, tenendam et habendam dicto Monasterio et dictis Monachis imperpetuum ita quiete, libere, plene, et honorifice, sicut aliqua ecclesia seu Vicaria infra nostram diocesim in proprios usus alicui Monasterio concessa tenetur, seu possidetur, salvo iure Episcopi et Archidiaconi in omnibus. In cuius rei testimonium presenti scripto sigillum nostrum est appensum. Datum apud Glasguam anno domini M.CC. octuagesimosexto, die Martis proxima post translationem Sancti Thome martiris, presentibus domino Waltero Rectore ecclesie de Kirkmichel, domino David Capellano, domino Willelmo de Swineford, Magistro Henrico de Cubiehath, et multis aliis.—Tenor littere confirmationis Capituli super Vicaria de Beth.

Omnibus sancte Matris Ecclesie filiis presens scriptum visuris vel audituris, Thomas Wischard Decanus ecclesie Glasguensis et eiusdem loci Capitulum salutem in domino. Noveritis nos inspexisse ac veraciter intellixisse cartam Venerabilis patris nostri Roberti dei gratia Glasguensis Episcopi factam Monasterio de Kylwynin et Monachis ibidem deo servientibus super donatione Vicarie de Beth cum pertinentiis, eisdem Monasterio et Monachis in suos proprios usus concessa imperpetuum in hec verba. Robertus permissione divina Glasguensis ecclesie minister humilis etc. ut supra. Quam quidem donationem et concessionem, secundum tenorem superius annotatum, de communi consilio nostro et assensu, diligenti tractatu premissu, pro nobis et successoribus nostris imperpetuum ratificamus, et approbamus et confirmamus: et ut ista nostra confirmatio plenam obtineat firmitatem presenti scripto commune sigillum Capituli nostri fecimus apponi. (Deest data.)

Quibus litteris apostolicis et aliis predictorum Episcopi et Capituli nobis

exhibitis, et presentatis dictus dominus Abbas nos cum instantia requisivit, ut ad confirmationem predictarum Vicariarum procedere deberemus, iuxta traditam per litteras apostolicas nobis formam. Nos igitur volentes mandatum apostolicum nobis in hac parte directum ut filii obedientie reverenter exequi, ut tenemur, supradictis omnibus litteris tam apostolicis, quam aliis diligenter inspectis et examinatis et super negotio memorato deliberatione prehabita diligenti, auctoritate apostolica nobis in hac parte commissa, dictas de Kylmernoc et de Beth perpetuas Vicarias cum omnibus iuribus suis et pertinentiis universis dictis Religiosis, et eorum Monasterio predicto in usus proprios in perpetuum confirmamus, salvo iure cuiuslibet alieno. In quorum omnium premissorum (testimonium) presentem confirmationem scribi fecimus per Geraldum Marquesii notarium infrascriptum, et sigillorum nostrorum appensione muniri. Datum et actum apud Glasguam in domo domini Walteri de Tuwynam Rectoris ecclesie Glasguensis, prima die mensis Maii, anno domini m.ccc.xxx. Pontificatus domini nostri Iohannis divina providentia, Pape XXII., anno quartodecimo. Presentibus dominis Iohanne, etc. ut supra.

Nulli ergo etc. nostre confirmationis infringere, vel ei etc. Datum Avinione Kalendas Aprilis, Pont. nostri anno decimoseptimo.

ABSTRACT.

Letters of Confirmation by Pope John XXII., directed to the Abbot and convent of the Monastery of St. Mary and St. Wynnin of Kilwinning, in ratifying the gift made to them of the Churches of Kilmarnock and Beith, proceeding on the narrative that David, King of Scotland, had informed him that Robert, Bishop of Glasgow, to relieve the poverty of the Monastery, had granted to them, with consent of his chapter, the perpetual vicarages of the Churches of Kilmarnock and of Beith, in the diocese of Glasgow, of which they had formerly the presentation of the vicars; and the Pope, willing to grant the request of King David to confirm the same, had empowered Bertrand Cariti, archdeacon of the Church of Lavaur, and Raymund de Quercu, canon of the Church of Langres, his nuncios in Scotland, to confirm what the bishop had done in the premises; and the nuncios finding on examination the writs authentic, and everything in order, confirmed the same, as contained more fully in the instrument engrossed; and the abbot and convent asked the apostolic confirmation, lest in process of time the seals of the

nuncios should become unknown. Which request the Pope was willing to grant, and therefore confirmed the said gift with apostolic authority. The Instrument of Confirmation narrates that after reading the foregoing apostolic letter, the Abbot of the Monastery of Kilwinning, in his own name and that of the Monastery, in the Church of Glasgow, on the 24th day of April 1330, in presence of Walter of Roule, precentor of the Church of Glasgow, and other canons, presented and exhibited to the nuncios aforesaid, for their examination, the following letters-patent, which are engrossed at length :—

1. Letters Patent by Robert, Bishop of Glasgow, granting to the Abbot and Convent of Kilwinning, in order to alleviate their distress occasioned by the wars, etc., and at the request of Robert, King of Scotland, the vicarage of Kilmarnock, for their proper uses, reserving a decent sustenance for Sir Adam Balty, late vicar, who had resigned owing to blindness. Given at London 24th March 1312.

2. Letters of Confirmation by the vicegerent of Sir Raymund de Monteboerii, dean of Glasgow, then at the Court of Rome, and the Chapter of Glasgow, ratifying the preceding gift and grant. Given in the Chapter-house of Glasgow 21st May 1313.

3. Letters Patent by Robert, Bishop of Glasgow, with consent of the Chapter, granting to the Monastery of Kilwinning in Cunninghame, and the abbot and monks there, the vicarage of Beith, for their proper uses, to uphold the poor, and maintain hospitality, reserving the episcopal and archdiaconal rights. Given at Glasgow the Tuesday after the Translation of Thomas the Martyr [7 July] 1286.

4. Letters of Confirmation by Thomas Wischard, dean of the Church of Glasgow, and Chapter thereof, confirming the above gift of the vicarage of Beith (date wanting).

And the nuncios having seen and examined these letters, at the request of the abbot confirmed with apostolic authority, according to the power given to them by the apostolic letters, the perpetual vicarages of Kilmarnock and Beith to the Monastery of Kilwinning. The nuncios' confirmation is written by Gerald Marquesii, notary, and confirmed with the nuncios' seals, and is dated at Glasgow, in the house of Sir Walter of Tuwynan, rector of the Church of Glasgow, 1st May 1330, and the Pope's confirmation is dated Avignon 1st April [1333].

17. *Eidem Abbati donatio per comitem de Menetheht de iure patronatus parochialis ecclesiae de Kilmachormant Ergadiensis dioecesis facta confirmatur, inserto eiusdem comitis donationis instrumento. Ibidem Epist. 1524.—[1333.]*¹

IOHANNES EPISCOPUS, etc. Dilectis filiis . . . Abbati et Conventui Monasterii de Kylwynin etc. salutem etc. Quamvis ea etc. ut supra. Sane dudum Carissimo in Christo filio nostro David Rege Scotie Illustri, nobis intimante, quod quondam Walterus Comes de Menetheht, dum vitam ageret in humanis, pro sue et uxoris et antecessorum et successorum suorum animarum salute, ius patronatus, quod idem Comes tunc habebat in parochiali ecclesia de Kilmachormant in Cnapedale, cum Capellis Sancte Marie in Cnapedale et sancti Michaelis in Inwerlaxo cum tribus denariatis terre in Rivotos eidem ecclesie annexis, Ergadiensis dioecesis vobis concesserat in perpetuum et donaverat: et quod postmodum venerabilis frater noster Andreas Episcopus Ergadiensis, paupertati et tenuitate reddituum mense communis dicti vestri Monasterii qui ad sustentationem personarum degentium in eodem, et ad hospitalitatem solitam exercendam, et alia eidem incumbentia onera supportanda non sufficere noscebatur, pie compatiens, eandem ecclesiam cum annexis ac omnibus iuribus et pertinentiis eorumdem, dilectorum filiorum Capituli sue ecclesie Ergadiensis super hoc interveniente consensu, vobis et Monasterio vestro in usus proprios ad sustentationem vestram tradiderat imperpetuum et concesserat, reservata perpetuo Vicario inibi servituro de proventibus eiusdem ecclesie congrua portione ex qua possit congrue sustentari, Episcopalia iura solvere et alia sibi incumbentia onera supportare, prout in patentibus litteris inde confectis dictorum Comitum, Episcopi et Capituli sigillis munitis dicebatur plenius contineri. Nos ad ipsius David Regis supplicationem dilectis filiis Bertrando Cariti Archidiacono Vauriensis et R. de Quercu Canonico Lingonensis ecclesiarum, tunc in Regno Scotie nostris et Apostolice sedis nuntiis, nostris dedimus litteris in mandatis ut si predicta ita esse reperirent, quod per eosdem Comitem et Episcopum ac Capitulum super illis factum erat, auctoritate nostra confirmare curarent, iure tamen cuiuslibet alterius in omnibus semper salvo, Tenorem dictarum

¹ Vatican MSS., No. 504.

litterarum Comitum, Episcopi ac Capituli huiusmodi confirmationis eorum litteris inserendo, ac Contradictores auctoritate nostra, appellatione postposita, compescendo. Dicti namque nuntii formam ipsarum litterarum nostrarum exacta diligentia observantes quia inspectis et examinatis per eos tam nostris, quam Comitum, Episcopi ac Capituli eorundem litteris antedictis, premissa invenerunt legitime ita esse, prout nobis fuerant per Regem exposita memoratum, deliberatione super negotio predicto prehabita diligenti, auctoritate apostolica eis in hac parte commissa, dictam ecclesiam de Kilmachormant cum omnibus iuribus et pertinentiis suis vobis, ac vestro Monasterio supradicto in usus proprios imperpetuum confirmarunt, salvo iure cuiuslibet alieno, prout hoc in quodam instrumento publico inde confecto, eorundem nuntiorum nostrorum sigillis munito, cuius tenorem de verbo ad verbum presentibus inseri fecimus, plenius continetur. Quare nobis humiliter supplicastis, ut cum difficiliter dubitaretur, quod processu temporis predicta eorundem nuntiorum sigilla fiant incognita, et quod interim vel post dicta eorum sigilla consumi poterunt, vel aliquo fortuito casu corumpsi, que per eosdem nuntios facta sunt super hiis, ut prefertur, confirmare ex certa scientia dignaremur. Nos igitur huiusmodi vestris supplicationibus inclinati, premissa omnia per dictos nuntios super hiis, ut predictur, facta rata et grata habentes, illa auctoritate apostolica ex certa scientia confirmamus et presentis scripti patrocinio communimus. Tenor autem dicti instrumenti eorundem nuntiorum talis est.

Universis sancte Matris Ecclesie filiis, ad quos presentes littere pervenerint, Bertrandus Cariti archidiaconus Vauriensis et Raymundus de Quercu Canonicus Lingonensis ecclesiarum, in Regno Scotie sedis apostolice nuntii delegati, salutem in domino. Noveritis mandatum sanctissimi in Christo patris et domini nostri domini Iohannis divina providentia pape XXII., non vitiatum etc. nos recepisse cum ea qua decuit reverentia in hec verba. Iohannes Episcopus etc. Dilectis filiis Bertrando Cariti et R. de Quercu etc.; Petitio Carissimi in Christo filii nostri David Regis Scotie etc. ut supra, Nr. DII. [pag. 150]. Datum Avinione IV. Nonas Novembris. P. n. anno XIV.

Cum igitur . . . Abbas etc., usque litteras patentes Nobilis viri domini Walteri dudum Comitum de Menetheht super advocatione et iure patronatus ecclesie de Knapedale, ac etiam litteras patentes venerabilis patris domini Andree Episcopi Ergadiensis consensum sui Capituli continentes super concessione predictae ecclesie de Knapedale Ergadiensis diocesis sibi, et Monas-

terio suo in usus proprios facte ad informationem premissorum nobis exhibuerit inspiciendas, videndas et examinandas: quarum litterarum tenores per ordinem subsecuntur. Tenor littere Comitum talis est.

Sciant presentes et futuri, quod ego WALTERUS Senior Comes de Mentheth dedi, concessi, et hac presenti carta mea confirmavi deo, et Monasterio sancte Marie et sancti Wynnini de Kylwynin in Cumingham, et Monachis ibidem deo servientibus et perpetuo servituris ecclesiam de Kylmachornat in Knape-dale, cum capellis Sancte Marie in Cuapro et sancti Michaelis in Inwerlaxo, et cum tribus denariatis terre in Riventos eidem ecclesie de Kylmachornat annexis, et cum omnimodis aliis commoditatibus ad dictam ecclesiam cum capellis suis de iure pertinentibus, vel futuris temporibus quocumque modo pertinere valentibus in puram et perpetuam elemosinam divine caritatis intuitu et pro salute anime mee et domine Marie quondam sponse mee Comitisse de Menetheht, et animabus omnium antecessorum meorum et successorum. Ego vero Walterus et heredes mei ecclesiam predictam de Kylmachornat cum omnibus predictis pertinentiis suis et libertatibus, predictis Monasterio et Monachis contra omnes homines et feminas imperpetuum garantizabimus et defendemus In cuius rei testimonium presenti carte sigillum meum apposui, hiis testibus dominis Iohanne Senescallo, Iohanne de Soulis, Andrea Kras, Ingerramo de Henka Wille, Reginaldo de Crauford militibus, Alexandro de Menetheht et Iohanne filiis meis, Magistro Gilberto de Templeton, et multis aliis. (Deest data.)

Tenor littere concessionis Episcopi de consensu sui Capituli talis est. Frater ANDREAS permissione divina Ergadiensis ecclesie minister humilis, Reverendo et discreto viro domino Ade Dei gratia Abbati Monasterii de Kylwynin ordinis Turonensis, necnon et eiusdem Monasterii Conventui deo servientibus et in perpetuum servitutis, salutem et gratiam salvatoris. Compantes vestre communis mense non modice paupertati, que non sufficit, prout asseritis, ad vestram sustentationem in divinis obsequiis, et ad respondendum de hospitalitate et aliis oneribus incumbantibus, sicut lex exigit caritatis, supplicatoriis vestris devotis precibus inclinati, habita deliberatione consilii de communi assensu nostri Capituli vobis dispensative duximus concedendum et concedimus per presentes, ut fructus et obventiones, qui ad Rectorem pertinere dignoscuntur in ecclesia sancti Trechani in Chapodel cum capellis eiusdem nostre diocesis, possitis convertere in usus vestros ad sustentationem vestre communis mense, salva carta nostra Epis-

copali, salvaque portione Vicarii in ecclesia memorata. In cuius rei testimonium sigillum nostrum una cum sigillo dicti Capituli nostri est appensum. Datum apud nostram ecclesiam Cathedralem in octabis s. Martini Episcopi gloriosi, Anno domini m.ccc. vicesimoseptimo.

Quibus litteris apostolicis ac aliis predictorum dominorum Comitis, Episcopi et Capituli sigillorum eorum sigillatis, ut prima facie apparebat nobis exhibitis et presentatis, dictus dominus Abbas nos cum instantia requisivit ut ad confirmationem predictam procedere deberemus iuxta traditam per ipsas litteras apostolicas nobis formam. Nos igitur volentes mandatum apostolicum nobis in hac parte directum ut filii obedientie exequi, ut tenemur, supradictis omnibus literis inspectis et examinatis, et super negotio memorato deliberatione prehabita diligenti, auctoritate apostolica nobis in hac parte commissa dictam ecclesiam de Kylmachormant, cum omnibus iuribus suis et pertinentiis universis dictis religiosis, et eorum Monasterio predicto in usus proprios imperpetuum confirmamus, salvo iure cuiuslibet alieno. In quorum omnium testimonium premissorum presentem confirmationem scribi fecimus per Geraldum Marquesii notarium infrascriptum et sigillorum nostrorum appensione muniri. Datum et actum apud Glasguam in domo domini Walteri de Tuwynam Rectoris ecclesie eiusdem Glasguensis, prima die mensis Maii, Anno dñi m.ccc.xxx. Pontificatus domini nostri, dñi Iohannis divina providentia pape XXII., anno quartodecimo. Presentibus dominis Johanne de Passeleto Canonico Glasguensi, Malcolmo de Canedi Vicario ecclesie Glasguensis, Guillelmo de Carry Rectore ecclesie de Kenen, et fratre Johanne Dalgarnot Monacho dicti Monasterii testibus ad premissa vocatis specialiter et rogatis. Constat michi de rasuris suprascriptis in decima octava et decimanona ac vicesima lineis. Datum ut supra. Et ego Geraldus Marquesii clericus Vabrensis diocesis, publicus auctoritate apostolica notarius, de mandato ipsorum dominorum Bertrandi Cariti et Raymundi de Quercu sedis apostolice nunciorum predictam confirmationem, et omnia et singula in ea contenta manu mea propria scripsi, et in hanc publicam formam redegi, signoque meo solito signavi requisitus: Et ego Guillelmus Gaufridi clericus Caturcensis diocesis, auctoritate apostolica notarius, qui de premissis omnibus notam recepi, huic instrumento me subscripsi et signum meum apposui ad maiorem roboris firmitatem.

Nulli ergo etc. nostre confirmationis infringere etc. Datum Avinione Kal. Aprilis, Pontificatus nostri anno decimoseptimo.

ABSTRACT.

Letters by Pope John XXII., whereby he confirmed and ratified all that was done by his nuncios in confirming to the Monastery of Kilwinning the patronage of the Church of S. Charmaig, etc., as contained in the nuncios' Instrument of Confirmation thereupon: the confirmation of the nuncios being granted on the information, and at the request, of David, King of Scotland, and by the Pope on the request of the abbot and convent. The letters contain—

1. Instrument of Confirmation by Bertrand Cariti, archdeacon of the Church of Lavaur, and Raymond de Quercu, canon of the Church of Langres, nuncios delegate of the Apostolic See in Scotland, whereby, in obedience to the command contained in the letters of Pope John XXII., dated at Avignon [2d November 1329], having seen, inspected, and examined the following letters, presented to them by the Abbot:—

2. Charter by Walter, Earl of Menteth, to God and the Monastery of St. Mary and St. Wynnin of Kilwinning in Cunninghame, and the monks there, of the Church of S. Charmaig in Knapdale, with the chapels of St. Mary in [Knapdale] and St. Michael in Inverlussa, with three penny lands in Riventos, annexed to the said Church of S. Charmaig, with all else belonging thereto, in pure almsgift, and this for the weal of his own soul, the soul of Lady Mary,¹ sometime his spouse, Countess of Menteth, and the souls of his predecessors and successors. Witnesses, Sir John Stewart, John of Soulis, Andrew Kras, Ingelram of Henka Wille, Reginald of Crauford, knights, etc. (Date wanting.)

3. Letters of Grant by Andrew, minister or bishop of the Church of Argyle, directed to Adam, Abbot of the Monastery of Kilwinning, of the Turonensian order, and Convent of the Monastery, whereby, in commiseration of the poverty of their common table, which, as they asserted, was not sufficient to maintain them in divine service and answer hospitality and other burdens, as the law of charity required, with common consent of his chapter he grants to them the fruits and obventions known to pertain to the rector of the Church of St. Trechan, in Knapdale, with the chapels thereof,

¹ The Lady Mary was the younger daughter of Mauritius, Earl of Menteth.—Wood's *Douglas Peerage*, vol. ii. p. 224.

in the diocese of Argyle, to be converted to their proper uses, for the maintenance of their common table, under reservation of the bishop's rights, and portion of the vicar in the said church. Given at the Cathedral Church on the octaves of St. Martin the Bishop, 1327. And sealed with the seals of the bishop and of the chapter.

Which apostolic letters, and letters of the earl and bishop and chapter, being presented to the nuncios, and examined by them, the abbot requested them to proceed to confirmation; and they accordingly confirmed to the abbot and convent the foresaid Church of S. Charmaig, with all the rights belonging thereto. And in witness thereof they appended their seals to the present confirmation written by Gerald Marquesii, notary. Done at Glasgow in the house of Sir Walter of Twynam, rector of the Church of Glasgow. 1st May 1330.

The confirmation by the Pope is dated at Avignon 1st April [1333].

18. *Confirmacio cartarum Monasterii de Kilwynnyn.*—[Circa 1357.]¹

Dauid Dei gracia Rex Scotorum omnibus probis hominibus tocius terre sue clericis et laicis salutem. Sciatis nos inspexisse ac veraciter intellexisse, duas cartas, vnam videlicet Johannis de Meneteeth domini de Arane et de Knapdall et aliam Johannis de Maxwell domini eiusdem, non rasas non abollitas non cancellatas nec in aliqua sui parte viciatas, Religiosis viris abbati et monachis de Kylvynnyne factas, carta vero Johannis de Menetethe, tenor sequitur et est talis: Omnibus sancte matris ecclesie filiis presentibus et futuris, presens scriptum visuris vel audituris. Johannes de Menethet dominus de Arane et de Knapdall salutem in Domino sempiternam. Sciatis me pro salute anime mee, et Katherine quondam sponse mee et pro salute animarum antecessorum et successorum nostrorum dedisse concessisse et hac presenti carta mea confirmasse Deo et beate Marie virgini et beato Wynnyno ac Monasterio de Kylvynnyne in Conynghame abbati et monachis ibidem Deo seruientibus et in perpetuum seruituris jus patronatus et aduocationis ecclesiarum Sancte Marie et Sancte Brigide insule de Arane cum suis capellis et cum omnibus aliis commoditatibus ad dictas ecclesias cum capellis et

¹ *Registrum Magni Sigilli*, p. 33, lib. i. No. 86. Record edition, p. 33, No. 86.

Robertson's *Index*, p. 75, n. 86.

ABSTRACT.

Letters by Pope John XXII., whereby he confirmed and ratified all that was done by his nuncios in confirming to the Monastery of Kilwinning the patronage of the Church of S. Charmaig, etc., as contained in the nuncios' Instrument of Confirmation thereupon: the confirmation of the nuncios being granted on the information, and at the request, of David, King of Scotland, and by the Pope on the request of the abbot and convent. The letters contain—

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2. Charter by Walter, Earl of Menteth, to God and the Monastery of St. Mary and St. Wynnin of Kilwinning in Cunninghame, and the monks there, of the Church of S. Charmaig in Knapdale, with the chapels of St. Mary in [Knapdale] and St. Michael in Inverlussa, with three penny lands in Riventos, annexed to the said Church of S. Charmaig, with all else belonging thereto, in pure almsgift, and this for the weal of his own soul, the soul of Lady Mary,¹ sometime his spouse, Countess of Menteth, and the souls of his predecessors and successors. Witnesses, Sir John Stewart, John of Soulis, Andrew Kras, Ingelram of Henka Wille, Reginald of Crauford, knights, etc. (Date wanting.)

3. Letters of Grant by Andrew, minister or bishop of the Church of Argyle, directed to Adam, Abbot of the Monastery of Kilwinning, of the Turonensian order, and Convent of the Monastery, whereby, in commiseration of the poverty of their common table, which, as they asserted, was not sufficient to maintain them in divine service and answer hospitality and other burdens, as the law of charity required, with common consent of his chapter he grants to them the fruits and obventions known to pertain to the rector of the Church of St. Trechan, in Knapdale, with the chapels thereof,

¹ The Lady Mary was the younger daughter of Mauritius, Earl of Menteth.—Wood's *Douglas' Peerage*, vol. ii. p. 224.

in the diocese of Argyle, to be converted to their proper uses, for the maintenance of their common table, under reservation of the bishop's rights, and portion of the vicar in the said church. Given at the Cathedral Church on the octaves of St. Martin the Bishop, 1327. And sealed with the seals of the bishop and of the chapter.

Which apostolic letters, and letters of the earl and bishop and chapter, being presented to the nuncios, and examined by them, the abbot requested them to proceed to confirmation; and they accordingly confirmed to the abbot and convent the foresaid Church of S. Charmaig, with all the rights belonging thereto. And in witness thereof they appended their seals to the present confirmation written by Gerald Marquesii, notary. Done at Glasgow in the house of Sir Walter of Twynam, rector of the Church of Glasgow. 1st May 1330.

The confirmation by the Pope is dated at Avignon 1st April [1333].

18. *Confirmacio cartarum Monasterii de Kilwynnyn.*—[Circa 1357.]¹

David Dei gracia Rex Scotorum omnibus probis hominibus tocius terre sue clericis et laicis salutem. Sciatis nos inspexisse ac veraciter intellexisse, duas cartas, vnam videlicet Johannis de Meneteeth domini de Arane et de Knapdall et aliam Johannis de Maxwell domini eiusdem, non rasas non abolitas non cancellatas nec in aliqua sui parte viciatas, Religiosis viris abbati et monachis de Kylvynnyne factas, carta vero Johannis de Menetethe, tenor sequitur et est talis: Omnibus sancte matris ecclesie filiis presentibus et futuris, presens scriptum visuris vel audituris. Johannes de Menethet dominus de Arane et de Knapdall salutem in Domino sempiternam. Sciatis me pro salute anime mee, et Katherine quondam sponse mee et pro salute animarum antecessorum et successorum nostrorum dedisse concessisse et hac presenti carta mea confirmasse Deo et beate Marie virgini et beato Wynnyno ac Monasterio de Kylvynnyne in Conynghame abbati et monachis ibidem Deo seruientibus et in perpetuum seruituris jus patronatus et aduocacionis ecclesiarum Sancte Marie et Sancte Brigide insule de Arane cum suis capellis et cum omnibus aliis commoditatibus ad dictas ecclesias cum capellis et

¹ *Registrum Magni Sigilli*, p. 33, lib. i. No. 86. Record edition, p. 33, No. 86.

Robertson's *Index*, p. 75, n. 86.

terris suis de jure pertinentibus vel futuris temporibus quoquomodo pertinere valentibus. Tenendum et habendum dicto monasterio et monachis predictis inperpetuum cum justis pertinentis suis in liberam puram et perpetuam elemosinam adeo libere pure quiete et honorifice sicut aliqua elemosina in Regno Scocie alicui monasterio seu pio loco dari poterit vel concedi saluo rectorum ecclesiarum dictarum jure qui nunc sunt donec cedant vel decedant In cuius Rei testimonium sigillum meum presenti carte mee aposui hiis Testibus domino Beano, rectore ecclesie Sancte Marie de Arane, Willelmo de Foulartoun, Cristino M'Nawych, Comedino medico, Hugone filio Johannis, Buano Were, Roberto Boyman, Thoma de Infirmitorio et multis aliis. Datum in monasterio predicto. xij^o die mensis Octobris Anno domini millesimo Trecentesimo quinquagesimo septimo. Tenor vero secunde carte, videlicet, Johannis de Maxwell sequitur in hunc modum: Sciant omnes tam presentes quam futuri quod Ego Johannes de Maxwell dominus eiusdem dedi concessi et hac presenti carta mea confirmaui diuine pietatis intuitu pro salute anime mee et Cristiane sponse mee Et pro salute anime patris mei et matris mee et animarum omnium antecessorum et successorum meorum Deo et monasterio Marie Sancte et Sancti Wynnyni de Kylvynnyne in Conyng-hame et monachis ibidem Deo seruientibus et inperpetuum seruituris In puram et perpetuam elemosinam Jus patronatus seu aduocationum ecclesie de Libirtoun cum vna acra terre mee iuxta terram ecclesie post concessam, quam acram Ego coram pluribus perambulauit et eisdem assignauit et omnimodo libertatibus commoditatibus et iustis pertinenciis ad predictam ecclesiam de jure pertinentibus vel futuris temporibus pertinere valentibus saluo jure domini Roberti de Glene rectoris eiusdem qui nunc est quousque cedat vel decedat seu aliquo alio modo de jure fuerit amotus. Tenendum et habendum prefatis monasterio et monachis inperpetuum Ita libere quiete plene et honorifice, sicut aliqua elemosina alicui monasterio infra regnum Scocie data vel concessa liberior quocius plenius et honorificentius tenetur aut possidetur In cuius rei testimonium presenti carte mee sigillum meum apposui hiis Testibus domino Roberto senescallo Scocie Mauricio de Moraue,¹ Johanne Senescallo domino de Peristoun,²

¹ Maurice de Moravia had a grant of the Wardship of Walter Comyn of Rowallan from David II.—Paterson's *Hist. of Ayr*, vol. ii. p. 183.

² A descendant of the James Stewart of Peristoun, who was killed at the battle of Halidon Hill in 1333.—Robertson's *Ayr. Fam.*, vol. i. p. 11.

Johanne de Lyndesay domino de Cragyne,¹ Hugone domino de Eglyntoun² militibus, Godfrido domino de Ardrossuane³ Alano Cambell, Hugone del Blare⁴ et Johanne fratre suo et multis aliis. Quasquidem Cartas, etc.

ABSTRACT.

Confirmation by King David the Second of (1) Charter by John of Menteth, lord of Arran and Knapdale,⁵ whereby, for the weal of his own soul, and of the soul of Katherine his late spouse, etc., he granted to the monastery of Kilwinning in Cuninghame, and to the abbot and monks thereof, the right of patronage and advocacy of the Churches of St. Mary and St. Bride in the Island of Arran, in perpetual alms; dated at the said monastery 12th October 1357: (2) Charter by John of Maxwell of that ilk, whereby, for his own soul and that of his wife Christian, and for the souls of his father and mother, etc., he granted to the Abbot and Convent of Kilwinning the right of patronage or advocacy of the Church of Liberton, with one acre of land near the said church, which acre the granter⁶ perambulated before many witnesses; with all the liberties and just pertinents pertaining to the said church, saving the right of Sir Robert of Glene, present rector thereof, until he should resign or die.

19. *Monasterio de Kilwenyne ordinis s. Benedicti Glasguensis dioecesis confirmatur donatio iurispatronatus in quibusdam ecclesiis a nonnullis nobilibus ipsi facta.*—*Reg. Tom. xv. cod. chart. fol. 361.*—[1372.]⁷

GREGORIUS EPISCOPUS, etc. Dilectis filiis . . . Abbati et Conventui Monasterii de Kilwenyne ordinis sancti Benedicti Glasguensis diocesis,

¹ The heiress of Lindsay of Craigie married Wallace of Richardton about 1371, and the property passed into the possession of that family.—Crawford's *Renfrewshire* (1818), p. 86; Chalmers' *Caledonia*, iii. p. 512.

² He died in 1377.—*Memorials of the Montgomeries, Earls of Eglinton* (1859), p. 16.

³ Robertson's *Ayrshire Families* (1823), vol. i. p. 11; vol. iii. p. 376.

⁴ Said to have been the son of Roger de Blair, who had a charter from Robert I.—*Reg. Mag. Sig.* 10-50.

⁵ John de Menteth was the second son of the John de Menteth on whom was conferred in

1310 the Lordship of Knapdale.—M'Arthur's *Antiquities of Arran* (1873), p. 136. The lands of Knapdale were granted in 1353 to Archibald Campbell, Lord of Lochaw.—Hist. MSS. Commission, Fourth Report, p. 476. The original charter was granted during the reign of David II.—Robertson's *Index*, p. 49, No. 1.

⁶ It is not certain how John de Maxwell of Maxwell came to have a right to the patronage of Liberton, which was, according to Chalmers (*Caledonia*, iii. p. 751), in the possession of the Somerville family from the reign of David II. to 1603.

⁷ Vatican MSS., No. 698.

salutem etc. Devotionis vestre sinceritas, quam ad nos et Romanam geritis ecclesiam, vestreque religionis honestas, sub qua in humilitatis spiritu devotum deo exhibetis obsequium, promeretur, ut vos et Monasterium vestrum favore benivolo prosequentes, petitiones vestras, quantum cum deo possumus, ad exauditionis gratiam admittamus. Exhibita siquidem nobis nuper pro parte vestra petitio continebat quod olim dilecti filii nobiles viri Iohannes de Menthet dominus loci de Aran sancte Marie et sancte Brigide Insule de Aran, et Iohannes Maxwelle dominus loci de Maxwelle de Liberton ecclesiarum Sodorensis et Glasguensis diocesum, veri patroni existentes in pacifica possessione vel quasi iuris presentandi Rectores ad dictas ecclesias, ius patronatus ipsarum ecclesiarum ad ipsos divisim pertinentes, ad omnipotentis dei laudem et gloriam, et pro suarum et predecessorum et successorum suorum animarum remedio et salute, vobis in perpetuum dederunt et concesserunt, ac in vos penitus transtulerunt, prout in quibusdam patentibus litteris inde confectis, dictorum nobilium sigillis munitis, dicitur plenius contineri. Quare pro parte vestra fuit nobis humiliter supplicatum, ut premissis apostolice confirmationis robur adicere de benignitate apostolica dignaremur. Nos igitur huiusmodi supplicationibus inclinati, donationem et concessionem, ac translationem predictas ratas et gratas habentes, illas auctoritate apostolica de speciali gratia tenore presentium confirmamus et presentis scripti patrocinio communimus, suppletes omnem defectum, si quis forsan intervenerit in eisdem, de apostolice plenitudine potestatis. Nulli ergo, etc., nostre confirmationis infringere etc. Datum Avinione VII. Kal. Decembris, Pontificatus nostri anno secundo.

ABSTRACT.

Letters of Pope Gregory XI. directed to the Abbot and Convent of the Monastery of Kilwinning, of the order of St. Benedict, in the diocese of Glasgow; whereby, in answer to a Petition addressed to him by them, bearing that the late noble men, John of Menteth, lord of the place of Arran, and John Maxwell, lord of the place of Maxwell, patrons respectively of the Churches of St. Mary and St. Bridget, of the isle of Arran, and of Liberton, in the dioceses of Sodor and Glasgow, and having the right of presenting rectors to the said churches, had for the glory of Almighty God, and the weal of their souls and the souls of their predecessors and successors, granted and transferred the right of patronage of the said churches to the

foresaid abbot and convent by their letters patent ; and asking confirmation of the same ; the Pope accordingly confirmed and ratified the gift, grant, and translation, with his apostolic authority. Given at Avignon, 25th November [1372].

20. *Confirmation by Robert II. of the grants formerly made to the Abbot and Convent of Kilwinning, of the lands of Kilwinning and Beith. Given at Arnele, 9th March 1390.—[See p. 175.]*

21. *Confirmation by Robert III. of the above Charter. The king also annexed the lands of Scryverlands and Liandcorse to the regality of Kilwinning. Dated at Dundonald, 26th Feb. 1393.—[See p. 176.]*

22. *Declaration by Adam, Abbot of Kilwinning and convent thereof, of their acceptance of Thomas, Prior of Whithorn and convent thereof, as Debtors in a pension of twelve Merks due by the Abbot and Convent of Dryburgh from the Church of Lauder [16th June 1426].¹*

Pateat vniuersis per presentes nos Adam permissione divina Abbatem Monasterij de Kylwenyne et eiusdem loci conuentum pro nobis et successoribus nostris recepisse venerabilem in Christo patrem ac dominum dominum Thomam eadem permissione divina ecclesie Cathedralis candide case priorem et eiusdem loci conuentum nec non et eorundem successores nobis veros atque perpetuos debitores pro quadam annuali pensione duodecim marcarum nobis debita annuatim per Abbatem et conuentum Monasterij de Driburgh de ecclesia de Lawader Sancti Andree diocesis de qua quidem annuali pensione predicta dicte ecclesie Lawader Abbatem et conuentum predictos de Dryburgh et eorum successores pro nobis et successoribus nostris quietos imperpetuum clamamus per presentes Ita quod nos dicti abbas et conuentus de Kylwenyne et successores nostri a predictis Abbate et conuentu Monasterij de Driburgh et eorum successoribus de predicta ecclesia de Lawader aliquod jus vel clameum nullatenus imperpetuum exigere poterimus vel requirere sed ab omni jure vel clameo p[redictae] ecclesie de Laweder simus exclusi imperpetuum per presentes. In quorum

¹ Appendix to the *Register of Dryburgh*, p. 277.

omnium et singulorum fidem adhibendam et testimonium sigillum nostrum commune presentibus est appensum. Apud Monasterium nostrum de Kilwennyne decimo sexto die mensis Junij Anno Domini Millesimo cccc^{mo} vicesimo sexto.

ABSTRACT.

Declaration by Adam,¹ Abbot of the Monastery of Kilwinning, and the convent of the same place, that for themselves and successors, they have accepted Thomas, Prior of the cathedral church of Whithorn, and convent of the same, and their successors, as true and perpetual debtors for a certain annual pension of twelve merks due yearly by the Abbot and Convent of Dryburgh from the Church of Lauder of Saint Andrew's diocese, and exonerating the said abbot and convent thereof for ever. In testimony of which their common seal is attached to these presents at the Monastery of Kilwinning, the 16th of June, A.D. 1426.

23. *Carte Ade Abbatis de Kilwinning de patronatu de Libertoun.*

[24th July 1429.]²

Uniuersis et singulis presentes literas visuris vel audituris Adam permissione diuina Abbas Monasterii de Kylwynyne ordinis Sancti Benedicti Glasguensis diocesis ac ejusdem loci conuentus, salutem in omnium saluatore. Noueritis nos in honorem Dei et Sancti Kentegerni confessoris ac ad augmentationem Diuini cultus ecclesie Glasguensis in capitulo nostro super hoc diuersis vicibus congregato solemniter tractatu prehabito, dedisse concessisse et per has nostras presentes literas confirmasse Deo et Beato Kentegerno ac Decano et capitulo dicte ecclesie Glasguensis jus patronatus ecclesie parochialis de Libertoun dicte diocesis Glasguensis ac totum jus presentacionis ordinacionis seu cuiuscumque alterius disposicionis quod nobis et dicto monasterio nostro de jure et consuetudine dinoscitur pertinere. Tenendum et habendum dictum jus patronatus dicte ecclesie de Libertoun prefatis Decano et capitulo ecclesie Glasguensis cum omnibus juribus suis et pertinentiis vt premittitur in perpetuum. In cuius rei testimonium sigillum nostri commune capituli presentibus est appensum apud Monasterium nostrum de Kilwynyne antedictum xxiv die mensis Julij anno Domini mccccxxix.

¹ Adam Spark became Abbot about 1408, and was alive in 1429.

² *Registrum Glasguense*, vol. ii. p. 321, No. 333.

ABSTRACT.

Charter by Adam, Abbot of Kilwinning, with consent of the chapter thereof, deliberating in solemn assembly, in favour of the dean and chapter of the Church of Glasgow, granting to them, in honour of St. Kentigern, and for increase of divine worship in the said church, the right of patronage and presentation of the parish church of Libertoun, in the diocese of Glasgow: Dated, and sealed with the common seal of the chapter, at Kilwinning Abbey, 24th July 1429.

24. *Grant by James III. of the power of holding Chamberlain Courts upon their own lands for the tenants and inhabitants thereof; and giving one free acre, extending from the burn of Corsehill to the end of the Bridge of Kilwinning, for this purpose. Given at Edinburgh 8th January 1472.—[See p. 176.]*

25. *Action between the Abbot and Convent of Kilwinning and Robert Montgomery and others.—[10th December 1482.]*¹

The actoune and Cause betuix the abbot² and convent of Kilwinnyng, one the ta parte aganis Robert Montgumry sone and ayre to umquhile Wilyaim Montgumry of Giffin³ knyght Johne of Montgumry his bruther Alex^r Montgumry Wilyaim Montgumry and James Ker for the wrangwise destructione and dovnecastin of the fosse and dikis of the loch callit Loch-brand⁴ pertenyng to the sadis abbot and convent as was allegit. and for thare costis skaithis and expensis sustenit therethrow. Is continewit be the lordis auditoris to the xj day of Januar next tocum with continuatione of dayis in the sammyn forme and effect as it now is. And ordanis that the witnes now takin be closit and kept to the saide day and that lettres be gevin to the saidis abbot and convent to summond ma witnes geif thai ony haue and that the Remanent of the personis being absent be

¹ *Acta Dominorum Auditorum*, p. 104.

² William, second son of Sir Thomas Boyd of Kilmarnock, by Joanna, daughter of Sir John Montgomerie of Ardrossan.

³ For account of this family, see Dobie's *Pont*, p. 145.

⁴ This loch, now drained, was situated on the lands of Boghall, in the parish of Beith.—Dobie's *Pont*, p. 95.

summond to here the sade witnes sworn and the sadis abbot and convent and Robert Montgumry being personally present, ar summond apud acta.

26. *Carta Confirmacionis Abbatis et Conuentus Monasterii de Kilwynnyne.*
[6th July 1498.]¹

JACOBUS Dei gracia Rex Scotorum Omnibus probis hominibus tocius terre sue clericis et laicis salutem Sciatis nos quasdam cartas inferius insertas per nobilissimos predecessores nostros ac per quondam serenissimum patrem nostrum bone memorie quorum animabus propicietur Deus de libera regalia concessa monasterio nostro de Kilwynning et de itineribus camerarie super propriis terris dicti nostri monasterii ac tenentibus et inhabitantibus earundem de mandato nostro visas lectas inspectas et diligenter examinatas sanas integras non rasas non cancellatas nec in aliquibus earum partibus suspectas ad plenum intellexisse sub hiis formis : Robertus Dei gracia Rex Scotorum Omnibus probis hominibus tocius terre sue clericis et laicis salutem Sciatis nos quandam cartam recolende memorie Domini Roberti Dei gracia Rex Scotorum illustris progenitoris nostri confectam Deo et beate Marie virgini et beato Wynnino ac abbati et conuentui monasterii de Kilwynning de mandato nostro visam lectam inspectam et diligenter examinatam sanam integram non rasam non cancellatam nec in aliqua sui parte viciatam inspexisse et veraciter intellexisse ad plenum de verbo ad verbum sub hac forma : Robertus Dei gracia Rex Scotorum Omnibus probis hominibus tocius terre sue clericis et laicis salutem Sciatis nos de consensu et assensu carissimi primogeniti nostri Johannis comitis de Carrik senescalli Scocie dedisse concessisse et hac presenti carta nostra confirmasse pro salute anime nostre et animarum omnium antecessorum et successorum nostrorum regum Scocie Deo et beate virgini Marie ac beato Wynnino ac abbati et conuentui monasterii de Kilwynning quod ipsi et eorum successores imperpetuum teneant et possideant omnes terras suas baroniarum suarum de Kilwynning et de Bethe cum pertinentiis cum omnibus et singulis libertatibus commoditatibus asiamentis cum molendinis multuris et eorum sequelis ac eciam cum omnibus aliis justis pertinentiis ad dictas baronias spectantibus seu juste spectare valentibus in futurum prout ipsas baronias cum pertinentiis hactenus iuste et pacifice tenuerunt in liberam regaliā Adeo libere et

¹ *Registrum Magni Sigilli*, lib. 13, No. 617.

quiete plenarie integre et honorifice sicut aliqua Regalia cuicunque monasterio Regni nostri per nos aut antecessores nostros reges Scocie liberius conceditur seu datur In cuius Rei testimonium presenti carte nostre nostrum precepimus apponi sigillum Testibus venerabilibus in Christo patribus Waltero et Johanne Sanctiandree et Dunkeldensis ecclesiarum episcopis cancellario nostro Johanne primogenito nostro de Carrik senescallo Scotie Roberto de Fiffe et de Menteth filio nostro dilecto Archibaldo Dowglas consanguineo nostro comitibus Jacobo de Douglas domino de Dalketh fratre nostro dilecto ac Thoma Erskin consanguineo nostro militibus apud Arnele nono die Marci anno Regni nostri vicesimo Quamquidem cartam donacionem et concessionem in eadem contentas in omnibus punctis suis et articulis condicionibus et modis ac circumstanciis suis quibuscunque forma pariter et effectum in omnibus et per omnia approbamus ratificamus et pro nobis heredibus nostris vt premissum est imperpetuum ad manum mortuam confirmamus saluo seruicio nostro Preterea in honore Dei omnipotentis et gloriose matris sue beate Marie semper virginis et omnium sanctorum pro salute anime nostre et animarum omnium antecessorum et successorum Regum Scocie aditimus annectimus et vnimus dictis baroniis de Kilwynnyne et de Bethe in eandem regaliā seu regalitatem prescriptam adeo libere quiete bene et in pace in omnibus et per omnia prout superius est expressum terras de Scryuerlandis cum pertinentiis datas et concessas dictis monasterio nostro abbati et conuentui et eorum successoribus imperpetuum per quondam Walterum Cumyne dominum de Rowallane et terras de Liandcorse cum pertinentiis ex dono Johannis de Maxwell de Polloc militis In cuius Rei testimonium presenti carte nostre sigillum nostrum precepimus apponi Testibus venerabilibus in Christo patribus Waltero et Matheo Sanctiandree et Glasguensis ecclesiarum episcopis Roberto comite de Fiffe et de Menteth fratre nostro carissimo Archibaldo Comite de Douglas et domino Galwidie Jacobo Douglas domino de Dalketh Thoma de Erskin consanguineis nostris dilectis militibus Alexandro Cokburn de Langtoun custode magni sigilli nostri apud Dundonald vicesimo sexto mensis februarii Anno gracie millesimo tricentesimo nonagesimo tercio et Regni nostri anno tercio. Iacobus Dei¹ gracia Rex Scotorum omnibus probis hominibus tocius terre sue clericis et laicis salutem Sciatis nos in laudem et honorem Dei omnipotentis ac gloriosissime virginis Marie ac beati Wynnyni patroni monasterii

¹ This charter, with slight verbal differences, will be found in *Reg. Mag. Sig.*, lib. 7, No. 213.

nostri de Kilwynnyne et omnium sanctorum et pro salute anime nostre ac carrissime consortis nostre Margarete Regine Scotie ac animarum antecessorum et successorum nostrorum et pro singulari affectione zelo et dilectione quos gerimus erga venerabilem in Christo patrem Willelmum abbatem modernum dicti monasterii et dilectos oratores nostros monachos et conuentum dicti monasterii dedisse concessisse et per presentes confirmasse prefatis venerabili in Cristo patri et religiosis viris oratoribus nostris abbati et conuentui dicti monasterii et eorum successoribus eiusdem monasterii abbatibus et conuentibus vt ipsi et successores sui habeant teneant et possideant perpetuis futuris temporibus Itinera camerarie infra se super terris suis propriis et super tenentibus et inhabitantibus terras suas predictas Tenenda et habenda dicta Itinera Camerarie prefatis abbati et conuentui et eorum successoribus de nobis et successoribus nostris pro perpetuo cum vniuersis et singulis commoditatibus libertatibus priuilegiis et rectis consuetudinibus ad itinera camerarie spectantibus seu iuste spectare valentibus in futurum Et adeo libere quiete plenarie integre honorifice bene et in pace in omnibus et per omnia sicut alii prelati et abbates regni nostri de Itineribus Camerarie per serenissimos nostros predecessores Scotorum reges temporibus retroactis liberius infeodantur cum potestate Itinera Camerarie tenendi per officarios suos ac delinquentes et defectuosos puniendi et corrigendi amerciamenta delinquentium ad vsus ipsorum abbatis et conuentus et successorum suorum leuandi Necnon inhabitantes terrarum suarum et eorum bona quociens ad Itinera Camerarie vbicunque arrestati attachiati vel calumpniati fuerunt ad dicta sua Itinera Camerarie replegiandi Insuper concessimus et tenore presentium concedimus pro nobis et successoribus nostris dictis abbati et conuentui et successoribus suis vnam acram terrarum suarum liberam priuilegiatam pro detencione dictorum Itinerum Camerarie pro perpetuo situatam videlicet a torrente de Corsehill ad finem pontis de Kilwynnyne extendentem absque reuocatione vel contradictione nostri vel successorum nostrorum quorumcunque Faciendo annuatim dicti abbas et conuentus et eorum successores pro animabus predictis oracionum suffragia deuotarum tantum In cuius rei testimonium presentibus pro perpetuo duraturis magnum sigillum nostrum apponi precepimus apud Edinburgh octauo die mensis Januarii Anno Domini millesimo quadringentesimo septuagesimo secundo et Regni nostri decimotercio Quasquidem cartas ac donaciones et concessiones in eisdem contentas in omnibus suis punctis et articulis condicionibus et modis

ac circumstanciis suis quibuscunque forma pariter et effectum In omnibus et per omnia pro speciali deuotione quam habemus erga beatissimam gloriosissimamque virginem Mariam matrem Christi et beatum confessorem sanctum Wynnynum patronum dicti nostri monasterii ac pro dilectione et fauore specialibus quos gerimus erga venerabilem in Christo patrem dominum Willelmum Bunche abbatem modernum dicti nostri monasterii approbamus ratificamus et pro nobis et successoribus nostris pro perpetuo vt premissum est confirmamus saluis nobis et successoribus nostris dicti abbatis et monachorum et suorum successorum oracionum suffragiis deuotarum ac seruiciis debitis et consuetis In cuius rei testimonium presenti carte nostre confirmationis magnum sigillum nostrum apponi precepimus Testibus vt in quarta carta precedente [Reuerendo in Christo patre Willelmo episcopo Aberdonensi nostri secreti sigilli custode dilectis consanguineis nostris Georgeo Comite de Huntlie domino Baidzenach cancellario nostro Patricio comite de Boithuile domino Halis Archibaldo comite de Ergile domino Campbele et Lorne magistro hospicii nostri Alexandro domino Hume magno camerario nostro Roberto Lundy de Balgony milite thesaurario nostro et dilectis clericis nostris Magistris Ricardo Murehede decano Glasguensi secretario nostro et Waltero Drummond decano Dunblanensi nostrorum rotulorum et registri ac concilii clerico] apud castrum nostrum de Kyntire sexto die mensis Iulii anno Domini millesimo quadringentesimo nonagesimo octauo Et regni nostri vndecimo.

ABSTRACT.

Confirmation in 1498, by James the Fourth, King of Scots, under the Great Seal, of certain Royal grants formerly made to the Abbey of Kilwinning, viz. of — (1.) Charter by Robert the Third, King of Scots, confirming a charter granted by Robert the Second, King of Scots, with consent of his dearest first-born John, Earl of Carrick, Steward of Scotland, for the welfare of his Majesty's soul, and of the souls of all his ancestors and successors, Kings of Scotland, granting to God and the blessed Virgin Mary, and to St. Wynnin, and to the abbot and convent of the monastery of Kilwinning, that they and their successors should for ever hold and possess all the lands of his baronies of Kilwinning and Beith,¹

¹ Granted originally to the monastery by Richard de Morville, and Avicia de Lancaster, his wife.—Dobie's *Pont*, p. 254.

with the mills, multures, and sequels thereof, and all their just pertinents, as they had heretofore justly and peaceably held the same, in free regality, and as freely, quietly, fully, and honourably as any regality granted by the king or his predecessors to any monastery in the kingdom. Dated at Arnele¹ 9th March, 20th year of reign [1390]; the witnesses being Walter² Bishop of St. Andrews, John Bishop of Dunkeld,³ chancellor, John Earl of Carrick, Steward of Scotland, the king's first-born son, Robert Earl of Fife and Menteith, the king's son, Archibald Earl of Douglas, James of Douglas, lord of Dalkeith, the king's brother, and Sir Thomas Erskin.⁴ Robert III. in confirming this charter, added and annexed to the said baronies of Kilwinning and Beith, and united to the same regality the lands of Scryverlands,⁵ granted to the said monastery by the late Walter Cumyne, lord of Rowallane,⁶ and the lands of Liandcorse,⁷ granted by John Maxwell of Polloc, knight. The confirmation is dated at Dundonald 26th February 1393; the witnesses being Walter bishop of St. Andrews, Mathew bishop of Glasgow, Robert Earl of Fife and Menteth, the king's brother, Archibald Earl of Douglas, lord Galloway, James Douglas, lord of Dalkeith, Thomas of Erskine, knight, and Alexander Cockburn of Langtoun, Keeper of the Great Seal. The king also confirmed—(2.) A charter by James the Third, King of Scots, whereby, in honour of God Almighty, St. Mary, and St. Wynnin, patron of the Monastery of Kilwinning, and for the welfare of the soul of his Majesty's dearest consort Margaret, Queen of Scotland, and of the souls of his royal ancestors and successors, and for his singular affection, zeal, and regard which he had towards William,⁸ abbot of the said monastery, and the monks and convent thereof, he granted to them in all time coming the power of holding chamberlain courts upon their own lands for the tenants and inhabitants thereof; and also granting

¹ In the parish of West Kilbride, Cunningham.

² Walter Trail was Bishop of St. Andrews from 1385 to his death in 1401.

³ John Peebles became Bishop of Dunkeld in 1377, and continued so till his death in 1396.

⁴ See Crawford's *Renfrewshire* (1818), p. 108.

⁵ Also called Skirnalland.—*Hist. of the House of Rowallane* (Glasgow, 1825), p. 34.

⁶ His only daughter and heiress married Sir

Gilchrist Mure of Rowallan.—Robertson's *Ayrshire Families*, vol. iii. p. 355.

⁷ See *Eglinton Memorials*, vol. ii. p. 137. In the Kilmarnock charter-chest there is a charter by H. Montgomery of Hessilhead in January 1559, granting to Helen, daughter of Lord Boyd, the land of "Lyandcorse," in the regality of Kilwinning.

⁸ William Boyd, second son of Sir Thomas Boyd of Kilmarnock.—Dobie's *Pont*, p. 261.

one free privileged acre of their lands for holding the said courts, extending from the burn of Corsehill¹ to the end of the bridge of Kilwinnyn; rendering therefor the said abbot and convent the suffrages of their devout prayers for the souls aforesaid. Dated at Edinburgh 8th January 1472. The confirmation approved and ratified these charters for reasons similar to those for which they were granted, and for special regard to the present abbot, William Bunche;² saving to the king and his successors the prayers of the abbot and convent "due and wont." Dated at the Castle of Kyntire, 6th July 1498.

27. *Abstract of a Protocol of the Diocese of Glasgow.*³

Instrument⁴ narrating that while William, Abbot of Kylwinnyn, with his convent, were assembled⁵ in the septs of the abbey and in the hall or court-room thereof, with the doors and gates closed, on the 22d March after the palm branches, 1512, the place was surrounded by Cuthbert, Earl of Glencairn, completely armed, and accompanied by about sixteen men similarly armed, with swords by their side and all defensive armour, with a hold of each other's hands as they advanced rapidly, when the following colloquy between the abbot and the earl took place:—"Wherefore have you cleared our ditches, broken our fences, and entered hither?" "We have come hither to hold a conference with you." "I will hold no conference

¹ Said to be the site of the Cross, now at Crossbrae, prior to the Reformation.

² He was killed at the battle of Flodden in 1513.—Dobie's *Pont*, p. 261.

³ *Diocesan Registers of Glasgow*.—Grampian Club (1875). Original text, vol. ii. p. 477; translation, vol. i. p. 544.

⁴ This and several of the following instruments relate to an armed invasion of the precincts of the Abbey of Kilwinning by the Earls of Glencairn and Angus. These noblemen seem to have been acting on behalf of a Mr. John Forman, pretending a claim to the abbacy, and evidently desired to coerce Abbot William to resign, on promise of a pension, to be confirmed by the Roman See. The instrument is much

crossed and interlined, and bears witness to the disturbance which must have been going on during its preparation. The Earl of Angus here engaged was the celebrated Archibald Bell-the-Cat, and he must have been an aged man in 1512, for Gavin Douglas, Bishop of Dunkeld, his third son, was born in 1474. Glencairn was his son-in-law.—(Note by Editors of Grampian Club Edition.)

⁵ Among those present on the occasion were Robert Wright, William Brown, Leon Jack, presbyters; Thomas Peebles, Matthew Park, James Wright, laymen; Robert Cunningham of Auchenharvie, Alexander Scot, Prior of Kilwinning, John Gaw, Walter Lister, Adam Spark, and William Duly.

with you at this time." Whereupon the earl seized the abbot (who resisted, and often called out, and earnestly entreated to be set at liberty) with force and violence by the arms, throwing off his sword and shield, and giving them to one of his followers ; and while the armed men surrounded him, sometimes threatening, sometimes fawning upon him, to make him submit himself to the pleasure of Mr. John Forman,¹ the pretended Abbot of Kylwynning, and open the gates of the abbey to the king's herald and others of the same opinion standing without the gates, held him long in his embrace, until induced by the persuasion of Alexander Scott, Prior of Kylwynning, and of some of the armed men, he let him go, panting for breath, and calling out, "Suffer me to sit here, and cut off my head, because, while I live, I never shall agree to what you propose." Nevertheless, after he had sat and rested a while, and was desirous to rest longer, the earl seized him a second time, while he struggled and called out, and dragged him against his will to the gates of the place. When there, trusting, as he alleged, to his appeal, and besides being under the protection of the Roman pontiff, he refused to open the gates to the king's herald, and Archibald Earl of Angus, and others, who were standing without, although earnestly requested by the earl to do so : And further narrating the protest by the said abbot, when conducted between his monks to consult and deliberate upon the proposals made to him by the said earl, that himself and his abbacy and convent, and the appeals formerly made by him, should not suffer prejudice by what had taken place, etc. Done in the Abbey of Kylwynning, 22d March 1512.

*Kilwynnyng.*²

Instrument narrating that the said Earls of Angus and Glencairn, with their accomplices, armed as above mentioned, to the number of sixty or thereby, besides the above excepted persons breaking into and wandering through the gates and doors, court and choir of the abbey, their armour clanging, and meeting others of their own party in the gates, to the high altar, one Sir Gilbert Haldane, vicar of Dalry, who alleged he was procurator

¹ Brother of Robert Forman, precentor, and afterwards Dean of Glasgow.—*Regist. Glas.*, p. 504.

² *Diocesan Registers of Glasgow* (Grampian Club), vol. i. p. 546.

for Mr. George Forman, precentor of the church of Glasgow, presented to Mr. John Sawchy, notary, to be read and duly executed, certain apostolic bulls granted to the said Mr. John, respecting the abbacy of Kylwynnyng; and that the notary after reading the letters, by virtue thereof inducted Mr. John Forman, in the person of the said procurator, into possession of the said abbacy, which, as the gates were previously shut and access to the altar not allowed him, he did without the gates, etc. Done as above.

*Kylwynnyng.*¹

Instrument narrating that the Abbot of Kylwynnyng asked the king's herald,² who asserted that he had the king's letters and mandate to the abbot, Mr. John Forman, as abbot of the said place, and his procurators, to publish and read the said mandate and letters to him; and that the latter replied that he would read them in the chapter of Kylwynnyng if he (the abbot) would enter the same, not otherwise. Done as above.

Kylwynnyng.

Instrument narrating that Mr. William Barclay, procurator of William, Abbot of Kilwynning, presented himself³ at the entrance, commonly called "the clock dur," in the abbey, which led to the choir and chapter, that he might see and hear, and protest in the name of the abbot against what was being done there by the procurator of the said Mr. John Forman and the armed men above mentioned and monks, but that the Earl of Glencairn with his armed men, who were standing without the gate apparently to guard it, refused him entrance, saying, "Barclay, you shall not enter thither, because those within do not wish you to be there." Done as above.

*Kylwynnyng.*⁴

Instrument narrating that William, Abbot of Kylwynning, when freed from the hands of the armed men, revoked and annulled all that he had

¹ *Diocesan Registers of Glasgow* (Grampian Club), vol. i. p. 546.

² In the presence of (besides some of the other named witnesses) Eumonides Henrison, John White, and Simon Aysdell.

³ In the presence of John Hawick, Robert Edward, and Henry Kelso.

⁴ The disturbance lasted two hours. Abbot William having been much pulled about and exhausted by the rioters, appears to have betaken

done or attempted through fear, in consequence of their threats, to the prejudice of himself and his benefice of Kylwynnyng, and of his appeals formerly interponed, protesting that he should not be prejudiced thereby. Done as above.

The Abbot of Kylwynnyng.

Instrument narrating that Mr. William Barclay, procurator of William, Abbot of Kylwynnyng, in presence of witnesses,¹ publicly read and intimated at the doors of the church of Glasgow, during the time of high mass, an instrument of appeal, dated 1512, interponed by the said abbot from Alexander Bunch and John Bunch, procurators, revoked by him and Mr. John Forman, precentor of Glasgow, and offered a copy to those entitled to have it, and fixed itself on the doors of the church, and left it thereon. Done at the doors of the church foresaid, 7th April 1513.

The Abbot of Kylwynnyng.

Instrument on the appointment by William, Abbot of Kylwynnyng,² of Mr. William Steward, William Barclay, and others, apostolic writers, as his procurators for prosecuting the appeals interponed by him to the See of Rome against Sir Alexander Bunche, Mr. John Bunche, and Mr. John Forman, and in all other his causes moved and to be moved before whatever judges and in whatever courts; also on his appointment of some of them for resigning of new his abbacy into the hands of those having authority to that effect, in favour of James, Archbishop of Glasgow, and for renouncing to the latter all right, action, and the cause then depending respecting the abbacy, and surrogating the said archbishop in his right; and also to recall the procurators appointed by him before Sir John Symontoun, for resigning the abbacy first into the hands of the sovereign pontiff. Done as above.

himself, with his procurator and a few adherents, to a place called the Bogsyde, where he protested against the usage with which he had met, and recalled everything that he had said or done under coercion.—Note by the Editors of *Grampian Club Edition*, vol. i. p. 547.

¹ John Stirling, notary public; Archibald Achinrosch, Walter Steyne, Robert Wright,

William Smith, presbyters; Thomas Hugh, notary public, Thomas Maling, and Malcolm Colquhon.

² In the presence of Martin Rede, chancellor and official of Glasgow, Alexander Scot, prior of Kilwinning, Andrew Sibbold, canon of Glasgow, and John Rede.

28. *Litera Alexandri Abbatis de Kylwynnyng et eiusdem Conuentus.*[15th July 1532.]¹

Reuerendissimo in Christo patri et domino Domino Gauino miseratione diuina Archiepiscopo Glasguensi/ seu cuicunque alteri ad infrascripta potestatem habenti/ Vestre reuerendissime paternitatis humiles et deuoti filii Alexander permissione diuina Abbas Monasterii de Kylwynnyng et eiusdem conuentus ordinis Sancti Benedicti vestre Glasguensis diocesis Reuerentias cum honore tanto reuerendissimo patri debitas Reuerendissime pater vt ecclesiarum omnium per ciuitatem et diocesim vestras Glasguenses consistentium et ad illarum decorem ac personarum status inibi diuinum psallentium officium salubriter dirigi seruarique decentia possint honestius ad tenendum statum suum habeant redditus nostri libenter fauoris impertimur presidium/ potissime cum temporum requirit necessitas cause persuadent rationabiles et diuini cultus augmentum salubriter id exposcit Exhibita siquidem nobis nuper per venerabilem et egregium virum magistrum Jacobum Houstone dicte vestre ecclesie Glasguensis subdecanum petitio continebat/ quod ipse pie diuotionis zelo motus cupiens terrena in celestia commutare ac diuinum cultum in dicta vestra ciuitate augere de bonis a Deo sibi collatis et ex eius legitimo conquestu debite acquisitis/ vestre tamen reuerendissime paternitatis auctoritate consensu et beneplacito primitus interuenientibus/ vnum Collegium cum certo prebendariorum numero in ecclesia Marie semper Virginis et Anne matris eius Beatarum nouiter per eum a fundamentis constructa/ instituere fundare stabilire et erigere proponit et intendit. Et/ sicut eadem subiungebat petitio/ si vicaria perpetua parrochialis ecclesie de Dalry dicte vestre diocesis per venerabilem virum magistrum Christoforum Boyd sibi canonice collata et per eum de presenti obtenta/ eius ad hoc expresso accedente consensu/ cuius presentatio et jus presentandi quotiens eam vacare contigerit ad nos et successores nostros abbates et conuentus dicti nostri Monasterii de Kylwynnyng/ collatio vero prouisio et illius institutio ad reuerendissimam paternitatem vestram vestrosque successores Glasguenses Archiepiscopos pleno jure spectare dinoscitur et spectat/ dicto Collegio erigendo et illius Prepositure

¹ *Liber Collegii nostre Domine Registrum Civitatis Glasguensis.*—Maitland Club (1846), p. Ecclesie B. V. Marie et S. Anne infra Muros 10; see also p. 107.

que inibi dignitas principalis existit/ vniretur annecteretur et incorporaretur Ac de fructibus eiusdem vicarie perpetue in Preposituram erigende crearetur vna vicaria pensionaria libera vni vicario pensionario perpetuis futuris temporibus in cura dicte ecclesie parrochialis de Dalry ministraturo ascendens ad summam decem librarum vsualis monete regni Scotie et sex acras terre ecclesiastice vicarie perpetue predictae legittime spectantes pro manso et orto dicto vicario pensionario edificando/ per hoc statui ipsius Collegii erigendi et sublimandi plurimum prouideretur cultusque diuinus exinde augmentaretur in eodem/ Quare per dictum magistrum Jacobum Houstoune subdecanum dicti Collegii primum et principalem fundatorem nobis fuit humiliter supplicatum vt consensum nostrum in premissis exhibere et prestare dignaremur Nos igitur petitionem huiusmodi ex premissis attendentes esse veram et rationi consonam/ diuinum cultum semper quantum in nobis est augere cupientes/ erectioni dicte vicarie perpetue de Dalry in Preposituram dicte ecclesie Marie et Anne Beatarum in Ecclesiam Collegiatam erigende/ et dicti Magistri Christofori Boyd vicarii moderni in Prepositum eiusdem ecclesie sublimationi/ ac eiusdem dimembrationi per reuerendissimam paternitatem vestram fiende/ et creationi noue vicarie pensionarie libere vt premittitur vni vicario pensionario perpetuis futuris temporibus in cura dicte ecclesie de Dalry ministraturo assignande/ et ex nostra et successorum nostrorum presentatione conferende Ac earundem vnioni annexationi et incorporationi vestra ordinaria auctoritate fiendis in omnibus et per omnia vt premissum est RESERUATIS tamen nobis et successoribus nostris abbatibus et conuentibus dicti nostri Monasterii imperpetuum presentatione et jure patronatus tam Prepositure erigende quam etiam vicarie pensionarie predictae creande totiens quotiens eas vacare contigerit Et non alias aliter nec alio modo/ vnanimi consensu et assensu capitulariter congregati harum serie consentimus Et nostros consensus et assensus ad premissa omnibus melioribus modo via forma jure et causa quibus melius et efficacius possumus et debemus/ exhibemus Eandem vestram reuerendissimam paternitatem humiliter exhortando rogantes quatenus de nostro expresso consensu predicto Preposituram et vicariam pensionariam predictas vestra ordinaria auctoritate erigere creare sublimare vnire incorporare et annectere in omnibus et per omnia vt premissum est Saluis tamen vobis et successoribus vestris imperpetuum visitatione jurisdictione correctione dominio potestate et preeminencia ac omnibus juribus

ordinariis et extraordinariis Archiepiscopalibus et archidiaconalibus de dicta vicaria perpetua de Dalry ante erectionem creationem sublimationem vnionem incorporationem et annexationem huiusmodi debitis et consuetis Ceteraque facere dicere gerere et exercere que ex vestro pastorali officio incumbunt peragenda/ de gratia speciali dignemini/ . IN QUORUM omnium et singulorum fidem presentibus manibus nostris subscriptis sigillum commune dicti nostri Monasterii est appensum vnacum sigilli appensione et subscriptione manuali dicti magistri Christofori Boyd in signum et vigorem consensus affirmationis et ratificationis premissorum Apud dictum nostrum Monasterium/ et in eiusdem capitulo ad premissa omnia et singula facienda legittime et capitulariter ad sonum campane congregato/ die decimoquinto mensis Iulii anno Domini millesimo quingentesimo Trigesimosecundo. Alexander Hammiltoun abbas de Kilwynnyng/ Karolus Stule/ Jacobus Teyndar/ Johannes Dothane/ Johannes Quhyte/ Georgius Ramsay/ Alexander Scott/ Laurentius Eldar/ Adam Spark/ Johannes Dene/ Thomas Brovne/ Jacobus Brovne/ Willelmus Wricht/ Archibaldus Rankesoun/ Valterus Wilsone/ Willelmus Hammiltoune/ Gilbertus Dawsone/

ABSTRACT.

Petition¹ by Alexander, Abbot of the Monastery of Kilwinning and the Convent of the same, to Gavin, Archbishop of Glasgow, praying that he would consent to the erection of the perpetual vicarage of Dalry into the provostry of the Church of the Blessed Virgin Mary and Anna her mother, to be erected into a collegiate church, and to the advancement of Master Cristopher Boyd, the present vicar, to be Provost of the said church, reserving to the said abbot and convent the right of patronage of the said Provostry. Signed with the common seal of the monastery, and sign manual of the said Master Cristopher Boyd in token of his assent thereto, at the Monastery of Kilwinning the 15th July 1532.

29. *Carta confirmacionis reuerendissimi patris ac Domini Gawini archiepiscopi Glasguensis.*—[3d June 1542.]²

VNIUERSIS et singulis sancte matris ecclesie filiis presentes litteras inspecturis visuris lecturis pariter et audituris GAVINUS miseratione diuina

¹ *Ecclesiastical Records of Glasgow College*, p. 10.

² *Liber Collegii Nostre Domine* (1846), p. 6.

Archiepiscopus Glasguensis Salutem in omnium Salvatore. Splendor paterne glorie qui sua mundum illuminat ineffabili claritate pia vota fidelium de sue maiestatis clementia tunc benigno fauore prosequitur cum deuota ipsorum humilitas et sincerus affectus in diuini cultus augmentum feruere noscuntur. Nos quoque de superis ad inferiora diriuatis exemplis piis desideriis justisque supplicantium precibus quos fides spes et charitas ad deuotionis affectum et diuini cultus augmentum continue sollicitarunt vt ad gratiam dispositi et ad gloriam inuitati in piis actibus feruentius et instantius perseuerent tam vigor et equitatis feruor quam rationis ordo fauere nos inducunt Et cum cuncta nobis ecclesie capelle et loca sub Sanctorum fundata et dotata vocabulis pia deuotione fidelium sint veneranda illa tamen que in honore semper Virginis Marie Dei et Domini nostri Jhesu Christi genitricis et Anne matris eius Beatarum vocabulis dedicata noscuntur eo ex celebriori memoria conuenit venerari quo Dominus noster Jhesus Christus earundem Marie genitricis sue et Anne matris eius precibus et intercessionibus immediatius et perfectius vota fidelium dirigere et ad gratiam exauditionis admittere valeat LITTERAS igitur venerabilium et religiosorum virorum dominorum Alexandri Hammiltoun abbatis et conuentus Monasterii de Kilwynnyng ordinis Sancti Benedicti nostre Glasguensis diocesis/ patronorum parrochialis ecclesie de Dalry eiusdem diocesis/ necnon circumsectorum et egregiorum virorum magistrorum Jacobi Houstoune subdecani ecclesie metropolitane Glasguensis/ Collegii infrascripti erigendi primi fundatoris et dotatoris/ ac Christofori Boyd perpetui vicarii dicte parrochialis ecclesie de Dalry/ communibus dictorum dominorum abbatis et conuentus Monasterii antedicti ac Jacobi subdecani et Christofori vicarii perpetui armorum sigillis respectiue sigillatas . pium et laudabile abbatis et conuentus ac Jacobi subdecani et Christofori vicarii predictorum propositum/ perpetuum Collegium Collegiatamque Ecclesiam vnus prepositi et nouem prebendariorum ac trium puerorum/ qui erunt in cantu et alias iuxta dicti Collegii erigendi foundationis tenorem experti et in litteratura scientia et moribus eruditi/ in ecclesia Marie semper Virginis et Anne matris eius Beatarum in vico Sancte Teneu ciuitatis nostre Glasguensis sita et per dictum Jacobum subdecanum a fundamentis constructa et edificata/ super vicaria dicte parrochialis ecclesie de Dalry que de patronatu prefatorum nunc et pro tempore existentium abbatis et conuentus dicti monasterii de Kilwynnyng perpetuis futuris temporibus existit/ et quam abbas et conuentus prefati predicto Collegio

erigendo et prepositure eiusdem quantum in eiis est de expresse consensu et assensu dicti magistri Christofori Boyd nunc dicte ecclesie parrochialis perpetui vicarii et possessoris ad effectum huiusmodi Collegium dotandi pro vicarii pensionarii in dicta parrochiali ecclesia de Dalry et illius et parrochianorum eiusdem cura perpetuis futuris temporibus deseruituri sustentatione dimembrari primo et deinde annecti cupiunt respectiue et vniri Et super certis aliis terris tenementis possessionibus et annuis redditibus per dictum magistrum Jacobum subdecanum fundatorem ex eius legitimo conquestu et industria acquisitis et in futurum acquirendis et in sustentationem prebendariorum et puerorum dictorum applicandis et diuidendis/ ordinare et fundare/ desiderantes Necnon abbatis et conuentus ac subdecani fundatoris et vicarii antedictorum humiles supplicationes vt predicti Collegii fundationem dotationem dispositionem et ordinationem per nostri officii sollicitudinem ad effectum perducere approbareque ratificare et confirmare ac Collegium huiusmodi erigere illique ecclesiam parrochiam predictam de Dalry vt premittitur vnire annectere et incorporare dignaremur continentes/ recepimus in hec verba REUERENDISSIMO in Christo patri et domino Domino Gauino/ miseratione diuina Glasguensi Archiepiscopo/ Vestre reuerendissime paternitatis humiles et deuoti filii Alexander Hammiltoune abbas Monasterii de Kylwynnyng et eiusdem conuentus ordinis Sancti Benedicti vestre Glasguensis diocesis Ac magistri Jacobus Houstoun subdecanus vestre ecclesie Glasguensis Et Christoforus Boyd perpetuus vicarius parrochialis ecclesie de Dalry eiusdem vestre diocesis Reuerencias et honores cum omni humilitate tanto reuerendissimo patri debitas Nouerit vestra reuerendissima paternitas quonam pacto nos Alexander abbas et conuentus prefati capitulariter congregati matura deliberatione prehabita ac Jacobus subdecanus et Christoforus vicarius antedictus vnanimi consensu et assensu/ ad laudem gloriam et honorem Summe et Indiuidue Trinitatis Patris videlicet Filii et Spiritussancti/ Beatissime Intemperateque Virginis Marie genitricis Dei et Domini nostri Jhesu Christi/ et Beate Anne matris eius/ ac Omnium Sanctorum celestis curie/ pro salute animarum recolendissime memorie Domini Jacobi Quarti Scotorum Regis illustrissimi Et pro salute et prospero statu Domini Jacobi Quinti Dei gratia Scotorum Regis moderni inclitissimi et suorum successorum Ac pro vestra reuerendissima paternitate ac predecessoribus ac successoribus vestris et omnium fidelium defunctorum/ alias nostrum dedisse consensum effectualiter animo fundandi vnum Collegium siue Collegiatam

ecclesiam cum prepositura et certis prebendariis et pueris inferius designandis/ prout tenore presentium nos abbas et conuentus predicti pro nobis et successoribus nostris consentimus/ quod dicta vicaria perpetua parrochialis ecclesie antedictae de Dalry dicte vestre diocesis Cuius presentatio et ius presentandi quotiens eam vacare contigerit nobis abbati et conuentui nunc et pro tempore existentibus predictis pertinere et spectare dinoscuntur/ cum expresso consensu et assensu dicti magistri Christofori Boyd eiusdem ecclesie moderni perpetui vicarii/ in vnam preposituram Et ecclesia ipsa predicta sub vocabulo Marie Virginis et Anne matris Beatarum fundata constructa et dedicata/ in Collegiatam Ecclesiam cum honore dignitate et preeminencia Collegialibus ad diuini cultus augmentum et chori regimen erigantur Et prepositus ipse sublimatus nunc et pro tempore existens vnum vicarium pensionarium ad deseruiendum in cura ecclesie parrochialis antedictae de Dalry perpetuis futuris temporibus sumptibus suis sustinebit prout inferius liquidabitur Quequidem prepositura et vicaria pensionaria erigende et creande quotiens eas simul vel respectiue vacare contigerit semper nunc et omni tempore futuro ad presentationem nostrorum abbatis et conuentus Monasterii de Kilwynnyng antedicti et successorum nostrorum/ vestramque et successorum vestrorum Glasguensis ecclesie Archiepiscoporum collationem ordinariam/ pleno iure spectabunt et pertinebunt Necnon ego dictus magister Jacobus subdecanus firmiter intelligens et credens/ quia in missarum solenniis holocaustum pingue Filius Omnipotenti Patri in odoris suauitate offertur Cui nichil acceptabilius nichil gratius nichil dignius offeri potest/ tam eiis vim esse catholice fidei sinceritas persuadet vt imbecillem humane conditionis fragilitatem in peccatis sepe labentem in gratiam restituant fidelium defunctorum animas ex purgatorii penis eripiant et jam beate ad glorie plenitudinem accedant/ Plane in eorum numero ne reperiar quibus in Exodo dictum est/ Gens absque consilio et prudentia/ vtinam saperent et intelligerent ac nouissima prouiderent/ Animoque reuoluens quod in Apocalipsi scriptum est/ Audiui vocem de celo dicentem Beati mortui qui in Domino moriuntur/ amodo jam dicit Spiritus vt requiescant a laboribus suis/ opera enim illorum sequuntur illos/ Hinc michi charitas exarsit/ hinc pietas exorta est et diuini cultus augendi innata voluntas quam pro facultate prosecutus ad effectum supradictum do et concedo meum consensum et assensum Ac volo quod nouem capellanie inferius designande/ per me ex meo legitimo conquestu et industria fundate acquisite et dotate, in nouem

canonicatus et prebendas pro nouem prebendariis et tribus pueris ad regimen et dispositionem chori dicte Collegiate Ecclesie erigende et diuini cultus augmentum similiter erigantur Quorumquidem canonicatum et prebendarum erigendorum donationem et dispositionem mihi dum in humanis vixero simpliciter reseruo Et post meum decessum ad honorabiles viros dominos balliuos et consules ciuitatis Glasguensis pro tempore existentes presentatio et donatio/ admissio vero et eorum institutio prout in prebendis subsequentibus successiue in locis suis latius et plenius specificabitur et declarabitur/ [spectabunt et pertinebunt] INPRIMUS quidem Preposituram dicte Collegiate Ecclesie Marie semper Virginis et Anne matris Beatarum ciuitatis Glasguensis de vicaria perpetua dicte parrochialis ecclesie de Dalry erigendam et dicte vicarie nomen supprimendum Quiquidem Prepositus habebit pro sua sustentatione omnes et singulos fructus redditus et proventus vicarie dicte ecclesie de Dalry cum oblationibus et aliis emolimentis eedem spectantibus Ac toto manso et mansionem et gleba adiacentibus dicte ecclesie preter assignationem factam vicario pensionario/ ita libere in omnibus et per omnia sicut vnquam antea dicta vicaria cum sua mansionem et gleba habebatur qui etiam Prepositus omnia onera ordinaria et extraordinaria dicte ecclesie et illius vicarie incumbencia solita et consueta, que temporibus preteritis ipse aut sui antecessores soluerunt et soluere de jure vel consuetudine consueuerunt/ soluet et satisfaciet Et etiam idem Prepositus habebit vicarium pensionarium qui perpetuis futuris temporibus curam animarum omnium parrochianorum dicte parrochialis ecclesie de Dalry geret/ ad presentationem et collationem suprascriptas spectantem et pertinentem/ cui singulis annis persoluet decem libras vsualis monete regni Scocie Qui etiam vicarius pensionarius habebit sex acras terre ecclesiastice pertinentes vicarie perpetue dicte ecclesie de Dalry jam prope dictam ecclesiam pro manso et orto suo edificando Et continue remanebit in propria persona apud dictam ecclesiam parrochialem de Dalry et in eiusdem cura continue deseruiet ut supra/

ABSTRACT.

Confirmation by Gavin, Archbishop of Glasgow, of letters by Sir Alexander Hamilton, Abbot, and the Convent of the Monastery of Kilwinning, of the Order of St. Benedict, of the diocese of Glasgow, patrons of the parish church of Dalry, in the said diocese; Mr. James Houstoune, sub-dean of

the metropolitan church of Glasgow; and Christopher Boyd, perpetual vicar of the parish church of Dalry, consenting to the founding of a College or Collegiate Church, to be built under the name of the ever-blessed Virgin Mary, and Anna her mother, in the street of St. Tenew, in the city of Glasgow, which College or Collegiate Church was to be built from the foundations by the said James Houstoun, sub-dean, first founder and donator thereof, upon the vicarage of the parish church of Dalry, belonging to the patronage of the said Abbot and Convent of Kilwinning, and upon certain other lands acquired by the said James Houstoun for that purpose, which church of Dalry and other lands should be united and incorporated in the name of the Virgin Mary, and Anna her mother, and the name of the said vicarage suppressed; and the said church should have one provost, nine prebendaries, and three boys skilled in singing, and learned in literature, science, and of good character, the appointment of whom should be in the hands of the said Master James Houstoun during his life, and thereafter in the hands of the bailies and councillors of the city of Glasgow, subject always to the correction of the said Gavin and his successors; and the said provost should have all fruits, rents, and profits of the said vicarage of Dalry, with all emoluments pertaining thereto, and with the whole manse, mansion, and glebe adjacent to the said church, besides paying all usual burdens belonging thereto; and he should also have a vicar-pensionar for the cure of all the souls of the said parish church of Dalry, at a yearly stipend of ten pounds Scots, with six acres of church land pertaining to the said vicarage of Dalry: on condition that he should always remain in person at the said parish church of Dalry, and serve the cure.

30. *Procuratory by the Abbot and Convent of Kilwinning in favour of the College of Justice.*—[1540.]¹

At Edinburghe the thrid day of februar the zeir of god j^m v^e xl zeris
In presens of the lordis of counsale and college of Justice Ane venerable
fader in god alexander abbot of cambuskynnethe president thair of
schew how maister James scott vicar of kilbirny ane of the scribis of
counsale had presentit to him as president And to maister thomas ballen-

¹ *Acta Parl. Scot.*, vol. ii. p. 444.

dene collectour of the said college and to divers vtheris lordis thereof being present for the tyme Ane Mandate maid be ane venerable fader in god alexander abbot of kilwynnyng and convent therof in fauors of the said seite grantand ane zeirlye pensioun therto of the sovme of xxviiij lib to be vptakin zeirlye of the vicarage of dunlop pertenyng to maister Jhone mair vsufructuar of the samyne Quhilk pensioun was grantit of befor be the said venerable fader and convent to be tane vp of the vicarage of kilbirny And becaus the vicarage of dunlop Is of gretar Importance and may bettir beir zeirlye the said pensioun and fulfill the seruice of God thane the said vicarage of kilbirny The said venerable fader and convent be thair supplicatioun desirit the saidis lordis to accepte the said last mandat of the pensioun forsaid of the said vicarage of dunlop as the said supplicatioun gevin In befor thame proportit

Clerk of register fforsameklye as We ar informit that maister James Scott vicar of kilbirne ane of the scribis of counsale presentit ane mandat maid be the abbot of kilvynning and convent therof grantand to the sete of Sessioun ane zerlye pensioun of the sovme of xxviiij fi to be tane vp of the vicarage of dunlop and that the lordis of Sessioun had acceptit the samin of befor as ane acte and instrumentis taikin therapoune mair fullelie proportis Herefor we exhort prayis and als chargis zow that ze mak ane acte in zour bukis of parliament of the ratificatioun and confirmatioun of the samin conforme to the saidis instrumentis swa that the said acte may be red and pronunsit in our presens and that the samin may haif the Strenthe of ane acte of parliament in tyme tocum.

Subscriuit with our hand at edinburgh the day of December the
zeir of god j^m v^c xliij zeris. JAMES G.

31. *Tack by John Hamilton, Archbishop of Sanctandrois, to Alexander Mure, of the teind sheaves of the lands of Ormesheucht.*—[3d March 1549.]¹

150. Be it kend till all men be thir present letteris, ws Johne be the permissioun of God, Archebisshop of Sanctandrois,² primat of Scotland, commen-

¹ *Memorials of the Montgomeries, Earls of Eglinton*, vol. ii. p. 147.

² He was a natural son of James, first Earl of

Arran, "by Mrs. Boyd, a gentlewoman of a very good family in the shire of Ayr."—Keith's *Catalogue*, p. 38.

datour of Pasley, and principale fermare of all and hale the teynd schavis and fruttis of the Abbacy of Kilwynning, with the pertinentis, liand within the dioces of Glasgow, to haff sett and to male lettin, and be the tenour herof settis and to male lettis, to our louitt frend, Alexander Mure, his aires and assignais, ane or ma, all and hale the teynd schavis of his landis and steding callit Ormescheucht, with the pertinentis, liand within the parochine of Irvyne and dioces of Glasgow foirsaid, for all the space and termes of sevin zeris nixt and immediatelie efter folloing the feist of aduincula Sancti Petri, callit Lambmes, bipast, in the zer of God ane thousand five hundreth and fourty-aught zeris, quhilk wes his entris therto, and tharefter to indur and to be broukit and joisit be him, his aires, assignais, and subtenentis, ane or ma, for all the said space and termes of sevin zeris; with power to intromete with the said teynd schavis, vplift and dispone tharapone at their awin handis, or to sett the samyn to vtheris as thai sall think expedient, frelie, quietlie, weill, and in peax, but ony reuocatioun, obstakill or impedimente quhatsumeuer: Payand herfor zerlie the said Alexander, his aires or assignais, ane or ma, to ws, our assignais or factouris thairof, the soume of fourty schillingis vsuale monye of Scotland, at the fest of the Purificatione of our Lady callit Candellmess, during the said space of sevin zeris alanerlie, in name of male. . . . In witness herof to this our present letteris of assedatione subscriuit wit our hand, our signit is affixit, at Hamiltoun, the thrid day of Merche, the zer of God I^m V^o and fourty-nyne zeris, befor thir witnes, Master Andro Oliphant, Maister George (Mure), Jacob Nasmyth, our seruitouris, with vtheris diuers.

SANCTANDROIS.

32. *Charter granting the Lands of Woodside to Ralston of that Ilk.*
[7th March 1551-2.]¹

Omnibus hanc cartam visuris uel audituris Gauinus permissione diuina commendatarius perpetuus monasterii de Kilwynnyng et conuentus eiusdem ordinis sancti Benedicti Glasguensis diocesis salutem in Domino sempiternam Noueritis nos vnanimi consensu et assensu ad hoc capitulariter congregati vtilitate et commodo nostris et dicti nostri monasterii ac successorum nostrorum vndique preuisis pensatis et diligenter consideratis longo et diligenti

¹ Original in the possession of R. W. Cochran-Patrick of Woodside.

tractatu ac matura deliberacione prehabitis in euidentem vtilitatem dicti nostri monasterii et augmentacionem rentalis eiusdem et ad decoram et policiam reipublice regni et contemplacionem statutorum perliamenti de super editorum Necnon pro nonnullis gratitudinibus benemeritis et seruiciis per honorabilem virum Hugonem Ralstoun de eodem nobis multipliciter temporibus retroactis prestitis et impensis dedisse concessisse assedasse arrendasse et ad feudifirmam seu emphiteosim perpetuam heriditarie dimisisse et hac presenti carta nostra confirmasse necnon tenore presencium dare concedere assedare arrendare locare et ad feudifirmam seu emphiteosim perpetuam heriditarie dimittere et hac presenti carta nostra confirmare dicto Hugoni Ralstoun de eodem ac heredibus suis subscriptis totas et integras nostras sex mercatas terrarum de Wodsyde et Turnorlande cum suis pertinentiis jacentes in baronia de Beith infra vicecomitatum de Air nunc perdictum Hugonem et eius tenentes ipsius nomine occupatas extendentes nunc in nostro rentali in omnibus proficuis ipsis inuicem computatis annuatim ad summam septem mercarum vsualis monete regni Scotie et ad duodecem capones et duodecem gallinas Tenendas et habendas totas et integras nostras sex mercatas terrarum antiqui extentus de Wodesyde et Turnorlande cum suis pertinentiis dicto Hugoni Ralstoun de eodem et heredibus suis masculis de corpore suo legitime procreatis seu procreandis quibus deficientibus seniori heredum suarum feminearum de corpore suo legitime procreatarum seu procreandarum absque diuisione terrarum antedictarum Quibus omnibus deficientibus (quod absit) heredibus suis masculis quibuscunque de nobis et successoribus nostris dicti monasterii abbatibus seu comandatariis et conuentibus eiusdem pro tempore existentibus in feudifirma seu emphiteosi et hereditate imperpetuum per omnes rectas metas suas antiquas et diuisas prout jacent in longitudine et latitudine in domibus edificiis boscis planis moris marresiis cum le mosrowme viis semitis aquis stangnis riulis pratis pascuis et pasturis molendinis multuris et eorum sequelis aucupacionibus venacionibus piscacionibus petariis turbariis carbonibus carbocidiis carbonariis cuniculis cuniculariis columbis columbariis fabrilibus brasinis brueriis et genestis siluis nemoribus et virgultis lignis lapicidiis lapide et calce cum curiis et earum exitibus heirzeldis et mulierum merchetis cum communi pastura libero introitu et exitu ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis et asiamentis ac justis suis pertinentiis quibuscunque tam non nominatis quam nominatis tam sub

terra quam supra terram procul et prope ad predictas terras cum pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace sine aliqua reuocatione contradictione aut obstaculo aliquali Soluendo inde annuatim dictus Hugo Ralstoun de eodem heredes sui masculi de corpore suo legitime procreati seu procreandi quibus deficientibus senior heredum suarum feminearum de corpore suo legitime procreatarum seu procreandarum Quibus deficientibus heredes sui masculi quicumque nobis et successoribus nostris abbatibus seu commendatariis dicti monasterii nostrisque et eorundem camerariis ac factoribus pro tempore existentibus summam octo mercarum vsualis monete Scocie ad duos anni terminos festa videlicet penthecostes et sancti Martini in hieme per equales porciones nomine feudifirme in augmentationem nostri rentalis annuatim ad summam tredecem solidorum et quatuor denariorum monete prescripte plusquam vnquam terre antedictae nobis aut predecessoribus nostris temporibus retroactis dederunt seu persoluerunt ac duodecem capones et duodecem gallinas solui consuetas annuatim ac eciam tres sectas curie ad tria placita capitalia tenendum¹ annuatim apud nostrum monasterium de Kilwynnyng vnacum seruiciis nobis et predicesoribus nostris debitis et consuetis secundum formam nostri Rentalis: Necnon heredes antedicti prefati Hugonis duplicando dictam feudifirmam vnus anni primo introitu ad prelibatas terras cum pertinentiis prout vsus est feudifirme tantum pro omni alio onere exactione questione demanda seu seruicio seculari que de dictis terris cum pertinentiis per quoscumque juste exigi poterunt quomodolibet vel requiri Et nos vero dictus Gauinus commendatarius de Kilwynnyng et conuentus eiusdem ac successores nostri commendatarii seu abbates et conuentus monasterii antedicti totas et integras prenomintas sex marcatas terrarum antiqui extentus de Wodesyde et Turnorland cum suis pertinentiis dicto Hugoni Ralstoun et heredibus suis masculis de corpore suo legitime procreatis seu procreandis Quibus deficientibus seniori heredum suarum feminearum de corpore suo legitime procreatarum seu procreandarum absque diuisione dictarum terrarum adeo libere et quiete in omnibus et per omnia forma pariter et effectum ut premissum est contra omnes mortales varantizabimus acquietabimus et imperpetuum defendemus In cuius rei testimonium huic presenti carte nostre manibus nostris subscripte sigillum commune capituli nostri est appensum apud

¹ Sic.

dictum nostrum monasterium septimo die mensis marcii anno domino millesimo quingentesimo quinquagesimo primo coram hiis testibus Patricio Hammyltoun de Bogsyde Johanne M'Crenyll Alano Wilsone domino Evmenide Henrisone curato de Kilwynnyng Willelmo Greynschelis et Thoma Park cum diuersis aliis.

(Signed) GAWINUS commendatarius de Kilwynnyng.

Johannes Deyne Jacobus Browne Patricius Flescher Willelmus Wrycht,
Johannes Culper Alanus Steyne Jacobus Mechell Robertus Curry,
Johannes Deyne Willelmus Kirkpatrik.

ABSTRACT.

Charter by Gavin,¹ perpetual Commendator of the Monastery of Kilwinning, and convent thereof, of the order of Saint Benedict, and in the diocese of Glasgow, for the utility and advantage of the said monastery, the increase of the rental thereof, and other considerations, granting to an honourable man, Hugh Ralstoun,² of that ilk, all and whole the six merk lands of Woodside and Turnerland, in the barony of Beith and shire of Ayr, then occupied by the said Hugh and his tenants, the whole yearly rental thereof at the time being seven merks Scots twelve capons and twelve hens: To hold to the said Hugh, and the heirs-male of his body; whom failing, the eldest heir-female of his body, without division; whom failing, to his heirs-male whomsoever, of the abbots or commendators of the said monastery, in feu-farm, fee, and heritage for ever, with all the pertinents of the said lands, including marshes, with "le mosrowme," mills, multures, fowlings, huntings, fishings, peats, turfs, coals, coal-pits, etc.; paying therefor yearly the sum of eight merks Scots in name of feu-farm, in augmentation of the rental to the extent of thirteen shillings and fourpence—more than was ever paid in times past, with the poultry already mentioned, and three suits of court at the three head pleas held yearly at the said monastery, with the services due and wont. Dated and sealed at the said monastery 7th March 1551. (Seal wanting.)

¹ See Pont's *Cunninghame* (Dobie's Edition, 1876), p. 262.

² See Robertson's *Ayrshire Families*, vol. ii. p. 259.

33. *Carta confirmationis Hugonis comitis de Eglington.*—[1st Dec. 1552.]¹

Maria Dei gratia Regina Scotorum Omnibus probis hominibus totius terre sue clericis et laicis salutem Sciatis nos cum auisamento et consensu autoritate charissimi nostri consanguinei et tutoris nostri Jacobi Ducis de Chettellarault Arranie comitis Domini Hammiltoun regni nostri protectoris et gubernatoris Quandam cartam infeofamenti factam et datam per venerabilem in Christo patrem Gawinum commendatarium monasterii de Kilwynnyng cum consensu totius capituli eiusdem capitulariter congregati dilecto nostro consanguineo Hugoni comiti de Eglintoun et heredibus suis de toto et integro justiciarie camerarie et balliatus officio omnium et singularum terrarum dicto monasterio de Kilwynning Kilmernok Lyanderoce Beith ac omnium et singularum aliarum terrarum dicto monasterio spectantium et pertinentium vbicunque jacent infra regnum nostrum cum potestate dicto officio Justiciarie camerarie et balliatus vti et exercere Tenendo de dicto commendatario et conuentu et successoribus eorundem in feudifirma et hereditate de mandato nostro visam lectam inspectam et diligenter examinatum sanam integram non rasam non cancellatam nec in aliqua sui parte suspectam ad plenum intellexisse sub hac forma Omnibus hanc cartam visuris vel audituris Gawinus permissione diuina commendatarius perpetuus Monasterii de Kilwynning et eiusdem loci conuentus ordinis Sancti Benedicti Glasguensis diocesis salutem in Domino sempiternam attendentes et animo reuoluentes quod non solum vtile verumetiam nobis et successoribus nostris de prouido et legali Justiciario Camerario et balliuo pro administratione justicie tenentibus et incolis terrarum nostrarum et possessionum seu eorum defensione legitima contra quoscunque ipsos infestare molientes prouidere necessarium est Necnon tenentes bonum fidele et vtile seruicium ac plenaria beneficia gratitudines et supportationes retroactis temporibus per predecessores magnifici et prepotentis Domini Hugonis comitis de Eglintoun Domini Montgomery in tuitione protectione et defentione iurium et libertatum dicti nostri monasterii Et signanter in expugnatione et resistentia malignorum et hereticorum hominum hiis temporibus nostrum monasterium annuatim terrasque nostras et possessiones inuadere temptantium et proficua earundem diripientium Necnon quod predecessores dicti comitis habuerunt

¹ *Registrum Magni Sigilli*, lib. 31, No. 77.

assedationem dicti officii per longum tempus immediate precedens et ad annos futuros Acetiam ad effectum vt ipsi comes antedictus et heredes sui temporibus futuris resistent omni heretice prauitati libertatemque ecclesie solidam suis bonis et rebus defendant Acetiam propter fidele bonum et gratuitum seruicium nobis nostrisque famulis et tenentibus temporibus elapsis quibus eodem egebamus quoad multiphariam predecessores dicti comitis nobis impenderunt Noueritis igitur nos vnacum consensu et assensu ad hoc capitulariter congregati vtilitate et commodo nostris et successorum nostrorum et dicti nostri monasterii vndique preuisis pensatis et diligenter consideratis ac longo et diligenti tractatu et matura deliberatione prehabitis dedisse concessisse et hac presenti carta nostra confirmasse Necnon tenore presentium dare concedere et hac presenti carta nostra confirmare prefato potenti Domino Hugoni comiti de Eglintoun ac heredibus suis in feudifirma et hereditate imperpetuum Totum et integrum Justiciarie camerarie et balliatus officium omnium et singularum terrarum dicti nostri monasterii de Kilwynning Kilmernok Lyanderoce Baith et omnium aliarum et singularum terrarum nostrarum eiusdem monasterii vbicunque infra regnum Scotie existentium jacentium excercendum vsitandum et exequendum vt infra videlicet Dando concedendo et committendo dicto comiti et suis heredibus nostram puram liberam et omnimodam potestatem ac mandatum speciale et generale pro nobis et successoribus nostris nostrorumque nomine curias balliatus nostri super prefatis nostris terris et possessionibus locis antedictis quoties prefato comiti et suis heredibus visum fuerit necessarium et oportunum tenentibus incolis et earundem inhabitatoribus ac aliis quibuscunque quorum interest seu interesse poterit affigendi inchoandi affirmandi tenendi et prorogandi ac quociens opus fuerit continuandi sectas vocari faciendi absentes amerciandi transgressores puniendi amerciamenta et prefati balliatus eschaetas curiarum leuandi et ad nostros nostrorumque successorum vsus applicandi et importandi et pro eisdem si opus fuerit namandi et distringendi et de eis compotum ratiocinium faciendi Ac pro nostris similiter firmis proficuis et deuoriis quoties requisiti fuerint namandi et distringendi et ad nostros vsus proprios importandi nostros tenentes et inhabitantes terras nostras eorumque catella et bona coram quibuscunque iudicibus attachiata et arrestata ad priuilegium et libertatem dicte nostre regalitatis replegiandi et reducendi cautionem de colleraith pro iusticia partibus conquerentibus infra iuris terminum limitandi assignandi et ministrandi Inueniendi dandi et prestandi

deputatos vnum seu plures sub ipsis cum clerico seriando Judicatore et aliis officariis justicie ministris et necessariis quibuscunque ad dictam curiam nostri balliatus faciendi creandi ordinandi substituendi et jurari faciendi pro quibus respondere tenebuntur/ Prouiso tamen ille seriandus qui creabitur aut deputabitur pro importatione fructuum reddituum prouentuum et deuoriarum dicti nostri monasterii per nos et successores nostros pro tempore prius nominabitur et elegitur habebitque annuatim pro suo feodo deuoriam per tenentes dicti monasterii seriando solui solitam et consuetam Et quod non licebit prefato comiti nec suis successoribus vnum seriandum pro leuatione et importatione dictorum fructuum et deuoriarum deputare aut creare nisi premitus seriandus ille per nos et nostros successores dicti monasterii pro tempore electus seu nominatus fuerit nec vlllo alteri seriando non electo aut nominato vt predicatur licebit vlllos prefatorum fructuum proficuum leuare aut cum eiisdem Necnon Justiciarie camerarie et regalitatis nostre curias super prefatis nostris terris et possessionibus cum pertinentiis in locis solitis et consuetis toties quoties nobis nostrisque successoribus visum fuerit expediens oportunum et necessarium et per nos mandatum fuerit et non alias Sic quod non licebit prefato comiti nec suis heredibus curiam seu curias prefatas Justiciarie camerarie statuere inchoare prefigere aut continuare citra mandatum nostrum speciale aut circa premissa vllum processum deducere nisi prius ad hoc nostro habito mandato tenentes nostros de terris nostris et possessionibus legitime ex nostro speciali mandato removendum et ducendum aliosque tenentes in eisdem inducendum et imponendum Et generaliter omnia alia et singula faciendum gerendum et exercendum que ad officium predictum in premissis seu simili de jure seu consuetudine regni pertinere dinoscuntur Etiam si mandatum magis exigat speciale quam presentibus est expressum ratum et gratum habentes et habituros totum id et eius heredes aut eorum deputati seu deputandi vel officarii coniunctim et diuisim nomine nostro in premissis aut premissorum aliquo rite duxerit seu duxerint faciendum sub ypotheca omnium bonorum nostrorum presentium et futurorum Tenendum et habendum Totum et integrum dictum officium cum pertinentiis dicto comiti et heredibus suis de nobis et successoribus nostris in feudifirma et hereditate imperpetuum cum omnibus et singulis libertatibus commoditatibus proficuis et asiamentis ac iustis suis pertinentiis quibuscunque vt supra specificatis ad prefatum officium spectantibus seu iuste spectare valentibus quomodolibet in futurum libere quiete plenarie integre honorifice

bene et in pace sine aliquo impedimento reuocatione contradictione aut obstaculo aliquali Assignantes et dantes dicto comiti et suis heredibus pro eorum laboribus in prefati balliatus officio vsu et functione annuatim summam quadraginta librarum monete Scotie de nostris terris et baronia de Beith leuandam et percipiendam in eorum feodo seu salario Volumus quod singuli nostri tenentes tam liberi quam alii inhabitantes omni tempore affuturo in nostrum et nostrorum successorum absenciis in omnibus equitationibus exercitibus guerris et seruiciis domine nostre Regine aut principis eidem comiti et suis heredibus et deputatis nostris balliuis prompte pareant obediant et seruiant Reseruando tamen nobis et nostris successoribus ariagia cariaga et alia seruicia seculari in omnibus equitationibus exercitibus guerris et seruiciis dicte domine nostre Regine aut principis Reddendo inde annuatim dictus comes et heredes sui nobis et successoribus nostris vnum denarium argentem super solum dictarum terrarum in festo penthecostes nomine albe firme Necnon dictus comes et sui heredes omni tempore affuturo ad suam exactam diligentiam cum eorum presentia amicis bonis consanguineis et assistentibus contra quoscunque inuasores in omnibus casibus causis et actionibus nos nostros successores monasteriumque nostrum annuatim defendant Et similiter exactam faciant suam diligentiam vt singuli tenentes et occupatores terrarum dicti nostri monasterii nobis nostrisue factoribus et camerariis firmas terrarum proficua et deuoria debite persoluant tantum pro omni alio onere exactione questione demanda seu seruicio seculari que de predicto officio exigi poterunt quomodolibet vel requiri Et nos vero Gavinus commendatarius et conuentus antedicti et successores nostri Totum et integrum predictum officium cum omnibus suis pertinentiis in omnibus et per omnia forma pariter et effectum dicto comiti et heredibus suis vt premissum est contra omnes mortales warantizabimus acquietabimus et imperpetuum defendemus In cuius rei testimonium huic presenti carte nostre manibus nostris subscribe sigillum commune capituli nostri est appensum Apud Kilwynning decimo nono die mensis Maii Anno Domini millesimo quingentesimo quinquagesimo secundo coram his testibus dominis Ewmende Henrysoun Leone Jaksoun capellanis et Jacobo Hammiltoun cum diuersis aliis Quamquidem cartam et infeofamentum in eadem contentum in omnibus suis punctis et articulis conditionibus et modis ac circumstanciis suis quibuscunque in omnibus et per omnia forma pariter et effectum vt premissum est approbamus ratificamus ac pro nobis et successoribus nostris pro perpetuo

confirmamus Reseruando nobis et successoribus nostris jura et seruicia dictorum officiorum ante hanc presentem confirmationem nobis et successoribus nostris solita et consueta Insuper nos cum auisamento et consensu predicti tutoris volumus et concedimus ac pro nobis et successoribus nostris decernimus et ordinamus quod hec presens nostra confirmatio tanti erit roboris vigoris et efficacie dicto nostro consanguineo et heredibus suis in futurum ac si eadem per nos ante sasinam eorundem captam per prefatum nostrum consanguineum de huiusmodi officiis concessa fuisset non obstante sasina per ipsum inde capta cum quo nos cum consensu antedicto cum dicto nostro consanguineo Hugone comite de Eglintoun per presentes dispensamus In cuius rei testimonium huic presenti carte nostre confirmationis magnum sigillum nostrum apponi precepimus Testibus prout in aliis cartis precedentibus consimilis date [reuerendissimo in Christo patre Johanne¹ Archiepiscopo Sancti Andree etc. thesaurario nostro dilectis nostris consanguineis Georgio comite de Huntlie ac Moraue Domino Gordoun et Badzenach cancellario nostro² Archibaldo comite Ergadie domino Campbell et Lorne, etc.³ venerabili in Christo patre Georgio commendatario monasterii nostri de Dunfermling nostri secreti sigilli custode dilectis nostris familiaribus magistris Thoma Marioribankis de Ratho nostrorum rotulorum registri ac consilii clerico Johanne Bellenden de Auchnoule nostre justiciarie clerico et Alexandro Levyngstoun de Donypace nostre cancellarie direttore] Apud Edinburgh primo die mensis Decembris Anno Domini millesimo quingentesimo quinquagesimo secundo et regni nostri decimo.

ABSTRACT.

Confirmation by Mary, Queen of Scots, under the Great Seal, of a charter granted by Gavin, Commendator of the Monastery of Kilwinning and Convent of the same, in favour of Hugh, Earl of Eglinton,⁴ whereby, on the narrative of the usefulness and necessity to the said monastery of a prudent and legal justiciar, chamberlain, and bailie, for the administration of justice

¹ John Hamilton, natural son of the Earl of Arran, was Archbishop of St. Andrews 1546-1570.

² George, Earl of Huntly, was born in 1513; succeeded his grandfather in 1523; was consti-

tuted Chancellor in 1546, and died 1562.—Crawford's *Officers of State*, p. 82.

³ Archibald, fourth Earl of Argyll, died in 1558.—Douglas's *Peerage*, vol. i. p. 91.

⁴ Third Earl of Eglinton, 1546-1585.—*Memoirs of the Montgomeries*, vol. i. p. 40.

to the tenants and inhabitants of the lands of the said monastery, and for their lawful defence against any that attempted to trouble them ; and also remembering the useful service and rich benefits rendered by the predecessors of Hugh, Earl of Eglinton, in the safeguard and defence of the rights and liberties of the said monastery, and especially in opposing by force, and resisting malignant and heretical men, in these times attempting every year to invade their monastery and lands and possessions, and to rob their revenues ; and also that the predecessors of the earl had for a long period held the said office ; and also to the effect that the said earl and his heirs might in time to come resist all heretical doctrine, and defend the solid liberty of the church ; and finally, for the faithful, good, and thankful service done by the said earl's predecessors, to them and their servants in times past when they were needful of it, therefore they gave and granted to the said Hugh, Earl of Eglinton, and his heirs in feu-farm and heritage for ever, all and whole the office of justiciary, chamberlainry, and bailiary of all and sundry the lands of the said Monastery of Kilwinning, Kilmarnock, Lyandcroce, Beith, and others, wheresoever lying in the kingdom of Scotland : Giving and committing to the said earl full power to hold courts of bailiary, and to administer justice in the usual way : To hold of the said Abbot and his successors in feu and heritage ; assigning to the said earl and his heirs, for their labours in the said office, the sum of £40 Scots furth of the lands and barony of Beith as their fee and salary ; willing that the tenants of the said lands and other inhabitants, in the absence of the said Commendator and his successors, should promptly obey and serve the said earl and his heirs in all raids, hosts, wars, and services of the Queen or Prince ; reserving, however, the arriage, carriage, and other secular services in all such raids, hosts, and wars : The said earl and his heirs rendering to the granter and his successors yearly the sum of one silver penny upon the ground of the said lands in name of blench : Providing also that the said earl and his heirs should do exact diligence in time coming with their presence, friends, goods, kinsmen, and assistants, against any invaders, and defend the said monastery in all cases, causes, and actions, etc. Dated at Kilwinning 19th May 1552. The confirmation is dated at Edinburgh 1st December same year.

34. *Confirmation of a Charter by Gavin, Commendator of Kilwinning, to Alexander Terbert, of the Lands of Corshill; with other relative Documents.—Dated at Glasgow 18th July 1559.*¹

Vniuersis et singulis sancte matris ecclesie filiis presentes literas inspec-
turis visuris lecturis pariter et audituris Joannes Hammyltone succentor
Villemus Hammyltone et Joannes Layng ecclesie metropolitane Glas-
guensis canonici Iudices commissarii et executores delegati cum illa clausula
*discretionis vestre committimus et mandamus ac vobis aut duobus vestrum
coniunctim procedentibus*, etc., ad Infrascripta a sede apostolica specialiter
deputati Salutem In omnium Salvatore et nostris huiusmodi Imoueriis apos-
tolicis firmiter obedire mandatis. Literas Reuerendissimi in Christo patris
et domini Joannis miseratione diuina Sancti andree archiepiscopi regni
Scotie primatis ac cum potestate legati a latere sancte sedis apostolice legati
sigillo legationis sue apostolice cera rubea albe impressa capsula ferrea
oblonga circumdata a filis rubeis more ipsius legationis apostolice impendente
necnon literas siue cartam venerabilis in Christo patris et domini Gauini per-
missione diuina monasterii de Kilwynnyng ordinis diui Benedicti Glas-
guensis diocesis perpetui commendatarii et conuentus eiusdem pergameno
scriptas sigillo communi dicti monasterii ac subscriptionibus manualibus
dictorum commendatarii et conuentus subscriptas et sigillatas ac etiam
instrumentum saisine sanas siquidem et integras non vitiatas non cancellatas
non raras nec in aliqua sui parte suspectas sed omni prorsus vitio et suspi-
cione vt in eis prima facie apparebat carentes nobis per prouidum virum
Alexandrum Terbert coram notario publico et testibus infra scriptis pre-
sentatas nos cum ea qua decuit reuerentia noueritis recepisse huiusmodi sub
tenore JOANNES miseratione diuina archiepiscopus Sanctiandree Regni Scotie
primas ac cum potestate Legati a latere sedis apostolice Legatus Dilectis
nobis in Christo Ecclesie Glasguensis succentori et Willelmo Hammyltone
ac Johanni Layng eiusdem ecclesie canonicis Salutem ex iniuncto nobis ab
apostolice sedis culmine Legationis officio ad ea nostre mentis cogitatus pro-
pensius dirigat debemus per que singulorum locorum ecclesiasticorum pre-
sertim regularium et monasteriorum ac personarum inibi pro vite studio
degentium et vota sua abiectis mundanis illecebris sub suaui religionis et

¹ From Paper in possession of J. Whitefoord Mackenzie, Esq.

contemplationis jugo abissimo persoluentium commoditatibus consulitur et vtilitatibus subuenitur exhibita siquidem nobis nuper pro parte dilectorum nobis in Christo incolarum habitantium et colonorum de Kilwynnyng Beith et Lyencorse Glasguensis diocesis petitio continebat Quod alias dilectus nobis in Christo Gauinus perpetuus commendatarius monasterii de Kilwynnyng ordinis Sancti Benedicti Glasguensis diocesis cupiens dicti monasterii conditionem efficere meliorem de consensu prioris et conuentus eiusdem monasterii ad infra scripta capitulariter congregatorum Neenon pro diuersis pecuniarum summis sibi per dictos exponentes gratanter et integre persolutis et In ipsius monasterii illiusque domorum regularium et dormitorii ac rectorii ad summum ab imo dirutorum reparationem et restaurationem conuersis et conuertendis habito etiam desuper diligenti tractatu ac matura deliberatione Totam et integram baroniam et seu terras de Kilwynnyng Beith et Lyencorse dicte diocesis iuxta suos fines sitas et positas et ad ipsum monasterium legitime spectantes et pertinentes tenendas et habendas eisdem exponentibus pro seipsis eorumque forsan heredibus et successoribus masculis quibuscunque etiam coniunctim et separatim seu diuisim dedit concessit locauit et arrendauit ac in feudifirmam et hereditariam emphiteosim sub certo annuo canone siue censu et reddito summam quinquaginta librarum stirlingorum secundum communem estimationem non excedentem in certis locis et terminis soluendam ac cum nonnullis pactis legibus et conditionibus declarationibus limitationibus tunc expressis in euidentem dicti monasterii vtilitatem et commodum ac augmentationem rentalis seu annui redditus eiusdem plusquam vnquam terre predictae predecessoribus suis soluere consueuerunt dimisit et alias alia fecit prout in diuersis cartis et auctenticis desuper confectis literis plenius continetur cum autem sicut ea subpigeat petitio dationes concessionem arrendationes et dimissiones huiusmodi in euidentem dicti monasterii vtilitatem cesserint et cedant cupiantque exponentes prefati illas pro earum subsistentia firmiori apostolice confirmationis munimine roborari supplicari fecerunt humiliter et super his per sedem eandem de opportuno remedio nunc prouideri Nos igitur ad infrascripta sufficienti facultate instante de premissis certam notitiam non habentes ac baronie et seu terrarum huiusmodi veriores situs confines veteres annuos valores qualitates quantitates et circumstantias ac veriora vocabula necnon cartam et seu literas prefatas hic forsan latius de necessitate exprimentes tenores pro plene et sufficienter expressis habentes et attendentes quod in his

In quibus singulorum locorum ecclesiasticorum evidens procuratur vtilitas fauorabiles esse debemus atque benigni auctoritate apostolica nobis concessa et qua fungimur in hac parte discretioni vestre committimus mandamus quatenus vos vel duo vestrum coniunctim procedentes vocatis vocandis de dationibus concessionibus arrendationibus et dimissionibus predictis diligenter vos informetis Et si per informationem eandem quod ille In euidentem dicti monasterii vtilitatem cesserint et cedant Repereritis super quibus conscientiam vestram oneramus dationes concessionibus arrendationes et dimissiones easdem ac prout illas concernunt omnia et singula in carta et seu literis predictis contenta et inde secuta quecunque licita tamen et honesta etiam cum veriori si videbitur omni tenore cartarum et seu literarum huiusmodi productione expressione et insertionem dicta auctoritate specialiter vel generaliter approbetis et confirmetis eisque perpetue firmitatis robur adiiciatis ac ea valida et efficaciter existere suosque plenarios effectus sortiri ac perpetuo inuiolabiliter observari sic que per quoscunque iudices et commissarios quauis etiam auctoritate fungentes sublata eis et eorum cuilibet quauis etiam aliter iudicandi et interpretandi facultate et auctoritate iudicari et interpretari debere ac quicquid secus attemptari contigerit irritum et inane decernatis supplendo omnes et singulos tam juris quam facti defectus si qui forsitan interuenerint in eisdem Non obstantibus premissis et felicis recordationis Pauli pape ij. de rebus ecclesie non alienandis et quibusuis aliis apostolicis ac in prouincialibus et synodalibus editis generalibus vel specialibus conciliis constitutionibus et ordinationibus necnon monasterii et ordinis predictorum statutis et consuetudinibus etiam iuramento confirmatione apostolica vel quauis firmitate alia roboratis priuilegiis quoque indultis et literis apostolicis eisdem monasterio et conuentui ac ordini illorumque superioribus et personis sub quibuscunque tenoribus et formis ac cum quibusuis etiam derogatoriis derogatoriis aliisque fortioribus efficacioribus et insolitis clausulis irritantibus et aliis decretis iteratis vicibus concessis approbatis et Innouatis Quibus omnibus illorum tenores ac si de verbo ad verbum nihil penitus omisso et forma in illis tradita obseruata foret insererentur presentibus pro plene et sufficienter expressis habentes insertis et obseruatis illis alias in suo robore permansuris hac vice duntaxat specialiter et expresse derogamus ceterisque contrariis quibuscunque. Datum Edinburgi nostre Sanctiandree diocesis anno Incarnationis dominice millesimo quingentesimo quinquagesimo octauo pridie nonas

decembris pontificatus sanctissimi domini nostri Pauli quarti anno quarto. Sequitur tenor carte OMNIBUS hanc cartam visuris vel auditoris Gauinus permissione diuina commendatarius monasterii de Kilvynnyng et conuentus eiusdem ordinis diui Benedicti Glasguensis diocesis Salutem in Domino sempiternam Noueritis nos vnanimi consensu et assensu ad hoc capitulariter congregatorum vtilitate et commodo nostris et successorum nostrorum vndique preuisis et pensatis diligenti tractatu et matura deliberatione prehabitis ac pro politia in regno habenda in euidentem vtilitatem dicti nostri monasterii et in augmentationem rentalis eiusdem ac pro quibusdam summis pecuniarum nobis pre manibus per dilectum nostrum Alexandrum Terbert ad reparationem predicti nostri monasterii ruinosi et caduci gratanter et integre persolutis in pecunia numerata dedisse concessisse arrendasse locasse et ad feudifirmam hereditarie dimississe et hac presenti carta nostra confirmasse necnon dare concedere arrendare locare et ad feudifirmam hereditarie dimittere et hac presenti carta nostra confirmare pro nobis et successoribus nostris pro perpetuo prefato Alexandro Tarbart et suis heredibus masculis propinquiorebus quibuscunque totas et integras nostras viginti solidatas noui extentus terrarum de Corshill nunc per eundem Alexandrum inhabitatas jacentes in perochia et regalitate nostra de Kilwynnyng Balliuatu de Conygham et infra vicecomitatum de Aire Tenendas et habendas totas et integras memoratas terras de Corshill cum pertinenciis prefato Alexandro Tarbart et suis heredibus vt supra de nobis et successoribus nostris in feudifirma et hereditate imperpetuum per omnes rectas metas suas antiquas et diuisas prout jacent in longitudine et latitudine in boscis planis moris merresiis viis semitis aquis stagnis riuulis pratis pascuis et pasturis aucupationibus venationibus piscationibus petariis turbariis carbonibus carbonariis cuniculis cuniculariis columbis columbariis hortis pomeriis siluis nemoribus virgultis lignis tignis lapicidiis lapide et calce fabrilibus brasinis brueriis genestis et mulierum merchetis cum communi pastura liberis introitu et exitu ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis ac justis suis pertinenciis quibuscunque tam non nominatis quam nominatis tam subtus terra quam supra terram procul et prope ad predictas terras cum pertinenciis spectantibus seu juste spectare valentibus quomodolibet in futurum libere quiete integre honorifice bene et in pace sine impedimento aut reuocatione quacunque Reddendo inde annuatim prefatus Alexander Terbert et heredes sui vt supra nobis nostris successoribus et camerariis summam viginti solidorum monete

tanquam firmam ante presentem infeodationem pro eisdem terris solui solitam et consuetam vnacum summa quadraginta denariorum monete ratione augmentationis presentis infeodationis plusquam vnquam terre antedictae nobis aut predecessoribus nostris antea persoluerunt seu dederunt extendentem in toto ad summam viginti trium solidorum et quatuor denariorum monete ad festa videlicet penthecostes et Sancti martini in hieme per equales portiones et omnia alia debita et deuoria in nostra antiquo rentali contenta vnacum multuris molendinis nostris debitis et consuetis Necnon prestando presentiam personalem vel tres sectas curie ad nostra tria placita capitalia cum seruitiis in curiis nostris Justiciarie et camerarie cum contigerint Necnon heredes dicti Alexandri duplicabunt dictam feudifirmam primo anno eorum introitus ad predictas terras cum pertinentiis prout vsus est feudifirme tantum pro omni alio onere exactione questione demanda seu seruitio seculari que de predictis terris cum pertinentiis per quoscunque iuste exigi poterunt quomodolibet vel requiri Prouiso etiam si duo termini currant in tertium terminum solutione minime facta de canone et feudifirma suprascriptis ad terminos vsitatos et prescriptos eo casu volumus quod dicta locatio feudifirme nullius sit roboris aut momenti et vacabit de cetero ac si presens locatio minime fuisset facta sine aliquo processu aut strepitu juris Et reseruamus quod non licebit prefato Alexandro suisve heredibus alienare aut vendere predictas terras sine aliquam partem earundem sine licentia nostra aut successorum nostrorum desuper petita et obtenta sub pena forisfacture et amissionis illius partis terrarum alienati seu venditati Et si secus fecerint casu quo supra volumus quod dicta locatio feudifirme nullius sit roboris aut momenti ac si presens locatio minime fuisset facta sine aliquo processu aut strepitu juris Et nos vero prefati commendatarius et conuentus et nostri successores totas et integras prenominatas terras de Corshill cum pertinentiis prefato Alexandro Terbert et heredibus suis vt supra in omnibus et per omnia forma pariter et effectum vt premissum est contra omnes mortales varantizabimus acquietabimus et defendemus imperpetuum Insuper dilectis nostris Jacobo Hammilton de Wodsyde coniunctim et diuisim balliuis nostris in hac parte specialiter constitutis Salutem Quia assedauius arrendauius et ad feudifirmam hereditarie dimisimus dilecto nostro Alexandro Terbert et heredibus suis masculis propinquieribus quibuscunque Totas et integras nostras viginti solidatas noui extentus terrarum de Corshill cum pertinentiis per eundem Alexandrum tempore confectionis presentium occupatas jacentes in perochia

et regalitate nostra de Kilwynnyng balliutu de Conyghame et infra vicecomitatum de Aire prout in presenti carta nostra desuper confecta plenius continetur Vobis igitur et vestrum cuilibet coniunctim et diuisim firmiter precipimus et mandamus quatenus visis presentibus indilate statum saisinam hereditariam ac possessionem realem actuaalem et corporalem omnium et singularum dictarum terrarum de Corshill prefato Alexandro vel eius actornato latori presentium secundum formam et tenorem huius presentis carte nostre juste haberi faciatis et deliberetis Et hoc nullo modo omittatis Ad quod faciendum vobis et vestrum cuilibet coniunctim et diuisim nostram plenariam et irreuocabilem tenore presentium committimus potestatem. In cuius rei testimonium sigillum commune capituli nostri presentibus manibus nostris subscriptis est appensum apud Kilwynnyng die decimo octauo mensis decembris anno Domini millesimo quingentesimo quinquagesimo septimo coram his testibus Roberto Hammiltone camerario de Kilwynnyng Jacobo Hamilton de Wodsyde Alexandro Cowper de Brigend Roberto Masoune sic subscribebatur Gawinus commendatarius de Kilwynnyng Joannes Culpar Jacobus Browne Patricius Fleshear Willelmus Wryght Alanus Stene Jacobus Mechel Robertus Curry Joannes Dene Willelmus Kilpatrik Georgius Morisone Daudid Wynzet Alexander Henderson Sequitur tenor saisine IN DEI NOMINE, Amen; per hoc presens publicum instrumentum cunctis pateat euidenter quod anno Incarnationis dominice millesimo quingentesimo quinquagesimo septimo die vero mensis decembris vigesimo quarto Indictione decima quinta Pontificatus Sanctissimi in Christo Patris Domini Pauli diuina prouidentia pape quarti anno tertio. In mei notarii publici et testium subscriptorum presentia personaliter constitutus honorabilis vir Jacobus Hamilton de Wodsyde balliuus in hac parte venerabilis in Christo patris Gawini commendatarii monasterii de Kilwynnyng et conuentus eiusdem virtute et vigore precepti sasine in quadam carta feudifirme inserti sub eorum manualibus subscriptionibus et communi sigillo loci eiusdem cera alba pendente roborata eidem balliuo presentata per Alexandrum Terbert causa et occasione status et saisine sibi reddende Quam vero cartam cum precepto in eadem mihi notario publico perlegendum tradidit sub tenore vt sequitur Insuper dilectis nostris Jacobo Hammylton de Wodsyde coniunctim et diuisim Balliuis nostris in hac parte specialiter constitutis Salutem Quia assedauimus arrendauimus et ad feudifirmam hereditarie dimisimus dilecto nostro Alexandro Terbert et heredibus suis masculis propinquieribus quibus-

cunque totas et integras nostras viginti solidatas noui extentus terrarum de Corshill tempore confectionis presentium inhabitatas per dictum Alexandrum jacentes in perochia et regalitate de Kilwynnyng balliuatu de Conygham et infra vicecomitatum de Aire Tenendas de nobis et successoribus nostris in feudifirma et hereditate prout in carta nostra desuper confecta plenius continetur Vobis igitur et vestrum cuilibet firmiter precipimus et mandamus balliuis nostris antedictis quatenus visis presentibus indilate statum et saisinam hereditariam necnon realem actuaalem et corporalem possessionem omnium et singularum dictarum terrarum de Corshill cum pertinentiis prefato Alexandro Terbert vel suo certo attornato latori presentium secundum formam et tenorem presentis carte nostre juste deliberetis et haberi faciatis Ad quod faciendum vobis et vestrum cuilibet coniunctim et diuisim nostram plenariam et irreuocabilem tenore presentium committimus potestatem. In cuius rei testimonium sigillum commune capituli nostri nostris manibus subscriptis presentibus est appensum apud Kilwynnyng die decimo octauo mensis decembris anno domini millesimo quingentesimo quinquagesimo septimo coram his testibus Roberto Hammilton camerario de Kilwynnyng Jacobo Hammiltone de Wodsyde Alexandro Cowper de Brigend Roberto Mason subscriptiones eorundem Gauinus commendatarius de Kilwynnyng Johannes Culpar Jacobus Browne Patricius Flescher Willelmus Wryght Alanus Stene Jacobus Mechell Robertus Curry Johannes Deyne Willelmus Kilpatrik Georgius Moresoun Daudid Wynzet Alexander Hendersone. Post perlecturam huiusmodi precepti dictus balliuus personaliter accessit ad solum dictarum terrarum de Corshill et ibidem manu sua propria statum et saisinam hereditariam necnon realem actuaalem et corporalem possessionem omnium et singularum prescriptarum terrarum de Corshill cum pertinentiis prefato Alexandro Terbert per terre et lapidis fundi earundem exhibitionem contulit et donauit secundum formam et tenorem sue carte Acta erant hec super fundum dictarum terrarum hora octaua ante meridiem sub anno die indictione et pontificatu prenotatis Presentibus ibidem Roberto Hammiltone camerario de Kylwynnyng Alexandro Masone Willelmo Miller et Petro Brown testibus ad premissa rogatis et requisitis Sic subscribebatur Et ego vero Alexander Cowpar clericus Glasguensis diocesis publicus sacra auctoritate apostolica notarius Quia premissis omnibus et singulis dum sic vt premittitur dicerentur agerentur et fierent vnacum prenominatis testibus presens personaliter Interfui Eaque omnia et singula sic fieri vidi sciui et audiui

ac in notam cepi ex qua hoc presens publicum instrumentum manu alterius fideliter scriptum exinde confeci et in hanc publicam formam instrumentalem redege signoque et nomine et subscriptione solitis et consuetis signavi. In [fidem et] testimonium veritatis omnium et singulorum premissorum Rogatus et requisitus. Post Quarumquidem literarum apostolicarum carte et saisine predictarum presentationem et receptionem nobis et per nos vt premittitur factas fuimus per prefatum Alexandrum Terbert principalem pro se et heredibus suis subscriptis debita cum instantia requisiti quatenus ad executionem dictarum literarum apostolicarum et contentorum in eisdem juxta traditam seu directam in eisdem nobis a sede apostolica predicta formam procedere curaremus Nos igitur Joannes Hammiltone succentor Willelmus Hammiltone et Joannes Layng ecclesie metropolitane Glasguensis canonici iudices executores et commissarii delegati prefati attendentes requisitionem huiusmodi fore justam et rationi consonam volentesque mandatum apostolicum huiusmodi reuerenter exequi vt tenemur Primitus tamen et ante omnia pro infrascriptorum vberiori executione facienda venerabilem in Christo patrem et dominum Gauinum permissione diuina monasterii de Kilwynnyng ordinis Sancti Benedicti Glasguensis diocesis perpetuum commendatarium et conuentum eiusdem specialiter nominatos et in specie Omnesque alios et singulos sua communiter vel diuisim interesse habentes seu habere pretendentes Quosque infrascriptum tangebatur negotium seu tangere poterat quomodolibet in futurum generaliter et in genere in prefato monasterio et in valuis ecclesie eiusdem per literas nostras citatorias patentes sigillis nostris roboratas ac manu notarii publici subscripti coram nobis in huiusmodi negotio scribe et tabellionis deputati signatas et subscriptas debiteque executas et indorsatas ad comparendum coram nobis seu duobus nostrum coniunctim In ecclesia metropolitana Glasguensi et in insula diui Michaelis Archangeli infra eandem die et hora infrascriptis Ad videntum et audiendum dationem concessionem et ad feudifirmam ac emphiteosim perpetuam dimissionem de totis et integris viginti solidatis terrarum antiqui extentus de Corshill nunc inhabitatis per dictum Alexandrum cum suis pertinentiis jacentibus in parrochia et regalitate de Kilwynnyng balliату de Conygham et infra vicecomitatum de Aire in preinserta carta expressatis et specificatis Et ad dictum Gauinum et pro tempore existentem abbatem seu commendatarium et conuentum dicti monasterii de Kilwynnyng legitime spectantibus ac per eundem Gauinum commendatarium dicti monasterii

modernum de expressis consensu et assensu conuentus eiusdem prefato Alexandro Terbert et heredibus suis masculis propinquieribus quibuscunque per suas cartam et literas patentes seu instrumenta publica In euidentem tamen dicti monasterii de Kilwynnyng et Gavini illius commendatarii moderni et conuentus eiusdem ac successorum suorum omnium In eodem monasterio pro tempore canonice intrantium vtilitatem factas et concessas ac omnia et singula in dictis preinsertis literis apostolicis ac carta instrumentisque prefatis contenta et descripta Et prout illas et illa concernunt approbari et confirmari Eisque perpetue firmitatis robur adiici ac valida et efficacitiam existere suosque plenarios effectus sortiri ac perpetuo inuolabiliter obseruari Sic que per quoscunque iudices quauis auctoritate fungentes sublata eis et eorum cuilibet quauis aliter iudicandi et interpretandi facultate et auctoritate iudicari et diffiniri debere ac quicquid secus attemptari contigerit irritum et inane decerni Omnesque et singulos tam juris quam facti defectus sequi forsitan interuenerint in eisdem suppleri Ac dictum dominum Gauinum commendatarium dicti monasterii de Kilwynnyng modernum et conuentum eiusdem eorumque successores ad obseruationem dationis concessionis et dimissionis predicti perpetuis futuris temporibus teneri astringi et firmiter obligatos esse et fore eadem auctoritate apostolica antedicta similiter decerni et declarari Decretumque et auctoritatem nostram Immo uerius apostolicam in premissis omnibus et singulis prout iustum foret interponi et vlterius ad videndum et audiendum nonnullos testes fidedignos de et super recognitione carte literarum et instrumentorum predictorum et eorundem sigillorum appositione manualiumque subscriptionum in eisdem descriptorum necnon verificatione omnium et singulorum in preinsertis literis apostolicis ac carta et aliis literis seu instrumentis prefatis contentorum animique nostri in premissis omnibus et singulis informatione per nos recipi jurari et admitti Et super premissis omnibus et singulis et eorum occasione examinari et interrogari aliaque per nos fieri que in literis apostolicis preinsertis precipiuntur et mandantur vel ad dicendum allegandum et probandum causam seu causas rationabilem seu rationabiles quare premissa omnia et singula fieri non debent legitime et peremptorie citari fecimus iussimus et mandauimus cum intimatione et certificatione debitis et consuetis quoad siue dicti citati in dicte nostre citationis termino comparere curauissent et nihil contra premissa allegassent seu probassent siue non comparuissent Nos nihilominus aut duo nostrum

conjunctim ad premissa omnia et singula prout nobis in prefatis preinsertis literis apostolicis precipitur et mandatur Et prout justum foret procedere-
mus ipsorum sic citatorum absentia vel contumacia In aliquo non obstante
Quibusquidem die et hora aduenientibus comparuit coram nobis infra dictam
ecclesiam metropolitanam Glasguensem et in insula diui Michaelis archangeli
infra eandem pro tribunali sedentibus dictus Alexander Terbert pro se et
heredibus suis prescriptis Et prefatas literas nostras citatorias debite
executas et indorsatas reportauit Nosque in causa et causis huiusmodi
coniunctim vt premittitur ac rite procedentes prefatum venerabilem patrem
Gauinum commendatarium monasterii de Kilwynnyng ordinis et diocesis
predictorum et conuentum eiusdem specialiter nominatos et in specie
omnesque alios et singulos sua communiter vel diuisim interesse habentes
seu habere pretendentes Quosque infrascriptum tangebatur negotium seu
tangere poterat quomodolibet in futurum generaliter et in genere sic vt
premittitur legitime et peremptorie citatos trina vice per notarium publicum
subscriptum coram nobis in huiusmodi negotio scribam et tabellionem depu-
tatum vocari fecimus Et quia nulli comparuerunt ad dicendum vel obii-
endum vel contra premissa aut eorum aliquod in toto vel in parte Alexander
Terbert principalis prefatus pro se et heredibus suis prescriptis prefatorum
omnium interesse habentium seu habere pretendendum citatorum vocatorum
et non comparentium contumacias accusauit et ipsos prout merito sunt
reputandi contumaces per nos reputari instantanter petiit et postulauit Quos
contumaces reputauimus prout tenore presentium reputamus Eisque et
eorum cuilibet in premissis desuper silentium perpetuum imponimus Et
in penam contumacie eorum literas apostolicas ac cartam preinsertas huius-
modi per notarium publicum subscriptum coram nobis in huiusmodi negotio
scribam et tabellionem deputatum alta et intelligibili voce de verbo ad
verbum perlegi fecimus et mandauimus Adque executionem vltiorem
huiusmodi preinsertarum literarum apostolicarum et contentorum in eisdem
instante dicto Alexandro duximus procedendum Deque premissis omnibus
et singulis et eorum circumstanciis que in dictis preinsertis literis aposto-
licis ac carta continentur per nonnullos fidedignos et omni exceptione
maiores testes numero plures ad hoc per literas nostras legitime citatos
vocatos et coram nobis in iudicio juratos interrogatos et diligenter exami-
natos Inquisiuius et informauius nos etiam diligenter de eisdem Et
quia tam per inquisitionem et informationem quam per testium depositiones

huiusmodi comperimus omnia et singula in prefatis Reuerendissimi domini legati literis narrata et exposita ac in carta et literis venerabilis in Christo patris et domini Gauini permissione diuina monasterii de Kilwynnyng ordinis Sancti Benedicti Glasguensis diocesis perpetui commendatarii et conuentus eiusdem prefato Alexandro Terbert et heredibus suis masculis propinquioribus factis vt premittitur contenta et expressata coram nobis sufficienter cum eorum sigillis et manualibus subscriptionibus prefatis ita fore et veritate fulciri dictasque dationem concessionem ad feudifirmam ac emphiteosim hereditariam dimissionem de dictis viginti solidatis terrarum de Corshill antiqui extentus cum pertinenciis jacentibus et occupatis vt prefertur in prescripta carta expressatis et specificatis Et per prefatum Gauinum commendatarium dicti monasterii de Kilwynnyng modernum de expressis consensu et assensu conuentus eiusdem prefato Alexandro et heredibus suis prescriptis pro se et successoribus suis omnibus pro tempore existentibus abbatibus seu commendatariis et conuentibus dicti monasterii de Kilwynnyng In annuam et perpetuam augmentationem rentalis eiusdem et domini Gauini commendatarii eiusdem moderni et conuentus ac successorum suorum omnium In eodem monasterio pro tempore canonice intrantium euidentem vtilitatem factas et concessas ex causis in carta et literis ac commissione apostolica prefatis cessisse et cedere Et propterea per dictum Alexandrum pro se et heredibus suis prescriptis coram nobis propter hoc personaliter constitutum debita cum instantia fuit supplicatum vt ipsis super premissis omnibus et singulis prouidere de auctoritate apostolica dignaremur. Nos igitur Joannes Hammiltone succentor Willelmus Hammyltown et joannes Layng canonici ecclesie metropolitane Glasguensis iudices executores et commissarii delegati prefati attendentes requisitionem huiusmodi fore justam et rationi consonam desideriaque justa petentium congruo fauore prosequentes In votis eorum oracionis tramite non discordant libenter exhibemus nos et benignos In causa et causis huiusmodi coniunctim vt premittitur ac rite procedentes forma et tenore literarum apostolicarum preinsertarum et singulis aliis de jure seruandis nostram deffinitiuam ad instantiam prefati Alexandri pro se et heredibus suis prescriptis principalis predicti id humiliter fieri petentis prout sequitur tulimus sententiam CHRISTI NOMINE INUOCATO Nos Joannes Hammiltone succentor Willelmus Hammiltown et Joannes Layng ecclesie metropolitane Glasguensis canonici iudices executores et commissarii delegati cum illa clausula *discretioni vestre committimus et mandamus*

ac vobis aut duobus vestrum coniunctim precedentibus, etc. Ad infrascripta a sede apostolica videlicet Reuerendissimo in Christo patre et domino Joanne miseratione diuina Sanctiandree Archiepiscopo regni Scotie primato ac cum potestate Legati a latere sedis apostolice legato dictaque sede specialiter deputati In ecclesia metropolitana Glasguense et in insula diui Michaelis Archangeli infra eandem coniunctim pro tribunali sedentes et solum Deum pre oculis habentes Eiusque nomine Sanctissimo Inuocato auditis primitus prouidi viri Alexandri Terbert partis principalis allegationibus Carta feudifirme et perpetue emphiteosis terrarum subscriptarum eidem facta ac aliis iuribus per nos visis consideratis et intellectis Testiumque depositionibus pro in eisdem ac literis ac commissione apostolica prefatis nobis directis contentorum verificatione inscriptis diligenter predictis seruatisque omnibus et singulis circumstanciis et solemnitatibus per nos in presenti negotio obseruari solitis et aliis de jure seruandis Per hanc nostram sententiam diffinitiuam Quam vigore prefato commissionis apostolice nobis desuper facte ferimus In his scriptis pronunciamus decernimus et finaliter declaramus dationem concessionem et ad feudifirmam ac emphiteosim perpetuam dismissionem de totis et integris viginti solidatis terrarum antiqui extentus de Corshill cum pertinentiis nunc per dictum Alexandrum occupatis jacentibus in perochia et regalitate de Kilwynnyng Balliuatu de Conyghame et infra vicecomitatum de Aire et ad venerabilem in Christo patrem et dominum Gauinum permissione diuina monasterii de Kilwynnyng ordinis Sancti Benedicti Glasguensis diocesis perpetuum commendatarium et conuentum eiusdem legitime spectantibus Ac per eundem dictum Gauinum dicti monasterii de Kilwynnyng commendatarium modernum de expressis consensu et assensu conuentus eiusdem dicto Alexandro Terbert et heredibus suis masculis propinquioribus quibuscunque in annuam et perpetuam augmentationem rentalis dicti monasterii et domini Gauini illius commendatarii moderni et conuentus eiusdem ac successorum suorum omnium in eodem monasterio pro tempore canonice intrantium euidentem vtilitatem Ex causis in carta et literis ac commissione apostolica prefatis cessisse et cedere Et propterea dationem concessionem et ad feudifirmam ac emphiteosim perpetuam dimissionem predictas ac omnia et singula in commissione et carta ac literis instrumentoque prefatis desuper confectis contenta descripta et specificata Et prout illas et illa concernunt approbandas et confirmandas approbandaque et confirmanda duximus Prout harum serie auctoritate apo-

stolica nobis commissa et qua fungimur in hac parte ac omnibus melioribus modo via forma jure et causa Quibus melius et efficacius possumus et debemus approbamus et confirmamus Eisque perpetue firmitatis robur adiicimus ac ea valida et efficacia existere suosque plenarios effectus sortiri et perpetuo inuiolabiliter observari sicque per quoscunque iudices quauis auctoritate fungentes sublata eis et eorum cuilibet quauis aliter iudicandi et interpretandi facultate et auctoritate iudicari et interpretari debere ac quicquid secus attemptari contigerit irritum et inane decernimus omnesque et singulos tam juris quam facti defectus siqui forsitan interuenerint in eisdem supplemus ac dictum dominum Gauinum commendatarium dicti monasterii de Kilwynnyng modernum et conuentum eiusdem eorumque successores ad obseruationem dationis concessionis et dimissionis predictorum perpetuis futuris temporibus teneri astringi et firmiter obligatos esse et fore eadem auctoritate apostolica antedicta similiter decernimus et declaramus Decretumque et auctoritatem nostram Imoverius apostolicam in premissis omnibus et singulis Interponimus per presentes non obstantibus illis omnibus et singulis que idem Reuerendissimus dominus Legatus prefatus in literis suis preinsertis voluit non obstande Et hoc omnibus et singulis quorum interest notum facimus per presentes In Quorum omnium et singulorum fidem et testimonium premissorum hac presentes literas siue hoc presens publicum instrumentum processum huiusmodi nostrum in se continentes seu continens ex inde fieri fecimus Et per notarium publicum subscriptum subscribi et publicari mandauimus sigillorumque nostrorum iussimus et fecimus appensione communiri Datum et actum infra ciuitatem Glasguensem die decimo octauo mensis Iulii anno Domini millesimo quingentesimo quinquagesimo nono Indictione secunda pontificatus Sanctissimi in Christo patris et domini nostri Pauli pape quarti anno quinto presentibus ibidem prouidis viris Magistro Andrea Laing rectore de Hoddem Patricio Mungumry de Sevinakeris, Archibaldo de Auchinskeyth, Georgio Mungumry de Manis, Alexandro Cowper de Brigend, Jacobo Layng, et sone testibus ad premissa vocatis habitis et requisitis.

Et ego vero Henricus Gibsone artium magister clericus ciuitatis Glasguensis sacraque auctoritate apostolica notarius publicus Quia premissis omnibus et singulis dum sic vt premittitur coram dictis iudicibus dicerentur agerentur et fierent vnacum

prenominatis testibus presens personaliter Interfui Eaque sic fieri vidi et audiui ac in notam cepi Ideoque hoc presens publicum instrumentum processum huiusmodi confirmationis in se continens manu mea propria fideliter scriptum exinde confeci et in hanc formam redegi et publicaui Signoque nomine et cognomine meis solitis et consuetis signavi in fidem robur et testimonium veritatis omnium et singulorum premissorum Rogatus et requisitus.

HENRICUS GIBSONE.

ABSTRACT.

Notarial Instrument on the Confirmation, by John Hamilton, subchantor, William Hamilton and John Layng, canons of the metropolitan church of Glasgow, judges commissaries and executors delegate, specially deputed by the apostolic see, of certain letters presented to them by a prudent man, Alexander Terbert, viz.—(1.) Letters by John, Archbishop of St. Andrews, Primate of the kingdom of Scotland, with the power of a legate *a latere* of the holy see, with the seal of his apostolic legation impressed, addressed to the aforesaid subchantor and canons, and narrating that a petition was lately presented to his Grace on the part of the inhabitants and husbandmen of Kilwinning, Beith, and Lyencorse, of the diocese of Glasgow, to the effect that Gavin, perpetual Commendator of the Monastery of Kilwinning, desiring to improve the condition of the said monastery, with consent of the prior and convent thereof, and for certain sums of money paid by the petitioners for the repair and restoration of the said monastery, and of the houses, dormitory, and refectory of the regulars of the same, being ruined from the foundation to the top, did give, let, and set to them the barony and lands of Kilwinning, Beith, and Lyencorse, situated near their boundaries, and belonging rightfully to the said monastery, to be held in feu-farm and heritable emphyteosis, under a certain annualrent not exceeding the sum of fifty pounds sterling, according to common estimation, payable at certain places and terms, for the evident advantage and increase of the rental of the said monastery, as in their several charters and authentic letters was more fully contained, which the said petitioners humbly desired might be secured by apostolic confirmation; for which purpose the said Archbishop granted power to the said judges commissaries, after they should have duly inquired as to the advantage of the said monastery in the matter: Given at Edinburgh, in

the diocese of St. Andrews, 4th December (*pridie nonas Decembris*) 1558 : (2.) Charter by Gavin, Commendator of the Monastery of Kilwinning, and convent of the same, whereby, for the evident utility of the said monastery, and increase of the rental thereof, and for certain sums of money paid beforehand by Alexander Terbert, for the repair of the said monastery, being ruinous and decayed, they granted and set to feu-farm, to the said Alexander Terbert and his heirs-male, all and whole the twenty shilling lands of new extent of Corshill, then inhabited by the said Alexander, lying in the parish and regality of Kilwinning, bailiery of Cunningham, and shire of Ayr, paying therefor the yearly rent of 20s. as the farm before the present infeftment, and 40 pence by reason of augmentation of rental, and presenting personal presence at three head pleas, with services in their courts of justiciary and chamberlainry when they occurred, the heirs of the said Alexander to double the said feu-farm on the first year of their entry to the said lands ; providing that it should not be lawful to the said Alexander, or his heirs, to sell the said lands, or any part thereof, without licence of the granters, under pain of forfeiture of the part sold : Sealed and subscribed at Kilwinning 18th December 1557, before these witnesses, Robert Hamilton, chamberlain of Kilwinning, James Hamilton of Woodsyde, Alexander Cowper of Brigend, Robert Mason : (3.) Sasine following on and in terms of the said charter, dated 24th December 1557. After the presentation and reception of which apostolic letters, charter, and sasine, the said judges were requested, with instance, by the said Alexander Terbert, principal, for himself and his heirs, to put the said letters to execution ; whereupon the said judges holding the said request to be just and consonant with reason, and willing to obey the apostolic mandate, thereupon reverently, as they were bound, issued letters of citation summoning the said Gavin, Commendator of Kilwinning, and the convent thereof, and all others having interest, to compare before them in the metropolitan church of Glasgow, and in the aisle of St. Michael the Archangel, to see and hear the said grant of the lands of Corshill approved and confirmed in due form ; and because they did not compare the said Alexander accused them of contumacy, and instantly asked and demanded that they should be held contumacious by the said judges ; to which demand they assented, and imposed perpetual silence upon them in the premises ; and in punishment of their contumacy commanded the said letters and charter to be read before them by the notary in a loud

and intelligible voice, word for word; and having examined witnesses in regard thereto, they gave decreet of confirmation accordingly. Given at the City of Glasgow 18th July 1559.

35. *Act in fauouris of the lord boyd.*—[1579.]¹

(Lord Boyd had bought from Gavin Hamilton of Raploch the following lands, which had been set in feu to Raploch by the late Gavin, Commendator of Kilwinning in 1559, 1563, and 1566.)

. All and haill the wod callit the Innerwod² and new park of kylwynning liande within the parochine and regalitie of kylwynning and sherefdom of Air The medow callit the swandame medow³ The medow callit deane willame woddis medow⁴ The medow callit the Rowne medow The medow callit dalglen⁵ medow Aucht aiker of land callit the beir flat⁶ The waird callit mekle waird alias bogwaird The medow callit the prioris medow and personis fauld The medow callit mekle medow alias braid medow and nyne aikeris of land callit kilrig⁷ alias oxinwairde The myln callit synacrie⁸ myln, with four aikeris of land adiacent thairto and astrictit multuris therof vsit and wount and all and sindrie thair pertinentis Together with the teyndis of all and sindrie the foirsaidis landis with thair pertinentis liand as said is The nyntene schilling four penny land of new extent of quhyt hirst Thrie schilling sex penny land of auld extent of ovir quhyt hirst Twenty penny land of brigend eister Twenty four schilling lande of auld extent of overhill of bayth with the teyndis of the samin Twenty schilling foure penny lande of new extent of boigsyd within the parochyne of bayth and regalitie foirsaid with the teyndis of the samin Twa schilling aucht penny lande of the saidis landis of boigsyde of auld extent Aucht schilling foure penny lande of the samin landis ellevin schilling aucht penny land of the saidis landis of boigsyd of new extent

¹ *Acta Parl. Scot.*, vol. iii. p. 177, c. 60.

² This lay about half a mile north of the abbey, now called the Near Wood.

³ Perhaps a meadow below the Near Wood.

⁴ Now called the Dean's Yard, at "Green" Foot, or Deanfield.

⁵ Perhaps Dalgow.

⁶ Now Byreflat.

⁷ A malt kiln and yard near Kilwinning Mills.

⁸ Now Sevenacres Mill.

foure schilling tua penny lande of the landis foirsaidis liand in the parochyne of kylwinning regalitie and shrefdomes foirsaidis

[In 1565 the Abbacy was set apart, along with Paisley, Kelso, Jedburgh, and Newbattle, for the royal charges.—*Register of the Privy Council of Scotland* (1877), vol. i. p. 412.]

36. RATIFICATION to *willame wylie, writtar*.—[1592.]¹

OUR SOUERANE LORD with auise of the estaitis of this present parliament ratifies appreis and confermis his hienes lettres of gift: Off the zeirlye pensioun Off meill grantit and gevin to his louit seruitor william wylie writter ffor his lyfthyme: furth of the abbacie of kilwinning: And Speciallie of the gift maid to him vnder the priuie seill: off the dait at falkland the xxiiij day of Julii the zeir of god j^mv^c fourscoir elleuin zeiris: efter his Maieisties full and perfite aige of xxv zeiris compleit: Contening assignatioun of the said pensioun with all clausis pointis and articles thairin contenit: declarand decernand and ordinand that the said william sall bruik joyse and vplift the said pensioun according to his giftes decreittis and lettres alreddie grantit or to be grantit to him thairvpoun: notwithstanding quhatsuneuer actis constitutionis or ordour maid in the contrair: or tending onywayis to the preiudice of the saidis giftes: Queranent his hienes with auise foirsaid dispensis be this present acte.

37. *Tack by John Archbishop of St. Andrews, Commendatar of Kilwinning, in favour of David Cuninghame of Robertland, of the Teinds of Lands in Stewarton Parish. Dated 21st December 1616.*²

Be it kend till all men be thir present lettres, Ws, Johnne, be the mercie of God, Archibischop of Sanctandrois, commendatar of the abbacie of Kilvynning, vndoubtit person of the paroche kirk and parochin of Stewartoun, with advyse and consent of Mr. Williame Castellaw, present minister at the said kirk of Stewartoun, vnderstanding that Dauid Cuninghame of Robertland, and his prediccossoris, ar and have bene kyndlie takismen and posses-

¹ *Acta Parl. Scot.*, vol. iii. p. 626, c. 161.

² Original in the possession of the Society of Antiquaries, Scotland.

soris of the teynds of all and sindrie the Landis and vtheris vnderwryttin, perteyning to him heritable thir many and dyvers yeiris bygane, Thairfoir, and for certane soumes of money guid and vsuall of this realme, contentit, payit, and reallie and with effect delyuerit to ws be the said Dauid Cuninghame, in name of gressum, for making and granting of the tak and assedatioun efter specifeit, quhairof we hald ws weill contentit and satisfeit, and for ws and our successoris exoneris, quytclames, and simpliciter dischargis the said Dauid Cuninghame, his airis, executoris, and all vtheris quhome it effeiris of the samine for now and euir, Witt ze ws, with advyse and consent fairsaid, To have sett, and in tak and assedatioun lattin, And be the tennour heirof, with advyse and consent abonewritten, Settis, and in tak and assedatioun Lattis, To the said Dauid Cuninghame of Robertland, for all the dayis zeiris, tyme and space of his lyf tyme, and efter his deces To his narrest and lauchfull air for all the dayis, zeiris, tyme and space of the lyf tyme of the said air maill; and efter the decese of the said air, To the said air maill his narrast and lauchfull air maill quhatsumeuir succeeding to him, for all the dayis, zeiris, tyme and space of the lyf tyme of the said secund air maill; and after the decese of the secund air maill, to his narrest and lauchfull airis maill and assignayis quhatsumeuir, for all the dayis, zeiris, tyme and space of nynetene zeiris nixt and immediatlie fo[llowing] the deceis of the said secund air maill; and efter the ische and expyryng of the said first nynetene yeiris, ffor all the dayis, yeiris, tyme and space of vther nynetene yeiris nixt and immediatlie thairefter following; and efter the ische and expyryng of the said secund nynetene zeiris, for all the dayis, zeiris, tyme and space of vther nynetene zeiris nixt and immediatlie following; and efter the ische and expyryng of thrid nynetene zeiris, for all the dayis, yeiris, tyme and space of vther nynetene zeiris nixt and immediatlie thairefter following; and efter the expyryng of the ferd nynetene yeiris for all the dayis, zeiris, tyme and space of vther nynetene zeiris; sua that this present tak and assedatioun sall indure for all the dayis, yeiris, tyme and space of the lyf tymes of the said Dauid Cuninghame, and of the tua airis maill fairsaidis succeeding to him successiue efter vtheris, and fyve nynetene zeiris thairefter, All and sindrie the teynd scheavis callit the personage teynds of all and sindrie the Lands particularlie vnderwrittin, viz., off all and haill the four pund sax schilling aucht penny land of Robertland and Breadieland; off all and haill the fourtie schilling land of

over Lochrig, quhilk is the maynis of Robertland; off all and haill the sax merk land of Foulschaw; off all and haill the tuentie schilling land of Spittell; off all and haill the sax merk land of Over and nether Cassiltounis; off all and haill the fourtene schilling land of Horsmure and Lochemylne; and off all and haill the ffyve merk land of nether Blaklaw, lyand within the parochin of Stewartoun, baillarie of Cuninghame, and sherefdom of Air, perteyning to the said abbacie of Kilwynning as ane pairt of the patri-monie thair of, Begynnand the said Daud Cuninghame of Robertland his entrie to the saidis teyndis at the feist of Lambes last in the yeir of God ane thousand sax hundreth and saxtene zeirs instant, and thairefter to indure during the lyftymes, zeiris, and spaces respectiue forsaidis, but intervall or brek of tyme or space, With full power to the said Daud Cuninghame of Robertland, his airis maill and assignayis forsaidis To gadder teynd, leid, collect, intromett with and vptak all and sindrie the forsaidis teynd scheivis off all and sindrie the landis particularlie abonespecifeit of the crop and zeir of God ane thousand sax hundreth and saxtene yeiris, and in tyme cuming during the lyftymes, zeiris and space abonespecifeit: And thairvpone to dispoone at thair plesour, And to call and persew thairfoir as accordis of the Law, and to rais and caus execut inhibitiounis yeirly vpone the saidis teyndis, and to geve acquittances and dischargis thairvpone, transact, compone, and aggrie thairanent, siclyk and als frielie in all respectis as we micht have done our selfis befor the making heirof: With full power lykwayis to the said Daud Cuninghame of Robertland and his airis maill forsaidis, to assigne transfer and dispoone, or to sett in subtakis and assedatiounis, ane or ma, in haill or in pairt All and sindrie the teynd scheavis of all and sindrie the landis particularlie abonewrittin during the haill lyftymes yeiris and space respectiue abone specifeit, To quhatsumeuir persone or persones he or thai sall think expidient: Payand thairfoir yeirly the said Daud Cuninghame of Robertland his airis maill and assignayis forsaidis to the ministeris present or to cum serving the cure at the said kirk during the lyftymes zeirs and space respectiue abone specefeit All and Haill the victuall and silver dewtie efter specifeit in maner and at the termis following, viz. The soume of ffourtie Sevin Pundis monie zeirly at Mertimes, and sax bollis and ane firlet aitt meill guid and sufficient stuffe betuix Zuill and Candlemes, Begynnand the first yeiris payment of the said silver dewtie at Mertimes last, and the said wictuall dewtie betuix the feistis of Zuill and

Candlemes nixtocum of maill and dewtie allanerlie : Providing that geve the said zeirle dewtie be not payit within tua monethis efter ilk ane of the saidis termis respectiue, In that caice the said David Cuninghame and his forsaidis salbe bund to pay the dowble of sameikle of the said dewtie of money and victuall that sall not be payit at the time forsaid zeirle : And siclyk the said David Cuninghame and his airis maill and assignayis forsaidis releiving ws and our successoris of all taxatiounis imposit vpon the saidis teyndis during the lyftymes zeiris and space abone specifeit : And of the reparatioun of the said kirk and also of the furnishing of the elementis of breid and vyne to the celebratioun of the communioun within the said kirk allanerlie. Quhilk tak and assedatioun abonewrittin We bind and oblis ws and our successoris abbotis of the said abbacie to warrand acquyet and defend to the said David Cuninghame of Robertland his airis maill and assignayis forsaidis during the lyftymes zeirs and spaces respectiue abonewrittin In all and be all things as is abone specifeit, at all hands and against all deidlie, as law will, fra our awin proper fact and deid allanerlie.—In witness quhairof (written be James Lennox, seruitor to Mr. Alexander Guthrie, commoun clerk of Edinburgh) we have subscrywit thir presentis with our handis and haue caussit append heirto our awin proper seill, Togidder with the commoun seill of the said abbacie in steid of the consent of the convent thairof, At Edinburgh the tuentie-ane day of December the zeir of God ane thousand sax hundreth and saxtene zeiris, Befoir thir witness Johnne Spottiswode our sone, Mr. Johnne Hay, clerk deput of Edinburgh, and the said James Lennox.

W. Castellaw, *Minister at*
Stewartoune, consents.

SANCTANDRWS, *abbot of*
Kylwinning.

Johnne Spottiswood, *witnes*.

Maister Johnne Gray, *witnes*.

J. Lennox, *witnes*.

[*To be continued.*]