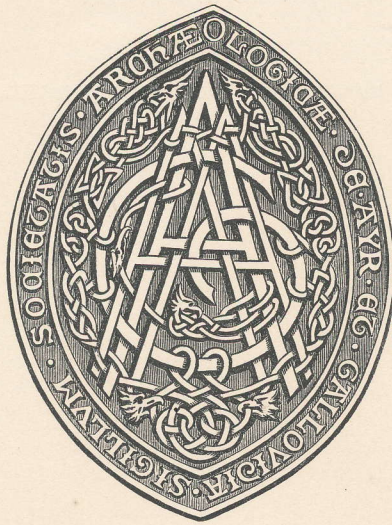


MUNIMENTS

OF THE

Royal Burgh of Irvine

VOL. II.



Edinburgh

PRINTED FOR THE AYRSHIRE AND GALLOWAY ARCHÆOLOGICAL ASSOCIATION

MDCCCXCI

1891

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MUNIMENTS

OF

THE BURGH OF IRVINE



I.—MISCELLANEOUS MUNIMENTS.

1. *Letters of Procuratory by the Burgh of Irvine to Mr. William Arthurle and Others.—6th April 1472.*

NOVERINT universi presentes litteras visuri nos burgenses et totam communitatem burgi de Irwyn fecisse constituisse et ordinasse necnon per presentes facere constituere et ordinare venerabiles et circumspectos viros videlicet magistrum Willelmum Arthurle decretorum doctorem dominos Johannem Umffalde vicarium de Kilmauris Johannem Robertoun Johannem Kerd capellanos et Finlaum Roys conburgensem nostros veros legitimos et indubitatos procuratores actores factores et negotiorum nostrorum nuncios speciales dando et concedendo eisdem et eorum alteri conjunctim vel divisim nostram plenariam potestatem et specialem mandatum ad comparandum pro nobis et nomine nostro coram officiali Glasguensi suisve commissariis pluribus aut uno in omnibus causis nostris contra quoscunque motis seu movendis et specialiter in causa pro nobis mota seu movenda contra dominum Gilbertum Heward capellanum ad agendum defendendum commendum recommendum libellum prestandum libellos et quascunque pecunias recipiendum dandum recipiendum litem seu lites contestandum et contestari videndum de calumpnia et de veritate dicendum juramentum in animas nostras prestandum et a parte adversa prestitum requirendum ponendum et articulandum positionibus et articulis respondendum testes litteras instrumenta et quecunque probacionum genera producendum et procedendum contra testes a parte adversa productos

videndum et eorum dicta dicendum et comparendum contra producta a parte adversa excipiendum replicandum duplicandum triplicandum quadruplicandum et concludendum sententiam seu sententias tam interlocutorias quam diffinitivas fieri petendum et audiendum aliasque necesse fuerit et quolibet alio gravamine auferendo semell vell plures . . . et appellandum appellationem seu appellationes intimandum . . . petendum et optinendum expensas suas faciendas postulaciones seu causas absencie racione et quascunque alias excusaciones legitimas nomine nostro proponendum allegandum et probandum absolucionem supplicem et ad carceriam si opus fuerit petendum et optinendum iudicium fieri implorandum seu procuratores locorum eorum substituendum juramentum deferendum concordandum et comprobandum et litteras quit-tancie dandum ac quecunque alia et singula faciendum gerendum et exercendum que veri et legitimi procuratores facere debent aut possent et que nosmet facerimus aut facere potuissemus si personaliter interessemus Ratum gratum firmum atque stabile perpetuis temporibus habituros totum et quicquid dicti nostri procuratores aut eorum aliquis conjunctim vel divisim nomine nostro in premissis vel premisorum aliquo duxerint vel duxerit faciendum.

In cujus rei testimonium sigillum nostrum commune presentibus est appensum apud burgum nostrum de Irwin sexto die mensis Aprilis anno domini millesimo quadringentesimo septuagesimo secundo.

[Seal wanting : parchment much wasted by damp.]

ABSTRACT.

Letters of Procuratory by the burgesses and community of Irvine to Mr. William Arthurle, doctor of decrees, Sir John Umffald, Vicar of Kilmaurs, Sir John Roberton, Sir John Kerd, chaplains, and Finlay Ros, burgess, giving to them and each of them full power and special mandate to compare for and in name of the burgh of Irvine before the Official of Glasgow, or his commissaries, in all their causes against whomsoever, and especially in the plea between the town and Sir Gilbert Heward, chaplain. Dated at Irvine and sealed with the common seal of the Burgh, 6th April 1472.

2. *Letters of Bailiery by the Burgesses of Irvine, to Archibald Mure, and four Others.*—11th October 1551.

UNIVERSIS pateat per presentes nos burgenses et communitatem burgi de Irwin fecisse constituisse et ordinasse et per presentes facere constituere et ordinare delectos nostros comburgenses Archibaldum Mur Willelmum Kyll Johannem Wylsoun Johannem Auld Jacobum Broun nostros veros legitimos et indubitatos ballivos commissarios et nuncios speciales dando et concedendo prefatis nostris ballivis commissariis et nunciis et eorum cuilibet conjunctim et divisim latoribus seu latori presencium nostram plenariam liberam et legitimam potestatem ac speciale et expressum mandatum terras nostras assedandi firmas earundem et annuos redditus nostros levandi curias nostras tenendi exitus et amerciamenta earundem recipiendi transgressores puniendi comburgenses nostros stallangiatores et omnes inhabitantes infra burgum nostrum antedictum ac libertates eiusdem coram quibuscunque iudicibus per quoscunque quibuscunque de causis attachiati arestati seu calumniati fuerint ad crucem et forum ac libertatem predicti burgi nostri replegeandi et reducendi Et generaliter omnia alia et singula faciendi dicendi gerendi et exercendi que ad officium ballivorum et commissariorum ad talia constitutorum de jure et consuetudine regni Scotie noscuntur pertinere Ratum gratum habentes et habituri totum quicquid prefati nostri ballivi commissarii et nuncii conjunctim et divisim in premissis et ea tangentibus duxerint vel duxerit faciendum In cujus rei testimonium sigillum commune predicti burgi nostri de Irwin est appensum apud dictum burgum de Irwin undecimo die mensis Octobris anno domini millesimo quingentesimo quinquagesimo primo.

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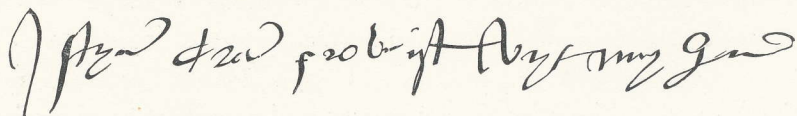
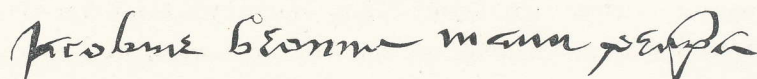
ABSTRACT.

Letters of Bailiery by the burgesses and community of Irvine, appointing their conburgesses Archibald Mure, William Kyll, John Wilson, John Auld, and James Broun, their bailies, commissioners, and special nuncios, with full power to set the burgh lands, hold courts, punish transgressors, and to do all other things which to the office of bailies and commissioners by the law and custom of the Kingdom of Scotland are known to belong. In

testimony whereof the common seal of the Burgh is appended: Given at Irvine, and sealed with the common seal of the Burgh 11th October 1551.

3. *Letters of Procuratory by the Provost and Bailies of Irvine to William Kyll and Others.*—10th May 1552.

UNIVERSIS pateat per presentes nos Stephanum Trane prepositum de Irwin Willelmum Kyll Joannem Wylsoun ballivos ac Jacobum Brown scribam dicti burgi fecisse constituisse et ordinasse necnon facere constituere et ordinare tenore presentium honorabiles et probos viros Willelmum Kyll Robertum Scott magistros Jacobum M'Gill Joannem Spens Thomam M'Calzeane Jacobum Scott et eorum cuilibet conjunctim et divisim nostros veros legitimos et indubitatos procuratores actores factores et negociorum nostrorum gestores ac nuncios speciales dando et concedendo dictis nostris procuratoribus et eorum cuilibet conjunctim et divisim nostram veram legitimum et omnimodam potestatem ad comparendum pro nobis et nomine nostro coram dominis consilii supreme domine nostre regine ad producendum libros prothogollorum quondam Thome Cameroun clerici burgalis de Irwin ac omnia alia et singula facienda gerenda et exercenda que ad officium procuratorum ad talia constitutorum de jure et consuetudine regni Scotie noscuntur pertinere Et quod nos ipsi fecerimus si personaliter interessemus Ratum gratum habentes et habituros totum et quicquid prefati nostri procuratores conjunctim vel divisim in premissis et ea tangentibus duxerint faciendum sub ypotheca et obligatione omnium bonorum nostrorum presentium et futurorum In cujus rei testimonium sigillum nostrum commune presentibus est appensum unacum nostris subscriptionibus manualibus apud Irwin decimo die mensis Maij anno domini millesimo quingentesimo quinquagesimo secundo.

I, JHONE WELSOUNE, wht my hand one the penn.

[Small part of Seal remaining.]

[*On the back.*]

Decimo nono Maij anno, etc., v^o quinquagesimo secundo vise et
admissee. J. SCOTT.

ABSTRACT.

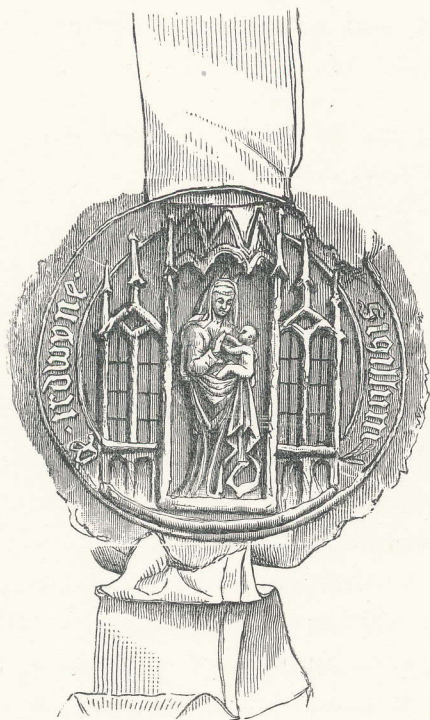
Letters of Procuratory by Stephen Tran, provost of Irvine, William Kyll, John Wilson, bailies, and James Broun, clerk of the burgh, appointing honourable and worthy men, William Kyll, Robert Scott, Masters James M'Gill, John Spens, Thomas M'Calzean, James Scott, and each of them, conjunctly and severally, their lawful procurators, actors, factors, and special messengers, and giving them power to compear on their behalf before the Lords of Council of their Sovereign Lady the Queen, to produce the Protocol Books of the deceased Thomas Cameron, clerk of the Burgh of Irvine, and to do all and sundry other things pertaining to the office of procuratory, according to the law and custom of the Kingdom of Scotland. Sealed with the common seal of the burgh, and subscribed at Irvine 10th May 1552.

[The signatures given in facsimile are :—I, STYNE TRAN, proveist,
vyth my hand. JACOBUS BROUNE, manu propria.]

4. *Letters of Bailiery by the Burgesses and Community of Irvine in
favour of Stephen Tran and Others.—6th October 1552.*

UNIVERSIS pateat per presentes nos burgenses et communitatem burgi de Irwin fecisse constituisse et ordinasse et per presentes facere constituere et ordinare dilectos nostros conburgenses Stephanum Tran nostrum prepositum Joannem Gemmyle Joannem Pebilles Joannem Wylsoun Willelmum Kyll juniorem Magister Johannem Auld nostros veros legitimos et indubitatos ballivos commissarios et nuncios speciales Dando et concedendo prefatis nostris ballivis commissariis et nunciis et eorum cuilibet conjunctim et divisim latoribus ceu latori presencium nostram plenariam liberam et legitimam potestatem ac speciale et expressum mandatum terras nostras assedandum firmas earundem et annuos redditus nostros levandum curias nostras tenendum exitus et amerciamenta earundem recipiendum transgressores puniendum conburgenses nostros stallangiatores et omnes

inhabitantes infra burgum nostrum antedictum ac libertates ejusdem coram quibuscunque judicibus per quoscunque quibuscunque de causis attachiati arrestati ceu calumniati fuerint ad crucem et forum ac libertatem predicti burgi nostri replegiandum et reducendum et generaliter omnia alia et singula facienda ducenda gerenda et exercenda que ad officium prepositi et ballivorum commissariorum ad talia constitutorum de jure et consuetudine regni Scotie noscuntur pertinere Ratum gratum habentes et habituri totum et quicquid prefatus noster prepositus et ballivi commissarii et nuncii conjunctim vel divisim in premissis et ea tangentibus duxerint vel duxerit faciendum. In cujus rei testimonium sigillum commune predicti burgi nostri de Irwin presentibus est appensum apud dictum nostrum burgum de Irwin sexto die mensis Octobris anno domini millesimo quingentesimo quinquagesimo secundo.



[*On back.*]

Die quinto mensis Decembris anno domini millesimo v^c lij^o in curia burgi
de Aire vise et admisse, etc. S. D. PRESTOUN.

In curia vicecomitatus de Air pro nundinis xxvij Junij anno, etc. liij^o
vise et admisse. H. PRESTOUN.

ABSTRACT.

Letters of Bailiery by the burgesses and community of Irvine, appointing their conburgesses Stephen Tran their provost, John Gemmyll, John Peebles, John Wilson, William Kyll, younger, and Mr. John Auld, their bailies, commissioners and special nuncios, giving full power and special mandate to them to set their lands, to uplift the fermes thereof, and the annualrents of the burgh, to hold their courts, and to take the issues and fines of the same, to punish transgressors, to repledge and bring back their conburgesses, stallingers, and all inhabitants within their burgh and liberties thereof, before whatsoever judges, by whomsoever, and for whatever causes they may be attached, arrested, or accused, to the cross and market and freedom of their foresaid burgh; and, generally, to do all other things belonging to the office of provost and bailies commissioners appointed for such purposes, as by the law and custom of Scotland are known to pertain. Sealed with the common seal of the burgh at Irvine 6th October 1552.

5. *Infestment of John Wilson and Janet Scot his Wife, in the half of the Loch Mill or Burgh Mill of Irvine.—9th February 1554-5.*

Nono mensis Februarii anno, etc. liiii. The quhilk day in jugment Archebald Mure provest of the burgh of Irvin with consent and assent of the consale and communitie of the said burgh hes admittit enterit and rasavit Alexander Scot sone and aire to umquhile William Scot eldar burges of Irvin his airis executouris and assignais in and to all and hail the tane half of the Lochmyln callit the borrowmyln with the pertinentis quhilkis the said umquhill William Scot and his subtennentes usit and brukit abefoire The said Alexander and his forsaidis payand thairfor yeirly to us and our successouris proveist baillies and communitie of the said burgh males and deueteis usit and wount providing that the said Alexander and his forsaidis

observe and keip the use and consuetud of the said burgh usit abefoir conforme to the auld lovable use maid thairanent in tymes bigane And thairefter in jugment incontinent the said Alexander Scot with consent and assent of Kathrin Montgomery his mother resignit and ourgef simpliciter fra him his airis executouris and assignais all his rycht titill of rycht clame interes propirte possessioun and kyndnes quhilkes he hes had or may have in and to the tane half of the said Loch myln callit the borrow mylne with the pertinentis quhilkis the said umquhile Williame Scot and his subtennentis usit abefoire with all and sindre fredoumes commoditeis and proffettis pertenyng thairto in the handis of the said Archebald Mure provest forsaid for the tyme of the said burgh as in the handis of thair superiour thairof in favouris of the saidis Johnn Wilsoun and Jonet Scot his spous and the langar levar of tham twa and thair forsaidis And thairefter the said proveist with consent and assent of the baillies consale and communitie of the said burgh hes enterit admittit and rasavit thairto the saidis Johnn and Jonet and the langar levar of tham twa thair airis and assignais tennentis to tham to be brukit usit and josit be the saidis Johne or Jonet or the langar levar of thame and thair subtennentis and servandis ane or ma The saidis Johne and Jonet the langar levar of tham twa and thair forsaidis payand yeirly herfor to us and our successouris males and deueteis usit and wount with this provisioun that the saidis personis keip and observe the custoume of the said burgh conform to the auld lovable consuetude and use thairof maid thairanent abefoir Apud acta Extractum de Libris actorum curie burgalis de Irvin per me Jacobum Browne scribam diete curie propria manu.

Ita est Jacobus Browne scriba diete curie notarius publicus manu propria.

Penultimo Januarii 1584, productum per HAY

GIBSOUN.

6. *Discharge by Gavin, Commendator of Kilwinning, to the Burgh of Irvine for the Tax levied for reducing the Rate of Exchange of French Money.—9th January 1556-7.*

WE Gawin commendatour of Kilwyning and James Maxwell burges of Rowane be the tennour heirop grantis us to haif ressavit fra Petir Craik messinger in name and behalf of the baillies counsale and communitie of the burgh of Irewin the soume of thretty nyne pundis five schillingis money of this realme in compleit payment of thair pairt of the tax maid upoun the haill borrowis of this realme for the doun getting of the impositioun of sexteine deneiris aboun four deneiris rasis in Rowane and Deip upoun the custum of ilk Frank waring bocht thair be the merchandis of the borrowis of this realme to be brocht within the samin conforme to the letteres of the lordis of counsale gevin thairupoun Of the quhilk soume of thretty pundis five schillingis money foirsaid in compleit payment of the foirsaid tax for the pairt of the said toun of Irewin as said is we hald us weill content and thankfullie payit and for us our airis executouris and assignayis quitclames and discharges the saidis baillies counsale and communitie of the said burgh of Irewin and thair successouris thairfor for evir be thir presentis Subscrivit with our handis at Edinburgh the ix day of Januar the yeir of God 1^m v^c lvj yeiris Befoir thir witnes Alexander Kaa Thomas Rychtpayth burges of Edinburgh maister George Freir notar publict and Gilbert Thorntoun with utheris divers.

Gavin B. B. B. B. B.
of Kilwinning
V^o m^o B. B. B. B. B.

7. *Protest on behalf of the Burgh of Irvine for right to Repledge a Burgess from the jurisdiction of the Bailies of Ayr.—23d August 1557.*

JHESUS.

ANNO Domini millesimo quingentesimo quinquagesimo septimo die mensis Augusti xxiii Forsamekle as William Kyle ane of the balyeis commissariis in that part lauchfully constitute be the burgh of Irwin to replaig Jhone Montgumery burgess therof fra befor the balyeis of Aire quha wes attechit at thair instance and past to the presens of the saidis balyeis of Aire for the tyme thai ar to say Master Mechaell Wallace and Jhon Lokart, and requirit the said Jhone Montgomery to be replagit first be vertew of his commissioun schawin and producit in jugement quhilk the sadis balyeis repellit quhill thai had sene ane greter evedent rycht And thereafter the said William producit the Kinges confirmatioun that deit in Flowdoun of guid mynd quham God assolze and said it was ane our precious jowall to ony man within burcht to turs betuex bourghes bot that ilk burcht suld rather set forwart utheris fredomes Quhilk chartour of confirmacioun of replaging under our said soverane lordes gret seill on he contemptioun the saidis balyeis of Aire repellit and gaif thair ansuer therupone And sua the said William protestit for rameid of law with tyme and place to call thaim therfor to underly the law for ther dissobedeance And thereafter the said William departit but ony uther ansuer gevin to him Super quibus ipse Willelmus petiit instrumenta publica in pretorio dicti burgi de Aire in facie judicii coram his testibus Stephano Prestoun Johanne Mur notariis meis collegis Stephano Tran Johanne Chalmer Johanne Montgomery burgensibus de Irwin et Olivero Houstoun ballivo dicti burgi de Irwin cum multis aliis.

JACOBUS BROUN, *notarius publicus*.

8. *Letters of Bailiery by the Community of the Burgh of Irvine to Stephen Tran and four Others.—4th October 1557.*

UNIVERSIS et singulis per presentes literas pateat nos communitatem burgi de Irwin fecisse constituisse et ordinasse et per presentes facere constituere et ordinasse dilectos nostros comburgenses Stephanum Tran urbis prefectum nostrum Oliverum Houstoun Jacobum Scot Jacobum Brown et Joannem Cuningham nostros veros legitimos et indubitatos ballivos commissarios

et nuncios speciales Dando et concedendo prefatis nostris ballivis commissariis et nunciis ac eorum cuilibet conjunctim et divisim latoribus ceu latori presentium nostram plenariam et omnimodam potestatem speciale et expressum mandatum Terras nostras assedandi firmas earundem et annuos redditus levandi curias nostras tenendi exitus et amerciamenta earundem recipiendi transgressores puniendi conburgenses stallangiatores et omnes inhabitantes infra dictum nostrum burgum ac libertates ejusdem coram quibuscunque judicibus per quoscunque quibuscunque de causis attechiati arrestati ceu calumniati fuerint ad crucem forum et libertatem predicti burgi nostri replegiandi et reducendi cautionem de jure parti querenti inveniendi et generaliter omnia alia et singula faciendi ducendi gerendi et exercendi que ad officium ballivorum commissariorum ad talia constitutorum de jure et consuetudine regni Scotie noscuntur pertinere Ratum gratum firmum et stabile habentes et habituri totum et quicquid nostri memorati ballivi commissarii et nuncii conjunctim et divisim in premissis et ea tangentibus duxerint ceu duxerit In cujus rei testimonium sigillum nostrum commune presentibus est appensum apud dictum burgum nostrum de Irwin quarto die mensis Octobris anno domini millesimo quingentesimo quinquagesimo septimo.

[Half of seal remaining.]

[*Dorso.*]

Septimo mensis Maij anno, etc. lviii^o productum per Jacobum Broune.

W. HEGAIT *subscripsit.*

Octavo die mensis Julij anno domini lviii^o productum per Jacobum Broun in iudicis presencia in curia vicecomitatus de Air.

JAMES BLAIR.

ABSTRACT.

Letters of Bailiery by the community of the Burgh of Irvine, appointing as their bailies, commissioners, and special nuncios, their conburgesses Stephen Tran, provost of the burgh, Oliver Houstoun, James Scot, James Broun, and John Cuninghame, giving to them full power and special mandate to set the burgh lands, uplift the fermes and yearly rents thereof, hold courts, receive the fines thereof, punish transgressors, repledge and bring

the burgesses, stallingers, and all inhabiting within the burgh and liberties thereof, before whatever judges, by whomsoever attached, arrested, or accused, to the market-cross and liberty of the said burgh, to find caution according to law to the party complaining; and generally, all other things to do which to the office of bailiery appointed for such purposes are known to belong by law and custom of the realm of Scotland. Given and sealed with the common seal of the burgh, at Irvine, 4th October 1557.

9. *Inquest on the service of Hew Kyll as Heir to Thomas Kyll his Father, in the land of Gallowmure.*—20th April 1561.

CURIA burgalis de Irwin tenta in pretorio ejusdem vicesimo die mensis Aprilis anno Domini millesimo quingentesimo sexagesimo primo per Jacobum Scot urbis prefectum Thomam Broun et Joannem Gemmyll ballivos dicti burgi sectis vocatis curia confirmata in debita forma, etc.

Inquisitionis Nomina.

Williame Kyll.	Jhone Sympsoun.
Stene Tran.	Olever Houstoun.
Robert Conyngham crucis.	George Broune.
Jhone Chalmeris.	Jhone Wilsoun younger.
Jhone Gemmyll elder.	Jhon Cumyng eldar.
Willeame Pawtoun.	
Thomas Smytht.	
Peter Goltray.	
Jhone Deyne.	

The quhilk day the provest balyeis counsell and comonitie of the Burght of Irwin all in ane voce hais interit rentallit admittit and rasavit Hew Kyll sone and aire to umquhile Thamas Kyll burges of the foirsaid burght lauchfull kyndlie and just tennand of lyne and bluid in and to the twenty schilling land of Gallowmur of auld extent with the pertenenntis befor the dait herof occupyet be umquhile Jhone Kyll and Thomas Kyll guidschir and fathir to the said Hew all lyand within the terretorie and fredome of the foirsaid burght parochin of the samyn balyeary of Conynghame and schirefdome of Aire payand tharfore yerly the said Hew his ares and assignayes to the comunitie and thesaurer of the foirsaid burgh males

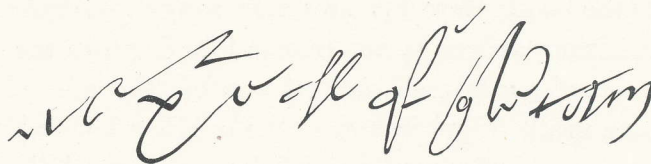
gersumes and deweteis of the auld usit and wount Provyding all wayes that the said Hew his ares nor assignayes induce nor mak na gretar possessioner assignaye nor tennand in degre to the forsades landes nor na part tharof nor himself and gif swa be thes present writ to exspyre and be of nane availl Alswa in and to the quhilkis landes the sades provest balyeis and comunitie hes ryplie and delegently consederit be dyvers actis of court contenit within the court bukes of Irwin that the sades umquhile Jhone and Thomas Kyilles guidschir and father to the said Hew wer lauchfull rentalleris and possessionares of the foirnamit landes unto the tyme of thare deceis and never sauld nor disponit the rycht tharof to na persoun nor persones nor yit lykwyis the said Hew disponit nocht na rycht that he culd clame tharto of the samyn in all tymes bypast unto the dait herof Tharfore the forsades provest balyeis and comunitie hais interit rentallit and resavit the forsaid Hew his ares and assignayes nerast and lauchfull tennand to the foirnamit landes with the pertenanttes in maner abone writtin quhome to the sades landes pertenes be just kyndnes and rycht apud acta extractum de libro actorum curie burgalis de Irwin per me Jacobum Broun notarium publicum ac scribam dicte curie manu mea propria, etc.

JACOBUS BROUN, *notarius publicus*,
manu propria.

10. *Discharge by Alexander Earl of Glencairn to the Burgh of Irvine for £52:6:8, towards furnishing Soldiers to take the Castle of Dunbarton.—27th December 1569.*

WE Alexander Erle of Glencairne grantis us to heif rasavit fra the handis of Hew Campbell burges of Irwine the soum of fyfte tua pundis vj^{sh} viij^d monye in nayme and behaif of the provist ballies and communitie thair of at the request of the Lord Regentis Gracis wrytting direct to thame for furnissing of certen men [of] weir for obtenyng of the castell of Dunbartoun and that in compleit payment of the moneth of Novembar togidder with uthir thre monethis preceding the said moneth of Novembar as our discharge beris gev[in] to the saidis provist and ballies Of the quhilk soum of fyfte tua poundis vj^{sh} viij^d of the moneth of Novembar quhilk makis fowr monethis in the haill we grantis us weill content and compleitlie payit of the haill fowr monethis foirsaid and exonoris and dischargis the saidis provist balleis and communitie for now and ever. Subscribit with

our hand at the Finlastoun the xxvij day of Decembar the yeir of God j^m v^c
thre scoir nyne yeris.



11. *Commission for repledging Andrew Ros in Newmuir from the Sheriff-Court to the jurisdiction of Irvine.*—6th October 1572.

JHESUS

To all and syndry quham it afferis We Hew Campble provost of Irwin Hew Scott and Jhon Gemmill balyeis greting in God omnipotent : Forsamekle as Andro Ros in Newmuir dwelling within our terretorie and fredome is techet be ane precept at the instance of Jhone Twedy oye and air to umquhile Robert Twedy burges off our burgh to compeir in the shiref court of Air the sevint day of Octobre instant thare to ansuer for the violent occupation of our saides landes of Newmuir extending to ane merk land being ane pairt and pertinentes of our burrowlandes And becaus we ar onlie juges competent to the said Andro and alsua the caus and landes pertenyng to us as said is Tharfor be the tenor herof we haif constitut and ordanit honorable men James Broun Thomas Broun Allan Ros our comburgesses or ony ane of tham our balyeis commissioneris and deputes in the premisses with power to thaim or ony ane of thaim to replaig the said Andro to the liberte and jurisdiction of our burgh, caution of law for administration of justice to fynd, courtes to sett and assign, actes, instrumentes and documentes to ask lift and rais, etc., and generallie all uther thinges to do as we war present, firm and stabill, etc., be this present commission gevin under the testimonie of our seill of office as use is, and subscription of our commoun scribe at Irwin the sext day of Octobre 1572.

Jacobus Broun scriba communis burgi de Irwin ac notarius publicus
hic me subscribente in testimonium premissorum.

JACOBUS BROUN, *Scriba.*

Vij Octobris 1572.—Producta in judicio in curia vicecomitatus de Air
visa et admissa.

GEORGIUS ANGUS.

12. *Contract between Hew Earl of Eglinton and the Burgh of Irvine as to their respective jurisdiction.*—10th February 1572-3.

AT the burgh of Irwin the tent day of Februar the yeir of God j^m v^c lxxij yeiris It is appointit aggreit and finallie endit betuix ane nobill and mychtie lord Hew erll of Eglintoun lord Montgomerie baillie of Coninghame and Hew maister of Eglintoun his sone and appering air fear thairof and the said Erll his fathir as lauchfull tutour administratour to him of the law and als takand the burdin on him for his said sone on that ane pairt, Hew Campbell provest of Irwin Hew Scott Robert Kile baillies of the said burgh for thameselffis and taking the burding apoun thame for the remanent haill comburgessis of the said burgh of Irwin inhabitantis thairof quhatsumevir present and thair successouris on the uthir pairt in maner following That fforsamekill as the said Hew erll of Eglintoun having respect to the gret luife, kindnes, amitie, cumpany, societie and favour that wes betuix his predecessouris baillies of Coninghame and the said provest baillies counsale and communitie of the said burgh of Irwin, and willing the same luife kindnes amitie cumpany societie and favour that wes betuix his fathir and predecessouris and the saidis provest baillies and communitie suld continew and induir presentlie betuix the said erll his sone and in all tyme cuming betuix his airis and successouris and the saidis provest baillies and communitie present and thair successouris in all tymes cuming and that na occasioun sall fall owt in ony tyme heireftir betuix the said erll his sone and successouris and thame and thair successouris quhilk in onywyis mycht dissolve the samin And the said erll belevand that the punischement of slauchteris mutilationis bludes thyftis spoilzeis and uthiris violences and crymes committit within the said burgh of Irwin burro ruddis or burro landis and commontie pertening and belonging thairto haid pertenit to his office of the balliarie of Coninghame quhairthrow debaitt and controversie wes usit and movit betuix his lordschip on that ane part and the provest baillies counsale and communitie of the said burgh of Irwin befor the lordis of counsale and yit dependis anent the using of the samin Bot now eftir perfit advisement and consultatioun haid thairintill and for removing of all occasioun pley and controversie in tyme cuming the said Hew erle of Eglintoun hes foundin and perfytlie understandis that the provest baillies of the said burgh of Irwin and commontie thairof ar als frelie infeft in burgage with jurisdictioun criminale and all liberteis and priveleges belonging thairto

as ony uthir burgh within this realme and hes usit and execut the ordinar jurisdictioun thair of in punischement of slauchtiris mutilationis bludes thyftis tuilzeis violences and uthiris crymes quhatsumevir committit within thair freidome and boundis fairsaidis in all tymes bygane past memour of man Thairffoire the said Hew erll of Eglintoun for himselff and takand the burding on him for the said Hew maister of Eglintoun his aires and successouris baillies of the said baillierie of Coninghame to the end and fyne that mutuale luife, amitie, freindschip, cumpanye, societie and favour may still continew betuix thame on the ane part and the saidis provest baillies counsale and communitie on the uthir part (nocht importing servitud upoun the said burgh in ony sort) as thai did of befor with the said erllis fathir and predecessouris be thir presentis renunciis all actioun and caus presentlie depending befor the saidis lordis of counsale betuix the saidis Hew erll of Eglintoun on that ane part and the saidis provest baillies and communitie on the uthir, anent the jurisdictioun abonespecifeit and all rycht and titill that he hes or may ask or clame thairto fra thin furth for evir and is bundin and oblist be the tennour heirof his airis and successouris nevir to molest trubill vex or inquiet the saidis provest and baillies and communitie nor thair successouris in na tyme cuming in peciabill joising using of the said ordinar jurisdictioun sitting apoun slauchtiris mutilationis bludes thiftis violences committit be the inhabitantis of the said burgh nor sall pretend na rycht nor titill thairto in tyme cuming nor in using of ony uthiris thair priveleges and putting of thame to executioun within the boundis of thair saidis liberteis and fredomes thair of nowthir in the law nor by the law nor sall nocht be himselff his airis nor successouris nor be na uthir mid persoun in his nor thair names procur solist nor obtene be commissioun infetement or be ony uthir maner of way at our soverane lordis handis his grace successouris thair justice chalmerlanis or uthir minister of the law quhatsumevir havand his grace auctoritie and powar present and to cum ony jurisdictioun intromissioun or melling in ony sort be way of justice nowthir civilie nor criminalie with the saidis provest baillies and commonitie thair boundis and jurisdictioun thair personis and guddis nor sall mak thame stop lett hindir or impediment in purchessing ony new priveleges liberteis fredomes powar auctoritie or jurisdictioun that thai may obtene at our soverane lordis handis or his grace successouris thair justice chalmerlanis or ony uthiris thair graces officiaris havand powar as said is within thair boundis and liberteis of thair toun and haill indwellaris thair of fairsaidis

bot sall help furthir supple and assist thame thairintill at his and the said Hew his sone fear foirsaid his airis and successouris gudlie powar And als it sall nocht be lesum to the saidis provest baillies and commonitie to purches ony new faculteis privilegeis or fredomes quhilk may give thame jurisdiction in onywyis without the boundis of the said burgh burrow ruddis fredome and commontie thair of in prejudice of the said erlis bailliery of Coninghame and regaltie of Kilwinning as ane seperat jurisdiction by the toun Attour it sal be lesum to the said erll the said Hew his sone thair airis and successouris baillies principale of Coninghame and thair deputtis having the use and rycht of the keiping of the heid fair of the said burgh halding yeirlie at our first terme day quhilk is the xv day of August past memour of man to keip the samin siclyke in tyme cuming and to hald courtis for administratioun of justice That is to say ane court eftir the fair for punische- mant of sic faltis and complaintis as salhappin to be committit in the said fair Lykas the said erll and his predecessouris hes bene in use of bygane sall uplift sic stressis and customes as he and his predecessouris hes bene in use of be thameselffis or thair deputtis to tak up and uplift at the said fair but hurt or dirogatioun of the saidis provest baillies and commonteis privileges bot that thai thair haill communitie inhabitantis strangeris merchandis seymen and marineris resortand to thair port and waltiris with servandis guddis and geir in the menetye preservit in sic integritie as thay war of befor and fra sic courtis to be alluterlie exemit Providing that it salbe lesum to the said erll Hew his sone and thair successouris be thame- selffis thair servandis and deputtis to uplift the custome ale the tyme of the fair as he and his predecessouris did of befor Providing also that give it hapynnis (as God forbid) that the said erll his airis successouris or servandis freindis or uthiris landwart men dwelling within the said bailliery of Coninghame beand na indwellaris within the said burgh nor libertie thair of nor pertinentis of the samin to committ slauchtir or mutilatioun amangis thameselffis within the libertie of the said burgh and boundis thair of in tyme cuming, in that caice it salbe lesum to the saidis provest and baillies to use and exerce thair auctoritie and jurisdiction thairanent conform to thair ald use and possessioun That is to say the saidis provest and baillies counsall and communitie and thair successouris sall intromett with sic landwart personis as sal happin to committ the saidis crymes in maner following videlicet to tak thame to tolbuith cognosce and decerne thair apoun the wrang and distribulance of the burgh and to tak

up sic unlawis as concernis thame thairthrow and to tak cautioun for furthir distribulance of the said burgh in tyme cuming as efferis And give the cryme beis ane blud but danger of slauchtir or mutilatioun they sall suffir the committeris thair of beand landwart men as said is to depart butt farthir payment of ony bludwett bot paying allanerlie ane unlaw for the wrang and finding cautioun for the distribulance of the toun in tyme cuming as said is, and give the cryme beis slauchtir or mutilatioun the saidis provest baillies and thair successouris eftir thai have apprehendit the said landwart men committeris thair of sall cognosce apoun the wrang and distribulance of the burgh and tak thair unlawis and cautioun thairupoun as efferis within

houris eftir thair apprehending and taiking and the said erll his airis and successouris and thair deputtis havand thair powar and jurisdiction thairto the said space of houris being bipast sall presentlie ressave furth of the handis of the saidis provest and baillies for the tyme all sic landwart personis as sal happin to committ the saidis crymes of slauchtir mutilatioun thyft or uthir crymes abonespecifiet eftir the ische of the

saidis houris that the saidis provest baillies hes cognoscit apoun the said distribulance and put ordour thairto within the tyme foirsaid and thaireftir the said erll his airis and successouris baillies of Coninghame sall warrand the saidis provest and baillies present and to cum at the handis of our Soverane lord foirsaid and his grace successouris thair justice chalmerlanis and all uthiris ministiris of the law quhome it efferis anent the deliverance to him his airis and successouris of the committeris of the saidis slauchteris for quhome fra thinfurth thai salbe haldin to answer And give the said Hew erll of Eglintoun Hew maistir of Eglintoun his airis and successouris baillies of the said bailliery of Coninghame and thair deputtis refuissis to ressave sic landwart personis committeris of the said crymes or neglectis thair dewtie thairintill furth of the handis of the said provest and baillies the saidis faltouris beand apprehendit and tane be thame and tane cautioun of the distribulance of the toun in maner foirsaid the saidis erll Hew maistir of Eglintoun his sone his airis or thair deputtis ane or ma beand requirit to tak deliverance of the saidis faltouris the said space of

houris being bypast the saidis provest and baillies to punische the saidis crymes of slauchtir and mutilatioun according to thair jurisdiction and powar as they sall answer to the autoritie or to present the committeris thair of to my lord Justice or his deputtis as be thame salbe thocht maist expedient for the tyme and this ordour to stand betuix the saidis parteis

tuicheing the crymes of slauchtir and mutilatioun that salhappin to be committit within the said burgh boundis and fredome thairof be landwart men And the saidis erll Hew maistir of Eglintoun his airis and successouris or thair deputtis beand present within the said burgh and boundis thairof is contentit to concur and assist to the saidis provest and baillies in taiking of the saidis landwart personis as salhappin to committ the saidis crymes within the said burgh and fredome thairof and the said faltouris beand tane be the saidis provest and baillies the said erll his airis and successouris nor deputtis salhave na intrometting with the saidis personis until the tyme the saidis provest and baillies have decernit apoun the wrang and distribulance of the said burgh and tane cautioun thairupoun in maner and within the tyme and space abonewrittin And it sall nocht be lesum to the saidis erll Hew maistir his sone his airis successouris nor thair deputtis nawyis to serche seik or ryip ony houssis within the said burgh libertie and fredome . . .

. . . any persoun or persounis committeris of the saidis crymes landwart persoun or uthiris Bot give the saidis provest or ony of the [baillies] counsale or communitie thair tenentis indwellaris within the boundis of the said burgh and fredome thairof or uthiris merchandis strangeris be sey or land seymen marineris fischeris or uthiris resortand be sey toward the said burgh and thair servandis or ony ane of thame salhappin to be partie to the said landwart personis in committing of the saidis crymes or slauchtir mutilatioun bludes toizeis and uthiris foirsaidis, in the quhilk caice the saidis provest and baillies salhave the full jurisdictioun of sic landwart personis alswele as of ony uthir persoun or personis dwelling within the fredome of thair said burgh, and the saidis provest baillies nor thair successouris sall nocht be haldin to deliver to the said erll the said Hew his sone his airis and successouris his nor thair deputtis sic landwart men as salhappin to be partie to ony persoun dwelling within the said burgh and boundis thairof or thair adherentis abone exprimit Providing alwayis that it sall nocht be lesum to the saidis provest and baillies nor thair successouris present and to cum to intromet or uplift be thair jurisdictioun ony landwart menis escheittis that happinis to committ slauchtir mutilatioun or uthiris crymes abone specifeit And the saidis provest and baillies present nor thair successouris tocum presentlie nor yit heireftir sall cum undir league or band with na maner of persoun bot stand immediate to our Soverane lord and his successouris exceptand the league maid with my lord erll of Ergile be the saidis provest and baillies . . . for sawftie of thair

personis and gudis quhen thay travell within the said erlis boundis to stand in effect allanerlie And furthir the said erll for himselff and his said sone bindis and oblissis him his airis and successouris to cauis his said sone ratifie and appreve this contract at his perfite age of xxj yeris in all pointis eftir the forme and tennour thairof and this contract nawayis to be prejudiciall or hurtfull to the inhabitantis of the Regalitie of Kilwinning liberteis and privileges thairof in ony sort and ather of the saidis parteis faythfullie bindis and oblissis thame thair airis and successouris ather to uthiris to observe keip and fullfill all and sindry the premissis ilkane of thame for thameselffis undir the paine of perjury defamatioun inhabilitie and never to have fame nor honour in tyme cuming in caice thay contravene this present or part heirof and ar contentit and consentis that this present contract be insert and registrat in the buikis of counsale and to have the strenth force and effect of ane act and decret of the saidis lordis in tyme cuming and executoriallis to pas heirupoun in forme as efferis and to that effect makis constitutis and ordanis honourabill men thay ar to say thair lauchfull and undoutit procuratouris committand to thame thair full frie plane powar to compeir befor the saidis lordis quhatsumevir day or dayis place or places and in thair names consent to the registering and inserting of this present contract in thair said buikis to have the strenth force and effect of thair act and decret and executoriallis of horning to pas thairupoun aganis the partie failzeand at the instance of the partie complenand and observand.—In witnes heiroff the said parteis hes subscrivit this present contract in maner following day yeir and place abonewrittin Charles Mowat of Busbie William Montgomery brothir german to the said erll Johnne Peiblis Thomas Broun burgessis of Irwin William Heigait burges in Glasgow Gawin Baillie and Johnne Baillie servandis to the said erll witnessis to the premissis.

has maister of Eglinton

13. *Minutes of the Convention of Burghs at Glasgow.*—1579.

At Glasgow in the Conventione and Assimble of Borrowis halding thair the xxiiij xxv xxvj and xxvij dayis of Fabruar the yeir of God j^m v^c (1579) yeiris comperit the Commissioneris undirwrittin of the Borrowis of the realme be thair Commissiones undir the Commone Seillis and pairt thair of undir the subscriptiones of the commone Clerkis thair of of quhome ther names eftir followis—

Edinburcht

Henry Neisbit baillie
Henry Chartouris

Air

George Lokhart
George Cochren

Cowper

David Philp, thesaurer

Irvin

Hew Campbell proveist
Gavin Nasmyth

Craill

David Ramsaye

Lynlythgu

Andro Ker

Striviling

Robert Alexander

Pertht

Dionis Conquerour
Maister Patrik Quhitlaw of
Newgrange

Lanerk

David Brentene
Williame Wilkene

Rugland

David Spens baillie

Dundey

Alexander Scrymgeour baillie
Richart Blytht

Hadyntone

Robert Neisbit proveist
Alexander Symson

Dunbartane

Maister Williame Houstone

Glasgu

Georg Elphinstone
Williame Cunynghame bailleis

Peblis

Gilbert Tweyde thesaurer

Dunbar

Maurice Lawder
Williame Kellie

Abirdene

Williame Menzies

Sanctandras

Maistir David Russall

Pettynweme

Stene Mairtene

Renfrow

Adame Hall
Patrik Jakstone

Comperit Johne Wyse burges of Glasgu and producit ane Commmissione

to compeir for the Proveist bailleis and communitie of Wigtone and desirit to be admittit as commissioner for thame Quhilk desyir the foirsaid haill commissionaris repellit becaus thai comperit na burges of Wigtone with the samyn instructit be thame and thairfoir the said tone was unlawit as absent.

Comperit Nicoll Palmer as ane messinger direct be the bailleis and communitie of Dumfreis and presentit ane Lettre of ratificatione of all thingis to be done in this present conventione to be concludit upone subscrivit be the commone Clerk quhilk the said commissionaris rasavit nocht as ane commissione.

The quhilk day Stevin Mairtene [comperit] and producit ane commissione for the bailleis counsale and communitie of Pettynweme and desyrit to be admittit as commissioner for thame Quhome the haill commissioneris of Burrois present with his commissione admittit and rasavit as commissioner for thame without prejudice of the libertie of the burcht of Craill and the Actione intentit and depending bitwix thame presentlie befor the Lordis of Session, etc.

Protestit David Ramsay commissioner for Craill that the admissiione and reccate of the said commissioner of Pettinveing and his commissione prejuge nocht the rycht and privilege nor yit the Actione depending betwix thame thairupone befor the Lordis and disassentit fra his admissiione becaus as he allegit Pettynvene wes and is within the boundis of the fredome and libertie of Craill and thairupone askit actis and instrumentis, etc.

Comperit Allexander Scrymgeour and Richar Blyth commissioneares of Dundiey and ratifeit and apprevit the Act maid at Striviling in ane Conventiione of Borrowis haldin the xxv of October 1574 bering that quhair quhatsumevir contentiione beis betwix Borrowis concerning thair liberteis salbe proponit in generall Conventiionis of Borrowis and referrit to certane to be chosen be thame thairfoir as in the said Action is at mair lenth contenit And leikwise Dionise Conquerour and Maister Patrik Quhitlaw commissioneares for Pertht ratifeit the samyn and thairupone the saidis commissioneris for Pertht tuk nocht with provisiione that the said retificatiione maid be thame of Pertht prejuge thame not tuiching the prioritie of thair place albeit thai be secund in ratificatiione as said is, etc.

Protestit Robert Allexander commissioner for Striviling that quhatsumevir thing beis done or decernit betwix the burchtis of Dundie and Pertht tuiching the secund place of Borrowis clemet be ather of thame prejuge not Striviling and the privilege it hes to the secund place of Borrowis

thairupone tuik instrumentis, etc. Item forsamekill as be Act of Parliament maid at Edinburche last the questione and debate betwix Pertht and Dundey anent thair place in Parliament was referrit to the decisione of the commissioneris of Borrowis to be decydit be thame at this Convention of Borrowis now in Glasgu And eftir lang ressoning thairof be the saidis commissioneris it wes ernistlie requeistit be thame in respect of hie and wechtie materis now to be trettit tuiching the weillfair and libertie of the haill Borrowis that the saidis commissioneris of Pertht and Dundie suld tak up in hoip of concord the said mater debetabile and questionable betwix the said twa Borowis swa that perpetuall amitie may heireftir ramane amangis thame At the quhilk ernist requeist and for the caus foirsaidis the saidis commissioneris of Perth and Dundey hes obeyit the saidis haill commissioneris hes continuitt thair conclusion thairintill quhill nixt Conventione with consent of pairteis as the mater standis now but prejudice of Act of Parliament thairanent and athir of thair rychtis and thairfoir the saidis Commissionaris of Perthe and Dundey hes faythfullie promesit to caus thrie honest indwellaris gild brethir of the said towne to cum to the Kirk of Reyte on the Wednisday immediatlie preceding Palm Sonday nixt to cum and leikweis the said commissioneris of Dundey hes promiseit in leik maner to caus thre honest men indwellaris gild brethering of thair toune to cum on the said day to the Kirk of Reate and the saidis thrie or twa of thame in ilk syde as the Counsailes of the said burchtis sall think expedient to accept the decisione of the saidis materis upone thame togidder with ane ourisman to be chosin on this maner that ather Dundiey sall cheis burgessis indwellaris within severall burghis of the quhilk Pertht sall have ther cheis of ony of the said five men to be ourisman as thai sall happin to aggrey upon twa tikatis to be put in ane hatt the ane to contene five names and the uther nane and quhilk of the townes that gettis the tickat continand the namis that towne sall nominat the men and the uther towne sall haif ther choise quhilk of the five men thai wall cheis to be oursman for tham boith And the jugis and oursmen to decreit thairanent as thai sall aggrey within sic space as thai sall appoynt ther metyng providing that the writing of the names of Perth or Dundey on this present Act prejuge naine of thame of the prioritie of thair places clamit, etc.

The haill commissiones of borrowis presentlie convenit hes with ane consent pronuncit to pas all togidder to Striviling halilie in proper persones that convenit at the leist evirie towne ane commissioner and Edinburgh

twa to gif thair answeris to the Kingis Majestie to his Grace's petitiones and pas furth of this towne of Glasgu on Sonday nixt the xxviiij of Februar instant to be thair that nycht in Striviling God willing ilk towne convenit present undir the pane of xx^{lib} of thame that failleyis.

The haill Commissiones presentlie convenit hes maid creat and constitut Henry Neisbit Henry Chartouris commissionaris of Edinburcht Richart Blyth in Dundey George Lokart in Air George Elphinstone in Glasgu Moreis Lawder in Dunbar Robert Neisbit proveist in Hadyntone and Alexander Symsons thair commissionaris and procuratouris to pass to Edinburcht and thair to persew suite and craive Mungo Russall the compte the kuyngis [kuthergis ?] and payment to be maid be him to the Burrowis of the superplus and rest of the extent and bulzerum gadderit and collectit be him and immediatlie to pas to that effect furth of Striviling to performe the samyne with power to substitute procuratores be and alls to thame to compone and aggrey thairupone and to gif discharges of thair rasat in ample forme and thair expenssis to be tane simplie as of the said compt And the rest that happins to be resavit to be furth cumand to the haill Borrowis and brocht in to thame at thair nixt Conventione providing that thair expenssis exceid nocht xx pund.

Item the haill commissionaris of Borrowis present hes fund the towne of Haldintone to have transgrasit and brokin the Act maid at Striviling the xxv of October 1574 in persewing the towne of Dunbar befor the Lordis of Cessione not being first menit nor complenit on in the Convention of Borrowis becaus thai bayth be thair commissionaris was present at the making of the said Act and thairfor the haill commissionaris of Borrowis present with the commissionaris of boithe the saidis burchis contendaris hes deput and chosin thir persones following, viz. Henry Neisbeit baillie of Edinburcht James Oliphant Johne Wilsone and Henry Chartouris burgessis of Edinburcht or ony twa of thame as jugis for Hadyngtone and Maistir Robert Glen Maistir Johne Prestone Francis Lyntoun and John Arnet burgessis of Edinburcht or ony twa of thame jugis chosin for Dunbar And in cais of thair varians with power to the four jugis exceptaris to cheis and ordene ane oursman and that to decyde upon the questiones movet betwix ather of the saidis townes and speecalie concerning the contentis of the twa libellit summondis rasat be athir of thame againis utheris befor the Lordis of Cessione hinc inde as salbe contenit in clames And the said jugis to convene in Edinburcht the nynt day of Mairche nixt and to decerne

thairanent betwix and the twenty day thairof with power to the saidis jugis and ourisman to proroge for aucht dayis nixt thaireftir Providing in cais the Proveist of Hadyngtone conducendis to this present compromit and apprevis the samyn the haill commissionares present absolvis thame fra the penaltie breiking of the said Act maid at Strivilang utherweyis boith the saidis pairteis contendaris to be frie for persuit and defense of ther summondis hinc inde as thai intentit as they micht befor this present Act making and in that cais the said towne of Hadyngtone to incur the penaltie of the Act maid at Striviling and the haill Borrowis to tak pairt with uther conforme thairto.

Item the haill commissionaris of Borrowis presentlie convenit hes ratifeit and apprevis as be thir presentis ratifeis and apprevis in the Act maid in Conventione of Borrowis haldin in Striviling the xxv. of October 1574 bering that all commune controverseis and questiones debetable and actiones amangis the Borrowis concerning thair liberteis salbe befor all processis or pleyis to be proponit in the generall Conventione of Borrowis and the samyn referrit to thrie or four that sall be chosin be commune consent to desyid thairintill as in the said Act at mair lenthe is contenit Quhilk thai ordanit to be observit inviolable in tymes cuming with this additioe following that thrie or four that salbe chosin and nominat be consent of the maist pairt of the commissionaris present at the Conventiones quhen thai sall happin albeit the peirteis contendand consent nocht thairto and als that the peirtie contraviner of the said Act by the panis contenit in the Act ellis maid at Striviling sall paye of penaltie to the peirtie willing to abyid at the samyn the sowme of ane hundreth pundis money for cost skayth and damage susteinit and to be susteinit thairthrow.

Item the commissionaris of Hadyngtone disassentit fra the appoyntment of the said sowmes of penaltie and protestit that it prejuges thame nocht and thairupone askyit instrumentis.

Item anent the complaynt gevin in be Hew Campbell and Gavin Nasmyth commissionaris of Irvine first gevin in to the Kyngis Grace and Lordis of Sacreit Consall and thairfra remittit to be desydit in this present Conventione tueching the abuse of the taxatione and Stent Roll making within the towne of Irvine allegine the samyne to be sett in quartis of the tone not haveand respect to thame that hes the guddis thairto in the said complaynt wes at mair lenthe contenit The haill commissionaris of Borrowis presentlie havand considderatione thairof and avysing thairwith

ordanis quhen ony taxationes sall happin to occur that the said towne of Irvine suld be stentit and taxt and ane taxt roll maid thairof conforme to the use of uther Borrowis To wit the provest bailleis and consale thairof sall caus and deput certane sworne men of the tone to taxt everie allery ane within the samyn according to thair abilitie.

Item Maistir Williame Houstone commissioner of Dunbartane protestit that the said ordinance be nocht prejudicial to the burght of Dunbartane anent the use of stenting and thairupone tuik note.

Item anent the complent gevin in be David Brentone and Williame Wilkene commissioneris of Lanerk against the proveist bailleis and consale of Rugland comperand be David Spens thair commissioner for the wrange committit be thame in makieng of ane grit number cuntre lanvert men not dwelland nor willing to dwell within the burght burgessis and frie men with thame as was at langer contenit in the said complayint Ordanis the provest bailleis and consall of Ruglan to caus wairne and charge all and sundry persones quhome thai have maid frie men not duelling within the towne to cum duell and ramane within the samyn within xl dayis eftir thai be chargit thairto with certificatione gif thai failzie that thai salbe put furth of the rollis their fredomes cryit dune to have na libertie nor privilege and decreit againis thame to the nixt Conventione of Borrowis undir the pane of x^{lii} and in tyme cuming ordanis thame to retreit nor admittit na burgessis bot according to Actis of Parliament and lawis of burgthe, etc.

Item anent the Supplicatione gevin be Georg Lokart for himself and John Lokart Robert Chalmer Edwart Walles and George Kennedy burgessis of Aire desyring support and contributione for the grit expenssis maid be thame in mentinence and persut of thair privilege tuiching of thair provest and bailleis anent the Schireffis of Air as in the said super locutione at mair lenthe is contenit The haill commissioneris present ordanis ilk commissione now present to declare and oppin the samyn every ane to thair nychtbouris respective and to reporte thair answeris and fullilie instructit quhat thai wil do thairanent the nixt Conventione of Borrowis.

Item it is statut and ordanit be the haill commissiones of Borrowis present that the proveist and bailleis within evirie burght fra Glasgu eist quhair ony heryng salmont killing or uther fisches ar packit sall diligentlie visie and seycht that the barrallis and treis quhairin thai ar packit be of just mesour conforme to auld use and wont and the samyn to be brynt and markit with the mark of the towne and that all fisches that ar to be saltit

be weill and sufficientlie saltit and the samyn veste be the beste men of everie toun quhome into it apertenis or salbe apointit thairto be the provist bailleis and counsell their of under sic panes to the transgressouris as the said provist baillies and counsell sall appoint.

Item it is statute and ordinit be the haill commissioneris and borrowis present for executioun of the Actis of Parliament grantit to the libertie and privilege of Borrowis and tyme cuming the privalege given to provist and baillies of borrowis within thair awin jurisdictione that the saidis provestis baillies sall caus execut the saidis Actis conforme to the tenour of the samyn and to be answerable thairfoir in every Conventioun of Borrowis as thai salbe accusit thairupon under the pane of xx^{lib}.

Item the haill commissioneris of Borrowis presentlie convenit hes at the request and desyir of the Kingis Majestie continuat and superceidit as thai continew and superceides ane procideing agans Maister George Halkat conservitour in Flanderis quhill thair nixt Conventioun of Borrowis.

Item the haill commissioneris present hes promisit to asist for lyf and concur with the towne of Peblis in defence of the caus persewit contreir thame be my Lord Newbothle as becumis thame to do conforme to the Actis of Borrowis maid of befoir.

Item the Commissioneris of Borrowis present ordanis the townes that ar appoynit to visie the havin of Elay sall at thair convening in Sanct Andros visie the schoir and havin of Sanctandros and tak cognitioun give the haell mony appointit for the reparage thairof be wairnit and to requiest the proveist ballies and consell of Sanctandros to caus the collector of the Stent mak compt and reckning how he hes bestowit the samyn upon the repairing of the saidis schoir certifeing the saidis proveist baillies and consell gif thai failze the haill commissioneris and Borrowes will [make] complement to the Kingis Grace and his Counsell thairupon for ordour to be tane thairanent.

Item the haill commissioneris of Borrowis present hes fund everie ane of thir townes following to have incurrit x^{lib} for the pane of unlaw for thair not complenand to this present Conventioun as thai quho war lauchtfulle wairnit thairto according to the Act maid in the last conventioun of townes viz^t Innerness Elgine Forrast Muntrois Jedbruche Dumfreis Kirkcudbryght Wigtoun Quhithoirne Kirkadie Dysert Forfar and for uptaking of the saidis unlawis ordanes Edinburgh to caus Lettres to be rasit for poynding thairfoir and sum officieir in armes to inbring the samyn and

Edinburgh to be furth cumand and comperable thairfoir to the nixt Conventiones of Borrowis.

14. *Agreement between the Commissioners of Ayr and Irvine respectively, in regard to their procedure before the Convention of Burghs about to meet.—15th February 1582-3.*

AT Edinburgh the fiftene day of Februare the yeir of God J^m v^c fourescoir twa yeiris. It is appointit aggreit and finalie compromittit betuix George Cochrane burges and commissioner of the burgh of Air ffor himself and takand the burding upone him for the provest baillies counsale and communitie of the said burgh of Air on that ane part and Hew Campbell provest and Thomas Broune court clerk of the burgh of Irwing for thame-selfis as commissioneris for the said burgh and takand the burding upone thame for the baillies counsale and communitie of the said burgh of Irwing on that uthir part In the haill commissioneris of burrois at the nixt conventioun to be convenit at Edinburgh the twenty foure day of Februar instant as juges arbitratouris and amicabill compositouris commonly chosin be bayth the saidis partyis Anent the lettres of horning and executioun thair of purchest be the said burgh of Air aganis the said burgh of Irwyng upone ane unlaw and penalte for thair allegit absence fra the last conventioun of burrois haldin at Perth And siclike anent the lettres of horning and executioun thair of purchest be the said burgh of Irwyng aganis the said burgh of Air for allegit nonpayment of thair brig stent And ffor all actionis that hes followit or may follow thairupone for ather of the saidis actionis and caussis as at lenth salbe contenit in thair clames to be gevin in be thame hinc inde in the saidis materis. And the saidis commissioneris of burrois as juges forsaidis sall meit upone the said xxiiij day of Februar instant in the said burgh of Edinburgh at the said conventioun and thair accept the saidis materis in and upone thame and sall deliver thairin with all gudely expeditioun as thai sall think maist expedient And bayth the saidis partyis for thameselfis and takand the burding upone thame respective as is abone specifeit be thir presentis bindis and oblissis thame faythfully to abyde underly and fulfill the decrete laude sentence and deliverance of the saidis juges in the saidis materis respective but ony appellatioun reclamatioun or agane calling quhatsumevir Providing always that the lettres purchest be ather of the saidis burrois respective and all

executions thair of and all actionis that hes followit or may follow thairupone sall ceis and haif na effect in the menetye quhill the saidis juges haif pronuncit thair decrete thairin.—In witnes of the quhilk thing bayth the saidis partyis for thameselffis and takand the burding upone thame as is abonespecifeit haif subscrivit this present compromit with thair handis day yeir and place forsaidis befor thir witnessis David Lawte writer Adame Lawte his sone Thomas Stene Alexander Hagy and Daniell Hay servandis to the said David with utheris dyvers.

GEORGE COCHRANE.

HEW CAMPBELL.

THOMAS BROWN.

15. *Letter from the Earl of Gowry and other Lords to the Provost, Bailies, and Council of Irvine.—21st September 1584.*

RYCHT traist freindis. Eftir our hartlie commendaciones we have declairit our mynd to my Lord Boyde to be schawin to yow in sum materis of consequence tending to the suirtie of Godis trew religioun and professouris thair of the weillfair of the Kingis Majestie and commoun welthe of the haill realme quhairanent we desyr yow effectuoslie to gif him firme credite as gif we wer all present with yow Sa we commit you to God. At Striveling the 21st of September 1584.—Your loving Freindis

Mar. Glen ne & George
Stamburgh Doyne

[Dorso.]

To our traist freindis

The provest baillies and counsall of the burcht of Irwing.

16. *Letter from Laurence Scott to the Provost and Bailies of Irvine anent the business of the Town.—8th April 1591.*

RYCHT Honorable Siris. Eftir all hartlie commendatiounes with service Pleas ressave fra the beirar hereof ane Act and Lettre to summond your unfriemen trublaris of your mercattis of new agane seing of the Lordis ordinance As for the blank contenit in the lettir to summond witnesses yea nead nocht to summond ony becaus yea charge thame only to heir and sie thame decernit to decist and ceis and nocht for damage and skayth yea haif sustenit be thame quhairin I am informit be Masteris Alexander King and Oliver Colt your procuratouris that the samyn neidis na probatioun bot onlie your gift concernyng your libertie quhilk contenis the boundis annexit to your libertie with the last Decreit gottin aganis certane utheres unfriemen quhairof thai desyrit me to adverteis yow thairof quhilk gift and decreit remanis in my hand quhilk God willing salbe saiffie keipit to the finell end and decisioun of the caus. This Lettre being usit send me the samyn back agane with the Act and God willing at the day I sall do diligence thairin and na forder delay fund. The occasioun that the samyn tuik nocht ane end the last Sessioun consistit in yourselffis seing of the lang tary of the gift and the samyn could nocht be put to ane poynt quhill the samyn first come for instructing of your summondis. It was allegit be Master William Oliphant (efter the lang delay hie usit and efter the preponing of mony uthir frivoll ressounes in ane supersing of delay quhilkis war all repellit) that the Lettres requyrit continewatioun and the defendaris aucht to be of new summond seing the samyn importit ane dead quhilk was fund relevant be the Lordis. As for my debursingis I will superseid the payment thairof and geving up of my compt till the samyn tak ane end and find me wirdy ane rewaird with my debursingis. Swa committis yow quho mot preserve yow all. Frome Edinburgh the aucht day of Apryle 1591. Youris awin to power with service to be commandit.

L. SCOTT.

[*On the back.*]

This ar direct to the . . . be Lawrence Scott anent . . . sure
 keping of the said . . . Chartor of Boundance etc.
 To the Rycht Honorable and speciall freindis
 Patrick Tran W. . . . provestis and in thair
 absence . . . Broun to be deliverit at his . . .

17. *Letter from Laurence Scott to the Magistrates of Irvine, referring to the legal interests of the Burgh.*—24th June 1593.

RICHT honorable Siris. Eftir hartlie commendatiounes ye sall witt that sen my last lettre I have gottin the gift of your haill unfriemen past the King and compositioun and that upoun my great moyane very ressonable To witt every persoun contenit in this ticket quhais name is contenit in the gift ffor fyve merkis the peice and ane restrictioun bak to me giff thair be ony persoun that I think gude to deleit furth of the signatour the rest omittit in the signatour sall pay na mair nor fyve merkis. I have gevin by handis to Johnne Oliphant and Maister William Broun to the furtherance of me in this turne xx merkis seing they are the men quha ar readeris of the signatouris and ressavearis of the offir fra the partie to be reportit to the chaker lordis componaris of the signatour ffor ye maun understand that nathing is past furth of chakker and without thair help nathing could tak effect. And I have insert donatour in the signatour of escheat Stevin Gemmill calling him burges of Irving at quhais handis ye sall gett all securitie neidfull to the use of the haill towne. Thairfoir siris be advysit heirannentis and luik the haill names insert in the signatour quhilkis ar heir contenit in this ticket and giff thair beis ony ye wald deleit do as ye think gude and the samyn salbe obeyit. Siris we knaw quhat ye have to do in this turne and quhat this doing may work and forder the towne to ane commown weill of burch. And send me with all expeditioun possible ane boy directit bak with your answer heirintill giff ye think this compositioun ressonable or nocht and giff ye will agrie thairto ffor in my opinioun I think to caus ane of the persones pay the haill compositioun and put the rest in ane great thraldome agreing to the townes weill. And in caice of your agriement heirto luik that thair be na particular factionis amangis yow nor respecter of persones in this turne bot denunce the haill persones immediatlie eftir the ressait of this my lettre. And send me the denunciatioun with the executionis bak with the first beirir ffor I upoun my honestie hes promeist to report bak answer betuix this and the last day of this moneth of Junij with the compositioun of the escheat quhilk lykwayes ye sall send me with your beirar. And the haill commoditie of this turne sall redound to the use of yourselffis and nathing to me exceptand I refer my travellis in this turn to your awin discretioun. I pray yow Siris be als

diligent to keip to me as I have bene earnest to keip to yow ffor in caice I violat promeis I am tuichit in my honestie and be my promeis-making I will nocht be estemit in tymes cuming nathir yit will my credeit at thair handis be in ony tyme heireftir sa far be extendit. Swa to remember ye have onlie to satisfie this my lettre that the bak return of your answer be reportit bak agane betuix this and the foirsaid last day of Junij. And samony as ye think ye ar to deleit furth of the signatour wryt thame in ticket and the samyn salbe obeyit. And send the horneing with the compositioun as said is bak your answer giff it be possible uthirwayes send me the compositioun with the persounes ye desyr deleit and I sall nocht dait the signatour to your denunciatioun returne bak and the signatour salbe agrieable to the horneing. Bot giff possible all can be obeyit do diligence uthirwayes do as said is. I mister nocht to insist in forder wryting bot ye knaw yourselff quhat this turne may furthir yow mair better nor I can wryt quhilk I refer to your wisdomes lipining ye will be the mair earnest heirin seing the samyn tuichis me as said is upoun promeis. Swa in haist to your answer committis yow to God. Off Edinburgh the xxiiij day of Junij 1593. Youris obedient servitour to liffis end salbe

LAURENCE SCOTT.

As for your generell lettres aganis all uthires youris unfriemen salbe send to you eftir your answer and luik abone all thingis the composition of escheat be reportit with your answer.

[*Addressed.*]

To the Rycht honourable the provest and baillies of Irwing and
ffailzeing of thame to Hew Broun thair court clark giff this.

18. *Convention of Burghs.*—1595.

Att Glasgu the xxiiij day of Aprile the yeir of God j^m v^c lxxx
fyfteine yeris :—

THE quhilk daye comperit the Commissionaris of the Burrowis in the west efterspecifeitt be missives send be ather to utheris to advyse treitt and conclude upoun certane effairs for the weill of the Burrowis sic as to putt ordour to the gadge of hogheidis and barrellis and restranyng of unfremenis trafficquyng and als to putt remeid and ordour to burgessis

fremen nocht dwelland nor bering commonne chargeis within thair burghtis and every commissioner producit and presentit ane commissioun directt fra the towne he wes commissioner to as followis, videlicet—

George Cochren baille of Air.

James Stewart, baillie of Glasgu, with Thomas Muir and James Tempill for Glasgu.

Williame Scott commissioner for Irvyn.

Williame Conynghame commissioner for Dunbartane.

Johnne Jacksoun and Adam Knok bailleis and commissionaris for Renfrew.

Johnne Steuarde burges and commissioner for Rothsaye.

Johnne Riddell baille and commissioner for Rutherglen.

The samyn daye it wes aggreitt and concluditt be the commissionaris foirsaid for observing of the privilege of the Burchtis conforme to the Act maid in the general conventioun of Burrowis haldin last in Stirveling that the Magistrattis of everie ane of the townes sall caus all persones maid burgessis be ony of the townes that duellis nocht nor makis actuall residence thairinto and ar trafficqueares as fremen or hes ony commonne landis within ony of the Burghis foirsaid to be chargeit be thair names in speciall ather personally or at thair mercat croces respective upoun ane mercat daye in tyme of mercatt be thair officers to cum and resorte to the towne quhair they wer maid fre wyth thair familie and thair to mak actuall residence and duelling within the samyn and to do sic thingis as becumis thame and onderly the chargeis of the towne as uther fremen dois betuix and the xv daye of Junj nixt makand publict intimatioun and certificatioun to thame giff they failze thair fredomes salbe cryitt downe and thai fra that daye furth to be repute haldin and useit as unfremen and have na privilege of fredome thairinto.

And siclyik the saidis commissionaris hes statute and ordanit that in tyme cumyng thair salbe na persounne maid freman and burges in ony of the saidis townes bot sic as ar actuall induellares resident within the samyn and mak securite for remanyng and induelling thairinto and doing of his dewtie in the samen as becumis ane freman and in caice he makis nocht residence to tyne his fredome ipso facto and to be repute unfre in all respectis fra thin furth.

Item that everie ane of the townis sall be thair commissionaris geve up

and reporte the haill names of all unfremen that useis trafficque of fremen within thair townes and bowindis to the nixt generall assemblie of Burrowis that thai may be persewit be the aigent of Burrowis thairfore.

Att Glasgu the xxv daye of Apryle 1595 :—

The quhilk daye the haill commissioneris of Burrowis befor wryttin haveand consideratioune that upoun ernist suite the gadge of Hering quhitefische and salmond the Hogheid was reduceit fra xvij gallounes to xv gallounes and now having reasonit and weill advysit that for skarsnes of tymmer in this west cuntrey and for scrowis for making of treis in sic greit quantite to be very rair and scant to be goitten and thairfore harde it is to keip the said greit gadge albeit in very deid thai ar maist willing to caus the samen of xv gallounes sa neir as gudle thai may for satisfactioun and obedience of the auld Statutes and constitutiones sett downe thairanent Thairfor all in ane voce hes concludit and be thir presentis bindis and obleissis thame and thair Burghis foirsaid ilk ane to utheris to caus every couper craftismen makeris of Hogheidis and barrellis in thair said townes respective to mak the saidis Hogheidis to be of xv gallounes or at the least xiiij gallounes and ane half and the barrellis to be of the half thair of And sua mony as sall nocht exceid that quantite of xiiij gallounes and ane half and the barrell the half of the samen salbe confiscatt be the Magistrattis and Visitoris of ilk Burgh as salbe appointit thairfore in the samen respective and ilk Burgh thair of quhais Magistrattis and Visitoris faillis thairintill and dois nocht thair extreme and exact diligence for executing thair of sall paye of penaltie to the said remanent Burrowis keiparies of the samyn the sowme of ane hundreth lbs. money.

And for the better observatioune of the premisses it is concludit and consentit thairto be the sadis commissioneris that everie couper maker of the saidis treis sall stamp ilk Hogheid and barrell wrocht be him and mark the samyn with his awin ordiner mark that it may be knawin both to be sufficient work and als of the quantite foirsaid viz. ilk Hogheid xiiij gallounes and ane half at the leist and the barrell the half of the samen And that of all sic treis as thai salhappin to mak for paking of salmound hering and quhyte fische allanerly And that thai mak nane of les quantite to that effect onder the pane of ten pundis mony ilk falt to be upliftit and convict be the Magistrattis of the Burgh quhair thai duell And that ilk Burgh caus mak ane stamp to be commonne for all and delyver it to the

Visitor within the samen quha sall mark all the treis foirsaid thairwith and that nane tre that wantis the said commune mark salbe useit be ony freman to the effect foirsaid And gif ony Visitor salhappin to mark ony trie with the said townes mark being of les quantiteis nor is foirsaid he sall incur the paine and unlaw of ane hundred lib. and the towne quhairin he duellis togidder And farder for restranyng of unfremen fra useing of fremenis tree in paking and peilling it is statute and ordanit that na Visitor within ony of the saides Burrois sall affix the said townes commune mark upoun ony treis to be maid or sett upe to ony unfremen quhatsumever bot only to fremen burgessis duelland within Burghis and being fre Kingis Burghis allanerly keipand the quantite abone rehersit And that na freman quhatsumever by ony pakit Hering fra ane unfreman nor yit na uther pakit hering fra ony utheris except the samyn be markitt with sum of the saidis townes markis onder the pane of j^e lib. And that na freman couper or utheris sall sell ony treis stampitt with the townes mark to ony onfremen except thai first stryik of and putt awaye the townes mark thairfra onder the said pane of j^e lib. And alsua that thai have ordanit that na awner nor skippar nor maisteris of ony schip bark or boyt ressave in the samen ony unfremenis gudis quhatsumever nor yit ony hering salmount or quhyte fische of ony fremenis bot sic as salbe stampitt with ony of the saidis townes markis onder the pane of j^e lib. And the haill penalteis abone wryttin sa oft as thai fall and be convict to be upliftitt be the Magistrattis and Visitor of ilk Burgh quhar the contravener duellis and to be bestowit upoun the commounne weillis thairof All except the penalteis appointit for ilk Burgh quhair of the Magistratis and Visitor be thair negligence or utherwyis ar contravenaris and nocht puttares this act to executioun concernyng the said gadge the samen to be upliftit be the general Agent of the Burrois to the utilite of the remanent Burrois keiparies and observers of the ordinanceis and statutes abone specifeitt And for tryall and probatione of the contraventiounes the haill commissioneris foirsaidis consentis and ar content that ony honest inhabitantis of the saidis Burghis or ony of thame salbe admittit in sufficient witnes for preving of the said contraventiounes quhen the samen salhappin to be persewit befor quhatsumever Juge nochtwithstanding ony exceptiounes of the law that may be allegeit or proponit in the contrair renunceand the samen for thame and thair Burghis respective forsaid for ever.

And that the actis befor wryttin in this Conventioun may be observit

and corroboratioun thair of the foirnemit Commissioners sall caus the commissioneris of every ane of the townes that salbe direct to the nixt general assemblie of Burrovis to craiff and maist ernistlie and gentillie suite the assistance confirmatioun approbatioun of the samen be the haill commissioneris of Burrois that salbe present at the said general conventioun that thair autoritie may be interponit thairto and executioun follow thairupoun as efferis.

In taikin of the premissis all beforwryttin the saidis haill commissioners hes subscriyvitt the samyn as followis at Glasgu the xxvj daye of Aprile 1595. Followis the subscriptiones George Cochren baille commissioner for Ayr William Scott as commissioner for Irvyn James Steuarte baille and commissioner for Glasgu Thomas Muir ane of the commissioneris of Glasgu James Tempill ane of the commissioners of Glasgu Williame Conynghame for Dunbartan John Jaksoune baille and commissioner for Renfrew and Adame Knok baille of Renfrew Johnne Steuarde commissioner for Rothsaye and Johnne Riddell baille of Rutherglen with our handis at the pen led be the nottaris onderwrittin : Ita est Henricus Gibsoun notarius de mandato dictorum commissionariorum scribere nescientium manibus suis ad hoc calamum tangentium manu propria subscripsi Ita est Jacobus Wynrame notarius publicus ac connotarius ad premissa requisitus manu sua Extractum de libris actorum burgi de Glasgu per me magistrum Henricum Gibsone notarium ac communem scribam ejusdem testantibus meis signo et subscriptione manualibus.

H. GIBSOUN.

19. *Act of Deprivation of non-resident Burgesses of Irvine.*—

9th June 1595.

In pretorio burgi de Irwene nono die mensis Junii 1595 coram honorabilibus viris Hugone Nevene urbis prefecto et Alexandro Dunlope ballivo.

THE quhilk day the provest and baillie foirsaid with advyse and consent of the counsale and communitie of the said burgh haveing takin considderatioun that upoun the xxviiij day of Apryle last bypast in ane burrow court haldin be thame in the tolbuith of the said burgh it wes statute and ordanit conforme to the first act and article set down and conteinit in the statutes maid be the commissioneris of the west burrowis in Glesgow the xxiiij day of the said moneth and conforme to the Act of burrowis the tyme

of the last generale conventioun that the haill personis maid burgessis of this burgh that duellis nocht nor makis nocht actuale residence thairinto and ar traffiqueris as friemen or hes onie commoun land within the samin sould be charged be thair names in speciale at the mercat croce of this burgh upoun ane mercat day in tyme of mercat be the townes officeris to cum and resort to this burgh with thair famelie and to mak actuale residence and duelling within the samin and to do sic thinges as it becumis thame and to underly the cherge of the toun as uther friemen betuix and the first day of Junii nixt thairefter and now bygane With certificatioun and intimatioun to be made to thame that failzeis thair fredome sould be cryit doun this day being Witsonmonunday and they fra this day furth sould be haldin reput and used as unfriemen and have na previledge nor fredome thairinto as at mair lenth is conteinit and set doun in the Act foirsaid maid thairanent And that thairupoun the saidis provest and bailleis of the said burgh directit thair precept at the instance of William Scot thair procuratour fischal Be vertew of the quhilk Alexander Barclay ane of the officeris of this burgh upoun the fyft day of Maii last bypast in tyme of mercat being ane mercat day past to the mercat croce of the said burgh and thair be oppin proclamatioun lauchfullie warnit the haill persones underwrittin burgessis and friemen of the said burgh that duellis nocht nor makis nocht actuale residence thairinto and ar traffiqueris as friemen Thay ar to say, Alexander Blakburne in Fairlie, David and Patrik Aitkynis thair, William Thomsone thair, Stevin Wilsone in Larges, James Broun in Saltcoittis, Johnne Dunlope beyond the goit thair, Johnne Boyd in Meinfurd, Johnne Couper thair, Johnne Blak in Kilmernok, Robert Harper thair, Robert Fultoun younger in Kirkwode, James Walker James Montfoid in Saltcoitis, Gilbert Hunter in Blook, Johnne Hunter thair, Archibald Bair thair, Johnne Craufurde in Kilmernok, James Cuninghame in Peirstoun, Robert Biggart in Cuninghameheid, David Stewart thair, Robert Cuming in Balgrey, Johnne Findlay in Robertoun Walkmylne, Alexander Stevins-toun flescheowr, Johnne Robesone in Saltcoitis Montgomery, James Robesone thair, Robert Andro in Larges, Johnne Boyd sone to the Laird of Portincroce, Robert Ewing in Southennane, Johnne Or in Fairlie, Duncane M'Gibboun in Larges, Walter Stewart in Cuninghameheid, Johnne Boyd in Kirkdyk, Kilmernok, To have cum and resortit to the said burgh with thair famelie and to mak actuale residence and duelling within the samin and to do sic thingis as it bicomme thame and underly the cherge of the toun

as uther friemen dois betuix and the said first day of Junii nixt thairefter and now bygane and maid certificatioun and intimatioun to thame that failzeit thair fredome and libertie sould be cryit doun upoun this day being Witsonmonunday And fra this day furth sould be reput haldin and used as unfriemen and have na priveledge nor fredome within the boundis and libertie of the samin Efter the forme and tennour of the said Act as at mair lenth is conteinit in the precept and executiones of the samin And becaus the said persones and ilk ane of thame hes disobeyit the command of the said precept and hes nocht cum to this burgh with thair famelie and maid actuale residence within the samin efter the forme and tennour of the said Act Thairfoir the saidis provest and bailleis with consent of the counsale and communitie of the said burgh hes depyryeit and simpliciter dischargeit and be the tennour of this present act depyryes and simpliciter discharges all and sindrie the foirsaid persones and ilk ane of thame of all libertie fredome and previledge within the boundis and libertie of this burgh And retreittis cassis and annullis thair and ilk ane of thair creationis and actes of burgesschippis respective And decernis and ordanis thame and ilk ane of thame to be reput haldin and used as unfriemen and to have na priveledge nor fredome within the boundis and libertie of the samin Efter the forme and tennour of the said Act : and that thir presentis be publisched and intimat presentlie at the mercat-croce of this burgh that nane pretend ignorance of the samin apud acta Extractum de Libro actorum curie burgi de Irwene per me Hugonem Garven notarium publicum dictique burgi scribam sub meis signo et subscriptione manualibus.

HUGO GARVEN.

[*Dorso.*]

The names of unfrie traffiqueris within the boun[dis] of the libertie of this burgh by thais within wrettin quha ar depyryed.

George, Robert, and William Forgussillis in Kilbryid.

Robert Lochrig thair.

David and William Stewartis in Fairlie Crevoch.

Williame Galt thair.

Alexander Galt in Chapelton.

Robert Fultoun elder in Kirkwode.

David Biggart in Cuninghameheid.

Johnne Biggart in Walkmilne thair.

Johnne Kirkwode in Kilbirnie.

David Archibald thair.

Rid Johnne Huntar in Blook Walkmilne.

Johnne Finla in Walkmilne Robertoun.

James Walker in Crevoch.

William Galt thair.

Thomas Stewart in Dykheid.

Johnne Hunter elder.

Archibald Bar in Blook.

Connell Kar in Blook.

Archibald Fultoun thair.

Peblis thair.

Andro Speir in Colishill.

Speir his sone.

Barkeris eikit sensyne.

Johnne Connell in Kilbirny.

Walter Robesone in Kilbirny.

Michael Dysert in Blair.

Walkeris in Cunynghame that traffiques to Wigtoun and
use mercheandyce with clayth.

James Moreis in Kirkwod.

Robert Lochrig in Kilbryid.

William Forgussoun thair.

James Peblis in Blook.

Archibald Fultoun in Blook.

Johnne Huntar walkmilne.

Johnne Finla younger in Robertoun.

William Cuming in Robertoun.

Johnne Biggart in Lairdbra, Cunynghamheid.

David Biggart thair.

Newmilnes.

David Broun elder walker.

James Broun his sone.

David Broun his sone also.

James Patoun in Kilmernok.

William Quhyt in Newmilnes.

[*Indorsed.*]

Act of Deprivatioun of the outtintoun burgessis,
with sum names on the bak thair of unfrie traffiqueris.

20. *Letter from William Scott to the Provost and Bailies of Irvine, about the Convention of the Burghs.—5th July 1599.*

RYCHT honorabile and wilbelovit nybouris and mesteris eftir my very hertle commendationis of servie by and incertand the fourt arcticill conser[n]yng the reseving of the forlat and pek of Lichgu, and becauys na diligence was done be vis therintile in respect the hell borrowis we except hald resavit the mesuris as Andro Kar veryfiit our burche was onlawit and be my gret travellis was forgevin upon this Convention I sould presently resef the saidis forlat and pek and willis yow meist ernistle that viij lib. be send with all deligence with the berar heirof This Convention is nocht abile to dissole befor Saterdag nixtocom for by the discussion of the myssyf ther mekil ado with the conservatour and with William Hunter quha is recommandit be his M[ajestie] to be appontit conservatour within Ingland, besyd syndry utheris ocationis as to all my uther particularis committit to me shall God willing discharge to your contentamentis. I am very expensyf heir quhilk I am nocht to eschew Sua with my hertle commendationis to the provest balyies Archibald Georg, Jhone Pebillis provest, and Stevin Robeson and remanent nybouris Sua lukis for the hestie retornyng of the berar with the 8 lib. committis yow ther in the protection of Almychtie—fra Lichtgu this Thurisday the 5 of Julij at 3 houris efternone Be youris servitour to power 1599.

WILLIAM SCOTT.

To my Welbelovit fryndis and mesteris the provest balyes
Jhone Pebillis Archibald Georg Stevin Rabeson burgessis
and Hew Garvane court clerk of Irvin—gif this.

[*Written on back.*]

Largis

David Fair in Largis
Alexander Speir in Largis
Stevin Wilsoun
Robert Andro thair
Johnne Jamie thair

Martene Andro merchand
James Connell merchand
Johnne Aitkin merchand
George Cochrane merchand
Archibald Connell thair

Robert Jamie thair	Mathew Wilsoun thair
Johnne Clark	Henrie Kelso
George Fraser	Mathew Gogosyd
Johnne Or, William Hude	Cudbert Fraser
Thomas Symsoun in Haly	Muling thair

Kelburne

William Aitkin in Wattersyd	Duncan Airdis
Johnne Bell in Cumroy	Johnne M'Gibboune in Kelburn
Andro thair Andro his sone	William Davie thair

Fairlie

David and Patrik Aitkynis	George Boyd thair
John Foster	
Robert Foster in Fairlie	Johnne Boyd wy ^t thair
Johnne Boyd thair	Alexander Blakburne thair
Rober Or thair Johnne Or thair	William Thomsone thair
William Kirkwode in Southennane	
Thomas and Johnne Dikeis thair	William Boyd thair
Robert Ewing thair	William Symsoun in Glenheid

Kilbryid

Hew Boyd thair	Johnne Boyd son to the L. of
Robert Traing thair	Portincors
William Boill sone to Archibald	Thomas Foid thair
Boill in Chappelton	James Hog thair
	James Wodsyid thair
	Archibald Wodsyid thair

Saltcottis

James Broun thair	Thomas Wilsoun thair
Johnne Robesone thair	Allester Gastoun thair
James Robesone thair	Joseph Cunynghame thair
Thomas Lope beyond the goit	James Gilleis thair
Johnne Boyd thair	Thomas Harbert thair
James Howie thair	James Ros thair
James Montfoid thair	Robert Montgomery thair
Mathew Makkie	Hew Quhyt Johnne Quhyt
Robert Blak	Johnne and Hew Bowtone

Hew M'Kie

Johnne Dunlope Blak Joky Stene

Johnne Braidschaw thair

Adame Montgomery thair

Alexander Lope thair

Adame Lope sone

Peitter Lope his sone

to umquhile Michael Lope

Johnne Miller

Irwene

Mr. Robert Barclay

Archibald Howie

Newmilnes

Thomas Adame merchand thair

Thomas Craig merchand thair

Kilmernok

Alexander Finlay mercheand

William Cruikis mercheand

George Jamesone thair

William Slos skynner

Johnne Hilhous mercheand

Robert Richie skynner

Johnne Patoun mercheand

Adame Norvell

Robert Hume mercheand

Robert Broun mercheand

James Boyd mercheand

James Andro mercheand

Johnn Quhyt in Nethertoun

Hew Mur mercheand

Andro Tailzeour mercheand

Robert Tailziour mercheand

Robert Tailziour barker

Archibald Tannochill mercheand

Robert Gillespie barker

Johnne Craufurde thair

Robert Harper in Hedge

William Mur mercheand

21. *Petition of John Wyllie.*—[Post 1601.]

UNTO your Lordschipis wisdomes humblie and maist lamentable schawes I John Wyllie quhair I am havilie distressit be your Lordschipes messengeris about the xxj day of Julij or thairby last bypast in the violent dispossessioning me out of my houssis and yairdis quhilk I suld have payit maill for besyd the spilling of my brewing of aill quhilk I had in the fattis: promissing to releve me of the foirsaid maill and dewtie and to furneis and restoir me to ane uther hous quhair of I am altogiddir trublit thairfoir Quhairfoir I maist humblie beseik your Lordschipes to wey and considdir my puir estait in the

premissis and to releve me of the foirsaid maill and dewtie according to promeis quhilk the provist William Scot being provist ffor the tym and Allexander Dunlop (his saull prais the Lord) being baillie for the tym promittit faythfully to observe : As also beseikes yow to considir my estait in the ourthrawing and spilling of my brewing of aill all being set out in the closs being in the fattis quhilk I culd nawayes gett sauld nor a penney for : And your godlie consellis answer and supplie maist humble and lamentable I beseik.

22. *Complaint by Helen Gray, to the Kirk Session of Irvine, against Janet Smyth.*—[Date wanting. Circa 1601.]

UNTO your godlie Wisdomes minister elders and deacones of the kirk of Irwin humlie meanes and schawes I Helene Gray servant upon Jonet Smyth spous to Hew Parker That quhair upon Mononday the nynt day of Februar instant the said Jonet Smyth movet in her mynd be ane evil spreit and set upon me at the Well brae of Gilbert Gibsounes and thocht to have castin me in the said well and haveand me be the hair of the heid scho ordaned to have bereft me of my lyfe wer not help come and tuik hir handis out of my hair and releisit me thair And forder the said Jonet callit me in presence of the proveist and William Muir baillie and sindrie utheris ane commoun theif huir and upon the hie streit scho said scho wald prove me baith theif and huir and that I had skaillit twa housses to wit John Wilsounes the skipperes and John Neveines hous and give it be sa as scho hes said of me it wer guid that I wer away And for remeid and justice and your wisdomes ansuer I humlie requyre.

23. *Missive from the Magistrates of Selkirk to the Magistrates of Irvine, respecting the articles to be discussed at the Convention of Burghs at Selkirk.*—15th February 1608.

RYCHT honourabill and our weill belovit brethrene efter all hartly commendatiounis forsamekill as the Commissiouneris of Burrowis in thair last generall Conventioun haldin at the burcht of Dumbertane hes afixit and sett the nixt generall conventioun to begin and hald at this our brucht of Selkirk the fyft day of July nixtocum with continewatioun of dayis for intreiting upoun thair commoun effairis and hes continewit the heidis and

articklis following to be decydit thairintill ordaineing ilk brucht to be adverteisit heirof be this generall missive and send thair commissiouneris to the said conventioun sufficiently instructit to that effect To wit first that your commissiouner be ane of the trew and reformat Religioun presently professit and allowit be the lawis of the Realme and that your commissioun givin him testifie the same in expres and plane termes under the pane of xx^{libs.} to be payit be you to the saidis burrowis in caice ye failzie Item that ye shaw and produce to the said nixt conventioun your exact diligence in writt in restraining and punisching unfrie trafficqueris sailleris without ticketis regraitteris foirstalleris and unfremen within your liberties usurpand the libertie of the frie burcht and of depyryng outland burgessis and to give compt to the burrowis theranent of the offenderis and places quhair thai duell under the pane foirsaid Item that the burcht of Renfrew prosecute thair actiounis and suspentiounis raisit betuixt thame and certane unfriemen regraitteris and foirstalleris within thair liberties and report thair diligence thairupoun to the nixt conventioun under the pane of xl^{libs.} and that ye caus Robert Fynn timer thair new maid burges mak his residence in the burcht or discharge his libertie and shaw thair diligence thairupoun conforme to the act of Burrowis maid thairanent Item that the burcht of Wigtoun send thair commissiouner sufficiently instructed to the said conventioun nochtwithstanding thair exemptioun with thair forder diligence in writt agaynis thair unfrie tredderis conforme to the act maid thairupoun under the pane of ane hundreth pundis Item that the burchtis of Drumfreis and Kirkeudbrycht yit as of befor rais lettres of captioun upoun thair horningis execute agaynis certane regraitteris and forstalleris and pute the samene to forder executioun and report thair diligence to the said conventioun under the pane of xl^{libs.} conforme to the act maid theranent. Siclyke that the burcht of Lanark insist upoun the lettres of Suspensioun raisit be thair unfrie trafficqueris and report thair diligence thairto to the nixt conventioun under the said pane Item that ilk burcht that hes ony burgessis quha pass outwith the burcht as to landwart kirkis and clauhane tounis and thair haldis buythtis and sellis stepill wairis and leaves the same thair to be sald be unfremen restrane thair nyctbouris fra that kynd of tred and unlaw the transgressouris in ane unlaw of xl^{libs.} and that thai report thair diligence thairupoun to the nixt conventioun Item that ye send your advyse with your commissiouner for taking ordour with sic as cumis to fairis and publict mercatis and byis thair wairis befor the mercat be

proclamat Item your advyse for making the mesure of the barel of salmond throw al the realme conforme to the mesure of Abirdene and the barel of hering conforme to the mesure of Leith Item that the burehtis of Glasgow Dumbertane and Renfrew schaw thair diligence in punisching sic personis within thair boundis as polutis and defylis the watter of Clyde with deid cariounis bukies and siclyke filth hurtfull to the fisching Item that the bureht of Glasgow schaw thair diligence in reforming thair trone wecht and conforming to the wecht of Lanark and thair trois wecht acording to the Frenche wecht Item that ilk bureht be thair commissiouner bring and produce to the said conventioun thair pairtis according to the taxt roll of burrowis of the sowme of twa thousand and sevin hundretht pundis awand be the burrowis to Thomas Fischer and William Speir merchantis and burgessis of Edinburgh conforme to the actis maid theranent ilk bureht under the pane of xl^{li}^{bs.} Item that the bureht of Dumbertane exehibit and produce in autentick forme to the said conventioun the maner and forme of thair electioun of the Magistratis and Counsell presently usit be tham to be considerit be the saidis burrowis gif the same be ordourlie proceidit and done conforme to the actis and parliamentis and burowis under the pane of ane unlaw of ane hundretht pundis Item that ye send your commissiouner sufficiently instructit and informit with power to decyde the plaintis and greifis following 1. To wit the complaint of Lychtquo agaynis [the bureht] of Edinburgh for taking custom of thair burgessis at thair portis and at Leith and agaynis Dumbertane for exacting greitter dewties of thair burgessis nor thai tak of utheris burrowis the tyme of the tak of the hering. 2. The complaint of Abirdene agaynis John Finlasone in Dundie and dyveris utheris that tredis with the bying of salmond in the north for merking thair barrelis of salmond with ane conterfite birning irn of the birne and mete of Abirdene and that the said bureht of Dundie warne and caus the said John to compeir to answer to the said complaint. 3. The complaint of George Brysone and George Hall burgessis of Renfrew agaynis the bureht of Glasgow for trubling and molesting the saidis personis in bying of merchandyce without thair awin bureht and harberie thair of and for unlawing tham and thair cautioneris. 4. The complaint of Drumfreis agaynis Wigtoun for taking of custome of thair nychtbouris quhair of thai have no rycht. 5. The complaint of the agent agaynis Dumbertane for suffering unfremen to pack and peill within thair liberties and taking of dewties for the samyn contraire the actis of burrowis maid theranent of

befoir And that all the said pairties compeir and bring and produce thair clames that press and alledgances to the said burrowis ilk partie under the pane and unlaw of xx^{lib.} and with certificatioune to bayth the saidis pairties that the saidis burrowis will proceid and minister justice in the premissis Item that your commissiouner bring and produce with him your pairt acording to the taxt roll thereof of the sowme of fyve hundretht thrie scoir merkis to be delyverit to the burcht of Irvyn and grantit unto thame be the burrowis conforme to sundrie actis maid thairupoun under the pane of twentie pundis Item that ye send your answer with your commissiouner to the suplicatioune of the burrowis following To wit 1. The suplicatioune of Bruntyland craving help to thair harberie and augmentatioune of thair anchorage and that the said burcht produce thair rychtis of infestmentis quhairby thai aledge thame to have als grit liberties and previleidgis grantit to thame as ony uthir hes in frie burrowis. 2. The suplicatioune of Drumfreis craving support to the help of thair burcht and inhabitants quho wer brynt with fyre. 3. The suplicatioune of Craill desyring support for helping the ruffe of thair kirk thair harberie and bulwark with the biging of thair Tolbuytht. 4. The suplicatioune of Anstruther Easter and Innerkeithing desyreing help and support for reparatioune of thair harberies. 5. The suplicatioune of the burcht of Dysart and Kirkcaldie craving ane new impost for reparatioune of thair harberie and schoir and thai to produce thair last giftis of ony impositioun grantit of befor to be sene and considerit be the burrowis gif the same be expyrit Item that ye send your commissiouner sufficiently instructit with your advyse and consent for provyding ane minister to remane within the toun of Campheir with ane sufficient stipend conforme to ane act maid thairanent Item your advyse and consent for impositioun of ane unlaw upoun the burrowis that cumis nocht to the Parliamentis and upoun thame that cumis and depairtis befor the dissolutoune thair of Item that ye send with your commissiouner your pairt of the Clark and Agent fies to be payit to tham quhilk is the dowbill of your pairt of the taxatioune of ane hundretht pundis under the pane and unlaw of twentie pundis togither with all uthir taxatiounis and sowmes quhilk ye sall find awand to the burrowis under the said pane Thairfor we earnestly desyre you to send your commissiouner sufficiently instructit with power to convene at this our burcht with the rest of the commissioneris of burrowis the said day with continewatioune of dayis to intreit reason vote and decerne the heidis and articklis befor mentionat and all uthir

matteris to be proponit in the said conventioun that may tend to the glorie of God the obedience and honour of our Soverane lord the Kingis Majestie and for the weill of this Realme and our estait of burrowis under the pane of ane unlaw of twintie pundis and sua to forder occasioun we commit you to God from Selkirk this fyfteine day of Februaire the yeir of God 1608 yeiris.

Your loveing brethrene the Proveist Baillies and Counsell of the burcht of Selkirk our common clark subscriyvand at our command.

GEORGE WOOD.

[*In another handwriting.*]

It is statut and ordanit that evere commissioner speik thair burcht to prepare Inns and have singis at thame at the Kingis requeist.

It is statut and ordanit that na swine be kept within townis nor midinnis be on the streitis under the pane of xl^{lib.} and to report diligens the nixt conventioun.

It is desyrit be his Majestie that the habit of wimens buskis be conforme to England and all the rest of thair apperell conforme thairto and that na clokis nor plaidis be worne. Item It is statut and ordanit that na wemen tapsteris be in ony burcht.

Item It is statut and ordanit that na samont be packit in hogitis bot in barellis baith quhat cum in the cuntre as they that be slane and that the barrellis be of ane gage: Item That thair be na hering be saltit in barrellis bot efter the gage of Leith and that the westland hogit be xv gallownis under the pane of ane hundreth pund. That ilk burcht shaw thair diligence at the nixt conventioun.

Item It is statut that evere burcht cum tua or thrie dayes afor the parliament under the pane of fourte pundis.

It is statut that everie burch ostrar all unfrie trafiquikeris within thair libertes and to schaw thare dilligence: Item It is statut ordanit that nane within burch keip liquere in ony clachan under the pane of xl^{lib.} Allis tuiching the samont and hering ordanis diligence to be producit under the pane of j^{e lib.} Item It is ordanit that Edinburgh Glasgoe Sterling Air Irving to meet in Dumbartane the xvi day of Agust nixt.

[*Addressed.*]

To the Rycht honorabill and our weilbelovit brethrene the provest baillies and counsaill of Irving.

[*Indorsed.*]

Thomas Boyd provest his report fra the conventioun at Selkirk.

24. *The Artikles for Instructioun of the Borrowis producet be Sir John Drummond commissioner derectit be the Kingis Majestie to the Commissioners and Conventioun haldin at Selkirk.—1616.*

AND for als muche as we understand that you have buldit ane verrie fair Inne for the commodious resait of all passingeris within our burgh of Lynlythgow and being desyrous that the lyk suld be bulditt in all utheris burghs and cietties of our kingdome and knawing no mair meit than yourself to be a presedent in Lynlythgow we ar thairfoir to will you to attend the meitting of commissioneris quhiche will be in Julij and thair to delyver unto them this our utheris letters and to insist for ane resolvit answer from them everrie poynt thairof as specialle.

That in everrie burgh or cietties of this our kingdome thair may be according to the quantetie thairof and frequencie of travellouris a mor sewer Innes buldit according to the apoyntment and discretioun and thais to be buldit so neir the forme heir as may be with all possibill easment and provesioun for man and horse and als that mair thair may be singes hung at everrie hous efter the forme of this kingdome.

And in regaird that the lying of muck and fewell in greit heippis and middingis upone the hie streittis, or within ony uther places of our saidis burghs and cietties is not onlie noysume to all straingeris and passingeris bayth in smell and sycht but is daingerous also in tyme of plaig being ane speciall nurischer thairof that thairfoir thai suld apoynt the streitis of thair townes to be keipit clein as also that within thair greit cities and townes skaffingeris may be apoyntit efter the forme heir used for cariage furth of thais townes of all sort of filth that so thair contre attending us in our intendit jurnay thidder the nixt yeir may not reproche the uncleinnes of the townes and cietties of that our kingdome.

And als that all suche filthie beastis as swyne be not sufferit to hant in the oppin streittis.

And because the habeit and heid attyre of the wemen and speciallie within the burghs and cieteis of that our kingdome is no way comlie decent in the weiring of clokis and plaiddis is all togidder scoffat at by straingeris being utheris wyse most costlie than the habeittis and garmentis used heir that thairfoir the borrowis at this our meitting wald consult upon sume decent and handsume comlie sort of habeit aperrell and heid attyre for the wemen within distinctione according to thair severall qualeteis and that the same be apoyntit to be observed heirefter thair being no doubt at all it will be sone enech followit in the contrie.

And speciallie that no wemen nor maiddis do draw any wyne or aill bot to be done be men and boyis for avoyding of all suspicioun of the uther uncleinnes behaviour and careage.

ANSWERIS

And as to the first conteining the bigging of Inns becaus it is ane mater that will requyre ane lairg tyme and no les expenss to that effect and is to be done be particular personis in everie cittie quhais hartis may be movit thairto be tyme the saidis commissioneris declairis that at thair return thai suld mak report to thair magistratis and his Majesties counsall and desyre to do thair indeavour to move thame thairto according to thair habillities and the lyk answer thai mak to the singis to be hung in everie hous.

And as to the nixt heid consarning to the muk fewall and swyne declairis that in ilk burgh thair is everie yeir thair particular actis and statutis sett doune for removing of all sik fylthe and swyn and thairfoir thai ordan that ilk burgh sall caus put the samin to executioun mair cairfullie and degentlie nor hes ben done hertofor within xx dayis nixt efter the returne of thair present commissioneris and the said swyne and filth to be removit thairefter within fortie aucht houris and to renew thair yeirlye statutis thairupone for the better expeditioun of his Majesties will and intentionis and that ilk burgh hintenewit his ordenance to thair burgh and report thair deligence thairupone to the nixt convention under the pain of ane unlaw of xl^{lib.}

Annent the third heid concerning the atyre of wemen thairfoir thai ordan that ilk commissioner sall mak thair report of his Majesties provesion to

thair Magistratis and counsall and desyre thame to consult and deliberat thairupone and to send thair commissioner suficent instructit to the nixt conventioun of borrowis thair advyse and judgment upone the alteratioun of the said attyres and habet of wemen and deferent formis thairof according to his Majesties will and mynd under the pain of xx^{lib.}

And annent the last part of the artickle concerning the wemen taveroneneris the saidis commissioneris thinkis the samyn maist resonable and thairfoir ordanis that ilk burgh sett furth thair particular actis and ordenanceis for dischairging the said wemen taverneris and tapsteris of wyne beir and dry aill tapsteris and put the samin to sufficient executioun and report thair deligence thairupone the nixt conventioun under the pain of ane unlaw of xx^{lib.}

And that this thair answer may be the mair better knawin to ilk burgh the saidis commissioneris ordanis that ilk commissioner present sall tak ane copie of this present act and instructions that nain pretend ignorance.

25. *Articles of the Convention of Burghs.*—[1641?]

1. THAT all comissioun heireftir be subscrivit be the magistratis and clark and seill of the burghe or ellis be ane act judiciallie be the clark and that all commissioneris be actwall treder exerceising the tred of merchandeis or hes beine.

2. That the burchis of Innernes Irwenn Wigtoun Muros unlawit in 20^{lib.} ffor not repoirting in wryt the 467 act in intimating of thame to thair . . .

3. Item that theis that dryveis cattell out of the kingdome sould be burgessis.

4. Item that ilk burghe gif ane leist of thair names outlane burgessis and exact deligence at the nixt generall conventioun.

5. Item thair was ane informatioun geffin to the erill of Lauthiene quhane he went to France to treit anent the 6 act of the last conventioun concerning the aulld alayance betuix us.

6. Item anent the 9 act thair is ane chartour grantit in favouris of the haill bourrowis be King David that no man sould exerceis the traid of marchandieis bot onlie marchantis of frie burows and that no mairchant exerceis the tred of merchandice in the libertie of uther burowis except he

be ane burges of that burgh that ilk burgh extract the chartour to ley by thame.

7. Anent maistiris and auneris of schypis that thay giff no les nor 2000 weght for ilk tune of moirtchairge as madir and allum or ony uther deid weght and to report their deligence in wryt unto thair nyctbouris under the pane of 20^{lib}.

8. Thair is ane signatour to be drawin up to be subscriyveit be the King and Admirall for giffin pwer to the burrowis to set down lawis and statoutis for the abuis of maistiris and marineris done to marchantis and that no auner nor maistir giff ony portage to marineris and that the toun of Edinburtgh caus pas the signatour.

9. Anent the 14 act for the remeid of unfrie men ratiffies the act maid thairanent and ordanis the same to be put to executione and that nane by ony forrane wair fra any unfrie mane quha ar not burges without the libertie of the burche and the report be maid heirof in wryt at the nixt generall convention under the pane of 20^{lib} unlaw.

10. That all strong wattiris broght in from forane pairtis be confiskit quhair evir it can be aprehendit and to be intimat to the burcth and report maid in wryte at the nixt conventioun under the pain of 40^{lib} the ane half to the burowis and the uther hallf to the aprehender and gif in caice the maisterat put not this act to executioun to be fynit.

Mueros unlawit in 20 lib. but ane uther unlaw forgiffin him.

11. Item that no frie man within burghe sell ony mair wair to unfrie bot alls muche as he may carie on his bak for his awin use undir the paine of 40 lib.

12. Anent the 17 act that all inhabitantis be subject to thair magistratis in all thingis siweill and politik for the weill of the burche and the affairis thairof undir the pane of deprevatioune quhairupone Abirdein protestit in the contrair that it sould not be prejudice to the toun of Abirdein.

13. Glasgowe unawed in 10 lib for not producing thair inhabitantis quha vent by the Stepill port and to produc thame at the nixt Conventioun.

14. Ranfrowe and Lanerick quha hes delapidat and set takis of thair landis and anent the forme of thair magistratis and counsell to be seine at the nixt generall conventioun.

15. Kirkcubrycht to give accoumpt of the bulding thair bulwarkis to be a heid of the nixt missive.

16. Rosa unlawit in 40 lib. for admitting David Boll thair burgess and not residing within thair brugh.

17. Restis of the money deu to Edinburgh tred to Picardie and Normandie in France 1912^{lib.} all being coumptit to 1642.

18. The deuis is to be upliftit be the sessioun at Campheir for thrie yeiris to cum the superplus to pius usis.

19. Continewes the stablisching of conservator and collector at Campheir to the particullar conventioun at Edinburgh and to advyse the maner withe laweris—the meitting the 8 of Agust nixt.

20. Ilke brucht to cum sufficiently instructed anent the inrollin of Wick.

21. Ilke fair withine the kingdome to be directlie on the day insert in thair infetment and not to be proclaimed before the fair day brucht cum sufficiently instructed The Agent to suplicat the Lordis of Privie Counsell that the barrounis and gentrie may caus keip the direct day of the merkat. The agent to report his deligence the nixt conventioun.

22. Item that everie frie burghe intromet and seis upone ony unfriemanis guidis quhair thay can apprehend thame.

23. Item that everie burghe produce thair decreitis that thay haife obtenit againis the unfrie men againis the nixt conventioun.

24. Item that no frie mane within burghe sall sell ony moir merchand wairis to ony unfrie mane bot as much as he is aibill to carie on his bak for his awin proveisioun except it be meit or drink.

25. Item that no unfrie man by onie mair wair noir to suplie himsellf and that he by nain to sell in uther burrowis.

26. Item that no man sall beir offeice within burgh bot sik as is actuall mairchantis trafikeris or hes bein.

27. Iteme thame that gaiff in thair suplicatioun for thair lossis sould cum to Edinburcht the 7 day of Agust to the comitie apoyntit for that effect.

28. Item ane act maid in favouris of James Airnet in Edinburgh for keiping of the conservarie hous in Campheir.

29. Item 4000 mark grantit to the burghe Air to be payit in twa yeiris

tym. Item ane uther grantit to Arbroith of 1000 mark in twa yeiris tyme to pay it. Item 1000 mark grantit to Inverkiething to be payit in twa yeiris tyme.

The count of the Chairgis in going to the Conventioun:—

Imprimis ane pynt of wyne with the comissioneris of Air			
and Wigtoun	0 ^{lib.}	12 ^{s.}	0
Mair for my fraught and my manes	0 ^{lib.}	10 ^{s.}	0
Mair for alevin maillis of meit in Dunbartane with			
our wyne	14 ^{lib.}	13	4
Mair for James Greiris dyet thair 3 dayis	02 ^{lib.}	06	0
Mair for his wagis	02 ^{lib.}	13	0
Mair for my dyet on Sondag and Manounday	02 ^{lib.}	10	0
Mair for my hors hyr	03 ^{lib.}	0	0
Mair to the keiper of the doir	00 ^{lib.}	12	0
Mair to the tounis drumour	00 ^{lib.}	12	0
Mair to the agent at the resait of the monyis	05 ^{lib.}	6	8
	32 ^{lib.}	8 ^{s.}	0
Item the deuis of the messir includand clerk and agent			
fies	xx ^{lib.}	7 ^{s.}	0
Item for ane unlaw	xx ^{lib.}	0	0
Summa totalis	lxxij ^{lib.}	vij ^{s.}	0

26. *Renunciation by James Blair and his Spouse, in favour of the Magistrates of Irvine, of an Annualrent of 160 merks furth of the Burgh Mills.—17th May 1642.*

WE James Blair younger merchand burges of Irving and Marioun Whyt spowssis grant us be thir presentis both with ane consent to haif actuallie ressavat at the making heirof from Allan Dunlop provest of the said burgh Maister Williame Cauldwall and Johne Reid baillies of the samyn and Robert Dunlop present thesaurer of the said burgh and in name and behalf of the counsell and communitie of the samyn All and haill the soume of twa thousand merks guid and usuall money of Scotland with the annual-rent thairof of all yeiris and termis bygain restand awand unpayit sen the

dait of the alienatioun and infestment eftirspeifeit and that for the lawfull redemptioun lousing and outquytting be thame from us of ane annualrent of aucht scoir merks be yeir annalied be thame to us to be yearlie upliftit at tua termis in the yeir Witsounday and Mertymes proportionallie furth of the equall half of thair tua burrow mylnes of Irving commounlie callit Lochmyln and Wattirmyn half Lochmyln lands astrict multuris sequilis and pertinents thairof and aiker of land beyond Annock watter lyand within the territorie of the said burgh bailliarie of Cunynghame and Shirefdome of Air Quhairof the saids provest baillies counsall and communitie acquyrit of late fra umquhill James Pebles of Knodgerhill the richt of proppertie conform to ane heretabill securitie and richt of woodsett gevin to us of the said annualrent be the provest baillies counsall and communitie of the said burgh for the tyme of the dait the penult day of December j^m vj^e threttie seven yeires and infestment following thairupone of the dait the twentie tua day of Januar 1638 Reddemable alwayis and under reversioun be thame from us and our airis upoun payment of the principall soume of tua thousand merks money and all byrune annualrents of the samyn awand for the tyme upone any Witsounday or Mertimes evin in quhatsumevir yeir of God thaireftir following upoun ffourtie dayis premonitioun of befoir in maner more fullie contanit in the said heretabill wodset and infestment foirsaid Off the quhilk principall soume abone writtin and all byrun annualrents thairof restand awand unpayit sen the dait of the said richt of wodset we hold ourselffis weill content satisfified and payit and for us our airis and executouris exoner and simpliciter discharge the saids provest baillies and thair said thesaurer and als the counsall and communitie of the said burgh and thair successoris of the samyn and of the exceptioun of not numerat money and all utheris of the law prejudiciall heiranent for now and evir And thairfoir we be thir presentis both with ane advyce and consent as said is grant and confes the said annualrent to be dewlie and lawfullie redemit lowsit and outquyt from us and our foirsaid be the saids provest baillies counsall and communitie of the said burgh and thair said thesaurer be real and thankfull payment making and delyverance be thame to us of all and haille the said principall soume of tua thousand merks money quhairupone the samyn was impignorat and redemable as said is and of the saids bygain annualrents thairof of all yeires and termis bygain restand awand unpayit sen the dait of the said richt of wodset And the said richt of wodset and reversioun foirsaid thairin

contanit to be dewlie satisfied obtemperit and fulfillit be thame to us conforme to the tennor of the samyn in all poynts And we in consideratione thairof both with ane consent be thir presentis renunce and simpliciter dischargeis fra us our airis and assigneyis to and in speciall favours of the saids provest baillies counsall and communitie of the said burgh and thair foirsaidis the said annualrent with all richt and titill of richt quhatsoever we or our foirsaidis had hes or can pretend thairto in tyme cuming with the said richt of wodset charter and seasing following thairupone quhilkis we have presentlie delyverit aback to thame to be cutted cancellat and destroyit and quhilk we for us and our foirsaidis consent to be null and of nae availl strenth force nor effect and nevir to mak faith in judgment nor outwith in tyme cuming Lykas we be thir presentis for the said provest baillies counsall and communitie and thair foirsaidis bettir securitie tuitching this our renunceatioun abone writtin and to the effect that we may be habili modo denudit of our heretabill richt of wodset abone specifeit we have maid and constitute and be thir presentis mak and constitute

and ilk ane of them conjunctlie and severallie our lawfull procuratoris to the effect underwrittin and committis to thame conjunctlie and severallie as said is our full power warrand and commissioun for us and in our names and upone our behalff to compeir quhatsoever day or place lawfull and convenient befor the saids provest baillies counsall and communitie of the said burgh our immediat superioris of the said annualrent and thair with all dew reverence purelie and simple be staff and bastioun as use is to resigne surrander and simpliciter upgeiv and overgeiv Lykas we be thir presentis resigne surrander and simpliciter upgeiv and overgeiv fra us our airis and assigneyis in the hands of the saids provest baillies counsall and communitie of the said burgh our immediat superiors of the said annualrent our right of proppertie thairof to and in favours of the saids provest baillies counsall and communitie of the said burgh my immediat superiors of the said annualrent and thair foirsaidis for evir that so our richt of proppertie foirsaid of the said annualrent may be consolidat and establisht in thair persones and favours with ther richt of superioritie of the samyn ad perpetuam remanentiam that so they and thair foirsaidis may from hencefurth for evir bruik joyse and posses thair said half Burrow Mylns and lands foirsaidis with the pertinents without ony burdings of the said annualrent as thair awin proper heritage in that same forme and maner as if the samyn had nevir bein effected with the said annualrent actis

instruments and documents thairupone to ask lift and raise and generallie etc. firme and stable promittentes de rato Quhilk acquittance renunciatoun discharge and grant of redemptioun abone writtin we obleiss us our airis and successouris to warrand to the saids provest baillies counsall and communitie and thair foirsaidis to be guid and sufficient at all hands and aganis all deidlie as law will And for the mair securitie we ar content thir presentis be insert and registrat in the buiks of Counsall and Sessioun to haiff the strenth of ane act and decreit of the Lords thair of and thair auctoritie to be interponit heirto that lettres and executorialis of horning may pas heirupone if neid be upone ane simple charge of ten dayis onlie And for this effect constituts our procuratouris promittentes de rato.—In witnes quhair of writtin be George Garvane servitor to Robert Broun clerk of the said burght we have subscriyveit thir presentis with our hands at Irving the twentie sevint day of May j^m vj^e fourtie tua yeires befor thir witnessis James Blair ane of the lait baillies of the said burgh my father the saids Robert Broun and George Garvane.

JAMES BLAIR, younger.

MAREON WHYT.

James Blair, elder, *witnes.*

R^{ot} Broun, *witnes.*

Geo. Garvane, *witnes.*

27. *Act of the Convention of Burghs for registration of Charter by David the Second, King of Scots, conferring privileges upon the Burghs.—7th July 1642.*

In the generall Conventioun of Borrowis haldin at the burgh of Dundie this sevint day of July the yeir of God ane thousand sex hundreth fourtie-tua yeiris be the Commissioneris of borrowis thair conveynit The quhilk day the saids Commissioneris being conveynit anent the sext Act of the last particular Conventioun of Borrowis haldin at the burgh of Edinburgh the sext of August last ordayning ilk burgh to send thair Commissioneris sufficientlie instructit to this present Conventioun to decyid and defyne what liberties and priveledges the friemen of eache burgh hes or may have with the friemen of uther burghis or within the liberties of anie uther burgh in buyeing or selling of fforraine or hammell waire according to the lawis and liberties of this Kingdome and priveledge of the borrowis Compeired

the Commissioneris of the burgh of Edinburgh and producit ane Transumpt of ane Chairtour grantit be King David to the burgessis of this Kingdome Which being sein and considderit be the Borrowis and that it may cum to the knowledge of the whole borrowis for thair better informatioun giff this or the lyik questioun sall happin to be mooved heirefter They ordaine the said Chartour to be registrat in ther buikis quhair of the tennor followis : David Dei gratia Rex Scotorum Omnibus probis hominibus totius terræ suæ clericis et laicis Salutem Sciatis nos cum consilio concessisse dilectis nostris burgensibus Scoticis facultatem emendi ac vendendi liberamque ubique infra libertatem suorum burgorum Prohibemus etiam ne episcopus prior vel persona ecclesiastica Comes Baro vel persona secularis emat lanam pelles coria aut alia mercimonia sub quocunque colore cujuscunque fuerit status neque vendat nisi a solummodo a mercatoribus burgorum infra quorum libertatem resident quibus præcipimus quod hujusmodi mercimonia presentent apud forum et crucem burgorum ut mercatores emant et ipsis effectualiter proferant sine fraude et ibidem persolvant custumam Regis Prohibemus etiam ne aliqui extranei mercatores cum navibus et mercandis venientes vendent aliquod genus mercimoniorum nisi mercatoribus nostrorum burgorum nec aliquos emant nisi a manibus mercatorum burgorum sub poena Regis defensionis nostræ Quæquidem concessionis libertates constitutiones perpetuo duraturas tenore præsentis Chartæ nostræ confirmationis. In cujus rei testimonium præsentis Chartæ nostræ confirmationis sigillum nostrum apponi præcipimus testibus honorabilibus in Christo patribus Gulielmo episcopo Sancti Andreæ Patricio episcopo Brechinensi cancellario Senescallo Scotiæ nepote nostro Willielmo comite de Douglas Roberto de Erskene camerario nostro apud Perth vigesimo octavo die mensis Martii anno regni nostri trigesimo quarto As also ordanis the extract hereof to be givin to all who sall acqyre for the same thairefter and that ilk Burgh be requyrit to send thair Commissioners sufficientlie instructed to answer to the foresaid question contenit in the said Act of the particular Conventioun of Borrowis haldin at Edinburgh in November last and ilk burgh to report thair diligence heiranent to the nixt general Conventioun of Borrowis And this to be ane heid of the nixt missive.

Extract furth of the Register of the Actes of the Conventioun of Borrowis be me Maister Alexander Guthrie commoun Clerk of Edinburgh and clerk also to the saids Borrowis witnessing heirto this my signe and subscriptioun manuall.

A. GUTHRE.

28. *Petition of John Dunlop, late bailie of Irvine, for satisfaction for his Losses in defence of the town against Montrose's Highlanders in 1645.*

MY Lord Proveist Baillies and Counsell of this Burghe, Unto your Lordships humelie meanes and schawes I John Dunlope sumetyme ane of the Baillies of the samyne that whair I being ane of the baillies of this burghe in the yeir 1645 yeiris the deceist Allan Dunlope being then proveist and John Guthrie being the uthir baillie for the tyme the samyne being the yeir of Muntrois troubling of this land and when Allester M'Coill came with his associats upon thir pairts and heir to this burghe among the rest many yea I may say the most considerable persones and most powerfull within this burghe and ane great many mae who could win away and our Ministeris heir having fled and transportit thameselvis thair wyffes bairnes servands familie guidis and geir yea even as we say bag and baggage so much as they were habile to get transportit to Yrland or uthir partes beyond sey whair they might get any scheltring for the tyme untill that greate storme and calamitie wes past thair being universallie upon all ranks but exceptioun a universall panik fear all looking for a totall overrynnin and destructioun and robbing of thame of all that thay had yea also fearing thair lyves to be in hazard and our inhabitantes who ducht not win away by sey money having withdrawne thameselves to some desolat places to hyd thameselves as wes weill known to many heir in this place and now we thrie who war magistratis for the tyme having sent away our awin wyffis over sea with our guidis transportable and being making away ourselves the whole crafts and commonalitie who could not win away came to us and besocht

cause not to goe off toun ourselves becaus say thay iff we sould remove and so sould le[ave the tou]ne altogidder it was the hie way to mak tham sack rase and distroy the whole toun in that thair sould not be a memorie herefter of a toun and causit our minister Mr. Hew M¹

with us for that effect and said thay sould beir all our lose and if we left the toun [we sould] gett many a curse Whairon we did stay and gat tollerabile quarters of Allister and his [associats bet]ter nor wes expectit sume of us being in acquaintance with him And he himself having declairit to us [wha] went to him upon his ordours sent to us from Caprontoun for meiting of him at Killm that if we had left the toun and done as he hard uthirs had done it would not have byn in his power to have gottin

¹ Hew MacKaile, Minister, 1642-1649.—*Fasti Eccles. Scot.*

the toun kepted from a unsolt and more scaith and hairscheip than he could speak of And what fears turmoylls travells and chargis we war in in getting of immunitie and protection to the toun thes who abod heir percevit in some measour and did then blisse God money a tyme in our behalfs for our stay and what we did for thame and such in the toun who made transportatioun els whair wer glaid from thair harts that we baid still and acknowledged that under God that the samyne wes a meane that they had aither house or hold undestroyit to returne unto and would have borne thrielfold burdine what would haive bene befalling thame to pay to have borne of that which wes impendit for the touns saiftie and immunitie And I for my part being fyndit in the soume of four scoir merkis for what I did in complience as it was callit as ane of the baillies of the burghe and for taking of protection to the toun being urgit to pay the samen to Mr Shill [?] for all the means I could use in the contraire as sall be maide manifest to your Lordships and being put to great trouble pains cost chargis and expencis and haifing givin out much quhairof I haife not as yet gottin repayment and which I haife sett down in ane particular compt drawn upe apart heir ommitit for brevitie cause and it being according to God's word and a good conscience that what I as ane of the toun Magistrats for the tyme suffirit and laid out for the toun and what it is cost me in that accompt I haifing done the same for the toune's guid and at thair desyres whairas I might have turned my bak upon the toun and gone [over] sea as weill as uthiris if I had bene frie of that charge which lay upon me as weight being so importunatlie dealt with be the tounschip for my stay and what is aforsaid that I sould be repayid thair of Heirfore I must [earnestlie] beseike your Lordships to reid and peruse my said accompt and to tak the same into your wise grave and christian consideratioun joyning thairwith my present conditioun and [greate] afflictioun and trouble I haife bene under this long tyme bygane not being as yet weill convalesit and what loss uthirwayes I have sustinid which renders me unable to bear such lose and especiallie it being for the toun whair of I had charge for the tyme as ane of the Magistrats and which is not pertinent to me to branch out and mak mor knoun nor it is And that your Lordships would doe in this mater to me according to equitie and a guid conscience as God will direct you Taking allongs with you what the Magistrats of neighbour Burrowes who actit for their Brueghs in the lyk mater the tyme aforsaid gatt done for them And your Lordships ansuer heirupon most humblie I crave.

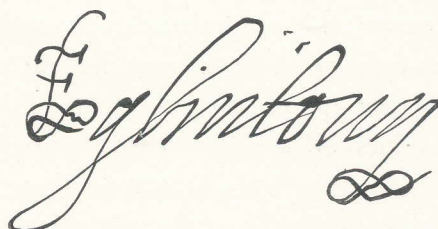
29. *Tack by the Earl of Eglinton to the Burgh of Irvine of the Hair Mill, for 19 years.—23d July 1645.*

At the burgh of Irving the twentie thrid day of July the yeir of God j^m vj^c fourtie fyve yeiris It is appoyntit aggriet and finallie endit betuix ane noble and potent erle Alexander erle of Eglintoun lord Montgomerie and Kilwyning heretour of the corne myln and utheris underwrittin on the ane pairt and the provest baillies counsall thesaurer and commoun clerk of the said burgh undersubscriyveris heirop for thameselffis and takand the burding in and upoun thame for thair successoures in thair offices rowmes and places and for the commounitie of the said burgh on the uther pairt in maner following That is to say, That forsameikle as the said noble erle for the yeirly dewtie underwrittin hes sett and in tak and assedatioun lattin and be thir presentis settis and in tak and assedatioun lattis to the said Provest bailleis counsall thesaurer and commoun clerk of the said burgh and thair successoures in thair said offices roumes and places and commounitie foirsaid of the said burgh and to thair subtennentis ane or mae All and haill that the said noble erle's corn myln underwrittin callit the Hair myln with hir haill graith as the samin presentlie goes in wheilleis stones stoullis and haill remanent pertinentis thairof alsweill not namit as namit, with the mylne laid dam and wattir geang thairof with the mylnlands houssis biggingis yeardis kill and pertinentis thairof whatsumevir presentlie possest be James Galt and his subtennentis lyand within the parochin of Irving bailliary of Cunynghame and scherefdome of Air Togidder also with the said noble erle's thirlit multoures of all aittis allanerlie growand or that sall grow on the proppirtie of the said noble erle's ellevin merkland of his Ten pund land of Stane astrictit and thirlit to the said corne myln according to the threttie tua fatt as hes bene payit for the samin of befoir with the priveledg of casting of turff faill and divott on the moore of Dreghorne, alsweill for mending bigging and reparatioun of the said corne myln, houssis biggingis and kill thairof as of the laid and dame of the said corne myln as occasioun sall requyr and that induring the haill space yeires and termes of Nynteine yeires nixt and immediatlie following thair entrie thairto, whilk sall be reput to haif bein and begun to the saidis myln landis at Hallomes last bypast in anno j^m vj^c fourtie four yeires and whilk sall be and begin to the said corne myln houssis biggingis yeardis and kill and pertinentis thairof at Lambmes now approching in

the samin yeir of God j^m vj^c fourtie fyve yeires (at whilk time the said noble erle oblissis him to mak the samin voyd and red and to enter the saidis provest bailleis counsall thesaurer clerk and commounitie thairto), to be fra thyn furth peceablie bruikit joysit and possest be thame and thair subtennentis at thair plesour durement the said space ffrilie quyetlie but ony restrictioun. Provyding that the saidis provest bailleis counsall thesaurer clerk and commounitie foirsaid and thair subtennentis do not at any tym heireftir call truble nor persew the said noble erle's tennentis of his lordships awin proppirtie of Stane foirsaid present nor to cum for thair saidis abstractit multouris befor ony uther judg bot befor the said noble erle himselff and his aires and thair awin baillis in thair baroun court of Eglintoun whair the said noble erl promitis and oblissis him and his foirsaidis to do to thame justice abiding to the lawis of this kingdome and to caus his officiaris put the decreittes to be obtenit thairfoir to dew executioun. As also provyding that the said noble erle and his foirsaidis at all occasiounes when his uther mylns about sall ather be bund up, thair dames out or wantis wattir, or when that the wattires ar grit that the samin can not be gottin guidlie crossit, or utherwyes whensoever, that the said noble erle's uther mylns about ar not for the tyme serviceable that the millar or millares to be placit in the said myln sall grind both reddilie and sufficientlie to the said noble erle and his foirsaidis all wheitt and malt that the said noble erle or his servandis in his name send to the said myln at thes ocasioness multur frie and frie of all uther dewtie sic as sall be for the said erle and his hous awin use allanerlie under the pane of four merk for ilk boll that the said millar failzeis in grinding when the samin beis brocht to him both reddilie and sufficientlie, and payment to the said noble erle and his foirsaidis and to his tennentis foirsaidis of all skaith they sall incur be the grinding of thair stuff unsufficientlie or spilling thairof: and for the doing whairof the saidis provest bailleis counsall thesaurer and clerk sall caus thair millares and subtaxmen of the said myln bind thame to the said noble erle for that effect: Lyckas it is heirby declairit that the said noble erle's tennentis foirsaidis of his awin proppirtie of the Stane sall not pay any mair nor yit any les for the grinding of thair saidis aittes evirie way bot in that samin quantitie as thay war in use to pay of befor to the said James Galt. As also it is heirby declairit that howbeit the said burgh hes takin tak fra the said noble erle of the said corne myln for helping of thair awin suckin that yit when this tak expyres that thair

cummyng to the saidis myln with thair stuff and grinding the samin thairat now, sall not infer on thame a thirlag heireftir but that both the said noble erle and the said burgh sall be in thair awin places thairanent as they war of befoir. Quhilk tak abonewrittin the said noble erle obliss him and his aires to warrand to the said provest bailleis counsall thesaurer clerk and commounitie and thair foirsaidis to be guid and sufficient during the space foirsaid at all handis and aganes all deidlie as law will ffor the quhilkis caussis the saidis provest bailleis counsall thesaurer and clerk obliss thame and thair successouris in thair saidis offices to pay thankfullie to the said noble erle his airis or assignayis thair factoures and chalmerlanes in thair names yeirlie and ilk yeir during the space of this present tak All and haill tuelff bollis guid and sufficient ferme ait meill at Candilmes and Lambmes proportionaly within the said burgh of Irving with the said burghes awin mercatt scalit furlott used for the tyme in the commoun mercat thair of, and ane hundreth eight merkis money of Scotland of silver maill at the Lambmes yeirlie, begynnand the first termes payment of the said half ferme meill at Candilmes nixt in anno j^m vj^c fourtie sex and first yeires payment of the said silver maill at Lambmes thaireftir in the said yeir, whilk tuelff bollis maill payable at Candilmes and Lambmes j^m vj^c fourtie sex and silver maill foirsaid payable at Lambmes in the said yeir sall be for the said burghes possessioun for the first yeir and sa furth yeirlie thaireftir during the said tak. Lyckas they obleis thame to flitt and remove fra the said myln and utheris foirsaidis at the outtrynning of this present tak gif the said noble erle or his foirsaid pleiss but ony warneing: And becaus that the said James Galt hes sawin the mylnlandis this present cropt, thairfoir the said noble erle promittes to giv to the said burgh content in the first end of thair rent dew for the first yeir for the want thair of be the sight of tua honest skillit men newtrallie or equallie to be chosin for that effect. And as touching the said corn myln laid dam houssis and biggingis and kill foirsaid the samin ar appoyntit to be sightit at the said burghes entrie thairto, and whilk the said taxmen obliss thame to leiv at thair removall in als guid estait be the sight of aucht honest sworn skillit men to be chosin equaly betuix the saidis pairtis for that effect or maist pairt of thame being on lyiff for the tyme. And gif the samin sall be ather bettir or wors at the outtrynning of this present tak ather of the saidis pairteis obliss thame hinc inde to mak reparatioun to utheris as affeires be the sight of the saidis sworn men or maist pairt of thame being on lyiff for

the tym at the said removall And baith parteis ar content thir presentis be insert and registrat in the buikis of counsall and sessioun to have the strenthe of ane act and decreitt of the lordis thairof and thair act to be interponit heirto that lettres and executoriallis of poynding warning and hornying may pas heron on sex dayes onlie And for the effect they constitut thair lauchfull procuratouris promittentes de rato In witnes herof (writtin be Robert Broun commoun clerk of the said burgh: baith the saidis pairtis haif subscriyvit thir presentis with thair handis day moneth yeir of God and place abonewrittin, befor thir witness George Garven notar in Irving, Hairie Lyn servitor to the said Robert Broun, and Thomas Young burrow officer of Irving, and Quintyn Mure notar thair, and Ninian Barclay servitor to the said noble erle.



JOHNE DUNLOP baillie.

JAMES BLAIR conceller.

JOHN REID counsellor.

ADAM FULLERTOUN counsellor.

JAMES BLAIR younges, thessourer.

WILLIAM WISHEART counsellor.

HEW LINE counselour.

ROBERT CUNYGHAME consellour.

JOHN DAVISOUNE counsellor.

MONGOW CORNWALL counselour.

JOHNE WRIGHT counsellor.

JOHNE DEAN counsellor.

WILLIAM GALT counseler.

JOHNE MUIR counsellor.

R. BROUN, Clerk.

Hendrie Lyn, *witnes.*

Ninian Barclay, *wittnes.*

G. Garven, *witnes.*

Quintyne Mure, *witnes.*

30. *Agreement between the Crafts of Irvine and the Magistrates in regard to the acceptance by the former from the latter of the Seal of Cause.*—3d July 1646.

WE Hew Broun Thomas Gariner Daniell Dunlop and Hendrie Dyet yonger smythis Williame Hendirsone Lowrence Speir Hew Thomsone and John Miller tailzeoris Robert Mainzies wricht Andro Bordlan and Hew Thomsone weivers and James Walker glover all burgessis of the burgh of Irving grant us be thir presentis to haif resseavit from the proveist and baillies and counsall of the said burgh ane Seall of Caus of the dait of thir presentis quhairby they for the reassonis and upoun the consideratiounis thairin conteinit did direct our severall crafts following, To wit the smyth craft includane and comprehendan the hail hemmirmen thairintill, the wobster craft, the tailzeor craft, the cordiner craft, the skinner craft, the wricht craft includane and comprehendan thairintill the hail joyners carpenters squarmen and cowpers all quhilk does mak up in hail the intyre and full number of Sevin crafts by and attour these annext to the smyth craft and wricht craft and ilk ane of them in ane frie craft to be only wrought usit and exercit be frieman sick as sal be admittit thairto be the severall deacones of the saids crafts respective and swae many maisters as sal be choysin be the deacon of thair awin craft inhabitantis within the said burgh and actuall burgessis thairof in all tyme cumyng And for that effect they haif givin and granted full power libertie and licence to the friemen of our saidis sevin severall crafts respective fairsaid indwelleris within the said burgh and actuall burgessis thairof present To convey within the said burgh how soon we pleis eftir the subscriyving of the said seall of caus ilk severall craft be ourselfis allon and to chuse to ourselfis ane deacon of our awin crafts respective fairsaid to serve thairintill quhill Michaelmes nixt to cum and to us and our successouris friemen of the saidis crafts indwelleris within the said burgh and actuall burgessis thairof To convey yeirly thaireftir at the said burgh and to elect nominat and chuse to ourselfis in our awin severall meittings ane deacon of ilk ane of our awin sevin severall crafts respective fairsaid to serve thairin for that yeir to cum Togidder with ane boxmaister to ilk severall craft to keip our boxis quhen we sall haif power to chuse for that effect ay as we chuse our awin deaconis and quhilks hail severall deacons respective fairsaidis with so many of the friemen maisters of the

saidis crafts respective sal be choysin yeirlie as assessouris to thame sall haif power to try the haill unfriemen of thair awin haill severall crafts respective foirsaid and to resseave and admit thame in friemen of the saidis crafts and to depose and debar all unfriemen frae all useing or exerceing of the saidis sevin crafts and treddis respective foirsaid within the said burgh and territorie thairof yeirlie in all tyme cumyng and to resseave prenteissis to ourselfis of our awin severall crafts respective foirsaid and to uplift and resseave all compositions penulties and fyns from the contraveiners of the saidis deacons respective and thair assessours ordinances to be put in and keipit in thair awin severall boxis and to be bestowit and imployit be our saidis deacons respective and thair bretherin for the help of the puir agit and decayit bretherin thair wyffs and bairnes and sick uther reassonable usses as they think expedient upoun this speciall proviso alwayis and no utherwayis videlicet that it sall not be liesum to ony of our saidis deacons of the saidis crafts respective foirsaidis and thair assessours to impose or exact any compositioun or fyn frae any quhome they admit in frieman of thair awin crafts respective foirsaid bot allanerlie alsmutch as the twa pairt of thair burgess fie extendis to quhilke sal be the just rewill and proportioun to be exactit for the saidis craftismens fyn for evir in all tyme cumyng and quhair it sall happin the saidis Magistrats and counsall and thair successouris to admit ony craftismen of our saidis severall crafts respective foirsaid burges of the said burgh fyne frie that it sall not be liesum to the saidis deacons and thair assessours foirsaid to exact above Ten merkis of fyn from these craftismen admittit burgessis fyn frie as said is and quhilkeis haill bretherin of the saidis craftis ar haldin to acknowledge and obey thair awin severall deacons and thair assessouris and boxmaisteris in all liesum things concerning thair saidis crafts and weill thairof And quhilkeis deacons respective foirsaid with thair awin severall assessouris hes power to cognosce decyd and tak tryell upoun unsufficiencie of work and maters debetable betuix the maisteris servandis and prenteissis concerning and depending thair saidis crafts allanerlie and to unlaw for insufficient work and contraveineris of thair acts and ordinances and to uplift thair unlawis to be put in thair awin severall boxis respective and to book thair prenteissis names in the buiks of thair crafts and to tak up thair dewties for the samyn in that same quantitie and maner as the deacons of the crafts and thair bretherin does within the burgh of Air in the lyk caice and that nae persone nor

persones sall heireftir be friemen of the saidis crafts within the said burgh bot be the saidis deacons and assessours of the saidis crafts respective nor yit to use any of the saidis craftis occupatiouns and treddis respective foirsaid within the said burgh and territorie thair of bot be the saidis deacons and thair assessouris liberties and permissiouns obleissand the saidis magistrats and counsall and thair successouris to fortifie concur and assist with the saidis deacons in putting of thair acts and ordinances to executioun and in poynding for thair unlawis at all tymes and as neid and occasioun sall requyr the saidis magistratis putteris of the samyn to executioun getting alwayis the fourt penny of sick fyns unlawis and penulties as they sall concurre in with the saidis deacons and gettis payment to thame of obleissand also thame yeirly to chuse twa of the deacons of the saidis crafts upoun the counsall of the said burgh wha sal be of severall crafts quha sal be ather of the deacons then standing in place the tyme of the electioun of the toun counsall or wha hes bein deacons at any tyme whatsumevir of before and quhilks twa deacons counsellouris sal be chaingit yeirly and uther twa put in thair places and quhilk does also beir ane declaratioun that the saidis deacons and thair assessouris sall not haif power to resseave any to be friemen of thair craft bot sick as sal be lauchfully creat burgessis first within the said burgh And quhilk seall of caus foirsaid hes relatioun that the expeding thair of hes bein delayit this whyll bygain upoun sum differences betuix the saids magistratis and counsall and us the saids crafts tuitching thair feir of our arysing in ane mutinous and hostile way against the saidis magistratis and thair successouris In the quhilk caice they did strictlie urge ane claus irritant for foirfaulting and loseing to the craft or crafts so arysing of our seall of caus and libertie thairin conteinit and quhairunto we wald not agrie and eftir agitatioun thair of be us against thame before the burrowis the commissioneris of burrowis be thair act of thair generall conventioun haldin at Lanerk in Julij 1645 did allow our agriement swa far as we did mutually aggrie upoun and did moderat the penultie in the cais foirsaid to be as followis: Videlicet, that if our saidis crafts sould ayther togither or any ane of the saidis crafts for the maist pairt sould aryse in ane mutinous and hostile maner against the saidis magistratis and thair successouris for the time or sould mak any convocation contrair to the lawis of this kingdome the craft or craftis for quhom the deacon or deacons and the remanent craft or crafts sould be

answerable for the samyn and the pairtie making the convocation ilk ane of thame sould pay ane unlaw of ffourtie pundis without prejudice alwayis of farder censure to be inflictit upoun the transgressouris be the saidis magistratis and counsall and thair successouris for the tyme conforme to the lawis of this kingdome And that the saidis burrowis did ordain the saidis Magistrats and counsell to give unto us our said seall of caus conforme to the said agriement upoun the penultie foirsaid and that the saids magistratis and counsell hes givin to us the said seall of caus accordinglie conform to the said agriement and burrowis act and ordinance foirsaid and upoun the quhilks expres provisions conditiouns limitatiouns and restrictiouns particularly foirsaid both tuitching the liberties abonewrittin grantit be thame to us in forme and maner abonementionat and in thair same selff extent and upoun the penulties and utheris censures moderat be the saidis commissioners of burrows in the caice foirsaid the saids magistrats and counsall hes be the said seall of caus declarit thameselffs to haif givin the samyn to us and no utherwayis And hes also conditionat that how soon the walkers of the said burgh quha ar not for the present of ane competent societie to mak up ane incorporat pollitick bodie attains unto ane competent societie and number to mak up ane incorporat pollitick bodie that they sall give thame thair seall of caus frielie but compositioun with the lyk priviledgis as we haif ours and upoun the alyk caveatis restrictions and penulties foirsaid and in the meintyme to debar all unfriemen quha ar not burges of the said burgh to exerce the said walker craft as the said seall of caus of the dait of thir presentis proportis And quhilk seall of caus we for our parts ilk ane of us for our awin severall crafts respective foirsaid doe heirby declair as for us and our successouris of our saids crafts to haif acceptit and imbraicit from the saids magistrats and counsall upoun the saids haill severall conditiouns provisiouns restrictiouns caveats and extent and undir the penulties and censuris particularly foirsaidis mentionat in the said seall of caus and act of burrowis And we are content for us and our successouris friemen of the saidis crafts thir presentis be insert and registrat in the buikis of counsall and sessioun thairin to remain ad futuram rei memoriam, and for this effect we constitute our procura-

touris promittentes de rato In witnes quhairof (writtin be George Garven servitour to Robert Broun comoun clerk of the said burgh) we haif subscrivit thir presentis with our hands as followis: At Irving the Thrid day

of Julij j^m vj^e fourtie-sex yeiris before thir witnessis James Harper and Adame Cunynghame eldir merchandis burgessis of Irving.

William Soudry¹⁶⁵⁶ HEV BROWN
 Gen Gombone THOMAS GAIRDNER
 James Soudry
 William Soudry
 Andrew Bordlan
 Laurence Speir
 Robert Menzies
 Hew Thompse



We HENDRIE DYETT youngar smythe JAMES WALKER glover and JOHN MILLAR tailyeour abbonnamit with our handis at the pen led be the notaries following at our command becaus we cannot wrytt ourselffs.

Ita est Robertus Broun notarius publicus ad premissa requisitus de mandatis antedictorum Testantibus his meis signo et subscriptione manualibus.

Ita est Georgius Garven conotarius ad premissa requisitus de mandatis antedictorum teste manu propria.

James Harper, *wittnes*.

Adame Conyghame, *witnes*.

At Edinburgh the Tent day of Junij 1656.—I undersubscriyvand compeir as procurator for Hew Broune Thomas Gairdner Daniel Dunlope and Hendrie Dyet younger smithes William Hendersone Laurence Speir Hew Thomsone and John Miller tailzeours Robert Menzies wright Andrew Bordlan and Hew Thomsone weivers and James Walker glover all burgessis of Irvine

and consents for them to the registratioun heiroff in the Court buikis of Justice.

A. ABERNETHIE.

The principall band withinwrittin within one sheit of paper presentit be George Garven wreitter in Irvine and registrat be me William Downie ane of the clarks of the Court of Justice as witnes my subscription manuell.

W. DOWNIE.

31. *Receipt by the Commissioners of Perth to the Treasurer of Irvine, for Contribution of £90 for the help of the Poor of Perth in time of pestilence.—1st December 1646.*

WE Mr. Alex^r [Rol]lok minister at Perth and David Sharpe counsellor ther comissionars from the said towne for acquainting the burghs upon the west syd off the said towne with the lamentable conditione thereof by the plague of pestilence and for seeking support for the poor theroff from the borroughs forsaid grants us to have receaved from Jhone Davidsons thesaurer to the Sessioun of Irowing in name of contributioun for helping the poor foirsaid the sowme off foirscoir ten libs. Scotts—In witness wheroff thir presents ar subscrievd by [our] hands at Irowing the 1 of December 1646.

Mr. ALEX^r ROLLOK, minister at Perth.

DAVID SCHARPE.

32. *Receipts for various sums connected with the levy and equipment of Troops.—19th January 1647.*

AT Irvin the 19th day of Januarii 1647 receivit fra Johne Reid balye of Irvin thrie notis under the hand of umquhile Mr. Adam Cunyngham beirand in haill the sowme of sex hundrethe threttein poundis 18^s 8^d. As also ane warrand under Earle of Eglington his hand conforme to ane act of the Estates to pay to the laird of Girvanmains the sowme of sex hundrethe poundis Scotis money quhilk with the sowme of four hundrethe sextein poundis 16^d for the levi and transport money and bagadge horse and men their levi and transport money effeirand to the number of thretty sex foot sojouris as being their number they instruct the outreik of the samyn and two hundrethe merkis aledgit be the said Johne Reid bayle forsaid for outreiking of the Lord Chanchleris levi He lykwyse instructing the

samyn compleitis the sowm of ane thowsand sevin hundrethe thriescoir thrie poundis Scotis money quhilk is the full proportioun of loane and taxt laid upon the town of Irvin be me. S. J. STEWART.

At Irvin the 19 day of Januarii 1647 receivit fra Johne Reid balye of Irvin twentie fyve poundis Scotis money As also two notis under umquhile Mr. Adam Cunyngham his hand beirand the sowm of thrie hundrethe fyftie thrie poundis As also a note under captain James Brownis hand be the sowm of ane hundreth merkis money receivit be the said James fra John Reid balye forsaïd in name of umquhile Mr. Adam Cunyngham also a note under Collonel Robert Montgomeries hand beirand four hundreth and fourtein poundis Also a discharge under Archibald Sedserfis hand beirand two hundrethe and sevin poundis Also thrie notis for quartering under the hand of Collonel Hume and his officeris beirand the sowm of sevin hundreth fourscoir sevinttein poundis fyve shilling money forsaïd quhilk compleitis the sowm of ane thowsand eight hundreth thriescoir thrie poundis as being the first nyne moneths mantinance imposit upon the town of Irvin be me.

S. J. STEWART.

[*On back.*]

Discharges pertaineing to the toune of 17 munths mantinance deu to my Lo. Humbie.

33. *Letter from W. Bell, Dalry, to [William Wishart, Bailie of Irvine], desiring payment of the allowance for the Families of Soldiers wounded or slain.—6th February 1648.*

WORTHIE FREIND

These ar to desyre yow to delyver to the bearer William Dowell apointed be our Sessioun to that effect that proportione of money whilk fals to this parish for the widows and orphans therin and tak ane lyne under his hand of the recept of the sam whilk sal be sufficient for your exoneration therof committing yow to God, I rest youres in the Lord,

W. BELL.

Dalry February 6, 1648.

34. *Receipts on behalf of several Parishes in Ayrshire, to William Wishart, Bailie of Irvine, for the allowance due to the Families of Soldiers wounded or slain.—February and March 1648.*

I Mr. Ralph Rogers grantis me to have received from William Wshert baylie of Irvin the sowm of an hundreth lxxxvij merkis and an half for the widows and orphanes of the parish of Ardrossan at Irvin February 8 1648.

RALPH ROGERS.

I Mr. Williame Russell minister at Kilbirnie grants me to have receivide from Williame Wishart ane hundreth sixtie tuo markis 6^s 8^d of that moneye quhilk was awand to the widows fatherles and lamed and that for the parochie of Kilbirnie as witnes thir presentis subscryvide with my hande att Irwine the 9 of Februarie 1648.

Mr. WILLIAME RUSSELL.

Resaved be William Kelso in Hingdoge from the handes of William Wishart the soum of tuo hundreth and fyftie merkis of the moneys allowed upon widewes and orphants and lamed souldiores within the parish of Dalrye as witnes my hand this eight of Februarie 1648.

WILLIAM KELSO.

I Mr. William Guthrie Minister at the new kirk of Kilmarnock grants me to have receaved from William Wishart the sowme of two hundreth sixtie two merks six shilling eight pennies which is the part of the contribution allowed by the estats for the widows bairns orphans and maimed within the new parioch of Kilmarnock as witnesse my hand at Irvine 9 Februarie 1648.

Mr. WILLIAM GUTHRIE.

Receaveit by me Hew Smythe portioner of Ridstoun the sowme of thrie hundrethe merkes Scottes money of the contributioun grantit for the widowes bairneis and orphantes and lame of the parische of Kilwynning as witness may hand the 1 Februarie 1648 yeiris.

H. SMYTHE.

I Thomas Patoune grantes me to have receaved from William Wisheart four hundreth merkis of that mony quhilk wes allowed to the widowes fatherles and lamed, and that for the parishe of Stewartowne as witnes thir presentis subscribed with (my) hand at Irvin February 8 day 1648.

THOMAS PATOUNE.

We James Campbell and Robert Nisbet elders of the kirk of Lowdoun grantis us to have receavid fra William Wischart baillie of Irvine the sume of thrie hundreth sextie two merkis appointed be the Presbetrie of Irvine to be gevin to the widows barnes orphans and maymed within the said paroche be thir presentis writtin and gevin under thair handis at Irvine the 1 of February 1648.

JAMES CAMPBELL.

ROBERT NISBITT.

Receivit by mee Alan Dunlope younger of Craig for the contributioune grantid for the widous bairns and orfants etc. for the parishe off Kilmars the soume off 74^{lib} 13^s 4^d Scots as wittnes my hand the 1 off February 1648.

A. DUNLOP.

I Robert Hunter youngar of Hunterstoune grants me to have resavit from Williame Wishart bailie of Irvine ane hundrithe thrie score fiteine merkeis money being appoynted for the widowes and orphanes withine the parochine of Kilbryd as wittnes my hand at Irvine the 9 February 1648.

R. HUNTARSTOWNE.

I Mr. Robert Aird minister at Girvan grant me to have received fra William Wshart bailie of Irvin aucht punds halfe ane merk as our proportioun of the moneys appoynted be the estaits for supplie of widows orphans and lame souldiers be their presents writtin and subscriyved with my hand at Irvin the 9 of Februar 1648.

Mr. ROBERT AIRD.

Receaved from William Wishart baylyie of Irwing the sowme of ane hundreth merkis Scots for the proportiowne of the parish of Stevenstowne of the moneys belonging to the widowes as witnes thir presentis writtine and subscriyvet with my hand at Irwing 8 March 1648.

J. CONYNGHAME.

Receivit by me David Boyll feir of Kelburne from William Wishert baylyie of Irving the sowme of sevin hundreth and thretie sevin merks six shillings 8^d dew to the widowes and orphannes within the pairishe of Lairges conforme to the comissiounne givin to me by the sessiounne of the said paroshe subscriyvit with my hand at Irwing the 14 of March 1648.

DAVID BOYLL.

I Robert Patoun merchand in Kilmarnock grant me to have received from William Wyshart baillie of Irwing the sowme of four hundreth seventie

fyve pund acording to his not therin for the pareish of Kilmarnock this
9 of Februar 1648 yeiris.

ROBERT PATOUN.

Receavit farder xix^{lib} xvj^s R. PATOUN.

I Master Patrick Colvill minister at Bieth grantis me to have receavit
from William Wisheart bailye of Irvin all and whole the soum of four
hundreth and tuentie fyve pundis six shillingis and eight pennies and that
as our proportioun of the moneyes appoynted for the widowes and
orphanes be this my hand at Irwine the first of March 1648.

Mr. PA. COLVILL.

35. *Warrant to Ninian Ros, late Treasurer of Irvine, to pay for the
Confections used when the Laird of Ardkinglas was admitted
Burgess.—1st March 1648.*

NINIANE ROS lait thesaurer and who is not as yet absolvit of your compts yea
sall not fail to mak payment to Hew Cunynghame of the soume of thrie
pund for tua pund and ane halff of confectiones whilk wes gotin fra him
the tyme when the Laird of Arkinles wes maid burges And the samen
sall be alowit be us to yow in your acompts keipand thir presentis to be
your warand Be thir presentis subscriyvit with my hand the first day of
March 1648.

A. DUNLOP, *Bailie*.

R. BROUN, *Cl^k*.

36. *Receipt for Maintenance paid by the Magistrates of Irvine for
Colonel Montgomery's Regiment, from December 1645 to 1st March
1648.*

Irving, Martij 13th 1648.

RECEAVED be me Williame Wallace of Faillford Collectour of the Shyre of
Air ffrom the Magistrattis of the burgh of Irving compleitt paymentt of
all mantinence granted by the Parliament As also of all mantinence
appoynted by the Shyre for Collonel Montgomery his Regiment And that
ffrom December 1645 to the first day of March 1648—As witness my hand
All quarters within the said space to the first of Merch is allowed by me.

W. WALLACE.

37. *Order by Alan Dunlop, Bailie of Irvine, to the Treasurer, for payment of 100 merks borrowed from James Blair.—1648.*

JAMES BLAIR wheras ther is imposid upon the brugh off Irvein ane soume off mony exacted bee Lieutenant Colonell Livistoune Lieutenant Colonell to my Lord Calander off the quhilk soume yow wes appoynted to lend ane hundreth merks quhilk wes performid bee yow And in resspeict off the dystractions and confusiounes that arr att present thes arr too appoynt the tresourer off the brugh too mack yow pyment orr then to detein in your oune hands the equivalent soume Subscryveit with my hands att Irvein 1648.

A. DUNLOP, *Bailie*.

13 December 1659.

Apruvin be Magistratis and Counsel.

R. BROWN.

38. *Discharge by Henry Christie, Quartermaster of Argyll's Regiment, to the Magistrates of Irvine, for Maintenance Money.—23d April 1650.*

I HENRIE CHRYSTIE quartermaster to the Marques of Argyll's Regiment doe heirby confes and declair that I haif receawit ffyve hundreth and fortie pundis money Scotis fra the Collectour of the burgh of Irwing in name of the Magistrats of the said burgh of Irwing conforme to my severall receipts given thairupoun of this dait Quhilk sowme is as compleit payment of the maintenance of the said burgh for the monethes of December 1649 Januarij and Februarij 1650 quhairof exoneres the saidis Magistrats and of all monethes preceeding allocat to the said Regiment be thir presentis written and subscryveit at Irwing the tuentie thrid day of Apryll 1650.

HEN. CHRYSTIE, *Quartermaster*.

39. *Discharge by James Christie, Quartermaster of the Marquis of Argyll's Regiment, to the Magistrates of Irvine, for Maintenance Money.—19th June 1650.*

I JAMES CHRYSTIE quartermaister to my lord Marques off Argyll his regiment grants me to have rescived ffrom the Magistrats off the brough off Irwing the soume off thre hundreth and thre scoir pond Scots monijs and

that ffor complit payment off the mentinance off the brough dew to my lord Argyll his regement ffor the months off Apryll and Maii 1650 provyding the notts of rescepts that I have given to the subcolectors in the brough ffor the rescept of the monijs be maid null without chellings and descharges the fforsaid Magistrats at all hands whatsomever.

Given under my hand at Irwing the 19 off Junij 1650.

JA. CHRYSTIE.

40. *Back Bond by Robert Galt, to the Magistrates of Irvine in regard to the Multures of the Loch Mill and Water Mill.—10th March 1652.*

I ROBERT GALT yongest lawful sone of umquhile James Galt in Newmyln Dregorne notwithstanding of the Tak set to me this day be the proveist and baillies of the burgh of Irwing of thair tua burrow mylns callit Loch myln and Wattir myln with the astrict multouris thairof mentionat in the said tak and amongst the rest of all corns grindable remainand within the said burght and suckin thairof be the space of twintie four hours according to the twintie fyft fact as the tak beiris yit I obleis me to the saids proveist baillies and counsell that leist the thirlage foirsaid of stuff remainand within the suckin during the space foirsaid sould hinder the incumyng of stuff and bootthing of the samyn within the said burgh, I sall not persew for the multor of stuff cumyng in be sea and remaining within the suckin be the space foirsaid befor any uthir judges bot only befor the saids proveist baillies and counsell thameselffis in thair awin Court And that I sall not exact ony mair of the said multor for the samyn bot what the saids proveist baillies and counsell pleiss modifie to me according to thair awin discretioun To whom in that behalf I doe heirby submitt myself simpliciter if in caice the inbringers thairof and I cannot aggrie amongst ourselffis And I am content and consentis thir presentis be insert and registrat in the buikis of Counsell and Sessioun or burrow Court buikis of Irving thairin to remain ad futuram rei memoriam And for this effect I constitute my procuratouris promittens de rato, etc. In witnes quhairof (written be George Garven notar in Irving) I haif subscryveit thir presentis with my hand at Irving the tent day of March j^m vj^e fiftie tua yeiris befor thir witnessis Robert Broun toun

clerk of Irving Hew Galt in Newmyln Dregorn and the said George Garven.

ROBERT GALT.

R. Broun, *witnes.*

Hew Galt, *witnes.*

G. Garven, *witnes.*

41. *Minute of the Gentlemen and Heritors of Ayrshire anent payment of a Bed, sent by the Town of Irvine to Broddie.—30th May 1656.*

Kilmarnock 30th May 1656.

THE whilk day the Gentlemen and Heritors of the shyre of Ayr being conveyned compeired M^r Robert Barclay proveist of Irving and craved that some course might be laid doune for payment to them of ane Bed sent be the toune of Irving to Broddie since the Collectour had taken course with the rest of the Beds sent be them And thairfoir the saids Gentlemen and Heritors appointed the said Bed to be laid on with the rest of the assesment And the generall Collectour to uplift the samen accordinglie and he to pay in the samen to the toune of Irving.

Cochrane
Lea
James
Finghame
W. Wallace
Younger
Dunlop
J. Adam

42. *Petition of Hew Ross, Schoolmaster, to the Magistrates of Irvine.*—
12th December 1656.

To the Right Honorabill the Magistrats and Councell of the Burgh
of Irvin.

HUMBLIE showing unto your honours that whereas a bargane and condition was made with me by some of your number sent from you in Apryl 1652 for keeping the Schoole to be doctour to the children which were learning to reade and wryt in the which condition their was agreed and promised to give unto me fourtie merks in the yeare Of the which I have gotten nothing but onlie twentie merks And now it is foure yeare and ane half bygane since the condition was made with me I did supplicat your honours befor and you promised to take some course in it but hes done nothing to my knowledge. Therfor I beseech your honours that yow would consider my poore condition haveing a familie and not able to sustaine them by reason of the want of meanes and daylie kept in the schoole that I can use no other meane for their reliefe. And haveing also contracted upon myselfe some debt for their supplie expecting alwayes some helpe from your honours according to condition. Therfor I desyre your honours to take ane course heirin and to cause your thesaurer to pay me otherwayes I will be forced to goe out of the towne a beggar. And your honours answer humblie I crave, your honours servant,

HEW ROSS.

[*In Dorso.*]

12 December 1656.

THE Magistratis and Counsell nowayes acknowledging what is mentionat in this supplicatioun anent a yeirlye closur of xl merk, etc. On consideration of the suplicantis present conditioun ordanes yow Robert Talyiour thesaurer to pay to the suppliant tuentie merkis Scottis for supleing of his present necessity and thir presentis sall be your warrand. Subscrivit at Irving the said day.

M. RO^r BARCLEY, *Proveist.*

H. CUNYNGHAME, *Bailly.*

43. *Petition of Adam Fullertoun, for payment of money advanced to Duke Hamilton's Regiment, and the decision of the Magistrates of Irvine thereon.*—1st April 1659.

My lord Proveist baillies and counsell of this brughe and unto your Lordships Humblie meanes and shaues I Adame Fullertoune elder merchant burges of this brughe that whair I haveing in Junij 1647 yeires at the earnest desyre of the Magistrats of this bruighe for the tyme and such of thair counsell as wes then present did lend ane houndireth pound Scoats as ane part of the soume of ffive houndireth pound Scoats grantit to Duik Hamiltouns regment quartert within this bruighe for the tyme and whairof Levistoune of Westquarter had the charge and that for the said regments removell aff this bruighe which the lait Proveist Craig who had the pryme charge at that tyme and who acted werie mutch for getting of the said regment removit receavit from me to be given to them upon the clerks table upon faithfull promise of ane band to have bene given to me thair of beiring annualrent be the Magistrats and counsell of this bruighe to have bene draun up be the clerk aforsaid and to have bene subscrivrit upon the first day of the meitting of the saidis Magistrats and counsell after the said regments removell as is weill known to the said lait Proveist Craig and maist part of the counsell and clerk aforsaid and whairof I have oft and diverse tymes made representatioun to your Lordship for payment to me of my said principall soume and annualrents thair of now aun to me for the same by the space of ten yeires and scoar tuell pound as yet I am not cume to any poynt ching the payment to me neither of my principall soume aforsaid nor yet of my by-gane annualrents thair of yow haveing onlie found that I sould be payit of my said principall soume yow haveing takin to your consideratioun the payment cravet be me of my said by-gane annualrents. And since that I yet lye furth of all both principall [and] annualrents which are to me just debt and whilk of all both conscience and equitie I ought to have als weill as uthirs gatt who lent moneyes for the same use and so much the more because ther wes ffyve houndireth merkes of the same money recovirit be the provist from Westquarter applyit to the use of this bruighe and that I both have borne and does beir great burdein with this bruighe both in assessments and quarterings as is weill knoun to your Lordships which I dow not beir heirefter.

Heirfor I must humblie beseik your Lordships to tak present course for payment to me of my soume aforsaid and bygane annualrents thair of that so I may be now at last put to ane poynt and may not still be giveing in supplications and to be delayit as heirtofore I have bene over lang and your Lordships answer heirupon I most humblie crave.

Primo Aprilis 1659 :

Presentes

Mr. Robert Barclay, *Provest*
Provest Craig
William Wishart
Gilbert Wyllie
Allan Cunyngham

Hew Montgomery
Alexander Dyett
Laurence Anderson
Williame ffinlay
Andrew Henderson

The Magistrats and Counsel condiscend to give the principall sum of ane hundreth pundis Scotts to the supplicant but refuissis to give any annual-rent thair not being a contrary voic gevin in the mater.

R. BROWN, *Clerk*,

at command of the Magistrats and Counsell.

Hew Montgomerie lait thesaurar who is not as yit absolvit of your comptis ffaill not incontinent efter the sight heirof to pay to Adam Fullartoun elder within and abonenamit ane hundrethe pundis Scottes awand be us to him in maner mentionat in his withinwrittin suplication : conforme to the act and determinatioun abonewrittin of us Magistrats and counsale and the samin sall be allowit be us to yow in your accompts upoun production heirof : Givin under our hands at Irvin the last day of May 1659.

Mr. RO^t BARCLAY, *Provest*.

WILLIAM WISHEART, *Bailie*.

H. CUNYNGHAME, *Bailye*.

44. *Tack in favour of Robert Galt, of the two Burgh Mills of Irvine.—*
27th May 1659.

At the burghe of Irving the tuentie sevint day of Maij the yeare of God J^m vj^e and ffiftie nyne yeires It is appoyntit aggriet and finallie contractit and endit betwix the parties following To wit Mr. Robert Barclay proveist of the said brughe Hew Cunynghame and William Wischart baillies

of the same for thameselves and with expres advyce and consent of the counsell of the said bruighe and the saids proviest baillies and counsell taking the burdeing in and upon them and thair successors for the communitie of the samyne one the ane part and Robert Galt indueller at the Loch mylnes of the said bruighe on the uthir part in maner following That is to say That for someikle as the saids proveist baillies and counsell for thameselffis and as burdiners forsaid haif for the yeirly ferme and deutie underwrittin Sett and in tak and assidatioun lattin and be thir presentes Setts and in tak and assidatioun latts to the said Robert Galt and his aires assignayes and subtennants ane or mae being of no hier degrie nor himself that is to say honest yeomen folks fermoureres and mylners of the corn mylnes underwrittin and lawbourers of the grund and actuall residents and duellers at the said burgh of Irvings awn proper corne mylnes underwrittin callit Loch Mylne and Wattir Mylne efterspecifeit allanerly and to na utheris All and haill thair saids tua burrow mylnes underwrittin designit as aforsaid with the mylne lands astrict multers thairof underwrittin sequeills laids dames and priviledgis of the wattir draughts thairof with the mylne houssis of the samyne yairds kill and uthers biggings belonging or that can be knoun to belong thairto with thes lands commonly callit the Lochmylne lands and thair aiker of land lyand beyond the wattir of Annok as the samyne is and hes beine possest be the said Robert Galt himself last fermourer and taksman thairof all lyand within the teritorie of the said bruighe and that for all the dayes space and yeires of ffive yeires compleit nixt and immediatlie following the said Robert Galt and his forsaid entrie thairto which wes and began to the saids lands at Alhallowday last by past and wes and began to the yairds at the labouring tyme of yairds last by past and which was and began to the saids tua burrow mylnes and houssis biggings at Beltan last by past and sall from thencefurth continue and indure and be peacabilie bruikit joysit and possest be him and his forsaid dureing the said space sic lyk and as frielie in all respects as the said Robert Galt himself last fermoroure and taksman thairof possest the samyne of before with full power to him and his forsaid be themselves and thair under mylners and servants in thair name to exact and uplift the multoures particularlie efter specifeit To wit the tuentie-fyft veschell of all maner of corne beir wheat peas ry and uthir stuff grindable growand and that sall happen to grow upon the ground of all lands quhatsumeveir belonging to the said bruighe in propertie and

tenandrie lyand within the parachon of Irving (except of malt allenerlie) which sall pay the multer and knaiveschipe eftermentionat and sic lyk the said Tuentie fyft veschell of moulter of the alyk qualitie of all maner of stuff grindable remayning and abyding within the bounds of the said sucken be the space of Tuentie four houres and does also still astrict and thirle as of before to the saids cornes mylnes all malt that sall happen to be broun within the said bruighe for the which the said Robert and his forsaidis sall have right and libertie to exact and uplift for the grinding of ilk boll thairof that same self just particular quantatie of multour with that same self measur as he upliftit the samyne thir last seven yeirs bygane and that dureing the space forsaid and which quantaties of moulter respective aforsaid sall be in full contentation to the said Robert and his under mylners and servants both for thair moulter bannok and knaveschipe and all that they can crave for the grinding of the said malt and becaus that the saids proveist baillies and counsell of the said bruighe upone consideratione of the inhabilitie of thair aun burrow mylnes aforsaidis to serve the said sucken oftymes throw the want of water and uthirwayes hes taken in tak and assidatioun from the Airle of Eglintoune his mylne callit the Holme Mylne alias Hair Mylne with the mylne lands houssis biggings yairds kill dame wattergang astrict moulters sequeils and pertinents thairof lyand within the said parachon of Irving quhair of ther are divers yeires as yet to rin for the yeirlie payment of the deutie efterspecifeit mentionat in the said take which they did sett in subtak to the said Robert Galt with the mylne howssis kill yairds and biggings thairof for the last seven yeires which outrynnis at Lambmes nixt for his releaving of them at the hands of the said earle of Eglintoune of the particular tak deutie thairin mentionat Thairfore the saids proveist baillies and counsell for thameselffs and taking the burdein in and upon them and thair successors in thair officis for the communitie of the said burghe hes for the said Robert Galt and his forsaidis inhabeylling to serve the said sucken sett and in subtak and assidatioun lattin and be thir presentes setts and in subtak and assidatioun latts to the said Robert Galt and his forsaidis fermourers and taksman of the saids tua burrow mylnes of Irving aforsaid All and haill the said corne mylne callit Holme Mylne alias Hair Mylne with the saids mylne houssis mylne lands kill yairds dame wattergang astrict multers sequeils and pertinents thairof for the saids space of five yeires nixt and immediatlie following his entrie thairto which sall be and begin be vertew of this present subtak to the said

mylne houssis biggings yairds kill dame moulters and sequels thairof at Lambmes nixt to cume and to the said mylne lands thairof and sall begin to the lands at Hallowday nixt and sall from then forth be possest be him and his forsaid during the haill space (as being the onlie space and yeires which is to rin of the tak aforsaid which the saids proveist baillies and counsell themselfs hes thairof of the said earle of Eglintoune) with the haill priviledgis and liberties mentionat in the said bruighe of Irvings aun tak thairof and as the samyne wes and is possest be the said Robert Galt himself With full power to him and his forsaid to exact therat the just alyk quantatie of multer abovewrittin of all cornes grayne and stuff thirlit to the saids burrow mylnes that sall happen to be ground at the said Holme Mylne alias Hair Mylne in that same maner as if the samyne wer ground at the saids tua burrow mylnes togidder with the multer of all cornes astrictit thairunto and if neid be to call and persew the abstracters of the stuff forsaid thirlit to the saids burrow mylnes before the saids proveist and baillies of the said bruighe present and to cume as accords of the law decreits ane or mae against thame thairupon to obtaine . . . executioun caus be put transact commoune and aggrie thairanent acquitancis and dischargis thairupon to give and . . . samyne to use and dispone at thair pleisor and generallie etc. ffor the whilk effect the saids proveist baillies and counsell obleiss thame and thair successors to hold and keipe multer courts quarterlie or oftiner as the said Robert and his forsaid sall think expedient and administrat justice thairintill to him and his forsaid as accords of the law lyk as the saids proveist baillies and counsell does heirby for them and thair forsaid ratifie allow and approve the possessioun which the said Robert Galt hes of the said burrow mylnes and uthir corne mylne particularie aforsaid callit the Holme Mylne alias Hair Mylne and of the said mylne lands astrict multers sequels houssis biggings yairds parts pendicles and pertinents thairof and uthirs aforsaid be vertew of the former take and subtak he hes of them of the samyne consenting heirby he and his forsaid peacabilie bruik joyse and possese the samyne sic lyk and the same forme and maner as he possest the samyne before and that indureing the haill space and yeirs of this present tak and subtak abovewrittin without any revocatioun or againe calling quhatsumever And which tak and subtak abovewrittin the saids proveist baillies and counsell for themselves and as burdinars aforsaid for the said communitie of the said bruighe binds and obleissis them and thair successors in thair officis to

warrant to the said Robert Galt and his forsaid to be good and sufficient in all and be all things as is abovewrittin dureing the haill space and yeires of the samyne particularlie aforsaid at all hands and against all deidlie For the which caussis the said Robert Galt as principall and John Davisone merchant burges of the said burgh as cautionar souertie and full debtor for and with him to the effect underwrittin be thir presentes binds and obleissis them conjunctlie and severallie thair aires and executores successors to them in thair lands and heritagis and intrometers with thair rents guidis and geir whatsumever to mak guid and thankfull payment to the saids proveist baillies counsell and communitie of the said bruighe and thair successors and to thair successors thesaurers in thair names present and for the tyme being indureing the haill space and yeires of this present tak particularlie aforsaid of all and haill fourscoar fyve bolls good and sufficient victuall the ane just and equal half thair of oatmeill als guid and sufficient as ony meill that sall be sauld in the mercat of Irvine (ane sek being onlie acceptit) and the uthir halfe guid and sufficient malt with the old seallit furlot of the said bruighe useit in the mercat thair of before the last reformatioun of measoures and whairwith the samyne wes useit to be payit of before and that for the tak deutie of the saids tua burrow mylnes of Irvine lands houssis biggings astrict multers and uthirs aforsaid belonging thairto and that at Candilmes Beltan Lambmes and Allhallowday proportionalie beginand the first quarter's payment thair of at Lambmes nixt to cume and that for his possessioun thair of from Beltan nixt to cume until the said terme and so furth quarterlie thereafter at the saids four termes yeirlie dureing the space forsaid As also to releive and disburdine the saids proveist baillies counsell clerk and communitie of the said bruighe and thair successors at the hands of the said earle of Eglintoune and his aires successors and assignayes and thair factores and chalmerlands in thair names tuitching the payment to thame of tuelfe bolls oat meill and thriescoar tuelfe pundis Scoats of silver meall dew be thame of tak deutie to the said earle for the said corne mylne callit Holme Mylne alias Hair Mylne mylne lands multers and uthirs aforsaid belonging thairto and that yeirlie from Lambmes nixt to cume dureing the space of this present subtake according as they are obleist thairby and of all that can be demandit be the said earle of them for the samyne dureing the said space and to report to thame yeirlie the said earle and his forsaid acquittance and dischargis thair of As als that the said Robert Galt and his forsaid sall actualie duell

and reseid at the saids tua burrow mylnes and that he shall hold and keep faithfull honest and sufficient under-mylners and servants in the saids thrie mylnes for the saife keiping and preserving of all stuff that sall be brought to the saids mylnes to be grund therat and for the deutifull eufauld and reddie serving of the inhabitants and for afftaking and unlaying of thair loads for whom the said Robert Galt and his forsaid salls be answerable and sall uphold the said thrie mylnes sufficient geangand mylnes to the effect forsaid and that the said Robert and his forsaid salls let out the clouse of the saids burrow mylnes that leids to the high mylne yeirlye dureing the space of this present take for drying of the Loch lands and uthirs adjacent thairto yeirlye at the seveintein day of March unto Allhallowday conforme to the former use and custom observit thairanent of before And as to the saids thrie corne mylnes and haill severall houssis biggings and kills thair of [is] be the first tak and subtak thair of set be the saids proveist baillies and counsell of the said bruighe to the said Robert Galt of the samyne which wes in the moneth of Maurch j^m vj^c fiftie tua yeires now expyrit appoynted to have bene sighted at his entrie to the same be John Guthrie then ane of the baillies of the said bruighe John Dunlope then dean of gild Hew Broun dagmaker George Mortoun in Barrassie and Boile in Perstoune as persones chosen for that effect both at the said Robert Galt his entrie thairto (and which wes accordingly sighted be them) and wer appoynted also to be sighted be them or most part of them being on lyf for the tyme at the experation of the said first act and the said Robert Galt his removall thairfra that so aither partie might then hinc inde satisfie and repair uthirs be the sight aforsaid of whatever the saids mylnes houssis biggings and uthirs aforsaid sould be fund at the said Robert his removell to be aither better or worse then the samyne wes at the said Robert his entrie thairto So be reasoune of this present tak and subtak as above-writtin sett now to the said Robert Galt and his forsaid of the samyne dureing the space and yeires particularlie aforsaid and of the said Robert his keeping still the possessioun of the said mylnes and uthirs aforsaid the saids thrie mylnes houssis biggings and kills thair of aforsaid are lykewayes appoyntit at the experatioun of this present tak and his removeall thairfra to be sighted be the persones aforsaid or most part of them being on lyf for the tyme and whatever the same sall then be fund be thame to be aither in better or worse condition then the samyne wes at the said Robert his first entrie thairunto aither of the saids parties be thir presentes binds and

obleis them and thair forsaisds hinc inde to make satisfactioun and reperatioune to uthirs be the sight aforsaid Lyk as the said Robert Galt and his said cautioner bind and obleiss them and thair forsaisds conjunctlie and severalie that the said Robert Galt and his forsaisds sall remove from the saids thrie severall corne mylnes lands howssis biggings kills and uthirs aforsaid at the experatioun of this present tak and subtak above-writtin under the pain of tua hundireth pundis money of Scoatland of liquidat penultie presentlie aggredit upon to be payit be thame to the saids proveist baillies counsell and communitie and thair said thesaurer in thair names and that by and attour the doeing thair of As also the said Robert Galt obleissis him and his forsaisds not to persew any of the inhabitants of the said bruighe for abstractit multers before any uther judge or judges but onlie before the saids proveist and baillies thameselffs and which persuits sall be yeirly within the spaces following To wit for the abstractit multers of malt within half ane yeir yeirly and for the abstractit multers of uthir cornes and grayne grindable astrictit and thirlit to the said burrow mylnes within the space of a yeir uthirwayes hee not to be hard in persewing of the samyne And als the said Robert obleissis him and his forsaisds to keipe ane horse for homebringing to the inhabitants of the said burgh of thair malt to be grund at the saids mylnes and for the homebringing whair of the said Robert and his forsaisds sall onlie have for ilk boll ane peck of draff according to the old accustomed order or uthirwayes Ten pennyes thairfore at the optioun of the carier who shall be ane man hable both to beir on and off the said malt Lyk as I the said Robert Galt be thir presentes binds and obleis him and his forsaisds to warrand frie relive harmeles and scaithles keepe the said Jhonne Davisone his cautioner above-mentionat and his forsaisds of his said cautionarie and of all perrell danger cost skaythe damage expenssis and intrest hee or his forsaisds can or may or sall happen to sustein and incur throw his said cautionarie in ony sort And finallie the said proveist baillies and counsell obleiss them and thair successors in thair offices to releive and scaithles keepe the said Robert Galt and his forsaisds of all taxt and impositioun that can be imposit or reqwyrit of him for the rent of thair aun tua burrow mylnes aforsaid and lands thairunto belonging sett to him in tak as said is be them and that indureing the wholl space and yeires abovewrittin of this present tak And for the mair securitie both the saids parties are content and consents that thir presents be insert and registrat in the court buiks of justice or burrow

court buiks of the said bruighe or in the buiks of any uthir judicatorie within this natione for the tyme to haife the strenth of ane act and decreit of ony of the judges thair of respective aforsaidis and thair auctorities to be interponit heirto that leters and executorialis of puynding warding and hornyng may pas heirupon if neid be upon ane simple charge of sax dayes onlie and for this effect they constitute thair lauchfull procuratouris etc.—In witnes whairof (wryttin be James Finlay servitor to Robert Broun common clerk of the said bruighe) baith the saids parties have subscriyvit thir presents with thair hands day moneth place and yeir of God abovewrittin before thir witnessis the said James Finlay and Alexander Iscat one of the burrow officars of the said burghe (Signed) Mr. Ro^t Barclay proveist, H. Cunynghame bailye, William Wisheart bailie, John Guthrie dein of gild, J. Dunlop counselor, Allane Cuninghame counsell, John Porter counsell, Gilbert Wylky counsell, Alex^r Dyett counsell, Robert Stewart counsell, Hew Montgomre consler. Robert Galt, John Davisoune cautioner. James Finlay witnes, Alex^r Eisat witnes. R. Broun clerk.

Irving the 8th August 1667.

James Hunter procurator for the within namet Magistratis of Irving, and George Garvan procurator for the within namet Galt and his cautioner consents to the registratioune heirof in the borrow court bookis of Irving.

45. *Petition of James Galt, Smith, with Account.*—1659.

UNTO the Richt Honourable the Proveist Baillies and Counsell of this Burgh humelie meinyes and supplicattis I James Galt smith ane of your comburgessis That quhar thair is dewlie awand to me be your Honouris eightein poundis Scottis restand of brewine Beir be my wyff to the garisoun of Eglintoun Mair thair is awand to me sex poundis money for Speddis and Schuiles gevin be me to the said garisoun at command of Hew Cuninghame baillie Mair thair is awand to me uther sex poundis money for schoeing of sex horss to the Associat Raid at command of the Proveist Mr. Robert Barclay Mair thair is awand to me ffyve poundis tuentie pennes for tuentie pound and ane half of new maid work in mending of the Counsell Hous chymney at command of the Proveist Mair thair is awand to me of locall quarteris of Leivtenant Collonell Cotlars sojouris eight poundis

money Mair thair is awand to me for quheit Breid I coft to the sojouris quhill they war put in the Tolbuith for the Associat Armie threttie eight shillingis money at command of Proveist Craig. Quhilkis soumes extendid altogidder to ffourtie sevin poundis wanting four pennies Scottis and is now of long tyme awand to me Heirfoir I intreatt your Honouris to caus mak me payment of the foirsaidis soumes extending as said is ffor I haif mutche adoe thairwith being awand to severall others myselff. And your Honouris ansuer humelie I crave.

xvij Martij 1659.

The Magistrateis and Counsale recommend to the tua Baillies and Dene of Gild to meitt and to tak dew cognition and tryale what is justlie dew to the Petitioner and to report the nixt Counsale day And the Petitioner to convine them and if he be *in mora* and doe not convine thame he not to be hard after.

8 April 1659.

Thes to whome that is committit in the fornemmit findis the Toun to be justlie awand to the suplicant 32^{lib} 19^s 4^d and ordanes him before he be payit to first convine with the Thesaurer and pay what he sall be awand.

R. BROWN.

For Beir brewine to the garisounne of Eglingtoun	17	13	0
Item for sex Spaid heads at	4	0	0
Item for Shoeing sex horse	4	16	0
Item for 20 pound of made work to the Chemney	4	12	4
For wheat Bread	1	18	0
	<hr/>		
	32	19	4

Hew Magumrie Theaussurer who hes not as yeit perfytted your accompt ye sall paye to James Gallt smith for the within wryttine compte Threttie two pound 19^s 4^d, and the saming sall be allowd at your compte making. Irvin the penullt June 1660.

F. DUNLOP, *Provist.*

JOHN GUTHRIE, *Baillie.*

JAMES BLAIR, *Baillie.*

46. *Discharge by the Earl of Eglinton to Robert Galt, for the silver duty of the Holme Mill.—9th January 1660.*

GRANTS us to have ressavit frome Robert Galt for the silyer dewty and victuall for the Holme Mylne sett be us to the town of Irwin compleit payment for all preciding yeirs to the first of August j^m vj^e fyftie nyne yeirs allowand to him ane chalder of corne gottin frome Johne Galt in Irland and the publick burdins to July 1659 as witnes our hand at Eglintoun the 9 day of Januar 1660. EGLINTOUN.

47. *Discharge by Hew Whyte, Merchant, to the Magistrates of Irvine.—8th August 1662.*

BE it kend till all men be thir present lettres Me Hew Whyt merchant burges of Irvine the onlie lawfull sone of umquhill Steven Whyt somtym Proveist of the said burgh That forsamikell as I having compearit before the Magistrats and Counsell of the said burgh for the tyme upon the sixt day of Junij j^m vj^e fiftie seven yeirs and having then remonstrat to them that I was to transport myself with my wyfe bairns and my familie of this burgh to Irleland and because that I had made heretabill venditione of my lands within this burgh and my lands of Lochwards to James Blair then present din of gild of the said burgh my brother in law and that I was auand for the said lands to the thesaurer of this burgh diverse and sundrie yeirs fewit dewties therof and the teyndes of the said lands diverse and sundrie yeirs and that I was obleist to the said James Blair and uthers to whom I had sold my lands of Lochwards to satisfie the bygane fewit dewties and bygane teyndes therof As also I had conditioned to the said James Blair to releve him at the touns hands theranent and anent the half of quhatsomever composition the said magistrats and counsell soold tak from the said James Blair for receiving of him their imediat heretabill vassell in the said lands of Lochwards and that trewlie he had sufferit much damage the tym after the death of his umquhill mother both of his goods and rents dew to him as heretour of the said lands he as heretour haveand right therto before that whittsonday term (he sawing the cropt therof upon the ground the said yeir) the tounne having sensyn much of the corns be staking the samyn in William Wallace barne yeard destroyit be the Englishes, and

be his wanting of his heirscape goods both of silver work and uthers be deficiencie of the magistrats who had the charge therof as he alledgit and to be weell known And therfor most humblie craving a favour and ease of his said bygane teynd and future and in relation of his half composition afoirsaid in maner conteinit in his said supplicatioun and remonstrance afoirsaid The saids magistrats and counsell having taken the said mater to their consideratione over and above that yeirs teynd wherof all gat a deduction so he among the rest Hes condescended and be thir presents condescends that the said Hew Whyt shall have doun thirtie four pound Scots of his bygane teynd and declares they will tak from the said James Blair three score pounds and does simpliciter quatt the said Hew Whyt of thirtie pound therof (of the said Hews half of the same) he causing pay the rest of his teynds fewit dewties and uthers dew to the toune and which the said Hew accepted as a favour and therfor he did quatt the toun of what he could claime of them simpliciter in anie of the relations afoirsaid and quhat else he could demand of the toun or of the magistrats be their intromission directlie nor indirectlie in anie sort in maner and at length conteinit in the act made theranent sett doune in the borow court books of the said burgh before his said magistrats counsell of the same of the dait foirsaid And I the said Hew Whyt now compearand this day befor the baillies and counsell of the said burgh they being dewlie conveyined within the counsell hous of the said burgh and having supplicat the said magistrats and counsell of the said burgh that they wold yet doe him that favour as to exoner and discharge him and these to whome he had made vendition of his tenements of land respective lyand within the said burgh and these persons eftirnamit to whom he sold the same To witt James Wodsyd merchant burges of the said burgh to whom he had sold heretabillie and irredimable that his tenement of land with the yeard rig and pertinents accquyrit be his umquhill father from Mr Robert Tran and the said Hew and Alexander Cochrans merchant burges of the said burgh to quhom he made vendition of his said umquhill fathers fore tenement of land and uthers dispoit therwith be him to the said Alexander and the relict and airs of umquhill Robert Cochran who bought from the said Hew his own back tenement of land with the pertinents therof of the ground annualls dew and payable for the same and that of all yeirs and terms preceeding this respective disposition of the same whilk was preceeding the year fiftie one in maner conteinit in my supplication given to them theranent The

said magistrats and counsell out of the respect and favour they have toward me in the mater afoirsaid having grantit to me the desyre of my said supplication in the matter afoirsaid by their giving of discharges both to me and the persons afoirsaid to quhome I did make heretabill vendition of my said tenements of land in maner respective abovementionat of the whole ground anualls dew and payable for the same before the said yeir of God j^m vj^c fiftie one the quhilk yeir I disponit to the said umquhill Robert Cochran in quhat relats to him therof for the said yeir fiftie one and to the saids Alexander Cochran and James Wodsyd in quhat relaits to their respective tenements disponit be me to them before the yeir j^m vj^c fiftie eight as their acquittances respective givin to me and them therupon mair fullie proports. Therefor and in consideration of the former favour done to me be the said magistrats and counsell of the said burgh for the tym I be thir presents exoner quyt claime and simpliciter discharge the proveist baillies and counsell of the said burgh and their whole communitie and ilk ane of them their aires executors and successours of all and quhatsomever that I my aires or assignayes can or may in anie wayes ask or claime of them or anie of them be and throw their or anie of ther intromission with my moveable heirscape guidis and geir falling to me be deceis of my said umquhill father and of the corns and cropt belonging to me of that yeir of my said umquhill mothers deceise or anie other maner or way directlie or indirectlie in that accompt admittand be thir presents the generallitie afoirsaid to be als sufficient in all respects as if evrie particular that I can crave of them or anie of them in the matter afoirsaid wer particularlie and per expressum sett doune and denominat therintill and obleissis me my aires and executors to warrand to them and ilk ane of them and their foirsaidis this my acquittance and discharge abovewrittin to be good and sufficient for their exoneration of the same at all hands and against all deidlie And for the mair securitie I am content and consent that thir presents be insert and registrat in the buiks of counsell and sessioun or in the court buiks of anie other judicatorie within this kingdome for the tym to have the strength of ane act and decreit of anie of the judges therof respective and their auctorities to be interponit heirto as weell for conservatioun therof forever as that the samyn to have the strength of ane act and decreit of anie of the judges therof respective and that letters and executorialis of poynding warding and horning may pas heirupon upon ane simple charge of six dayes onlie if neid be And for this effect I constitute my

lawfull procurators In wittnes quhairof (writtin be Robert Service servitour to Robert Broun toun clerk of Irvine) I have subscriyvit thir presents with my hand at Irvine the eight day of August j^m vj^c threescore tuo yeirs before thir wittnessis the said Robert Broun and the said Robert Service wryter heirof.

H. WHYT.

R. Broun, *witnes*.

R. Service, *wittnes*.

48. *Bond by Henry Dyet in reference to Shooting at the Papingoe.—*
29th August 1665.

BE it kend till all men be thir present lettres Me Hendrie Dyet smyth burges of Irwing that fforsameikle as the Magistrats of this burgh haveing conforme to the old antient practeis appoyntit the Paippingoe to be set up and that whasoever burgessis pleasit to adres thameselffs thairto with thair bowis and arrows for schooting thairat might have full friedome and libertie upoun deponing the ordinarie consignatione And that severall dayis being appoynted for schooting thairat and at last this day as being the last day that whosoevir sould ding the samyn doun sould be capitan and have ane Benne or Scarff consisting of the value of twelff pundis Scotts or thairby the said capitan giveing in securitie for produceing the Papingoe with ane scarff of the value afoirsaid with twintie ellis of small silk ribbens of the value of fourtie pennyis the ell and that ilk persone that sall schoot the nixt ensewing yeir sall give in and consigne in the hands of the said Capitan befoir they be suffered to schoott threttein schilling four pennyis Scottis to be disposit upone be the said Capitan at his pleasure in regaird of his furneisching of the said Scarff or Benne and ribbens afoirsaid to be poynts quhilk is to be done yeirlie the first Tysday of Maij being the first day appoyntit for schooting And to continew tuo dayis thaireftir as salbe appoyntit being thrie dayis and the fourt day the Papingoe to be maid louse for schooting hir af And it falling out that I have attaint to the honor this day in being Capitan throw my schooting doun of the Papingoe and haveing receavit ane scarff of the value afoirsaid Thairfore and for observing of the said ordinance witt yee me as principall and with me Johne Thomsone flescher burges of the said burgh as cautioner and souertie for me to be bound and obleist lyk as we be thir presentis faithfullie bind and obleis us conjunctlie and severallie our airis and executoris to the

Magistratis of this burgh present or for the tym being that I the said Hendrie Dyet sall upone the first Tysday of Maij nixt to cum j^m vj^c thriescoir six yeiris exhibit and produce ane Papingoe with ane silk scarff of the value of tuelff pundis with twintie ellis of ribbens of the value afoirsaid that so the said antient practeis may be keipit up in all tym cumying both with us and our posteritie and burgessis of this burgh under the pain of ffourtie punds Scotts of liquidat penultie by and attour the performance And at the performance quhairof the consignationes ar to be maid in manner foirsaid And this to be observit yeirlie in all tym cuming by all who sall succeid in the roume and place of me the said Hendrie and I the said Hendrie obleis me and my foirsaidis to releiv my said cautioner and his foirsaidis of his said cautionrie And we ar content and consentis thir presentis be insert and registrat in the buikis of Counsell or Burrow Court buikis of Irwyng to have the strenth of ane decreit that lettres and executorialis neidfull may pas heiron if neid be on six dayis onlie And for this effect we constitute our procuratoris, etc. In witnes quhairof wrytten be George Garven nottar in Irwin we have subscriyvit thir presentis as followis at Irwin the twintie nynt day of August j^m vj^c thriescoir fyve yeiris befoir thir witnessis Hew Whyt Lawrence Blair merchands James Franck chirurgian and Robert Francis all burgessis of Irwing.

Ita est Georgius Garven notarius publicus in premissis specialiter requisitus de mandato dicti Hendrici Dyet scribere nescientis ut asseruit ac calamum tangentis testantibus his meis signo et subscriptione manualibus.

G. GARVEN.

JOHNE THOMSONE, *Colectour of Consignationes.*

H. Whyt, *witnes.*

Rob^t Francis, *wittnes.*

Ja^s Franck, *witness.*

Laurence Blair, *witness.*

49. *Discharge by Ninian Cuninghame to the Magistrates of Irvine for £6 sterling, for behoof of the Manufactory of Montgomeryston.— 2d November 1665.*

I NINIANE CUNINGHAME baillie of Montgomerystoun Collector appoynted be the masters of the Manufactorie of Montgomerystoun for uplifting of the

contributione appoynted be Act of Parliament ffor the use of the said Manufactorie in relatione to the poor that wer to be leivied out of ilk parochine be thir presentes grant me to have receaved ffra Arthur Hamiltone toun clerk of Irving in name and behalff of the Magistratis and Counsell of the brught of Irving the sowme of six pund Sterling money ffor the said brught of Irving ther first yeires proportione imposit upone tham for the use of the said Manufactorie ffor tua poore that sould have bein outriked furth of the said burght for the use of the said Manufactorie and dischargis the saids Magistratis and Counsell of the said brught off the said six pund Sterling money receaved be me for the use above writtin for now and evir In witnes quhairof I have subscriyvit thir presentis with my hand written be James Hunter servitor to the said Arthur Hamiltoun att Irving the second day of November j^m vi^o thriescoire ffyve yeires beffoire thir witnessis Mr. James Cuninghame Shereff Deput of Air and the said James Hunter.

NINIAN CUNINGHAME.

J. Cuninghame, *wittnes*.

Ja. Hunter, *wittnes*.

50. *Missive from the Provost and Council of Edinburgh to the Provost and Council of Irvine, with instructions regarding the next Convention of the Burghs.—25th March 1667.*

RIGHT HONOURABILL and our loveing freinds and nighbouris Efter hearty comendationes. Wheras the Comissioners of borrowes mett at Edinburgh in the last Generall Convention did affix and appoynt ther nixt Generall Convention to be and begine at ther burgh of Edinburgh the first Tuesday of Julij nixt 1667 being the second day of the said moneth with continuation of dayes and have continowed the heads and articles following to be resolved agried and concludit upon therin :

1. Item ilk burgh to send ther Comissioners sufficientlie instructed for keeping of the said Convention with ther comissiones under the comon seall of ther burgh and subscription of ther Magistrates or comon Clerk testifieing them to be men fearing God of the true protestant religion presentlie in publict professed and authorized be the lawes of this Kingdome without suspicion in the contrair expert in the affairs of borrowes merchands

traffickers and inhabitants within their burghes bearing portable charges therein with their neighbours And that they be such as may tyne and winne in all their caussis under the paine of 20^{li} to be payed to the borrowes.

2. Item ilk burgh to report their diligence in intimateing to their severall burghes that no measure of victuall shall be kept within their respective borrowes bot conforme to the standert of Linlithgow under the paine of 20^{li} ilk burgh conforme to 5 Act of the last General Convention of borrowes holdin at Edinbrugh in the moneth of Julij last.

3. Item that ilk burgh report their diligence to the nixt General Convention in intimateing to the severall burghes at the homecomeing their ratification and approbation of all Acts made against unfrie traders and against frie burgesse residentars in unfrie places and that the same be putt to due execution under the paine of 20^{li} conforme to the 6 Act of the said last Generall Convention.

4. Item the Agent to report his diligence the nixt Generall Convention in concurring with the burgh of Perth, Stirling and uther royall borrowes who shall requyre him to the prosecution of their Acts against unfrie traders conforme to the 7 Act of the Generall Convention.

5. Item the burgh of Dundie and Arbroth to report their diligence in meiting at the burgh of Monros at some convenient day befor the nixt Generall Convention anent the reviseing of the measure of Salt of the said burgh and makeing it conforme to the measure of Dundie and the said burgh to conveyne the rest under the paine of 20^{li} conforme to the 8 Act of the said last Generall Convention.

6. Item the burgh of Edinbrugh to report their diligence to the nixt Generall Convention in dealing with His Majesties Comissioner, Lords of Privie Counsell and uthers in power in recoverie of the borrowes friedome of trade and navigation with England conforme to the 9 Act of the said last generall Convention.

7. Item the Clerk to report his diligence in wryting to the conservator for his appearance at the nixt Generall Convention of borrowes for subscriyving such Acts and Ordinances as Sir Patrick Drumond and uthers his predecessors had done before conforme to the 10 Act of the said last Generall Convention.

8. Item the burgh of Edinburgh with the Agent to report their diligence

the nixt Generall Convention and give in concurrence to the brugh of Linlithgow in obtaineing all veshells that shall louse or load on the south syde of the Water of Forth to louse or load at the port of Blacknes provydeing the samen being above the port of Leith the said port of Blacknes being the onlie frie port conforme to the 11 Act of the said last Generall Convention.

9. Item ilk brugh to report ther diligence in intimating to the severall brughes at ther homecomeing that ane uniformitie be keiped of the measure of the eln reil and foot of measure throw the haill brughes of the Kingdome And for that effect ilk brugh shall procure the said measure of ane elne reil and foot from the Dean of Gild of Edinburgh marked with the toun and Dean of Gild their mark and that noe brugh presume to challeng any of the saids measures bot by the measure so marked As also that ilk brugh have the standert of the weights from the brugh of Lanerk and the Jadge or Jug from the brugh of Stirling and the furlet from the brugh of Linlithgow and uthir standerts from the respective brughes that keips the samen conforme to the 12 Act of the said last Generall Convention.

10. Item the brughes that did conveyn at the particular Convention at Edinburgh the 2d Julij j666 and for attending the Convention of Estates to report their diligence to the nixt Generall Convention makeing application to His Majesties Comissioner the Lords of his Privie Counsell and uthers it may concerne in procureing ane exoneration to the merchands of twelfe pund Scots imposit upon the boll of bay salt and 50 solze upon the tun of goods exported and imported to and from France and the exorbitant custome upon the duell hundred of plaidin and procureing ane convoy for guarding his ships tradeing to and from forraigne places and securing ther coasts for preservation of trade And in caice of noe redres to choise Comissioners of ther number to goe to His Majestie for that effect And this recomendit cheiffie to the brughs of Edinburgh, Perth, Dundie, Aberdein, Lithgow, St. Andrews and Glasgow and to report ther diligence heiranent conforme to the 13 Act of the said Generall Convention.

11. Item the brugh of Queensferrie to report ther diligence in selling a peice of ther comon land quhich wes usles for ther brugh and imploying the money therof to the behove of ther comon good under the paine of 20^{li}b conforme to the 15 Act of the said last Generall Convention.

12. Item the Agent to report his diligence in concurring with the brugh

of Linlithgow in the stopping of the signatour for erecting borrow stands in a frie royall brugh conforme to the 16 Act of the last Generall Convention of borrowes.

13. Item the brughes of Perth, Dundie, Aberdein, Monros, Couper in Fyfe, to report ther diligence in the nixt Generall Convention in meiting at the brugh of Brichen the first Wednesday of September nixt and thereafter at any tyme they should appoynt for composing the difference betwixt the discontented persones in that brugh anent the constitution of the Magistrats and Counsell of the said brugh with power to the said brughes or any thrie of them to call before them all parties interested and to hear quhat shall be proponed be each partie and to consider the originall rights and priviledges of the said brugh and efter hearing both parties in consideration of the saids priviledges to deall for ane freindlie agriement conforme therto And failyieing therof to determine and decyde in the said matter as they or anie thrie of them shall upon the considerationes forsaid find just and reasonable under the paine of 20^{li} ilk brugh butt prejudice to aither the saids parties who shall find themselves interested be the said determination to make ther adrese to the nixt Generall Convention of burrowes.

14. Item ilk brugh to send with ther Comissioners the proportionnes of the soume of 2147^{li} 6^s debursed be the Agent by order of the borrowes at the last Convention and for payment of the Clerk and Agent's fees and the Agent's sallarie at Court conforme to ane particular accompt to be given in therof And that under the paine of 20^{li} ilk brugh.

Therefore we desyre your Wisdomes to send your Comissioners sufficientlie instructed for keiping of the said Convention as ye tender the weill of the state of burrowes under the paine of 20^{li} ilk brugh in caice of failyie And till farder occasion we bid you fareweill. Your affectionat freinds and nighbours the proveist baillies and Counsell of Edinbrugh subscriyveing be Mr. Thomas Young our comon clerk and generall clerk to the borrowes.

THO. YOUNG.

Edinbrugh 25 March 1667.

[Dorso.]

ffor The Right Honorabill The Provost Bailzies and Counsell of the burgh of Irwing These.

51. *Missive from the Provost and Council of Edinburgh, to the Provost and Council of Irvine, in regard to the next Convention of Burghs.*
16th December 1667.

RIGHT honoorabill and verie loveing freeinds and nighbours The particullar Conventione of the Borrowes which mett heir the begining of this moneth haveing had severall important bussiness under ther consideration particularly the setling of the staple port, the fiftie solze upon the tun, the tuelf pound upon everie boll of forraigne salt, with the abuses comitted be David Weymes in uplifting the penalties contained in the Act of Parliament, anent the breedth off lining cloath, and finding the same to be a too generall concerne for a particullar Conventione to engadge in and the matters being such as requyre a speedy dispatch the Conventione thought fitt that ther should be a generall Conventione of the Royall Borrowes heir at Edinburgh the first Tuesday of March nixt being the third day of the said moneth These ar therefore to give yow notice of ther resolutione to the end yow may send heir your Comissioner againe the tyme appointit fullie instructed and impoured to consult treat and conclude with the rest of the Comissioners anent the particullars above writtin and wholle bodie of the last generall missive already direct to youe and what shall farder be then offered which may concerne the good and weelfair of the Royall Borrowes and ther particullar state, with all remembering the Clerks and Agents fies with the former missives dewes quhairof ye have ane accompt, and so till forder occatione we bid yow fairweell and rests your affectionat freinds and servands The Provest, Baillies and Counsell of Edinburgh, Subscriyved be M^r Thomas Young our common clerk at our comand.

THO. YOUNG.

Edinburgh the 16th day of December 1667.

[*On the back.*]

For the Right Honourable the Provest Baillies and Counsell of the Burgh of Irving These.

52. *Discharge by John Smyth, Mason, to the Magistrates of Irvine, for £1000, in payment of his work upon the Bridge of Irvine.—23d December 1667.*

I JOHNE SMYTH maesson in Kilmars be thir presents grant me to have receaved fra Robert Cunynghame proveist of the brugh of Irving Henry Lyne and Lawrence Blair bailzies of the said brugh compleit payment and satisfacione of the soume of ane thousand pounds Scotis monie ffor the building of the secound bow of the bridge of Irving nearest the east end thair of and repairing of the tuo pillaris quhairupone the said bow is foundit conforme to ane minut of agriement past betuixt the saids proveist and baillies one the ane pairt and me one the uther part of the dait the twentie ffyft day of Maij j^m vj^e thrie scoir sevine yeares Quhair of I hold me weill satisfied and thairfor I be thir presentis exoner quytelame and simpliciter discharge the said proveist and baillies thair aires and executoris and als the counsell of the said burgh with all uthers quhom it effeires of the foirsaid soume of ane thousand pounds money foirsaid quhilk the saids proveist and baillies wer obleist to pay to me be vertew of the said minut of agriement ffor building of the said bow and repairing of the saids tua pillars and off the samin minut of agriement hail heids articles conditiones and claussis thair of onywayes conceaved in my favor or ony wayes obleist be them to me thairby in all tyme comeing Quhilk discharge above writtin I be thir presentis binds and obleis me my aires and executoris to warrand acquyt and defend to the saids proveist and baillies to be guid valeid effectual and sufficient at all hands and against all deidlie as law will And ffor the mair securitie I am content and consentis thir presentis be insert and registrat in the bookis of Counsell and Sessione Borrow Court bookis of Irving or any uther Judges bookis competent within this kingdome that lettres and executoriallis neidfull may be direct heirupone in fforme as effeirs And for this effect constitutis my procuratoris, etc. In witnes quhair of I have subscriyvit thir presentis with my hand (written be Alexander Montgomerie wreitter in Irving) att Irving the tuentie thrid day of December j^m vj^e thrie scoir sevine yeares befor thir witnessis Bryce Muir messenger Alexander Montgomerie and Robert Cunynghame servitoris to Arthur Hamiltoun toun clerk of Irving and Johne Dunlop tailzeour burges of Irving.

Ita est Arthurus Hamiltone Notarius publicus in premissis requisitus de mandato dicti Joannis Smyth scribere nescientis (ut asseruit) calamumque tangentis scripsit.

Ita est Jacobus Hunter connotarius in premissis de mandato dicti Joannis Smyth testantibus manu mea propria signoque.

Bryce Mure, *witnes.*

Ro. Cuningham, *witnes.*

John Dunlop, *witnes.*

Al. Montgomerie, *witnes.*

53. *Letter, Sir Alexander Cuninghame of Robertland to the Magistrates of Irvine.—23d September 1670.*

Robertland, 23 September 1670.

MUCH HONORED

I most intreat yow to have patience untill Mononday come eight dayes quhich is the thrid of October For this day I can not keipe in regaird the Ministers apointed be the Counsell are come west and some of them are with me And all the nixt weake I will be abroad about businesse so that I can not apoint ane day before the foresaid thrid of October And that my cautioners and I be not troubled according to your promise and then I shall releive them of my cautionrie and give yow all satisfacioun in reasoun as ye will oblidge, Sir, your most assured friend to serve yow,

AL. CUNINGHAME.

[*Addressed.*]

For his much honoured the proveist,

bailies, and counsell of Irvin these.

[*In another hand.*]

INTERROGATIONIS.

Whither we most seite Jo. Reid or no.

Whither our peipell will be admitted witnesses or no.

Whither the depositions we have allredie takein of straingers will be sustined or no.

Whither Robertlan maye rease criminall Letters to compeir befor the Justis Generall or no.

Whither

54. *Discharge by the Earl of Eglinton to the Magistrates of Irvine for the outfit of their Militia horses.—21st May and 8th June 1671.*

I GRANT me to have receaved from the Magistratis and brugh of Irvin ffull and compleit payment and satisfaction for the outricking and mentenance of there Melitia horssees according to the bargain betwixt them and me for the yeare sewinty as wittnes my hand at Edinburgh the 21^{ch} of May 1671.

EGLINTOUN.

I grant me to have receaved from the Magistratis and brugh of Irvine the soum of two hundreth Merkis Scottis money for the mentinance of thair Militia hors for ane year according to the bargain betwixt my Lord and them If the abone wryten discharg be not valled that my [lord] shall subscribe to them an new on as wittnes my hand at Irwen the eight day of Junij 1671.

H. MONTGOMERIE.

55. *Discharge by the Earl of Eglinton to the Magistrates of Irvine for three years' maintenance of their Militia horses.—1st July 1671.*

WEE Alexander Earle of Eglintoune lord Montgomerie and Kilwyning be thir presentis grant us to have ressavit fra James Blaire proveist of Irving Allane Cuming and Henry Lyne baillies therof for themselves and in name and behalf of the haill inhabitantis of the said brucht compleit payment and satisfactioun for thrie yeirs mainteinance and outreik of tua Militia horses furnished outreikit and mainteined be us with their ryders And that fra Witsunday j^m vj^c thrie scoire eight yeirs untill Witsunday last j^m vj^c thriescoire ellevin yeirs being tua hundreth merkis Scotis yeirlye conforme to ane agriement maid betwixt us and the toune of Irving theranent And therefore we be thir presentis Exoner and simpliciter dischairge the saids thrie yeirs mainteinance of the said tua Militia horses and their ryders during the space above specifit for now and evir Declairing alwayes all former ressaits given be us to the Magistratis of the samen of the saidis Militia horses and ryders ther mainteinance preceeding this dait to be

includit within this present dischairge and sall infer no double payment therof In witnes quhairof we have subscriyveit thir presentis with our handis at Eglintoun the first day of Julij j^m vi^e thriescoire ellevin yeirs befoire thir witnessis Joseph Cunynghame of Carling and Arthir Hamiltoun wreitter heirof.

EGLINTOUN.

Jo. C. Carlung, *witnes.*

Art. Hamiltone, *witnes.*

56. *Discharge by the Earl of Eglinton to the Magistrates of Irvine for 200 merks, due for the town's Militia horses.—13th December 1671.*

WEE Alexander Earle of Eglintoun grant us to have received from the Magistrats of Irwinge the soume of tuo hundreth merks accordinge to agrement ffor the ffourth yeirs answering ffor ther Militia horsses lyable for ther said towne to appear, and discharges them therof And oblidges me to renew this discharge in more fform if need be when required. In witness wherof we have subscribed thir presents with our hand at Eglintoun this thretin day of December j^m vj^e sevinty one yeirs befor thir witnes Patrick Hunter of Hunterston and Robert Home writter herof.

EGLINTOUN.

Pa. Huntar, *witnes.*

Rob^t Home, *witnes.*

57. *Order to the Treasurer of Irvine to pay to Mr. Robert Hunter, preacher, the interest on bond for £1000, lent by him to the Burgh. 2d September 1680.*

ROBERT BRYSSOUNE thesaurer of the burgh of Irving ffaill not upon sight heirof to pay to M^r Robert Hunter preacher of the Gospell the soume of threescoir pundis Scotts money being ane yeirs annualrent of the principall soume of ane thowsand pundis Scotts dew be this burgh be bond to the said M^r Robert, quhilk yeires annualrent is from Wittsunday j^m vj^e sevinty nyn yeires to the terme of Wittsunday j^m vj^e ffour scoir yeires And take his discharge thairoff quhilk sall be allowed in your thesaurer compts Given att Irving the second of September 1680.

A. BOYLE.

HEW MONTGUMRE.

58. *Discharge by Robert Hunter to the Magistrates of Irvine, for the interest of £1000, lent by the late Robert Hunter of Hunterston.—2d September 1680.*

I M^r ROBERT HUNTER brother-german to Patricke Hunter of Hunterstoune grants me to have receaved from Robert Brysone thesaurer of the brughe of Irwin, in nam and behalfe of the Proveist, Baliffs, Councill, and comunitie of the said brughe of Irwin, the sowme of threescor Scottis pundis money, as being on years ordinarie annualrent of the principall sowme of a thousand pundis Scotts money conteaned in a bond granted by the Proveist, Bailiffs and Councill of the samin brughe to umquhill Robert Hunter of Hunterstoune my father, and failling of him be deceise to me the said M^r Robert Hunter his son, of the dait the twelveth day of Maij j^m vj^e seventie fyve years. The quhilk years annualrent being from the feast and term of Whytsonday j^m vj^e seventie nyn years to Whytsonday j^m vj^e and eightie years, quhairof I hold myself weel satisfied. And therfor I be thir presentis exoner, quytelaim and simpliciter discharg the forsaid Proveist, Baliffs, and Councill and comunitie of the said brughe and ther successors in office of the forsaid years annualrent and of all annualrents endew by them to me uppon the said principall sowme preceeding the term of Whytsonday j^m vj^e and eightie years. In wittnes quhairof I have both writtin and subscryvit this discharg with my hand at Irwin the second day of September j^m vj^e and eightie years befor thir wittnesses M^r Alexander Crauffurd of Fergushill and William Francis clerk deput of Irwin.

M^r R. HUNTER.

Alex^r Craufurd.

W. Francis, *witnes*.

59. *Order upon the Treasurer of Irvine to pay the Provost's Expenses at the Funeral of the Laird and Lady of Kilbirnie.—21st January 1681.*

UPON the eighteine day off November last quhen the Provist off Irving went to Killburny and his Ladies burriall both one that daij by the Provist directioun gave to tuinty six men and horsse in Kilburny toun and some morre with drink to the men and stra to ther horsses the sume which the said Robert Brysoun being this yeir tressurie eight yeir off God was four

pund two shilling Scots by the Provist orders and morre upon the tuinty one daij off Januar ane thousand and six hundreth and eight one yeer by the Provist order to William fforgiesell the sune is thrie pund Scots and this shall bee allowed in your thesaurie comptts. J. BOYLE.

60. *Act of Town Council of Irvine, appointing William Clerk Schoolmaster of the Burgh for one year.—16th April 1686.*

AT Irving the sixteenth day of Apryll j^m vj^c ffourscore six years The quhilk day the Sederunt following viz. John Montgomerie proveist Mr. John Boyd baillie Robert Weir thesaurer of the burgh of Irving forsaid and John Blair of Burrowland Hugh Montgomerie James Mitchell John Hutchesone Michael Glasgow William Rodger John Crawford George Erskine and Andrew Hendersone counsellors of the samen burgh have aggreed with William Clerk Schoolemaster att Beith for serving as Schoolemaster of this burgh for the space of ane year commencing from this day and date, for payment to him of the soume of two hundreth merks for the said years service, and the ordinar casualities of Baptismes and Marriages quhich were formerlie in use to be uplifted be the Schoolemasters of this burgh: And on the other part the said William Clerk obleidges him to serve as Schoolemaster of the said burgh for the space of ane year and to teach such schollars as shall come to the schoole dureing the same space, and to remove himselfe from the said office of Schoolemaster immediatlie eftir the expiring of the said year, without any proces of law, if the said Magistrats and Counsell or their successores shall requyre him soe to doe, or otherwayes to serve as Doctor to the said Schole for the ordinarie casualitie and fie used to be given to the Doctors of the said Schoole: And in the meantyme in caice the said William Clerk shall dureing the forsaid space of ane year intromett with the casualities of Baptizmes and Marriages dew to the Doctor of the said Schoole hee oblidges himselfe to be comptable thairfor conforme to the saids Magistrats and Counsell their determinatione Sic subscribitur Jo. Montgomerie provest Jo. Boyd baillie Robert Weir thesaurer William Clerk John Blair John Hutchesone James Mitchell Hugh Montgomrie John Crafurd William Rodger Michael Glasgow Andro Hendirsoun Extractum de Libris actorum dicti burgi per me

Joⁿ HAMILTONE, *Dpt.*

61. *Act of the Town Council of Irvine appointing Auditors of the Tavern Accounts due by the Burgh.*—23d December 1686.

ATT the Burgh of Irvine the twenty thrid of December j^m vj^e eighty six yeeris The whilk day the Proveist Baillzies and Councill of the said burgh of Irvine appoints M^r John Boyd and Patrick Boyll baillzies John Blair of Burrowland and James Hay clerk to state and peruse the wholl Tavern Accomptis due be the said burgh and to make there report thereof to the said Magistrats and Councill at their nixt meeting. Extracted be me

JA. HAY.

62. *Report by the Commissioners appointed by the Convention of Royal Burghs on the state and condition of the Burgh of Irvine.*—2d May 1692.¹

IRVINE, the second day of May j^m vj^e and nyntie two years. Compeired befor James Fletcher, provost of Dundie, and Alexander Walker, baillie of Aberdeen, commissioners appointed be the convention of the royal borrowes for visiting the wholl royall burghs be west and south the river of Forth, the present magistrates and towne clerk of the burgh of Irvine, who gave in ane accompt of their patrimonie and comon good, together with ane answer to the saids visitors instructions as followes :—

1. As to the first article, it is answered that there comon good, *omnibus annis*, will extend to the sowme of 1791^{lib} 18^s Scots, and that ther debts will amount to 11,636^{lib} 5^d whereof there is 4133^{lib} 13^s 4^d in dependance befor the parliament, being for the plack on the point in King James tyme.

2. As to the second article, it is answered that they have no mortifications belonging to them.

3. As to the third article, its answered that they are no ways concerned therein, haveing a harbour of ther own.

4. As to the fourth article, its answered that they are no ways concerned therein.

5. As to the fifth article, its answered that they have produced ther

¹ *Miscellany*, Scottish Burgh Record Society, p. 102.

thesaurer's books for fyve preceeding years which is considered and stated in the answer to the first article, and that ther equeis amounts to, with the clerks and other dewes, 17^{lib} 10^s

6. As to the sixth article, its answered that these fyve preceeding years all the forraigne trade they have hade is the particulars following, viz., ane ship of 70 tunn burden from France loadned with salt and brandie; item, another small veshell from Norway, loadned with tarr and daills, of burden about 30 tunns; and that they have exported about thritie pack of wooll or thereby yeirly for these two years bygone, each of which packs weighs about twelve stone; also about seaven or eight small barks, about 20 tunn the piece, loadned with victuall, the beginning of the Irish troubles, anno 1689 and 1690, wherein there were some strangers concerned, and a fourth pairt of ane small veschell from Norway, there pairt of the loadning therof came to 600 daills; and ane other ship from France, of 70 tunns, loadened with salt, and a small litle brandie. And that ther inland trade is verie inconsiderable, and what they have is by retail of some brought from Glasgow, and other royall burghs, and that they have vented about a tunn of wine, seck, and brandie, each year, these fyve years bygone; and that they will consume about fourty bolls of malt, Lithgow measour, weekly, and that they hade a small quantity about twelve daces imported by strangers.

7. As to the seventh article, its answered that they hade eight small ships, barks, and boats belonging to them, whose burden value and how imployed is conform to ane particular accompt in answer to this article given in under ther hands to the saids visitors, of which eight ships they have latly lost one.

8. As to the eight article, it is answered that they are concerned in matters of shipping in soe far it is mentioned in the above mentioned article, and that they are no other wayes concerned with unfree traders in matter of trade.

9. As to the nynth article, it is answered that ther cesses is pairtly payed by tax on ther inhabitants and pairtly out of ther comon good, as is at more length contained in ther answer to the nynth article.

10. As to the tenth article, it is answered that ther pairt of ther minister's stipends, schollmaster, and other publict servants, are payed and mantainet out of ther comon good.

11. As to the eleventh article, it is answered that all ther publict works are mantaneit out of ther comon good.

12. As to the twelfth article, its answered that these houses where the heretors themselves doe stay are not stented, and the remainder posest be tenents payes monthly thrie pennies on each mark piece of rent by a stranger and two pennies by a freeman, and the rent of ther haill sett houses extends to 1621^{lib} 13^s 4^d, but of these there are a great many waist and that ther borrow aikers payes two pennies on each mark rent without any rebatement.

13. As to the thretteen article, it is answered that they have one yearly fair which begins the 8th and endest the 13 of August, wherof the Earls of Eglintowne are keepers, by ther deputs, fiscalls, and tenents, and have the one half of the customes; and they have two weekly marcats or fair dayes, and that the customes of the same are a pairt of ther comon good and soe stated in answer to the first article, and that ther are no other fairs in use to be held at the said burgh albeit by ther charter they have right to another which is no wont of use to be kept.

14. As to the fourteenth article, its answered that the burghs of barronies and regalities lyeing within ther precinct are as followes, viz., one burgh of regality, Killwining; and of barronies, Kilmarnock, Kilmaars, Newmilns, Stewartoun, Beeth and Largs, which are very prejudiciall to them in point of trade, and serve the most pairt of the countrey with goodes by retails and that ther houses are better and more of them then many royall burghs, particularly Kilmarnock, which hath a comon good and keeps a marcat. A more particular [account] therof ther commissioner will represent to the nixt conventione of borrowes.

15. As to the fyfteenth article, it is answered that a litle casuall comon good accrewes to them by fines and burges admisione but not worth the mentioneing.

This is the trew accompt of the state and conditione of the said burgh of Irvine in answer to the forsaid instructiones, as it is given up upon oath by the saids magistrates and towne clerk, undersubscryveing, to the best of ther knowledge and surest informatione they can have to the saids visitors day and dait forsaid. Sic subscribitur: John Gray, baillie; James Mullivine, baillie. Ja. Nisbet, dean of gild. Jn. Hamiltoune, clerk.

63. *Act of the Town Council of Irvine in favour of the Incorporations of Trades thereof—granting liberty to improve their Seat in the Church of Irvine.—4th November 1693.*

ATT the burgh of Irving the ffourth day of November j^m vj^c nyntie three years. The quhilk day anent the Petition presented before the Provost Baillies and Counsell of the said burgh of Irving by the Boxmaster and severall Deacons and Incorporationes of Trades within the samen burgh of Irving, makeing mention That quhair that Loft or Seatt appointed for and possessed by the petitioners in the west end of the Church of Irving, lyes att ane considerable distance from the pulpit, and is not so profiteable placed for hearing as the samen might be: And there is ane litle rume or seatt att the end of the Counsell seat in the Church which is before the petitioners Loft, and is constantlie taken up by such as are unfitt to occupy such ane place, and being of the rabble doe often creat disturbance in the Church Whereas if the Honorable Magistrats and Counsell would grant libertie to the petitioners to bring forward their said loft or seatt to the westmost end of the penn as the Magistrats and Counsell enters in to their seatt in the Church which will no wayes prejudice their Honors seatt nor the fabrick and decorum of the Church, bot rather better the samen, and would be ane great comfort and encouragement to the petitioners to hear the Word of God preached and to attend upon the ordinances Craveing therefore and humblie intreating that the saids Magistrats and Counsell out of their true zeal and tender care for the good of their inhabitants would take the premissis to their consideration and give all possible encouragement to such as designe to hear the Word of God preached And that they would grant libertie to the petitioners to bring forward their said Loft to the westmost end of the forsaid penn att least so farr as the saids Magistrats and Counsell should think fitt, not wronging their oun seatt, as the said petition in itself more fully bears Which petition being att length read heard seen and considdered be the saids Magistrats and Counsell of the said burgh of Irving, they in ansuer to the said supplicatione have unanimouslie condescendit unto and granted libertie and allowance, and doe hereby give and grant licence libertie and allowance to the severall Incorporations of the Trades of the said burgh of Irving to advance and bring foreward their said Loft so far upon that

obleidgeth himself to be att and bear the just and equall half of the expenssis and charges to be debursed in removing of the said Holme mylne to such a place as the saids Magistrats shall think fitt and of the imputting of the said mylne damm and in doing other things requisite for the advantage and convenient situatione of the said mylne and that betwixt and the said terme And on the other pairt The saids Magistrats and Counsell have also prorogate and hereby prorogates the said former tack of the said mylne in the haille claussis contents conditions and obleisments thereof ay and quhill the said terme of Lambmes j^m vj^c nyntie fyve years and hereby obleidge themselves and their successors in office to be att and bear the other just and equall half of the saids charges in removing the said mylne and doing other things for the convenience thereof and of the imputting of the said mylne damm betwixt and the forsaid terme and to pay to the said noble Lord his Lordships factors or chamberlands in his name the usuall and ordinary rent that wes in use to be payed by the said former tack In witnes quhairof thir presents (written by John Hamilton wryter in Irving) are subscriyveit by the saides pairties day places moneth and year forsaid before thir witnessis respective, viz. to the said Lord Montgomery his subscriptione att Eglinton the said tuentie fyfth day of Maij Sir James Agnew younger of Lochnew the said John Hamilton and Robert Dunlop smith in Irving and to the subscriptione of the saids Magistrats and Counsell of Irving att Irving the said tuentie fyfth and dayes of Maij The saids John Hamilton and Robert Dunlop and

MONTGOMERIE.

S. J. Agnew, *witneses.*

Joⁿ Hamilton, *witnes.*

65. *Agreement between the Magistrates of Irvine and James Nisbet, bailie, for the Sale by the latter of a Tenement near the Cross.—20th August 1694.*

ATT Irving the twentieth day of August j^m vj^c nyntie four years It is agreed betwixt the Magistrats and Toun Counsell of Irving on the ane pairt and James Nisbet one of the baillies thair of on the other pairt as follows, viz., The said James hereby oblidges him betwixt and to sell and dispone to the saids Magistrats and Counsell and their

successors in office all and haill that ruinous Tenement on the east syde of the Cross of Irving betwixt the tenement belonging to Robert Weir couper on the north and that belonging to [William] Burns on the south with the haill stones lying before the same and belonging thairto and these within the Close thair of att least that he shall frelie consent to the valueing and appryseing of the said ruinous tenement and stones thair of by men to be chosen and sworne by the saids Magistrats in the termes of 6th Act Parliament 1, Session 3d King Charles the 2d, in order to their building a meill mercatt house thair upon And shall consent to the charge given to him thairanent and executions thair of Reserving alwayes to the said James his backhouse possest by Andrew Jack with the yaird and three riggs and pertinents thair of with tuo elnes broad for ish and entrie betwixt Burns gavill and the designed meill mercatt. Together with tuo elns of ground free betwixt the said backhouse and the said meill mercatt The east wall quhair of is to run in a streight lyne to that dyke betwixt the said tenement and Robert Weirs: For which cause on the other pairt the saids Magistrats and Counsell hereby obleidged them and their successors in office to pay and delyver to the said James Nisbet his aires or assigneys the soume of tuo hundreth and ffourscore merks Scotts betwixt and with ffyftie pounds of penaltie in caise of failzie and annualrent thereafter dureing the not payment And to putt up a hewen door for entrie to the said James his backhouse, to be att the expenss of takeing away the rubbish of the said ruinous tenement and in repairing of Burns gavill and of what wryts shall be necessar for the Touns securitie in the premisses To quhich agreement both parties bind and obleidge themselves to stand and abyde thereat and the pairtie failzier to pay to the pairtie observer or willing to observe their pairt thair of the soume of ane hundreth merks Scotts attour performance And executione is hereby declaired shall passe hereon (if neid be) for implement to the Toun of their pairt thair of att the instance of the Toun Theasaurer or Procurator-fiscall. And both pairties consent to the registratiune hereof in the books of Counsell and Session or Toun Court books of Irving that lettres of horning on six dayes and others neidfull may pass hereon in forme as effeirs and hereto constitutes their procurators etc. In witnes quhair of both pairties have subscriyved thir presents (written be John Hamilton clerk of Irving) day place and year forsaid before thir witnessis Robert Muir Surveyor of their Majesties Customes att Irving

William Stevinson and John Marschell wryters there and the said John Hamilton.

JA. NISBET.

ALEX^R CUNINGHAME, provest

THOS. MONTGOMRE, bayle

JAMES MILLIKIN, D : G :

JOHN GRAY, counsseller

JOHN THOMPSON

ALEX^R DYETT, counsseller

ANDREW GEMILL, consuler

ANDREW SPARK, counseller

J. THOMSONE, counseller

W. M'TAGGART, counseller

W. STIVENSON, counseller

HUGH GARVEN, counseller

Rob. Mure, *witnes.*

Jo. Marshall, *witnes.*

66. *Letter from Lord Findlater to the Provost and Magistrates of Irvine requesting Contributions for the Harbour of Cullen.—17th February 1697.*

GENTLEMEN,

YOUR Towns Contribution for repairing the harbour of Cullen being as yet uncollected, the particular interest which my son the Secretary and I have in the place, and the trust committed to us anent the improving of the said contributions, doe oblidge me to intreat your assistance to this work, in extending your contribution to it as farr as possibly ye can For it is weell knowen to you that if the contributions of such good towns as yours to any publick work of this kinde be not more considerable then these of the country parishes, the work will prove ineffectuall, and though this town be but one of the meanest burghs of the kingdom for the tyme, yet if this work prove effectuall (as I am confident it will doe so) it may come to conduce something for the publick interest of the kingdome, but more especially that of the Burrows And I assure you your concurrence and assistance herein will prove a singular favour to my son the Secretary and will also most singularly oblidge Gentlemen, your ashured friend to serve you

FINDLATERR.

Cullen House, ffeb. 17, 1697.

[*On the back.*]

For the Provost and Magistrats off Irvine These

67. *Act of the Town Council of Irvine, allowing Mr. Andrew Tait, Minister, to repair his Tenement in Irvine.—1st May 1702.*

Att the burgh of Irving the ffirst day of Maij j^m vij^c and tuo years :
 WHEREAS by contract and agreement past betwixt the Magistrats and Counsell of the said burgh of Irving for the tyme on the one pairt and James Nisbet late baillie thereof (therein designed one of the present baillies of the said burgh) on the other pairt of the date the tuentieth day of August j^m vj^c nyntie four years The said burgh have right to that tenement then ruinous whereupon the meill mercat house is now builded bounded betwixt Robert Weirs tenement on the north and that tenement latelie belonging to William Burns and now to Master Andrew Tait Minister of the Gospel att Carmunock on the south Reserveing to the said James Nisbet tuo elnes breadth for ish and entrie betwixt the said meill mercatt house and the said William Burns now Master Andrew Tait's gavill And now the Magistrats and Counsell of the said burgh afternamed considering that att the building of the south wall of the said meill mercat house the Magistrats and Counsell of the said burgh for the tyme did (for the conveniencie of the said neighbouring south tenement and for the outward policie decorement and ornament of the said burgh) cause build a stone brace in the south wall of their said meill mercatt house opposite to the forsaid other south tenement upon designe that the said proprietars thereof might have the benefite of adjoyneing their said tenement to the said meill mercatt house Reserveing the breadth forsaid for ish and entrie as above said And lykewayes considdering that the said Master Andrew Tait is weill satisfied and pleased to adjoyne his said fore tenement to the said meill mercatt house and to build up ane gavill thereupon And in order to his reformeing of his said fore tenement is resolved to take doun his present ruinous gavill which is apparentlie dangerous and very uncomelie Therefore ffor the said Master Andrew Tait his encouragement therein the saids Magistrats and Counsell doe unanimouslie and cheerfullie for themselves and their successors in office hereby allow him under and with the reservation of the said tuo elnes breadth for ish and entrie to the said James Nisbet his aires and successors to their backhouses and yaird To take doun his said old ruinous gavill and to advance his said foretenement from thence to the said meill mercatt house south wall and to build his

new gavill thereupon and to carry up vents therein, which is hereby declaired to be incorporate with his said fore south tenement, and is to be repute and holden as pairt and pertinent thereof in all tyme hereafter The said Master Andrew Tait alwayes building and setting up a hewen gate or door for ane entrie to the said James Nisbet his said backhouse and yaird And for the said Master Andrew Tait and his forsaid their further securitie thereanent the saids Magistrats and Counsell doe hereby assigne and dis-
 pone to them the said Master Andrew and his forsaid the contract and agreement above narrated past betwixt them and the said James Nisbet in so farr as relates to or concernes the concession and grant above specified Promiseing hereby for them and their saids successors in office provest baillies dean of gild theasaurer and counsellours of the said burgh never to quarrell impugne nor come in the contrair of this their present grant allowance and concession forsaid conceived in favours of the said Master Andrew Tait and his aires and successors in any tyme coming And allowes extracts to be given them hereof Sic subscribitur Alex^r Cuninghame Provost. W. Stevenson Baylie. W. M'Taggart Dean of Gild. J. Thomsone counsler. Geo. Monro Counseller. Roth Hastie Cowl^r. Michael Glasgow Con^r. John Caldwell Cownslr. Samuel Duncan Counsler.

Extractum de libris actorum dicti burgi de Irving per me

JOⁿ HAMILTON.

68. *Gift by several Noblemen and others, of various sums, for maintaining a yearly Horse Race at Irvine.—20th August 1702.*

WEE undersubscrivers Noblemen Gentlemen and others ffor the love and respect wee have and bear towards the good Toun of Irving and our kynd friends therin doe by thir presents Mortifie Dedicate and Gift to the said good Toun the soumes of money respective under writtin adjoyned to our severall subscriptions: And ffor that effect wee hereby bind and obleidge ourselves each of us for our severall proportions efter specified to make good and thankfull payment to the Theasaurer of the said Burgh and successors in office of the saids severall soumes of money adjoyned to our saids respective subscriptions, and that betwixt and the terme of Whitsunday next to come j^m vij^c and three years: And quhich soumes are so mortified

by us to the effect that the interest thereof may be applied yearlie by the Magistrats of the said Burgh that a yearlie pryze of a silver plate may be furnished by the saids Magistrats ffor a horse race to be runn yearlie att the said burgh To the quhich premissis wee hereby firmelie and faithfullie obleidge ourselves In witnes quhairof wee have subscriyved with our hands thir presents and adjected the severall soumes dedicated by us to the effect forsaid (writtin by John Hamiltone clerk of Irving att our speciall direction) Att Irving this twentieth day of August and day of j^m vij^e and tuo years and j^m vij^e years And whatever the yearlie interest of the saids mortified soumes shall amount to, the Provost of the said burgh of Irving hereby obleidges him and his successors in office to add a third pairt more thereto ffor makeing the silver pryze for the said horse race more valueable.

*Kilmarnock
for ten @ sterling*

*Montgomerie one hundred and
twenty pounds Scots*

Montgomerie fiftie pounds Scots

Montgomerie fiftie pounds Scots

*Crauford of Kilburny fiftie pounds
Scots*

*Edm: Cochran sixten
pounds Scots*

Montgomerie sixty pounds Scots

69. *Scroll Instrument upon the Election of a Commissioner to Parliament for the Burgh of Irvine.—17th September 1702.*

Att the Burgh of Irvine the 17 day of September 1702 yeirs and of her Majesties reigne the first year :—

THE quhilk day the Magistrats and Counsell of the said Burgh of Irvine being conveyened within the Counsell house thair of in order to the choosing of ane Commissioner to represent the said Burgh att this ensueing Parliament indyted by her Majestie to sitt at Edinburgh the 12 November next Master Alexander Cunynghame of Collellan present Provost of the said Burgh immediatly after constituting the said meeting of Counsell in the usuall maner ordered the Nottar publict undersubscribeing Toun Clerk of the said Burgh to read in presence of the said Counsell her Majesties proclamatione to the effect forsaid Whereupon William M'Taggart present Dean of Gild of the said Burgh before reading the said proclamatione told that James Boyle sone to James Boyle of Montgomriestoun late Provost of Irvine was desyring acces to the said Counsell that he might be admitted burges of the said burgh and give his oath de fideli and submitt himself to the determinatione of the Magistrats and Counsell for his fyne The said provost answered that the Quens busines which concerned the publict being now tabled no privat busines ought to be obtruded to interfier thairwith and that after that was over Mr Boyle should have access Upon quhich the said William M'Taggart desired the libertie of a vote of the whole Counsell seing the provost had refused Which vote the said provost refusing the said William M'Taggart for himself and in name of the said James Boyle protested that seing he the said William and his adherents who he said were the pluralitie of Counsell desyred the libertie of the forsaid vote it was a thing unpresidented for the preces of the Counsell to refuse what was desyred by a considerable part of their number to be voted. Quhairto it was answered by the said provost That the Queens busines being tabled as said is nothing ought to justle it out Quhairto the said William replied that there was yet tyme enough for voting a Comissioner it being a considerable tyme to sitting down of Parliament and upon the whole took instruments Whereupon the provost desyred the said William M'Taggart to cary himself suteably and as became him in presence of the

Magistrats and Counsell And the said William insisting, the provest repeated that the Queens busienes ought to be preferred ut supra and ordered the election to go on Whereupon the said William said that the Toun was come to so low a pass that they were not in a capacity to allow anything for the Commissioners expenssis bot will be obliged to choose one who would serve the Toun gratis. To quhich no reply was given but that the Counsell would think on that. And the election going on William Stevinsone Baillie his vote being asked he voted the said Mr Alexander Cunynghame as Commissioner to the forsaid Parliament Thereafter the said William M'Taggart Dean of Gild his vote being asked he answered that Mr Boyle being willing to serve the Toun gratis and to receive instructions he voted the said James Boyle to be Commissioner Upon quhich the provest offered also to serve gratis To quhich the said William answered The provest wes too long in saying so much, and that he continued firme in his resolutione and adhered to his vote for Mr Boyle And the votes going round the said James Boyle had eight voters who voted for him viz. The said William M'Taggart John Calderwood thesaurer John Thomsone late bailly and William Broun Robert Hastie John Caldwell Michael Glasgow and William Thomsone Counsellors And the said Mr Alexander Cunynghame provest had four voters besyd his own viz. The said William Stevinsone Baillie Mr William Cunynghame late provest and George Monro and Alexander Dyet Counsellors After which election the provest alleadged that James Boyle was not qualified for representing the Burgh of Irvine in Parliament not being ane actuall burges thair of Whereto William M'Taggart for himself and in name of these who voted for the said James Boyle answered That James Boyle haveing formerly offered himself to be made burges, ut supra, and for that end was waiting access and it is not his default that he is not burges, being required and refused And being now chosen by plurality of votes to be Comissioner he adhered to the election and thairupon took instruments a second tyme, and added that it was very hard and without a president that one in Mr Boyles circumstances the sone of a provest and als considerable ane heritor as any at the table should be refused especially seing it was the desyre of the plurality to have him admitted burges Quhairto the provest repeating ut supra answered that it was in the Magistrats power to allow or refuse as they please Unto quhich it was replied That quatever priviledge the Magistrats out of Counsell had to creat honourary burgess yet in a constitute Counsell

especially when it was the desyre of the plurality it was not in the Magistrats power to refuse, ffor if that should be sustained then the Counsell were to expect no burgess but if the preces please, quhich is equal to a negative vote, a thing never pleaded by any inferior Magistrat. The provest answered that the Exchequer refused to receive vassals some-tymes Whereunto William answered that was nothing to this Counsell and thought that after constituting that honourable Meeting if the receiving a vassall was desyred by the plurality the Chancellour could not weill refuse. Thereafter the provest having retired from the Counsell table and after having walked a little alone he called all those who had voted for M^r Boyle three excepted and discoursed with them: Dureing quhich space the said William M'Taggart for himself and in name and behalf forsaide alleadged that the provest in ane most unusual maner did insinuate upon the said voters one by one to pass from their votes and to vote the said provest of new, and did severall tymes protest against the same as a singular method quhich he alleadged could not be paralleled, that men after they had publickly declared the sentiments of their mynd should be so harrassed and that such violence should be offered to their naturall libertie alledging they were attacked some tuice and some thryce for their votes. And the provest haveing again returned to the Counsell table requyred the Counsell to vote of new again in respect they had voted a person not qualified according to law not being ane actuall burges. Whereto it was replied by the said William M'Taggart that he resumed his former protests and adhered to the former votes and protested against voteing of new and thairupon took instruments. And the votes haveing gone round again the haill forenamed persones who voted formerly for James Boyle adhered to their former votes except the said John Calderwood who being called to give his new vote answered Since it is so I vote your brother viz. M^r William Cunynghame late provest as Comissioner. Whereupon M^r William Cunynghame late provest protested that such as voted for M^r Boyle were not faithfull to their alleadgence, and had not acted according to their oath of fidelity in respect they had not voted a persone who was ane actuall burges and that therein they had acted contrair to the law and priviledge of Burrowes. Quhairto the said William M'Taggart answered that he and adherents did nothing but what was highly consistent with ther alleadgence and their oaths as burgesses and Counsellors, etc. And that the said John Calderwood was insinuat upon and harrassed to that degree that he gave his last vote in a

confusion. The said Mr Alexander Cunynghame provest replied that there was no harrassing in the case, and that seing the pluralitie had refused to vote a person qualified according to law viz. ane actuall burges and that he haveing severall votes and his own and being qualified and the other not he himself viz. the said Mr Alexander Cunynghame was dewly elected. Quhairupon the said Mr William Cunynghame protested and the said present provest adhered thereto. Thereafter the said William M'Taggart for himself and in name of adherents desyred that the minuts of Counsell and instruments might be read that it might be knowne if all was right written And in regard the provest refused to cause read the same instantly but delayed the same to the next sederunt and promiseing the minutts sould be then read The said William thereupon did again take instruments. After all which compeared personally the said James Boyle who gave in the minut of protestatione written with his own hand and thereupon took instruments the tenor of quhich minut followes and is thus : Att Irvine the 17 day of September 1702. The quhilk day compeared personally I James Boyle sone to James Boyle late provest of Irvine within the Tolbuith of Irvine and past to the personall presence of Mr Alexander Cunynghame provest and William Stevinsone bailly sitting in Councill with the members of toun Counsell, and desyred and required that they might enter and receive me conforme to the custome of Burgh to be ane burges thereof I being the sone of a burges most willing and ready to give my oath de fideli and pay all dewes requisite instantly and fulfill and performe whatever is usuall and incumbent in law for intrant burgessis to doe, and that the saids Magistrats might instantly administrate the necessar and usuall oath to me and order me to get ane extract from the Clerk on reasonable expensses and in case of refusall or unjust delay protested for coast skaith damage and remeid of law. And farder adds that I have attended within the Tolbuith since the doun sitting of the Counsell in order to be made burges, quhich was denyed, and I being now elected Comissioner to the insueing Parliament by plurality of votes of the Toun Councill protested against any new election and declaired I was willing to be burges and take all oaths requisite qualifieing myself for the said office. And I haveing entred the Counsell house door in order to take instruments in the Toun Clerks hand I was forced out of the door by the said Mr Alexander Cunynghame by thrusting me by the shoulder out of the said door. To the quhich minut of instrument it was answered by the said Mr Alexander

Cunynghame provest that M^r Boyle haveing violently intruded himself into the Counsellhouse door when the provest had opened the door himself calling for ane officer, the said James Boyle did violently thrust himself upon the provest, who thereupon demanded what he meant by such violence, if he had anything to say to the Counsell he should be called in dew tyme Quhairupon he thrust himself violently in upon the provest as said is and threw in a piece of money takeing instruments. Upon all and sundry quhich premises the saids haill parties hinc inde asked and took instruments ane or mae ut supra in the hands of me notar publict Comon Clerk of the said Burgh undersubscribeing. All thir things were done within the Counsellhouse of the said Burgh betwixt three and fyve hours in the afternoon day month yeir of God and yeir of her Majesties reigne respective abovewritten in presence of the saids members of Council above named and als in presence of John Gray late bailly of Irvine and John Boyd merchant there who were witnesses to the said minut of instrument given in and instruments taken thereon by the said James Boyle.

70. *Account by William M'Taggart, Dean of Gild of Irvine, of the Election of a Commissioner to Parliament for the Burgh.—17th September 1702.*

ANE account of the most materiall things that passed September 17, 1702, att the electing James Boyle sone to Provest Boyle of Montgomeriestoun Commissioner to represent this burgh of Irving att the Parliament endyted by Her Majestie, as given in by William M'Taggart present Dean of Gild of Irving.

Immediatlíe after constituteing our meeting the Provest told the designe of that Counsell wes to nominat a Commissioner to represent us in Parliament, and wes about to have ordered the clerk to read the proclamatione, upon quhich William M'Taggart said that M^r Boyle wes desyreing access that hee might be admitted Burges, give his oath de fideli, and submitt himself to the determinatione of Magistrats and Counsell for his fyne, which the provest refuseing, William in his own, and name of adherents who were the pluralitie desyred the libertie of a vote, which also being denyed, William ut supra protested and took instruments That it wes a thing unpresidented ffor our preses to refuse what wes desyred by a considerable pairt of our number to be voted. Hee answered The Queens

bussienes must be preferred. It wes replied There wes yet tyme enough for voteing a Commissioner. (It being a considerable tyme to the dounsitting of the Parliament.)

Thereafter the Provost desyred that the election of the Commissioner might goe on. Upon which William said That our Toun wes come to so low a passe that wee were not in a capacitie to allow anything for the Commissioners expence but would be obleidged to choose one who would serve gratis. To quich no reply wes given but that the Counsell would think on that. Thereafter Baillie Stevinsones vote wes asked who voted provest Alexander; after that Williams vote being asked, said that M^r Boyle being willing to serve the Toun gratis and to receive instructions hee voted him. Upon quhich and not before the Provost offerred to serve the Toun gratis. To quhich William answered hee wes too long in saying so much, and that hee continowed firme in his resolutione and adhered to his vote. So it went round M^r Boyle having eight votes and provest Cunynghame only ffour. Upon which William ut supra adhered to his former instrument and took a 2d. That M^r Boyle wes by pluralitie of votes elected Commissioner. To quhich the Provost answered, M^r Boyle wes not qualified not being burges, William ut supra replied M^r Boyle wes and is still desyreous to be admitted and for that end waites access, and added, that it wes very hard, and without a precedent that one in M^r Boyles circumstances the son of a Provost of this Burgh, and als considerable ane heretor as any att the Board, should be refused, Especiallie sieing it wes the desyre of the pluralitie to have him admitted. It wes answered it wes the Magistrats prerogative to allow or refuse as they pleased. William replied that whatever priviledges Magistrats extra Concilium had to creat honorarie Burgesses, yet in a constitute Counsell, especiallie when it wes the desyre of the pluralitie it wes not in the Magistrats power to refuse, ffor if that should be sustained then wee are to expect no burges but if our preses please, quhich is equall to a negative voice, a thing never pleaded by any inferior Magistrat. The Provost replied that the Exchequer refused to receive vassalls sometymes. William answered that wes nothing to us, and presumed to think that after constituteing that honourabill meeting if the receiveing a vassall wes desyred by the pluralitie the Chancellour could hardly weill refuse: Much tyme wes spent in discourseing hinc inde upon this and the lyke subject too tedious to narrate: After voteing the Provost wes pleased to retire from the table, and having walked a little

alone, hee called all those who had voted for M^r Boyle, 3 excepted, and in a most unusuall manner did insinuate upon them one by one to passe from their votes and vote him of new. His expressions would be too tedious and hardly convenient to narrate, dureing quhich att severall tymes William supra did protest against such a singular method, and said it could not be paralleled that men after they had publickly declared the sentiments of their myndes should be so harrassed, and that such violence should be offered to their naturall libertie. This did not prevail with the Provost, but round he went, and becaus they stood their ground some were attacked tvice others thryce. After all hee came to the Board and said it wes necessary they should vote again, becaus one not qualified wes chosen. For answer William ut supra resumed the former protests, adhered to the former vote, and protested also against voteing of new, and took instruments. But this could not prevail, a new vote must goe on, when it came to William hee adhered to his former protest and vote. After this provost William after some privatt conference with his brother protested that such as voted for M^r Boyle, were not faithfull to their allegiance, and had much bold and darring discourse to force our partie from their ground.

William answered wee did nothing but what wes highlie consistent with our allegiance and to our oaths as Burgessis and Counsellours, etc.

Thereafter a vote of the rest wes demanded, and when they adhered, they were asked a 2d tyme, yea some more then thryce, butt all in vain, excepting one, who when apart and called to give his new note (as they called it) wes so insinuat upon and harrassed to that degree that in a confusion hee said, Weill then, since it must be so I vote your brother, viz. provost William.

After this wes ended and some tyme spent in discoursing on what passed, William ut supra desyred that the minutts and instruments might be read, that it might be known if all wes right written, quhich being refused hee took instruments, etc.

71. *Instrument upon the Election of New Councillors for the Burgh of Irvine.—25th September 1702.*

Irving 25 September 1702 att the Tolbuith Stair foot betwixt 10 and 12 before noon :—

M^r ALEXANDER CUNYNGHAME present provest requyred Baillie M'Taggart Dean of Guild and William Thomsone shoemaker both toun Counsellors to be present in the Counsell house this hour and place in order to their concurring in the choise of a new Counsell of the said Burgh for the year to come, and protested against the said William M'Taggart Dean of Guild that he not only declyned himself to be present, but that hee withdrew and took away the said William Thomsone Counsellor from the meeting of the said toun Counsell to the effect forsaid contrair to his allegiance and oath of fidelitie as a burges and a Counsellour, and thairupon took instruments in presence of James Nisbet late baillie W. Cr. James Muir and Hugh Buckle officers and Hugh Henderson gardiner.

Eodem die et hora :—

The haill Counsellours called thryce by ane officer audible att the Tolbuith stair head None compeared to elect a new Counsell, except these named in this dayes sederunt, whereupon the provest protested that such of their number as are this day present might proceed to their choise of a new Counsell, and protested against all these who withdrew that they had acted contrair to their burges oath and their allegiance, and oath de fideli, and thairupon took instruments in presence of the witnesses forsaid.

Ditto in Moses Crawford's house circiter quartam post meridiem :—

The provest having withdrawnen from the Counsell went with me nottar publick to the dwelling house of Moses Crawford, and to that rouse quher the said William Thomson was present in company with John Thomson late baillie Thomas Gray merchant and Moses Crawford wryter, and efter knocking severall tymes att the said chamber door, requyred in her Majesties name and in his own as provest of the said Burgh the saids John Thomson Thomas Gray and Moses Crawford to open the said chamber door, and yeild the person of the said William Thomson who was violentlie detained by them from coming to the Counsell this day to elect a new Counsell as one of the members of the said toun Counsell, who all of them refused so to doe Quhairupon the said provest protested against them as refusing to give

obedience to her Majesties authoritie and the authoritie of the Magistrats of this Burgh contrair to their burges oath and allegiance, and thairupon took instruments in presence of Master Zacharias Gemmill of Boigsyde William Crawford and Hugh Buckle officers.

Irving 25 September 1702 years:—

List of the new Counsellours chosen for the said burgh for the year to come untill Michaelmes 1703 years in conjunction with Master Alexander Cunynghame present provest, William Stevinson baillie, William M'Taggart Dean of Gild and John Catherwood Theasaurer standing Counsellours by the sett by vertue of their offices:—

The Right Honorable My Lord Montgomery.
Master William Cunynghame late provest.
John Thomsone, late baillie.

George Monro.	William Brown.
John Marschell.	Samuel Duncan.
Alexander Dyett.	John Caldwell.
Robert Haistie.	<i>ffor Trades—</i>
John Thomsone, Candlemaker.	John Thomson, Shoemaker.
William Martine, Skipper.	Andrew Henderson, Weaver.
William Caldwell, Maltman.	Michael Glasgow.
William Davidson.	William Thomson.

Irving, September 1702 years:—

Votes for new Counsellours of this burgh for the year to come untill Michaelmes 1703. In conjunction with

Master Alexander Cunynghame, provest.
William Stevinson, baillie.
William M'Taggart, Dean of Gild. My Lord Montgomery |||||
John Catherwood Theasaurer.
Master William Cunynghame late provest ||||| William Martine |||||
John Thomsone late baillie ||||| William Caldwell |||||
Robert Haistie ||||| William Davidsoun ||||| Joⁿ Cultoun |
Alexander Dyett ||||| John Thomsone Shoemaker |||||
John Marschell ||||| Andrew Henderson |||||
George Monro |||||
John Thomsone Candlemaker |||||

72. *Inventory of Goods seized by the Collector of Irvine, and publicly burned, with minutes thereof.—6th and 7th April 1704.*

Irving 6th Apryll 1704.

INVENTAR of the goods belonging to James Spottswood merchant traveller, and informed of and seized upon by M^r Alexander Cunynghame of Collellan Collector of Irving upon the 4th instant and cognosced upon by John Marschell and George Monro present baillies of the burgh of Irving And this day sentenced by the saids Magistrats to be publickly burnt att the Mercatt Crosse of the said burgh betwixt 11 and 12 hours in the forenoon to-morrow the 7th of Apryle instant And thereafter cognosced again by the saids Baillies and by Major James Cunynghame of Aikett and M^r Alexander Crawford of Fergushill tuo of the Commissioners of Supply within the Shireffdome of Air, as being called and desyred by the saids Magistrats of Irving for that effect, and thereafter inventared and valued by them as followeth :

Imprimis, ffyve pieces of green Say containing ane hundreth elnes att tuentie shilling Scotts per elne Inde ane hundreth pounds Scotts	100 00 0
Item sixtein elnes of black Cloath att ffyve pounds Scotts per elne Inde ffourscore pounds Scotts	080 00 0
Item Twelve elnes of Cloath of a buff colour valued att three pounds Scotts per elne Inde threttie six pounds Scotts	036 00 0
Item A remnant of Damis mixed or floured stuff, of four elnes, att tuentie shilling Scotts Inde ffour pounds Scotts money	004 00 0
Item Tuo pair of new Stockings and tuo pair of worne Stockings which tuo pair of worne Stockings the Magistrats and Justices forsaid ordaine to be restored back to the owner in respect worne The saids tuo pair new Stockings valued att three pounds Scotts per pair Inde six pounds Scotts	006 00 0
Summa totalis of the said Goods att value forsaid is	<u>226 00 0</u>

Irving, the said sixth day of Apryle j^m vij^e and four years :—

The Inventar of goods forsaid imported from Ireland seized upon, cognosced and sentenced to be burnt ut supra Subscriyved date forsaid by

J. CUNINGHAME.

J. MARSHALL, *Baillie*.

GEO. MONRO, *Balye*.

ALEX^R CRAUFURD.

Irving, seventh day of Apryle 1704 years :—

That the above written goods imported, cognosced upon, and sentenced to be burned ut supra, were accordingly burnt to ashes publickly att the Mercatt Crosse tyme forsaid is attested by

J. CUNINGHAME.

ALEX^R CRAUFURD.

J. MARSHALL, *Baillie*.

GEO. MONRO, *Bailye*.

Irving, 7th Apryle 1704 years :—

The quhilk day in presence of John Marschell and George Monro Baillies of the said burgh of Irving, the Boat called the Margaret of Combray sentenced by the saids Magistrats their decreet and sentence past upon the sixth day of Apryle instant, to be publickly roped, and the pryce thereof to be divyded conforme to law, ffor importing of Irish Cloath, Seyes and Stockings from Ireland, is after publick ropeing, and burning of the candle, roped and sold to John Birsbane of Bishoptoun younger ffor payment to be made to M^r Alexander Cunynghame of Collellan late provest of Irving and present Collector of Her Majesties customes thereat, for himself and others concerned in the division of the pryce of the said Boat of the soume of six pounds Sterling money of England, of the one half quhair of there is present satisfaction made, and for the other half thereof belonging to Her Majestie there is security given Whereupon both the saids persons, viz., Bishoptoun younger and Provest Cunynghame asked and took instruments.

JO^N MARSHALL, *Baillie*.

GEO. MONRO, *Bailye*.

73. *Roup of the Market and Bridge Customs of Irvine.*—

1st November 1705.

ATT Irving the first day of November j^m vij^c and ffyve years: The quhilk day the Impositione granted to this Burgh by Act of Parliament of ffourtie pennies Scotts over and above the 8^d of petty dewes for the pecks or weights and together therewith, making in all ffour shilling Scotts upon every sack of Meill, Corne, Beir, Pease, Beans, and all other graine quhatsoever that shall be brought into the weekly mercatts of this Burgh, and tuo shilling Scotts upon every sack of meill, and one shilling Scotts upon every sack of corne, beir, peise beans and other grains quhich shall be imported into the harbour of this Burgh by quhatsoever person or persons and shall be sold within the samen Burgh, (excepting the Victuall to be imported by sea within this Burgh or harbour therof by burgesses inhabitants, quhich is only to pay the one half of these dewes, and als excepting farme victuall quhich is altogether exempted) are after touck of Drumm, publick ropeing and running of the sand glasse as use is, Sett to Robert Haistie merchant burges of Irving, ffor the years space following viz., From this Hallowday j^m vij^c and fyve years to Hallowday next j^m vij^c and six years ffor the soume of ane hundreth and one pounds Scotts money, payable quarterly att ffour termes in the year be equall portions viz., The first 4th pairt of the said soume att Candlemes next 1706 years: The second 4th pairt of the said soume att Mayday thereafter: The third 4th pairt therof att Lambmes thereafter: And the last 4th pairt therof and in compleat payment of the said tack dewtie att Hallowday next 1706 years: For payment quherof proportionallie att the saids respective termes of payment to the Theasaurer of this Burgh the said Robert Haistie as principall and Samuel Duncan merchant burges of Irving as cautioner for him, be thir presents bind and obleidge themselves their aires executors successors and intromettors etc., conjunctlie and severallie, and hee to releive his said cautioner. In wittnes quhairof they have subscryved thir presents date forsaid before thir wittnesses John Hamilton clerk of Irving wryter hereof and Richard Cunynghame and Allan Francis wryters in Irving.

Rich Cunynghame, *witness.*Joⁿ Hamilton, *wittnes.*All. Francis, *wittnes.*

ROBERT HASTIE.

SAMUELL DUNCAN.

Irving, the said 1st November j^m vij^c and ffyve years :—

The quhilk day the Bridge Customes of this Burgh, and als the petty customes therof, excepting the dewes upon the pecks or meill mercatt weights, are after beating of the Drumm, publick ropeing, and running of the sand glasse as use is, Sett to James Muir, tayleor, burges of Irving, ffor the year following, viz., From Hallowday 1705 to Hallowday next 1706 years ffor the soume of threttie six pounds Scotts money payable quarterly and proportionallie att and upon the first dayes of Februarij May August and November next to come j^m vij^c and six years : ffor payment quhairof to the Theasaurers of this Burgh att the saids respective termes of payment the said James Muir as principall and James Nevin merchant burges of Irving as cautioner for him hereby obleidge themselves their aires executors successors and tutors etc. conjunctlie and severallie, and hee to releive his said cautioner In wittnes quhairof they have subscryved thir presents date forsaid before thir wittnesses John Hamilton clerk of Irving wryter hereof, and Allan Francis and Richard Cunynghame wryters there.

Joⁿ Hamilton, *wittnes.*

Ric^h Cunynghame, *witness.*

All. Francis, *wittnes.*

JAMES MURE.

JAMES NIVINE.

Memorandum The weights, beams and pecks following are to be enquiryed after, viz.—

ffourtein beams

ffourtein bucketts

ffourtein Broads

Fourtein stand of ropes

Tuelve stand of lead weights, quhairof 12 half stones 12 quarters.

There are also sixtein pecks Irving measure, one quhairof is the Standart.

There are lykewayes pecks of Linlithgow measure in the Counsell-house.

ffirelocks

Picks

Tuo Stand of Colours all belonging to the Toun.

74. *Act of Privy Council for a general Contribution for repairing the Harbour of Irvine.*—12th February 1706.

ATT Edinburgh the tuelth day of ffebruary j^m vij^e and six years Anent the Petition given in and presented to the Lords of Her Majesties Privie Council by the Magistrats of Irvine shewing that the toun of Irvine by reason of its Harbour hes bein a place of great trade and these many years bygone especially in transporting coalls to Ireland and returneing mony. The Harbour where the ships and boats lye and the entrie therto is invironed by sandie hills upon the south north and pairt of the east quarters so that as the wind blowes from the several airts there aryses shelves and banks in the river which hinder the incomeing and outgoeing of ships: For removeing wherof the neighbours and inhabitants of Irvine have lauboured with their hands and expended of the comon good and privat fortunes till they are overpowered and not able to master the work and these who were in use to come with their ships have severall times represented their difficultie and hardship to the Magistrats by being hindered to come in and goe off att the seasonable times by reason of these banks and shelves that have arisen and dayly aryse And the Magistrats not being able to undergo such a work by themselves unles assisted by the contribution of others who are all concerned in so good a work and of so universall concerne Therefore humbly Craveing to the effect aftermentioned as the said petition bears The Lords of Her Majesties Privie Council haveing considered the above petition given in to them by the Magistrats of Irvine and the samin being read in their presence The saids Lords doe herby Grant to the petitioners ane voluntar Contribution to be collected within all the paroch Churches of this Kingdome upon such dayes as the petitioners shall appoynt after intimation at the paroch Churches the Sabath day before collecting therof, aither at the Church doors of the respective paroches or in such other maner as shall be concerted and agreed upon by the petitioners and that for repairing the Harbour belonging to the said toun removeing the shelves and banks and maintaining the harbour when cleared: And appoyntis the said collection to be payed in to William Cunninghame late provost of Irvine and John Marshall late Baillie there In respect that before extracting heiroy they have given bond and found sufficient caution to the end forsaied and that at the sight and by the direction allwayes of the petitioners.

Extracted by me,

Ro^t FORBES, *Cls. Sti. Cons.*

75. *Roup of the Petty Customs of the Market, Bridge, and Anchorage of Irvine.*—1st November 1706.

Att Irving the first day of November j^m vij^c and six years :

THE quhilk day the Imposition granted to this Burgh by Act of Parliament of ffourtie pennies Scots over and above the eight penny Scots of pety dewes for the pecks or weights, and together therewith makeing in all ffour shilling Scots upon every sack of meal corn bear peis beans and all other grains whatsomevir that shall be brought into the weekly mercat of this Burgh and tuo shilling Scots upon every sack of meil and one shilling Scots upon every sack of corn bear peas beans and other grains which shall be imported into the Harbour of this Burgh by whatever person or persons and shall be sold within the samen Burgh (excepting the Victuall to be imported by sea within this Burgh or harbour therof by burgesses inhabitants which is only to pay the one half of these dewes and als excepting farm Victuall quhich is altogether exempted) are after touck of Drum publick ropeing and runing of the sand glass as use is Sett to Robert Hastie merchant burges of Irving ffor the years space following viz. ffrom this Hallowday j^m vij^c and six years to Hallowday next j^m vij^c and sevin years ffor the soume of nyntie tuo pound good and usuall Scots money payable quarterly att four terms in the year be equall portions viz. The first fourth part of the said soume at Candlemes next j^m vij^c and sevin years The second fourth part of the said soume at Mayday thereafter The third fourth part at Lambmes thereafter And the last fourth part therof and in compleat payment of the said tack dutie att Hallowday next j^m vij^c and sevin years For payment quherof proportionally at the saids respective termes to the theasaurer of this Burgh the said Robert Hastie as principall and Samuel Duncan merchant burges of the said Burgh as cautioner for him be thir presents bind and obleidge themselves conjunctlie and severallie their airs executors successors and intromettars with their goods and geir whatsomevir And the said Robert Hastie principall to releive his said cautioner of all coast and damnage he or his forsaid can sustain therethrow in any sort In wittnes quhairof they have subscryved thir presents day month place and year above writtin before thir wittnessis Hugh Stevinsone wryter in Irvine and Allan Francis there and [writer] hereof.

RO^{TT} HASTIE.

SAMUELL DUNCAN.

Hugh Stevinson, *witnes.*

Att Irving the first day of November one thousand seven hundreth and six years :—

The whilk day the Bridge Customs of this Burgh and als the petty customs therof excepting the dewes upon the pecks or meal mercatt weights are after touck of Drum publick ropeing and runing of the sand glass as use is Sett to Samuell Duncan merchant in Irving for the year following viz. From Hallowday instant j^m vij^c and six to Hallowday next j^m vij^c and sevin ffor the soume of threttie pound Scots money payable quarterly and proportionally at and upon the first dayes of February, May, August, and November next to come all in the year j^m vij^c and sevin For payment quherof to the thesaurers at the saids respective terms the said Samuell Duncan as principal and Robert Hastie merchant in Irving as cautioner and souertie with and for him hereby obleidge themselves conjunctlie and severallie their airs and successors and he to releive his said cautioner. In witnes quhairof they have subscriyved thir presents day month place and year above writtin before these witnesses Alexander Broun late Baillie and Allan Francis wryter in Irving and hereof.

SAMUELL DUNCAN.

RO^{tt} HASTIE.

Alex^r Broun, *wittnes*.

Att Irving the first day of November j^m vij^c and six years :—

The whilk day the Water baillieship and Anchorage of this Burgh are after publick ropeing *ut supra* Sett to William Broun skipper in Irving ffor the space of ane year following viz. From the first day of November instant to the first of November next 1707 for the soume of sixtie ffour pound good and usuall Scotts mony For payment quhairof to the thesaurer of this Burgh the said William Broun principall and John Hay merchant in Irving as cautioner for him equally at Mayday and Hallowday they bind and obleidge them conjunctlie and severallie and successors And als to uphold the Pearches sufficiently dureing the forsaid space and to keep and place the turning pearches and other pearches in their due and propper places And to keep up and place the three ballast pearches where veshells are to cast out their ballast at the sight and advice of the Magistrats and Counsell. [And als not to suffer any coaches or carts to go alongst the Bridge without the Magistrats speciall allowance And if any shall doe in the contrairy that

they shall bring the contraveener to the Magistrats.^{1]} And it is hereby declaired that the said tacksman or partners are not to have liberty to buy or broke any herrings killings or other fishes more then for the use of their oun familie to the prejudice of the inhabitants under such penaltie and pains as the Magistrats and Counsell shall think fitt And the said William Broun principall obleidges him for the releiff of his said cautioner. In witnes quhairof they have subscryved thir presents day month place and year of God above writtin before thir witnessis Alexander Broun late Baillie and Allan Francis wryter in Irving and herof Declairing hereby that in case the Scots coalls shall dureing the said space be prohibite then the said tacksman is to be free of this present rope from the time the said prohibition shall take effect they paying for what time they shall have possest or bruiked before the said prohibitions effering to the said tack dutie.

WILLIAM BROUN.

JOHN HAY.

Alex^r Broun, *witnes*.

76. *Report by [Allan] Francis, Clerk of the Burgh of Irvine, to the Council of the Burgh, and form of election of its Office-bearers.—29th June 1710.*²

THEIR councill consists of fifteen merchants, including the provost, two baillies, dean of gild, and treasurer, and two trades, making in all seventeen. They elect their magistrats, viz., the provost and tuo baillies, yearly, the first Munday after Michalmass; and the Friday preceeding they leit the magistrats, and do put tuo on the leit to the old provost and four to the tuo old baillies, and the Friday preceeding that they elect their new councill, and on the Friday after the election of the magistrats they choose their dean of gild, treasurer, clerk, fiscall, officers, visitors of mercats, birlamen, etc., and are obliged yearly to change tuo merchants and tuo trades. And the provost and tuo baillies are not to continue above tuo years. Which is attested by me this twenty ninth of June one thousand seven hundred and ten years.

Sic Subscribitur: A. FRANCIS, *Clerk*.

¹ This clause is cancelled in the original.

² *Misc. Scot. Burgh Records*, p. 195.

77. *Act of the Town Council of Irvine authorising the production of their Charter of Replegiation before the Justices at Ayr.—29th October 1711.*

ATT the Burgh of Irving the tuentie nynth day of October j^m vij^c and elevin years: The quhilk day the Magistrates and Council of the said Burgh understanding that there are severall of the Burgesses inhabitants of the said Burgh cited to compear before the Justices of the Peace att Air the morrow being the threttieth instant Doe hereby authorise and impower M^r William Cunynghame present provest, and William M'Taggart ane of the present Baillies of the said Burgh to go over to Air the said day and there in their names to exhibite and produce the Burgh of Irving's Charter of Confirmation containing a power of Replegiation dated the sevinteenth day of November j^m vj^c ffourtie ane years (which is judicially delyvered to them) and to crave that such of the saids Burgesses as are summoned may be repledged and brought back to be judged by the Magistrates of Irving who by the said Charter are proper Justices within themselves. Extracted ffurth of the Records of council be me, ALL. FFRANCIS, *Cls.*

78. *Bond by Residenters in Ayrshire for payment of stakes for the Prize to be shot for yearly at Irvine.—1721.*

WEE subscribers oblidge us dureing life and residence within the Shire of Ayr conform to our subscriptions to give in half ane Crown to the Thesaurer of Irvine of each stake for the Pryse of Irvine to be shott for with gunns at the said Burgh the second Teusday of August yearly which Pryse was first sett out by Hugh Montgomery of Hartfield, he having generously complimented the said Burgh with the same All which stakes are to be applyed for the Pryse the subsequent years Consenting to the registration hereof in the Books of Council and Session or any others competent that letters of horning and other executorialls needful on six days' charge and other executorialls needfull in form as effeirs may pass hereon And thereto constitutes our Procurators, etc. In witnes whereof (written on stampt paper by James Marshall servitor to George and Hugh Monros wryters in Irvine) wee have subscryvit thir

presents at Irvine and the day of
and day of j^m vij^c and twenty one years.

Will. Cunninghame for one
William Simson for one
Ja. Smith for on
Bish. James Ramsay for one
John Crawford for one
Alex^r Baillie for one
John Brown for one
Ja. Boyle for one
Pat^k Montgomerie for one
Will. Marshall for one
Tho. Biggar for one
James Gray for one
John Gemmill for one
J. Harper p^d for one
Arthur Martine for one
Arch. Cuninghame for one
Jo. M'Kerrell for one
Charles Shedden for one
W^m Montgomerie for one
Joⁿ Thompson for one
James Craufurd for one
Ja. Marshall for one
Ro. Crawford for one
Da^d Jack for one
Arch^d Lang for one
Ro^t Montgomerie on
John Glasgow for one

Sam^l Adames one
James Smith one
James Louttit for one
Henry Cuninghame one
Robert Hastie one
John Smith for one
John Bryson for ane
Hugh M'Cliesh for on
John M'Cleish for one
William Brown one
Ja. Robertson for one
Geo^e Norris
William Cuningham for one
Hugh Monro for two
John Holmes for one
Alex^r Cuninghame for two
Zach. Gemmill for two
Edward Ker for one
Tho^s Boyd for one
W^m Gordan for one
Alex^r Barkly for one
Robert Bryson for on
Char. Boyle for one
James Cuninghame for one
W. M'Taggart for one
Robert Craig when at hom one
Da. Muire one

Matthew Montgomerie for one

79. *Act of the Town Council of Irvine erecting the Barbers of the Burgh into an Incorporation.*—30th September 1723.

ATt the Burgh of Irvine the thirty day of September one thousand seven hundred and twenty three years: The which day in presence of the Magistrats and Council of the Burgh of Irvine anent the Petition given into them by Robert Mitchell James White Robert Hastie James Spark Charles Rob Hugh Niven and Benjamin Mitchell barbers and wigmakers within the said burgh for themselves and others of that imployment who shall join with them hereafter Mentioning that where the saids petitioners being increased to a considerable number equall to if not beyond some of the trades and having for some years bygone join'd in an Society amongst themselves and rais'd a publick fond for pious and charitable uses they humbly address'd their Honours for an Act of Council in their favours establishing them in an distinct Incorporation by themselves conform to the practice of many other burghs in the Kingdome with power to them to elect yearly a Deacon amongst themselves with such other priviledges in relation to their trade as their Honours should find reasonable to conferr upon them in manner therin mentioned With the report made by William M'Taggart Provost James Nisbet Bayllie M^r William Cunningham late Provost John Holms and Robert Rodger appointed by the Magistrats and Council upon the twinty day of September instant to consider the said petition and make report thereof finding that by the laws of the Kingdome the Magistrats and Council of burghs are impowered to erect all trades into incorporations with power to them to elect Deacons yearly And thinking it just and reasonable that the barbers and wigmakers be erected into an incorporation and recomending the same to the Magistrats and Council And the said petition and report being read in presence of the saids Magistrats and Council upon the twinty seventh day of the said month of September instant the answering thereto and determination therof was continued to this day that the Magistrats and Council might be fully advis'd theranent And the said petition and report being this day judicially read in presence of the saids Magistrats and Council and having at length heard seen and considered the same and being therewith well and ripely advised The saids Magistrats and Council did and hereby do establish and erect the saids barbers and wigmakers within the Burgh of Irvine and

their successors barbers and wigmakers within the said burgh into an distinct Incorporation and hereby grants power to them to elect an Deacon yearly amongst themselves and make laws and rules in relation to the said Incorporation and trade the saids laws and rules being always subject to the regulation of the Magistrats and Council of the said burgh present and for the time being. Extracted furth of the records of the Burgh of Irvine upon the twinty eight day of October j^m vij^c and twinty three years by me,

J.A. MARSHALL, *Clerk.*

80. *Roup of the Customs of Irvine.—1st November 1732.*

CONDITIONS of the Roup of the Mealmercat Customs Anchoradge Petty and Bridge Customs to be roupd separately as follows viz.—

Imprimis The Customs of the Mealmercat are to be sett by way of publick roup for the year to come viz.—From Hallowday j^m vij^c and thirty two to Hallowday j^m vij^c and thirty three And the same to be uplifted conform to use and wont.

Item Anchoradges year forsaid the Town being oblidge to keep up the parches upon their own expences.

Item Petty and Bridge Customs, the Town being oblidge to allow ten shillings sterling for a weight house and for encouradgement publick intimation is to be made that all persons who have Butter and Cheese and others to sell to come to the Trone and not to dispose of them privately under the pain of confiscation of saids goods.

Item The Bod Penny to be fourty shilling Scots for each.

Item Half a crown of Dead Earnest for each.

The persons in whose hands the Roup shall fall are oblidge to find sufficient caution for payment of the respective prices (as the same shall be required) quarterly And the person in whose hands the Anchoradge shall fall is oblidge to keep the parches at the sight of the Magistrats the expences of upholding the same being upon the Touns accompt.

Irvine 1st November 1732.

The which day in presence of John Marshall of Greenhead provost and John M'Cleish bailly of Irvine the Customs of the Meal Mercat after

publick roup and running of the glass fell in the hands of John Fetter, merchant in Irvine, at the price of thirteen pound sterling For payment quhairof quarterly he and James Templeton residenter in Irvine as cautioner for him bind and oblidge themselves conjunctly and severally and the said John Fetter oblidges him for relief of his said cautioner In witness whereof they have judicially subscribed thir presents att Irvine the said first day of November j^m vij^c and thirty two years.

The Magistrates interpone their authority.

JN. FETTER.

Jo. Marshall.

JAMES ^{† his} [†] TEMPLETON.
_{† mark}

Jo. M'Cleish.

Irvine, 1st November 1732.

The which day in presence of John Marshall of Greenhead provost and John M'Cleish bailly of Irvine the Anchoradges after public rousing and running of the glass fell in the hands of Robert Brown in Gouthries at the price of twenty three pound sterling money for payment whereof quarterly he and John Gray late bailly of Irvine as cautioner for him bind and oblidge themselves conjunctly and severally and the said Robert Brown oblidges himself for relieff of his said cautioner In witness quhairof they have judicially subscribed thir presents day and date foresaid.

The Magistrates interpone their authority.

JOHN GRAY.

Jo. Marshall.

ROBERT BROWN.

Jo. M'Cleish.

Irvine, 1st November 1732.

The which day in presence of John Marshall of Greenhead provost and John M'Cleish baillie of Irvine the Petty and Bridge Customs after publick roup and running of the glass fell in the hands of William Malcom carrier in Irvine at the price of twelve pound five shilling sterling for payment quhairof quarterly he and John Borland shipmaster in Irvine as cautioner for him bind and oblidge them conjunctly and severally and the said William Malcom oblidges himself for relieff of his said cautioner. In witnes quhairof they have subscribed thir presents judicially day and date forsaid.

The Magistrates interpone their authority.

WILLIAM MALLCOM.

Jno. Marshall.

JOHN BORLAND.

Jo. M'Cleish.

81. *Contract between the Magistrates of Irvine and Thomas Brown, Mason, for building the Bridge anew.—15th January 1748.*

ATT Irvine the fifteenth day of January one thousand seven hundred and fourty eight years It is contracted agreed and ended betwixt John Dunlop and Robert Craig present baillies of the Burgh of Irvine and Thomas Bigger present Dean of Guild of Irvine for themselves and as haveing power and commission from the Town Councill of Irvine and as representing the community of the said burgh by their Act of Councill of date the ninth day of January j^m vij^c and fourty eight years to the effect after mentioned of the one part and Thomas Brown masson burgess of Irvine of the other part in manner following That is to say the said Thomas Brown by these presents binds and obliges him his heirs and executors as early in this Spring as the season will permit to pull down the Bridge of Irvine to the foundation and sufficiently to build a new Bridge in the place where the old one stands of the same number of arches and pillars, the pen of each arch of twenty seven inches deep, and each stone of the ring pen of the same number of twenty seven inches deep, of the same wideness or breadth of the present Bridge, with parapats or ledges from one end to the other of both sides of the Bridge three foot high above the causway, with one foot and an half of deed sand laid betwixt the pen and the causway And to make two square places one on each side in the middle of the Bridge of five foot wide and twelve foot long if they can be got of that size for men and horse goeing into when horse and carts are passing To raise the causway at the middle of the Bridge so as to make the water run to each end with ease without any gutters That he shall make the arches and pillars of any hight not exceeding of those of the present Bridge, the pillars of the same dimension as to the thickness with those of the present, conform to a plain to be delivered to the said Thomas Brown within six weeks after the date hereof, and to raise the two ends of the Bridge conform to the said plan And that he shall carrie on the building of said Bridge so constantly and expeditiously this Spring and Summer as to have it fitt for receiveing carriages in the month of October next with the ledges compleat so as to render passengers and carriages safe And to finish the causway of said Bridge for the weightyest carriages against the month of December j^m vij^c and fourty eight years And that in the month of March or Aprile j^m vij^c

and fourty nine the whole of the said Bridge shall be visited and inspected by two knowing tradesmen to be mutually chosen by both parties and in case of differences betwixt them then the said Bridge is to be visited by William Fullartoun of Fullartoun Esquire as umpire or oversman who is hereby appointed to determine the condition of said Bridge with respect to the sufficiency or insufficiency to whose determination both parties oblige themselves to stand and acquiesse That he shall do the whole surface and ledges of said Bridge of sufficient hewn free stone of proper and sufficient sizes for such work and furnish lay down and pay the whole materials and men's wages Further the said Thomas Brown binds and obliges him to procure and find to the Magistrates of Irvine sufficient caution for his performance of the premisses before he draw the first partial payment of the sum after mentioned For which causes and on the other part the said John Dunlop Robert Craig and Thomas Bigger bind and oblige themselves and their said constituents the present Magistrats and Town Councill of Irvine and their successors in office as representing the whole body and community of the said burgh to make good and thankfull payment to the said Thomas Brown his heirs executors or assigneys of the sum of three hundred and fifty pound sterling as the adequat and agreed price for building said Bridge sufficiently as aforesaid including all the materials to be furnished and that at the times and in the proportions following To witt Fifty pound sterling thereof on the first day of March next other fifty pound sterling at Whitsunday next a third fifty pound sterling on the first of July next another fifty pound sterling at Lambas next and the last fifty pound sterling in compleat payment of the said Bridge at the term of Whittsunday j^m vij^c and ffourty nine and that by and attour all the materials of the old Bridge which he may find to be usefull in building the new one And further they allow the said Thomas Brown and his servants to be employed in building said Bridge to cut turves for Dams to the said building upon any part of the Town's property that may be most convenient without any consideration therefor And both parties bind and oblidge them and their foresaids to observe perform and fulfill the premisses to each other hinc inde under the penalty of twenty pound sterling money to be paid by the party failzieing to the other observing or willing to observe their part attour performance Consenting to the registration hereof in the books of Councill and Session or any other Judges books that letters of horning on six days' charge and other executorialls needfull in form as

effeirs may pass hereon they constitute their procurators,
 etc. In witness quhereof these presents consisting of this and the two
 preceeding pages with the marginall note upon the second page (written
 upon stampt paper by James Gemmill servitor to Robert Crawford, writer in
 Irvine) are subscribed by both parties place day month and year aforesaid
 before these witnesses the saids Robert Crawford and James Gemmill.

Ro. Crawford, *witnes.*

Jas. Gemmill, *witness.*

JOHN DUNLOP.

ROBT CRAIG.

THO. BIGGER.

THO. BROWN.

[*On the back.*]

I the within designed Thomas Brown in regard the Magistrats and
 Town Council of Irvine have at sundry times implemented their part of
 the within contract by paying to me the sum contracted for building the
 Bridge of Irvine for which I gave receipts to their Treasurer therefore I
 discharge them of the within contract and whole effect thereof In witness
 whereof these presents (written by Robert Crawford wryter in Irvine) are
 subscribed by me at Irvin the twenty first day of Apryle seventeen
 hundred and fifty three years before these witnesses Thomas Bigger one
 of the late baillies of the said burgh John Innes wryter in Irvine and the
 said Robert Crawford It is declared that my receipts which lye in the
 Treasurers hands shall not import double payments of the sum hereby
 discharged.

THO. BROWN.

Tho. Bigger, *witnes.*

Joⁿ Innes, *witness.*

Ro. Crawford, *witnes.*

[*Paper enclosed in preceding.*]

We under subscribers being mutually chosen by the Magistrates of the
 Burgh of Irvine and Thomas Brown mason, to visite the Bridge of Irvine
 latly built by the said Mr. Brown, as to the suficiency or insuficiency thereof,
 to the best of our skill and judgment so far as it outwardlay appears to us,
 that the four arches of the said bridge are apparently strong, and that the
 leges being mostlay of the same old stones of the former leges, with a
 mixture of new, and are as strong as formerlay And our judgment upon the
 whole, so far as appears to us, as the Casy is diplay laid over with sand can

pas no judgment one same. As witness our hands this twentyeth day of May one thousand seven hundred and forty nine years.

THOMAS ANDERSON.

PATRICK SMITH.

82. *Commission to James Gemmell, Writer, to be Fiscal of the Admiralty of Irvine.*—13th November 1752.

WEE James Boyle of Montgomeriestoune Provost James Campbell and James Hill bailies of the Burgh of Irvine Deput Admirals appointed by the Earle of Finlater over the whole Port of Irvine from Troon point to Kelly bridge conform to commission granted by his Lordship to us being well satisfied with the abilitys and qualifications of James Gemmill wryter in Irvine for exerceing the office of Procurator Fiscal of the said Admiralty Do therefore by virtue of the power granted to us by our said commission Nominat constitute and appoint the said James Gemmill wryter in Irvine to be our procurator fiscal of the said Admiralty with power to him to prosecute all criminals and offenders within the saids bounds of our Admiralty to levy collect and uplift all fynes amerciaments mulcts waifes and wracks within the aforesaid bounds and generally all and every other thing to do and execute that any other procurator fiscall of any other admiralty may lawfully do or cause to be done He alwayes accounting to us for the saids fines amerciaments waifes and wracks he may uplift and intromitt with in virtue hereof when desired Promissing to hold firm and stable all and whatsoever things the said James Gemmill in the exercise of the aforesaid office shall lawfully do or cause to be done And this our commission to endure dureing our pleasure. And that these presents may be insert and registrat in the books of Council and Session Court books of the said Admiralty or any other Judges books for preservation we constitute our procurators In witness whereof these presents (written upon stamp'd paper by Robert Crawford wryter in Irvine) are subscribed by us att Irvine the thirteenth day of November new style one thousand seven hundred and fifty two years before these witnesses, William Laurie wright in Irvine and the said Robert Crawford.

William Lowiry, *witnes.*

Ro. Crawford, *witnes.*

JA. BOYLE.

JAMES CAMPBELL.

JAMES HILL.

83. *Attestation of the date of the Seal of Cause.—24th February 1757.*

At Irvine the twenty fourth day of February seventeen hundred and fifty seven years :—

THE which day We David Burns present Deacon Conveener of the Trades of Irvine and James Kennedy late Deacon Conveener of the Trades there and in presence of me Nottary Publick subscribing, the principall Seal of Cause granted by the Magistrates of the Burgh of Irvine in favours of the Incorporated Trades of the said Burgh being read and perused by us Do certifie that the said Seal of Cause bears date the third day of July one thousand six hundred and ffourty six years And that the Cooper trade is therein incorporate with the same priviledges as any other of the incorporated trades therein mentioned Given under our hands at Irvine the day and date above mentioned in presence of John Boyd apprentice to James Gemmill wryter in Irvine and John M'Fie merchant there.

DAVID BURNS.

JAMES KENNEDY.

Præmissa esse vera attestor.

JO^N INNES, *N. P.*

John M'fie, *witness.*

John Boyd, *witness.*

84. *Proposed Address by the Freeholders of Ayr to the King in regard to Arming the Inhabitants for Defence of the Coast.—3d October 1759. [Print.]*

Ayr 3d October 1759 :—

CONVEENED the Noblemen and Gentlemen following, viz. The E. of Eglington, the E. of Lowdoun, Alexr. Boswell Lord Auchinleck, Sir Adam Fergusson of Kilkerran, Mr. Wm. Duff sherriff depute of Ayr, Allan Whitefoord of Ballochmile, Wm. Ramsay of Montfodd, Archibald Crawford of Ardmilland, Alexr. Crawford of New-wark, Rob. Hamiltoun of Bourtreehill, Andrew Hunter of Park, Jas. Whitefoord of Dinduff, Adam Crawford Newale of Polquharne, Wm. Logan of Castlemains, John Hamiltoun of Montgomriestoun, Alexr. Campble of Drumgrange, the Provost of Air, Mr. George Reid Minr. of the Gospel at St. Evox, Mr. John Cunningham

of Bridgehous Minr. of the Gospel at Dalmellingtoun. The above Noblemen and Gentlemen having convened this day in consequence of a concert of the freeholders met at Michalmas head Court yesterday, made choice of Lord Auchinleck for Preses, and were unanimously of opinion

That a humble address be presented to his Majesty by the Nobility, Gentry, and Clergy of the shire of Ayr, congratulating his Majesty on the success of his Arms by Sea and Land :

Thanking him for his care and vigilance which hath hitherto given us the quiet enjoyment of our estates amidst the alarm of war to which other nations have been exposed.

Expressing our desire to contribute what is in our power to assist his Majesty in carrying on his salutary schemes for the liberty of Europe and the safety of his dominions :

To represent, that notwithstanding our zeal for these great things, we find that the want and disuse of Arms renders us at present in a manner incapable to be of any use to ourselves or the public should the French make a descent on these Islands.

To propose, that in order to render the people of more effectual service to the public, as well as to enable them to defend themselves should the enemy land, where the regular troops are at a distance, that his Majesty may be graciously pleased to order the Sheriff, according to the old laws of North Britain still in force, to appoint Officers to train the fencible men in each parish and to order one thousand stand of Arms to be delivered over to the Sheriff, to be by him distributed among the Officers by him to be appointed, who are to be answerable to him for the same. And this method it is hoped will have the effect to train a considerable number of men who may be depended on in case of necessity :

Proposed, that the Heritors of the county shall contribute conform to their valuations for purchasing ammunition to the extent of two or three hundred pounds sterl. and this to be distributed by the Sheriff in the same way as the Arms are, viz. conform to the number of inhabitants in the parish. As also, that the Chelsea men must assist in training the men. The county must be at the expence of paying them sixpence per day when employed. And further, that an adjutant for each district shall be employed, and payed at the rate of two shillings and sixpence per day when employed :

Proposed, that the two royal Burghs of Ayr and Irvine shall each

address seপরately to the same effect, praying Arms for their Burgesses, and their addresses shall go up along with that from the county.

The meeting ordered the above proposals to be printed, and copies of them to be transmitted to the whole Noblemen and Gentlemen Heretors of the county, and Ministers of each parish, with a letter from the Preses desiring their attendance at Ayr further to deliberate on the subject matter of the proposals, on Friday the 12th of October current.

ALEX. BOSWEL.

GENTLEMEN—By appointment of the meeting of the Freeholders, there is herein transmitted certain proposals on a subject of the last consequence to the county and to the kingdom. They were such as the meeting this day unanimously approved of and wish earnestly that the meeting on Friday the 12th may be as frequent as possible, and hope that you will attend, or if you be by any accident prevented, that you will signify your mind upon the proposals by a letter. I am your most humble servant,

ALEXANDER BOSWEL.

[Addressed]

To the honourable

The Magistrates of Irvine.

85. *Letter to the Magistrates of Irvine in reference to an Address by them and the Magistrates of Ayr, to the King, regarding the Arming of the Inhabitants.*—15th October 1759.

SIR—Agreeable to your desire on Saturday I by this advise you that our Magistrates after converseing the inhabitants and finding them willing to be instructed in the use of and to bear arms in caice of any ffrench partie landing on this coast and to co-operate with their neighbours and the forces if any should be got in defending against such partie, this day in Council agreed to address his Majesty in the terms annexed, which address is to be signed by our provest and sent to Lord Auchinleck to be forwarded with the address from the county, as our Member is not at present at Court, and which method I suppose you will also follow by sending yours to Lord Auchinleck some time on Wednesday. Our provest is to write his Lordship to hint to the Secretary of State that wee might imploy 300 stand of Arms. I told you before that you should vary as far as you please the

form of the Address that at least they may not appear to be the same draught. Make my compliments acceptable to Provist Hamiltoun. Forgive my being hurried.—I am, Sir, your most humble servant,

JA. FERGUSSON.

Ayr 15th October 1759.

[*Addressed*]

To Mr. James Allison present dean of Gild of Irvine.

[*Address referred to in preceding Letter and on same sheet.*]

To the Kings most Excellent Majesty. The Most humble Address of the Magistrates and Town Council of the Burgh of Ayr in Council assembled. We Your Majesties most dutiful and loyall subjects beg liberty, with the most profound humility, to congratulate your Majesty on the glorious success of your Arms by Sea and Land, whereby the pernicious designs of our enemies have been hitherto baffled, our Commerce protected, and the peaceable possession of the fruits of our industry secured to us.

Being sensible of these inestimable blessings enjoyed by us under your Majesties most auspicious Government, we are ready to hazard our lives and fortunes in defence of your sacred Person and of our Country, now threatned with an invasion from a perfidious enemy rendered desperate by repeated losses and disappointments.

As your Majesties troops are at present necessarily employed at a distance from us, we and our fellow Burgesses are very desirous of being put in a condition of making all the defence in our power and of co-operating with the regular forces against the enemy should they attempt to land on our coast or to destroy the shipping in our harbour. But the want of Arms and ammunition renders us unable to accomplish these good purposes.

Allow us further, with the greatest submission, to lay before your Majesty the defenceless state of the whole Firth of Clyde, in the trade whereof many thousands of your faithful subjects are interested, and to pray in the most humble manner that your Majesty will be pleased to give such orders for defence of the said Firth against our enemies, as the exigence of the times will admitt; and also for putting the inhabitants of this burgh in such posture of defence as your Majesty in your great wisdom shall judge proper.

That Your Majesty may have continued success against your enemies, and long reign over a free and happy people, and there may never be wanting of your royal line, inheriting your princely virtues, to sit upon the throne of these Realms, is and shall be the constant prayer of your Majesties most faithful subjects the Magistrates and Council of your Burgh of Ayr.

Signed by our Præses in our presence and by our appointment.

86. *Papers in process between the Magistrates of Irvine and Mr. Kemp, Teacher of English, etc.—1755-1759.*

MINUTS the Magistrates and Councill of the BURGH of IRVINE against Mr. JAMES KEMPT, Schoolmaster of the English School in the said Burgh.—*Actor* Millar—*Alter* Hamilton Gordon.

MILLAR repeated in his charges ane Act of the Toun Councill of Irvine of the date the twenty eight of December j^m vij^c and fiftie four electing and nominateing William Henderson precentor of the Church of Irvine for one year commencing at Whitsunday j^m vij^c and fiftie fyve, and ane other Act of the seventh of May j^m vij^c and fiftie fyve, whereby it is declared that it was the intention of the Councill that the Suspender was not to gett ane sellary as English Schoolmaster at Irvine after the comeing Whitsunday and craved the letters may be found orderly proceeded.

HAMILTON GORDON repeated his Reasons of Suspension, and alleged that by ane advertisement at the publick Newspapers the 6th of Aprile 1747 the Magistrats of the burgh gave notice that the Schoolmaster who then taught English was to leave the place and that the vacancie was to be supplied by the first of June thereafter And for the encouragement of a person suiteably qualifed for teaching English after the modern way that the yearly sellary or profites would amount to upwards of threttie pounds sterling per annum besides two pounds ten shillings yearly as precentor of the Church which the former Schoolmaster did not enjoy That in consequence of this advertisement the Suspender appeared as a candidate for the office and tryall being taken by a skilled person of the Suspender's abilities and qualifications for teaching English and writeing And tryal being likeways taken of his precenting and the Magistrats and Councill

weell satisfied therewith they did unanimously elect nominat and choose the Suspender to be teacher of English in the burgh after the modern way and precentor of the Church giveing him the whole emoluments of marriages and baptisms by their act of the date the twenty sixth of May 1747 That albeit the Act of Councill bears his election to have been for one year after the date thereof, yet the Suspender being assured . . . at limitation of . . . was only to pre . . . the form of the . . . commissions . . . to the School . . . and as . . . there was no instance of a Schoolmaster being removed he brought up his family from Aberdeen and continued in the exercise of his offices for eight years, and contended that the Suspender being thus established in the office and no objection made either to his morall charachter or fitness for the office he cannot be removed arbitrarily therefrom, from the nature of the office as weell as in good policie were such a practice . . . indulged it behoved to be a very great disadvantage to the education of youth And with respect to the office of precentor the pouer of disposall thereof was not in the Magistrats and Councill but in the Kirk Session And the Suspender accordingly holds that office by ane Act of the Kirk Session of the nynteenth of July 1747 That these proceedings of the Magistrats and Councill did not proceed from anie just exception that could have been made against the Suspender either from anie thing in his morall conduct or for any incapacitie for teaching, but merely by the influence of some of the Councill with a view to serve a friend or favourite of their own And the injustice of their proceedings appears the more remarkable that the Act by which they would deprive him of the sallary as Schoolmaster bears date on the 7th of May and the deprivation was to take place at the Whitsunday thereafter And that the Suspender's charachter is unexceptionable appears from a certificate from the Minister and Elders and the greater part of the most considerable inhabitants of the burgh Notwithstanding whereof the Suspender is willing to subject both his charachter and capacity to the strictest tryall And therefor the acts complained of fall to be suspended.

MILLAR ansuered That the teacher of ane English School in the Burgh of Irvine has not his office by anie publick law nor any legall establishment but meerly a voluntary act of the inhabitants, and as the Suspender was nominated to the office for one year only on the expirie of the year his office ceased That the Suspender was in no ways in the case of a School-

master of . . . or anie such office which hath its establishment . . . That the Magistrats and Councill did remove the Suspender . . . give place to a person of greater merit And it is . . . Suspender to object to the Councells pouer of . . . especially as it was in virtue of their act he was admitted to the office and only in consequence thereof continued the office for the interim till a question which then subsisted between the Councill and Kirk Session with respect to the pouer of electing the precentor should be determined From all which it is evident the Suspender was removeable at pleasure and the act electing Mr. Henderson into the office of precentor is dated in December And his entry was not . . . till the Whitsunday thereafter . . . the act of the 7th of May was only an explanation of the Magistrats intention by the Act in December occasioned by some . . . of the Suspender's that notwithstanding the said act he would claime right to the salery which had been on his nomination agreed to be payed him by the . . . Schoolmaster.

HAMILTON GORDON replied That tho' the Suspender was only elected for one year, yet haveing continued in the office for eight years his election can at no rate be worse then his commission had been dureing pleasure And in that case the Suspender could not be arbitrarily removed but upon reasonable grounds as was found in a case betuixt the Magistrats of Edinburgh and Mr. Massie a regent of their College and a latter case between the Magistrats of Montrose and . . .

MILLAR duplyed That the case of a regent of a College and the present are in no ways similar, and in the case of the toun of Montrose the Schoolmaster . . . without mentioning anie time . . . dureing pleasure That the . . . character founded on which bears date . . . by the Suspender with a view as he pretended to service in another place That the Magistrats could give a reas . . . cause for what they did if it were necessary But as they apprehend the Suspender had no title to continue in the office if another was chosen into it they would rather for the Suspender's sake avoid entering into the . . . But if this is found necessary they will be at . . . descend upon the strongest reasons for turning . . . out of this office and electing a fitter person in . . .

[This paper is much wasted by damp.]

Having advised the foregoing debate Finds that the Suspender having in consequence of the advertisement mentioned in the debate offered himself as a candidate for the office of Teacher of the English School at Irvine and Precentor and after tryall of his qualifications been admitted to that office and had been continued in it for severall years altho' he was originally elected only for one year that he could not be removed from the said office by the Magistrats arbitrarily and without just cause, such as incapacity immorality or malversation and therefore suspends the letters simpliciter and decerns.

ROBERT PRINGLE.

1st August 1755.

Dear Sir—I have read Provost Campbell's letter of the 5th of August and I think the Magistrates may stop the payment of Mr. Kempt's salary and of the fees of Baptisms and Marriages in the meantime till the discussion of the Suspension. I am also of opinion that there is no occasion for entering upon a proof of Mr. Kempt's unfittnes or incapacity for the office And that the Act of Council dismissing him from his office will be reported independent of any such proof And I hope the Lord Ordinary will alter his Interloquitor, or if he does not I think the cause may be carried to the Inner House with probability of success.—I am, Sir, your humble servant,

THO. MILLER.

8th August 1755.

Mr. Peter Spark, Writer in Edinburgh.

8th August 1755.

Unto the Right Honourable the Lord Edgefelde The REPRESENTATION
of the Magistrates and Council of the BURGH of IRVINE

Humbly Sheweth—That in the process of Suspension at the instance of Mr. James Kempt late Teacher of English after the modern manner and Precentor of the Kirk within our burgh your Lordship 1st August 1755 having advised the debate ' finds that the Suspender having in consequence of the advertisement mentioned in the debate offered himself as ' a candidate for the office of Teacher of the English Schooll of Irvine and ' precentor and after tryal of his qualifications been admitted to that office ' and continued to serve in it for severall years altho' he was originally ' elected only for one year that he could not be removed from the said office ' by the Magistrates arbitrarily and without just cause such as incapacity

‘ immorality or malversation and therefore suspends the letters simpliciter and decerns.’

The Magistrates and Council beg leave to [offer] a few considerations to your Lordship in hope of [some] alteration of the above interloquitor. And in the first place It appears from the Extract of Suspender’s admission, dated 26 May 1747, ‘ that he was appointed Teacher of English after the ‘ modern manner and Precentor of the Church of Irvine for one year after ‘ the date with a sallary of £8 for teaching and £2 : 10 sh. for precenting in ‘ terms of the prop[osal] published in the Newspapers, providing that the ‘ Emoluments of Baptisms and Marriages thereby granted to Mr. Kempt ‘ should be accounted for and implied in part payment of the said sallary.’

These are the words of the Suspender’s commission, and with regard to his office of Precentor the Chargers cannott conceive upon what ground it is that the precenter of this burgh should hold his office upon any other terms than his predecessors and the precenters of all the burghs in Scotland have always held this office. It cannott be disputed that the precentors of the churches of Edinburgh, Glasgow, and in all the burghs of the kingdome are in the absolute disposall of the Magistrates and Council who may turn out their precentors and appoint others in their place at pleasure without assigning any reason for their choice. And the Chargers cannott find any reason why they should not have the same power in disposing of this office within their burgh as the Magistrates and Council of other burghs have. The terms of the Charger’s commission do not surely alter the nature of his office so as to make him independent of the pleasure of the Magistrates, at least after the expiry of one year. The Suspender was pleased to lay hold of a dispute which sometime subsisted between the Magistrates and Council and Kirk Session touching the right of appointing the precentor and he was pleased to take the side of the Kirk Session and to plead that they only and not the Magistrates and Council could turn him out of that office.

But in answer to this the Chargers again referred to the Suspender’s Act of Admission, from which it appears that he derived his office from the Magistrates and cannott therefore challenge their right. It is true he also obtained an act of the Kirk Session approving of his election to the office of precentor.

But your Lordship will please know that this act is likewise recalled by the Kirk Session, as Mr. Henderson is now appointed to that office by the joint acts of the Magistrates and Council and Kirk Session.

2dly, As to his other office of Teacher of English after the modern way the Chargers are equally at a loss to conceive upon what ground their Act of Council dismissing the Suspender from that office should be suspended.

Your Lordship will please observe that the office is not established in the burgh by any law or publick foundation which can oblige the Magistrates and Council to continue it longer than they think proper. It was sett up not many years ago when teaching of English after what is called the modern manner first came in vogue rather by way of experiment than with an intention to establish a perpetual office in the burgh, and therefore independant of every other consideration. The Chargers would willingly know from the Suspender upon what ground in law the Magistrates and Council can be decerned to continue such an office in the burgh and to pay a yearly sallary therefor any longer than they think proper.

The Magistrates and Council after tryall a good many years have found this modern manner of teaching English a mere farce and have therefore put an end to the office and to the sallary bestowed upon it, and have left it to the Parochial Schoolmaster or other private Teachers of English in the place to follow what method of teaching they think most proper. And they cannott conceive that it is in the power of any Court to decern them to continue the office and sallary of a Teacher of English after the modern way for the behoof of this Suspender unless he can show some publick Law or Act of the burgh which obliges them to keep up such a Teacher.

At the same time the Chargers admitt that if there is any obligation upon them whether exprest or implied in the Suspender's Act of Election whereby he can claim to be continued in this office or in the sallary therewith given for any continuance beyond their pleasure the same must be effectual against the Chargers.

But instead of any such obligation in the Suspender's Act of Admission your Lordship will please observe that he is elected to the office of Teacher of English and Precentor of the Church for one year after the date, which is long since expired, and consequently he must be removeable at the absolute will and pleasure of the Magistrates and Council.

Where indeed the publick law has fixed the endurance of any office to be *ad vitam aut culpam*, such as the offices of all the Supreme Judges, Masters of Universitys, Ministers and Parochial Schoolmasters, the Chargers

will admitt that the Commission or Act of Admission to these offices ought to be always so explained as to import the endurance which the law has given them, but your Lordship will observe that the office in question does not fall under the above description.

It was lately introduced, and the Magistrates and Council are under no obligation either by law or from their own deed to continue the office longer than they find it to be for the advantage of the burgh, and therefore they must beg leave to insist upon the rule of law that where a person accepts of a private office or employment either from a Corporation or private person for the continuation of one year expressed in his Commission he cannott of right claim to be continued in the office after the expiry of that year, but for thereafter must depend upon the absolute will and pleasure of his employers; the obligation upon them is limited to one year, after that expires they are at entire freedom to continue the person in their employment or not.

If the Chargers had appointed a law agent for the affairs of the burgh for the space of one year or more years express'd in their Commission, or should appoint a jaylor, town officer, or teacher of French, or of Navigation and Book-keeping, with a sallary for the space of one year it would be extraordinary to mentain that when the obligation ceased by the expiry of the year, and because the Magistrates and Council voluntarily kept any of these persons in their office and [employment] for some years after, that thereby they became entitled to hold these employments and sallarys for life, so that the Magistrates and Council would be oblidge to continue them in the office and sallary unless they would bring prooff before your lordship of some incapacity immorality or malversation which disqualified these persons for holding such offices: With great submission these cases are entirely parallell to the present, for the Chargers can perceive no difference betwixt a Teacher of English after the modern way, which is not an office established by law, and a Teacher of French, a Dancing Master, or a Mistress of Sewing, all these are entirely dependant upon the pleasure of the Magistrates and Council except in so far as they have bound themselves down by their own act. The Suspender was pleased in the debate to quote two decisions: The first in the case of a Professor in the University of Edinburgh and the other of a Schoolmaster in the Burgh of Montrose. The Chargers' procurator has not been able to discover the first of these decisions. And at no rate can the parralel lye betwixt a Professor

of an University which is a publick office importing continuance for life and the present case of a private office and employment which has no establishment either by law or by any act of the burgh, and for the same reason the decision of Montrose will as little apply to the present case where the question was concerning the office of Schoollmaster of the burgh, which is also a publick office established by law and which the Magistrates and Council are obliged to keep up. And such a Schoolmaster the Chargers do also support within their burgh entirely distinct from the office which this Suspender lately enjoyed.

And 2^{dly}, It appears from the decision in this case of Montrose, as collected in the Dictionary, *voce* publick officer, page 292, that the Act of Election of the Schoollmaster of Montrose was in generall terms, neither bearing ad vitam or during pleasure, which therefore cannott apply to the present case where the Act of Admission expressly limits the endurance to the space of one year. And it seems . . . absurd to mentain that when the obligation expired at the end of the year that it should become perpetuall by the continuance of the Suspender in the office for sometime longer.

The Chargers will still avoid entering upon the reasons which determined them to remove this Suspender founded upon his unfitness and incapacity in many respects for doing the business and duty of his office.

The whole inhabitants were so sensible of this that they had taken their children from him and put them to other schoolls so that for some time his schooll . . . only attended by a few poor schollars educated by the charity of the Kirk Session. So that the Chargers submitt it to your lordship if it was consistent with the duty of the Magistrates and Council to continue a sallary payable by the burgh to a person who could do so little for it.

May it therefore please your Lordship to alter your former Interloquitor, and in respect of what is above sett furth to ffind the letters orderly proceeded.

According to Justice, etc.

THOMAS MILLER.

9th August 1755.—Allows this representation to be seen and answered, and in the meantime stops extracting.

RO. PRINGLE.

ANSWERS for Mr. JAMES KEMPT, Schoollmaster of the English Schooll of the BURGH of IRVINE, to the REPRESENTATION of the MAGISTRATES of the BURGH of IRVINE.

The Interlocutor of which the Magistrates complain was pronounced by your Lordship upon hearing parties at great length and advising Minutes of Debate containing in substance every thing that seems to be material in the Representation.

The Suspender was invited by a publick advertisement¹ in the two Edinburgh publick papers to offer himself to tryall for supplying a vacancy occasioned in the office of English Schoollmaster by the resignation of Mr. Baillie who then had it.

Upon a proper tryal the Respondent was found duely qualified and elected into the office of Schoolmaster by Act of Councill for the space of one year after the date of the Act,² whereby the Councill also gave him all the right they had to the emoluments of Baptisms and Marriages which Mr. William Dickie had that day resigned, provisionally that the Respondent should be accountable in so far as these should happen to exceed the sallary of eight pounds sterling which was then provided to him as Schoolmaster. He was also elected Precentor at a yearly sallary of £2:10s. sterling; and

It was declared ' That if the emoluments did not fully pay up both ' these sums to Mr. Kempt yearly the Treasurer should pay up the ballance ' out of the Town's revenue, and this to be the rule of his payment untill ' the difference betwixt the Magistrates and Councill and Kirk Session be ' determined by the arbiters.'

These are the words of the Act of Councill, and for understanding the nature of the difference therein referred to the Respondent begs leave to appeal to two Extracts of the Minutes of the Kirk Session of Irvine lying in process and marked No. 12. The one is dated the 12th and the other 19th July 1747. By the first the Minister reported to the Session a proposall of the Town Councill for supplying a vacancy of English Schoolmaster Precentor and Session Clerk, and for ending amicably pro hac vice a dispute that had arisen between the Magistrates and Session concerning the right of presentation to the two offices last named. The particulars the Respondent has avoided, as your Lordship will no doubt think proper to read the

¹ April 6, 1747.

² May 26, 1747.

Acts themselves, only by the last dated 19th July, it's agreed Mr. Kempt should present and officiate as Session Clerk till the right of presenting be ended by the arbitration. The Respondent was therefore invested in both offices.

The Magistrates and Town Council took upon themselves to elect him into both ; but the Respondent's right to the office of Precentor and Session Clerk did not rest upon the authority of the Act of Council, he was elected by the Kirk Session ; and whether they or the Council have the legall title it is immaterial in the present question, as it cannott be denied but that the Kirk Session were and have been time immemorial in the possession and consequently as in possession fell to be preferred, that is, during the dependance of the arbitration, or till such time as the Magistrates shall declare the right of patronage in this Court.

If it was proper or necessary to prove the possession, the Respondent is willing to undertake the proof by the Records of the Session, tho' he can hardly think the Magistrates will call it in question, as the Acts of Council show these offices were not possessed by Mr. Baillie the former Schoolmaster, upon whose resignation the Respondent was elected.

It may suffice to notice that he continued to exerce the offices to the general satisfaction of the Magistrates Town Council and Inhabitants and also with the approbation of the Session from his admission in May 1747 to December 1754, that upon these revolutions which occur in the government of these little Burrows the Provost and the Schoolmaster of the Grammar Schooll had a freind of their own to provide, and this appeared to be a proper occasion for voting a demission per saltem of the Respondent from these three offices so as to make way for their own freind.

The apparent hardships of such an attack upon the Respondent, who had left Aberdeen upon the publick faith, who had been unanimously elected into all the three, who had continued for 8 years to discharge his duty without any complaint, and had endeavoured to avoid every ground of offence, induced many of the Council to differ in sentiments from the Provost, so that the demission was carryed in the Council only by a single vote.

The Motion was first moved in Council¹ upon the Petition of Mr. William Cunninghame, the Teacher of the Grammar Schooll, to have a favourite of his own, Mr. William Henderson, appointed Precentor of the

¹ December 28, 1754.

Church of Irvine, which the Act of Council of that date bears, the Council by a majority of votes complied with.

The next step was by another act of this date¹ to declare that it was and is their intention that Mr. Kempt is not to get any sallary as English Schoolmaster here after Whitsunday ensuing, and this they ordained to be notified by one of the officers leaving a copy of it at his dwelling-house.

Then about 8 days before Whitsunday the Respondent had notice given him to provide for himself and family, tho' the former Act of the 28th December related singly to the office of Precentor, whereof the sallary was no more than £2:10s., the sallary of the Schoolmaster being by agreement £8 sterling. And as to this office he had no notice given of the Magistrates' pleasure except as abovesaid 8 days before the term of his removall.

The Respondent having thus stated the form and manner of his election, with the Acts of Council appointing his deprivation, he apprehends it will greatly shorten his answers to the grounds of the Representation.

The first argument is founded upon the Act of Council in May 1747, and from them the Chargers are pleased to affect a great difficulty to conceive upon what grounds the Precentor should hold his office independant of the pleasure of the Magistrates after expiration of the year limited by the Act of admission.

To this the answer is obvious, unless the Petitioners are resolved to doubt if two and three make five. The Session have in the nature of the thing the right to elect the Session Clerk. They have also the same right in law to chuse a Precentor; his sallary is paid out of those emoluments that pertain to the Session. The Magistrates had no earthly connection with the perquisites that are paid at Baptisms or Marriages as a recompence to the persons who are concerned in making the proclamations or providing for the Baptisms, but be it sic aut sicut it is in virtue of the Kirk Session's election the Respondent entered upon and enjoyed the Precentor's office, and of consequence he could not be legally dispossess'd by the Act of the Council without previously having the right declared to obviate this objection.

The Representers talk of an Act of the Kirk Session appointing Mr. Henderson to that office. The Respondent's doers, as they are not informed of the fact, need only observe till they have an opportunity of hearing

¹ May 7, 1755.

from their client, that is no sort of evidence yet produced in support of the alleadgance and therefore they cannott agree to hold it upon the Chargers' word.

They have also been pleased to form another doubt with respect to the Respondents being entitled to suspend the Act of Councill depriving him of his other office of Teacher of English. And in illustration of their doubt they compare the office to that of a Dancing Master, Writing or ffrrench Master, a Teacher of Navigation, and at length descend to the Mistress of a Sewing Schooll, or even to the jaylor's office, and then ask if they could insist to be continued longer than the Magistrates shall please to allow.

It is answered There is no occasion to argue from imaginary cases to explain the present. Here is no new creation of an office, for there has been for near a century past a Grammar Schooll and an English School in the Burgh and parish of Irvine, and the Respondent's procurators will be forgiven to doubt whether it would not be more conducive to the publick good to suppress the Grammar Schooll rather than the other, for without the help of Grammatical learning the Countrey may be supplied with good manufacturers farmers or tradesmen, and those for whose children the learned languages may be fitting and proper can be under no great difficulty to give them that education tho' the Irvine Schooll should be suppressed. But the Respondent has no occasion to carry the argument so far. Here is a very ancient establishment which was judged always proper and the present Magistrates do not mean so much to suppress as to transferr the office to a greater favourite, and the question is if they have that power arbitrarily without assigning or being able to prove what the law calls a bene placitum rationale. In the first place as to argument drawn from the stile of the Commission. The Respondent apprehends there is nothing in it, for that it is only a consequence of the old maxim *Nolumus leges Scoticanas mutare*. But the effect and explanation must be gathered from the practise, and the Respondent believes the Commission to the Grammar Schoolmaster runs precisely in the same stile and yet the Magistrates do not pretend a power to turn him out without a better reason than to make way for another.

2dly, Tho' it should be supposed the Magistrates have a power to turn out the Schoolmaster at the end of the first year, it will not follow that the same liberty subsists during the remaining years of his incumbency.

What he intends is, the first year may be understood as a seasonable

time for the Magistrates or these interested to judge of his qualifications, but the year being expired and no objections, his office must be understood according to the nature of the thing to continue *ad vitam aut culpam*. My Lord Fountainhall in reporting the case of the Town of Montrose against Strachan states the argument upon this head in its proper light as taken from the prejudice it must be to the nation to allow a diversity of Schoolmasters upon the whim of one sett of Baillies who have all of them freinds to provide. He says such a diversity of Masters and way of teaching will ruin any school. And that in the case of Mr. Andrew Massie, the Regent whom the Magistrates of Edinburgh had deposed, his Gift not bearing *ad vitam*, the Lords reponed him, as the Magistrates could show no good cause to remove him and appealed to the authority of Bartolas, That where offices stand upon the foot of pleasure even that must be a *bene placitum rationale*. The Magistrates in the case of Montrose insisted they were bound to give no reason, as the office wholly depends both as to sallary and admission upon the Town, and states the case, What if a Baron establish a Schoolmaster to serve within the bounds of his barony, will he pretend to sitt against his master's will? and a Burgh Royall cannott have less power. They also affirmed the Town had suffered exceedingly by the continuance of Strachan, as in place of 100 scholars they had not twenty now. But notwithstanding of all this reasoning the Lords ordained the Town to condescend on some rational grounds of their dissatisfaction either from immoralities, insufficiency, malversations, or unsuccessfulness in his way of teaching or discipline, and to give some evidence or instruction thereof that the Lords might consider whether they merited deprivation or not.

The Respondent has stated the case at greater length to satisfy the Lord Ordinary that the same chain of reasoning which the Chargers now make use of was found insufficient in that instance.

It's true the Magistrates of Irvine pretend to make a difference betwixt this office and the office of a Regent or Parochial School, as partys are always willing to admitt distinctions and differences which they think don't hurt them. But where is the law or reason for the distinction? The reason against an arbitrary deposition is the prejudice and ruin to schoolls and scholars from a diversity of masters and the manner of teaching. And tho' the Magistrates cannot suppress a parochial school or a colledge yet what is that to say upon the generall point of deposing or admitting masters *ad libitum*.

But *3dly*, The stile of the Commission supports the Respondent's argument and shows it was not meant to limite his continuance to a year.

It has been already noticed the Respondent's salary was proposed to be paid out of the emoluments of Baptisms and Marriages, and that there was then a subsisting difference betwixt the Magistrates and Councill and Kirk Session as to the right for naming the Precentor.

The Commission referring to these particulars appoints ' That if these ' emoluments do not fully pay up both these sums to Mr. Kempt yearly ' that the Treasurer shall pay up the ballance out of the Town's revenues ' and this to be the rule of his payment untill the difference betwixt the ' Magistrates and Councill and Kirk Session be determined by the ' Arbiters.' Comparing this with the advertisement it is impossible to doubt of the terms of Mr. Kempt's election, or that it was not understood he should hold the office *quam diu bene gesserit*.

The provision respects a future period, namely, till the issue of the Arbitration, and that period is not yet come.

Upon the whole the Respondent hopes he has fully obviated what appears material in the Representation that there is no sort of affinity betwixt this and any of the supposed cases that are therein putt He does not deny he may be turned out for such malversations as are referred to in the Interloquitor in the case of Montrose nor will he object to allow the Magistrates a prooff of such as soon as they shall be pleased to give in a pointed condescendance.

In respect whereof, etc.

CHA. HAMILTON GORDON.

Edinburgh, 13th June 1759.—The Lords having advised this Petition with the Answers thereto Replies and Duplies, Find that the Magistrates and Town Councill of Irvine with concurrence of the Kirk Session have properly removed Mr. James Kempt from the office of Precentor in the year 1755 and Decern. But find that Mr. Kempt is entitled to the bygone salaries of said office till this date in respect of his having continued to officiate. But quoad the office of teacher of the English School they adhere to the Lord Ordinary's Interloquitor in respect the Councill for the Magistrates have produced no authority for insisting in a Reclaiming Petition as to that point.

ROB^t CRAIGIE, *I.P.D.*

Unto the Honourable Magistrates and Councillors of the Burgh of Irvine

The PETITION and COMPLAINT of Mr. WILLIAM CUNINGHAM, Master of
the Grammar School of Irvine,

Humbly Sheweth—That I was chosen Master of the Grammar School about 36 years ago by the Magistrates and Councillors at the time, and have ever since continued in the exercise of that office to the satisfaction of the best judges without any competitor, untill of late that one Reid, a stranger from the North of Scotland, came here and had the assurance without so much as producing testificates or demanding your consent to ineroach upon my office as the established master of the Grammar School by setting up a School within the town and teaching Latine and other parts of education, and to impose upon the inhabitants by exacting extravagant prices for teaching as appears from his discharged accounts.

That tho' this stranger soon deserted his school yet it has been continued and kept up by Mr. Kempt a teacher of English, who daily taught Latine and other branches of knowledge, which I conceive are my proper province. And again one Lesly, another stranger, is lately come to town, pretending to take up and teach in the said school notwithstanding of the Provost's order to the contrary, whereby divisions and animosities amongst the inhabitants (which are so destructive of the trade and prosperity of the burrow) may arise, and I who have an assistant approved of by the Council and likewise another helper suffer great prejudice.

That I conceive Mr. Kempt's acting such a part is the more inexcusable that he is only intitled to teach English, and has no authority to teach any other language, and yet seems to arrogate to himself the liberty of teaching what he pleases in defiance of the Magistrates and Council against whom he has been so litigious as to maintain a law plea before the Lords of Session at Edinburgh for some years with respect to his continuance in the offices of Teacher of English and Precentor in the Church, which is at last finally determined against him by an Interloquitor of the 13th of June last.

May it therefore please the honourable Magistrates and Council to give me such relief in the premisses and such security against future ineroachments as you shall find just, according to Justice.

WILL. CUNINGHAM.

Irvine 16th October 1759 :—

Mr. George Leslie proposed before Baillie Reid one of the present Magistrates of this burgh to teach in Mary M'Kelvie her house, Greek, Latin, French, Arithmetic, Writing, Book-keeping, Navigation, and most other practical parts of the Mathematics, in order to the Registration of the same in books competent, in terms of an Act of Parliament in the 19 of his present Majesty's reign.

GEO. LESLIE.

Though formerly qualified, yet not having a proper certificate of the same is now willing to qualify afresh.

GEO. LESLIE.

ACCOUNT. MR. CLERK.	Dr.
To teaching Latin and French to Mr. William Pond	7 sh.
To teaching Latin to Mathew Roberts	5
	<hr/>
	12 sh.

Received the above and the same is discharged this 10th September 1759, at Irvine, by

JA. REID.

Mr. Leslie's compliments to the Provost of Irvine and begs to know where he should wait of him to satisfy him in everything requisite.

Irvine 18th October 1759.

Mr. Leslie's compliments to Provost Hamilton and the other Magistrates of Irvine, as his credentials and certificates for teaching here have not been called for in the forenoon he thinks it discreet to let them know he begins to teach this afternoon and they may at any time see them upon sending him notice.

Irvine 18th October 1759.

The Provost of Irvine's message to Mr. Leslie, the stranger who wants to sett up Schooll here, to tell him that his proposal to Baillie Reid in my absence was communicated to me yesternight when I came home and that I will take advice about it, and that in the meantime I discharge him upon his perill to teach in any Schooll in Town untill the Magistrates and Councill know better what he is and give their consent.

18th October 1759.

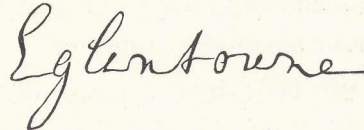
87. *Commission by Archibald Earl of Eglinton, Deputy Vice-Admiral of Irvine, to Anthony M'Harg, Town Clerk, as his Substitute—
15th November 1777.*

I ARCHIBALD EARL OF EGLINTOUNE Deputy Vice Admiral within the limits of the port of Irvine in virtue of a Commission of Admiralty granted to me by the Right Honourable John Earl of Breadalbine Vice Admiral of Scotland bearing date the thirtieth day of November one thousand seven hundred and seventy six years and registred in the books of the High Court of Admiralty in Scotland the third day of December thereafter whereby I am impowered to appoint substitutes And being well assured of the fidelity ability and loyalty of Mr. Anthony M'Harg Town Clerk of Irvine and of his skill in maritime affairs Do therefore hereby nominate constitute and appoint him the said Anthony M'Harg to be my substitute and Factor during my pleasure only within the limits of the port of Irvine from Kelly Bridge to the Troon Point in the shire of Air including the whole Islands and Rivers lying within these bounds With power to him to make and appoint officers, clerks, procurators, and other necessary members of Court for whom he shall be answerable And also with power to him to sett affix affirm hold and continue Admiral Courts within any part of the said bounds over all the limits thereof most commodious for that effect And there to administer and do justice in all matters and causes civil and criminall that shall be intended and pursued before him conform to the laws of Scotland Also to make decreets and Sentences to pronounce and the same to due and lawfull execution cause be put And to call and require all his Majesties leiges within the said bounds to put his decreets to due and lawfull execution And generally with power to the said Anthony M'Harg to use and exerce bruik and enjoy during my pleasure only the foresaid office within the foresaid bounds And to exact intromitt with uplift and receive the whole fees duties casualties and profits thereof during the continuance of this my commission to him And to act and do all things requisite and necessary thereanent as fully and freely as any other substitute Admiral and Factor within the said bounds did or might have done in any time bygone or may do in time coming Reserving always to the high Court of Admiralty in Scotland the sole power of cognoscing and determining in all Prizes and in Piracies and

other capitall crimes and in all other causes and actions which shall be intended and pursued before the said High Court of Admiralty against any person or persons within the said bounds And I likewise hereby give full power and commission to the said Anthony M'Harg during my pleasure only and within the bounds before mentioned for me and in my name by himself and others to be employed by him to save and preserve to the utmost of his and their power all stranded Ships Barges Boats and other Vessels with their guns sails cables anchors and all other furniture and apparelling thereof and all manner of goods aboard the same And also to secure in their custody and keeping all manner of wreckt ships boats goods royal fishes whales and others which shall happen to be wrecked cast in or recovered upon any part within the bounds foresaid Providing always that the said Anthony M'Harg be accountable as by acceptation hereof he Binds and obliges himself his heirs executors and successors to make faithful compt reckoning and payment to me or any having my warrant for that effect of all the requisites duties and casualties arising from the said office of Substitute and Factor hereby granted And of the ships boats goods royal fishes whales and others which shall happen to be wrecked cast in or recovered as said is within the bounds before mentioned after deduction and retention to him of so much of the same as shall defray the necessary expences to be incurred by him in discharging the foresaid office with a suitable gratification for his own pains But with and under this express condition That the said Anthony M'Harg shall deliver or transmitt to me or to any having my order for that effect regular just and true accounts from time to time of all salvages to be recovered by him And of all wrecks strays and other perquisites of Admiralty which shall happen at any time to be in his possession And also his accounts of Charges concerning the premisses duely instructed within the space of three months after salvage or recovery Wherein if he the said Anthony M'Harg faill he in that case by his acceptation hereof renounces the foresaid right of retention But without prejudice always to his afterwards recovering the Charges disbursed by him upon his producing proper vouchers of the same And in order to render these presents the more effectual I consent that the same be registred in the books of the High Court of Admiralty in Scotland therein to remain for preservation And thereto constitute my procurators etc., for that purpose In witnes whereof these presents are written upon this and the two preceeding pages of

stamp paper by Robert Smith Clerk to John Wauchope Writer to the Signet and subscribed by me att Fairlie the fifteenth day of November one thousand seven hundred and seventy seven years before these witnesses Alexander Fairlie Esquire of Fairlie and John Allan his servant.

Alex^r Fairlie, *witness*.
John Allan, *witness*.



88. *Memorial and Queries for the Magistrates of Irvine, in reference to the use of the Bridge.—12th August 1783.*

MEMORIAL and QUÆRIES for the MAGISTRATES and COUNCIL of the
BURGH of IRVINE.

THE Harbour of Irvine is situated upon the Water of Irvine about half a mile from the Burgh It is within the Royalty and under the direction of the Memorialists.

Many years ago the Memorialists' predecessors erected a Bridge over the Water of Irvine in order to form a communication betwixt the town and harbour.

In the neighbourhood of Irvine there are a number of Coal mines from whence a considerable quantity of Coal is exported.

In going from these Coal pits to the harbour it is necessary to cross the water, which was done at a ford below the Bridge, where there is easy access; but the Coal carriages either in carts or on horses' back were not allowed to pass the Bridge, on which posts was put up to prevent them.

In 1748 the Bridge was rebuilt at the sole expence of the Town, and since that time Coals have been allowed to be carried along the Bridge and until lately they were of no great detriment to it.

For sometime bypast the exportation of Coal and the heavy carriages for transporting it to the harbour have greatly increased, and the Bridge is thereby much damaged which occasions a heavy expence to the Memorialists to keep it in repair while the Coal carriers refuse bearing any proportion thereof. It is material for the Memorialists either to put a stop to the

practice altogether, or to fall on some means for making the Carters bear a proportion of the expence of the Bridge And therefore Quæritur

1^{mo} Is it in the power of the Memorialists to prevent coals from being carried along the Bridge as was the case previous to the 1748, by erecting posts and otherways defending the avenues of the Bridge from Coals being carried along the same; or

2^{do} Is it in the power of the Memorialists to levy a voluntary Toll on the Bridge to assist them in repairing the same It was mentioned that the place they formerly crossed the water was att a ford below the Bridge The Memorialists do not propose shutting up the ford and forcing the carriers to go by the Bridge, but in case they or any of them chose rather to go by the Bridge than the ford, could not the Memorialists exact a duty for that liberty without incurring any blame?

Edinburgh 12th August 1783.

These are the queries referred to in my Opinion.

J. C.

