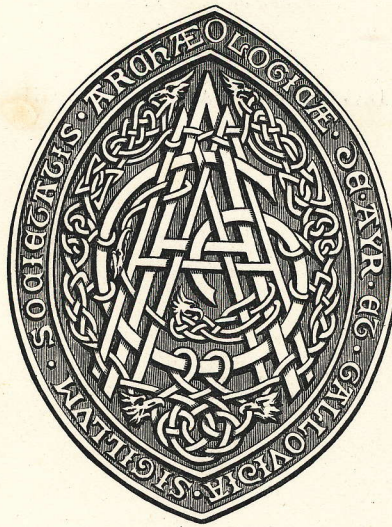


MUNIMENTS

OF THE

Royal Burgh of Irvine

VOL. I.



Edinburgh

PRINTED FOR THE AYRSHIRE AND GALLOWAY ARCHÆOLOGICAL ASSOCIATION

MDCCCXC

1890

ARCHÆOLOGICAL
AND HISTORICAL COLLECTIONS
RELATING TO
AYRSHIRE AND GALLOWAY

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THE BURGH OF IRVINE.

I.—BURGH CHARTERS AND WRITS.

1. *Agreement between the Burgesses of Irvine, and Brice of Eglinton, granting to the latter twenty acres of land in feu ferme.—
20th September 1205. [Copy.]*

ANNO gratie millesimo duscentesimo quinto die Lune in vigilia Sancti Mathei apostoli in villa de Irving hec est communicatio facta inter burgenses et totam communitatem ville predictae ex parte una et Bricium de Eglunstone filium quondam Eglun domini de Eglunstone ex parte altera videlicet Quod burgenses et tota comunitas ville predictae unanimi consensu et assensu eorundem unanimiter concesserunt dederunt et ad feodifirmam dimiserunt dicto Bricio de Eglunstone illas viginti acras terre integras in tenemento de Eglunstone quas Radulphus filius et heres quondam Hugonis domini de Eglunstone burgensibus et communitati predictis pro quadam finali concordia inter eosdem quondam facta dedit concessit et perpetuo mancipavit per has metas et differentias Incipiendo scilicet apud Le Burghfauld ad superiorem finem predictarum viginti acrarum versus boream et sic descendendo versus orientem per quendam dicum usque Glyblanysburn et sic descendendo versus austrum per Glyblanysburn prædictum usque perveniatur ad fines del Moorsend metantes cum terra Rodalphi domini de Eglunstone et sic ascendendo versus occidentem per Moorasydes usque perveniatur ad Rebuccam communem del Hyppriddynges et sic ascendendo versus Boream per fines del Hyppriddynges predictorum usque perveniatur ad quendam dicum spineum qui dicitur Hawthorne qui dicus est meta inter dictas viginti acras

et terram de Benislay et sic ex transverso versus orientem per Rebuccam communem jacentem inter predictas viginti acras et terram de Benislay usque perveniatur ad quendam cumulum lapideum et sic ascendendo ex transverso de dicto cumulo lapideo per dictam Rebuccam comunem versus orientem usque perveniatur in dicum predictum qui dicitur le burghfauld dyke Tenendas et habendas predicto Bricio heredibus suis et suis assignatis burgensibus et comunitate predictis ad feodofirmam per metas supradictas cum omnibus justis pertinentiis suis et asiamentis et liberis consuetudinibus ad predictas viginti acras terre infra metas suas predictas de jure spectantibus et in futuro de jure spectare valentibus Reddendo inde annuatim dictus Bricius heredes sui vel sui assignati in ecclesia parochiali de Irving ad festum Sancti Jacobi apostoli in estate burgensibus et comunitati predictis decem solidos sterlingorum nomine feodifirme libere et quiete bene et pacifice plenarie et honorifice ab omni alio onere exactione servili opere et demanda seculari dictus vero Bricius se in hoc presenti scripto obligat et heredes suos et suos assignatos et tam terram suam de Benislay cum pertinentiis quas dictas viginti acras terre predictae cum suis pertinentiis ac omnia alia bona sua mobilia et immobilia ubicunque sunt inventa sine aliqua contradictione legittime fore distrinzenda quibuscunque burgensibus et comunitati predictis de dicta feodofirma sua in omnibus plenarie et integre fuerint satisfactioni nullo obstante proponendo Sciendum est preterea quod dictus Bricius nec heredes sui nec sui assignati post eorum predicesorum obitum dictam feodofirmam nullo modo duplicabunt et si contingat dictum Bricium heredes suos vel suos assignatos seu eorum homines dictas viginti acras terre inhabitantes in curia dictorum burgensium et comunitatis predictae quocunque casu adveniente emere conarere eorum merciamantum prout justum fuerit capiatur dicti vero burgenses et comunitas predicta dictas viginti acras terre predictae cum omnibus justis pertinentiis suis infra metas suas predictas ut predictum est contentis predicto Bricio heredibus suis et suis assignatis contra omnes homines et feminas warrantizabunt acquietabunt et defendent in perpetuum Et ad majorem hujus rei in omnibus premissis securitatem dictus Bricius pro parte sua burgensibus et comunitati predictis Rodalphum dominum de Eglunstone fratrem suum invenit fidejussorem et debitorem pro se et heredibus suis principalem In quorum omnium et singulorum premissorum testimonium uni parti presentis scripti chirographici penes dictum Bricium heredes suos et assignatos suos remanenti comune sigillum burgensium et

comunitatis predictorum est appensum et alteri parti predicti scripti penes dictos burgenses et communitatem predictam remanenti sigilla predicti Brycii et Rodalphi sunt appensa Hisce testibus domino Godolpho¹ de Rosse domino Roberto Boyd domino Bricio de Blair militibus Fergusio de Rosse Arthuro de Rosse fratribus Gulielmo Kerr Alexandro del Blair et multis aliis.

TRANSLATION.

In the year of Grace one thousand two hundred and five, on Monday in the vigil of saint Matthew the apostle, in the town of Irvine, this is the communing made between the burgesses and whole community of the foresaid town on the one part, and Brice of Eglunstone son of the late Eglun lord of Eglunstone on the other part, to wit: That the burgesses and whole community of the foresaid town, with the unanimous consent and assent of the same, have unanimously granted given and to feuferme let, to the said Brice of Eglunstone, those whole twenty acres of land in the tenement of Eglunstone, which Ralph son and heir of the late Hugh lord of Eglunstone gave granted and for ever disposed to the burgesses and community foresaid, for a certain final concord previously made between them, by these meiths and divisions,—Beginning, to wit, at the Burghfauld at the upper end of the foresaid twenty acres towards the north, and so descending towards the east by a certain dike as far as Glyblanysburn, and so descending towards the south by Glyblanysburn foresaid, to the marches of Moorsend, bounding with the land of Ralph lord of Eglunstone, and so ascending towards the west by Moorasydes to the common Rebucca of Hyppridynges, and so ascending towards the north by the marches of Hyppridynges foresaid to a certain thorn-dike which is called Hawthorne, which dike is the march between the said twenty acres and the land of Benislay; and so across towards the east by the common Rebucca lying between the foresaid twenty acres and the land of Benislay, to a certain cairn of stones, and so ascending across from the said cairn of stones by the said common Rebucca towards the east to the foresaid dike, which is called the Burghfauld dike: To be holden and had to the foresaid Brice his heirs and his assignees, [of] the burgesses and community foresaid, in feuferme, by the marches abovesaid, with all their right pertinents,

¹ *Note in original copy*—Godolpho should be Godfredo.

easements, and free customs, of right belonging, and in time to come of right to belong, to the foresaid twenty acres of land, within their meiths aforesaid : Paying therefor yearly, the said Brice his heirs or his assignees, in the parish church of Irvine, at the feast of St. James the apostle in summer, to the burgesses and community foresaid, ten shillings of sterlings in name of feuferme, freely and quietly, well and in peace, fully, honourably, from all other burden exaction servile work and secular demand : And the said Brice in this present writ obliges him and his heirs and assignees, and as well his land of Benislay with the pertinents as the said twenty acres of land foresaid, with their pertinents, and all their other goods movable and immovable wheresoever found, to be without any contradiction, lawfully distrained, and shall be to whomsoever of the burgesses and community aforesaid, freely and wholly in satisfaction of their said feuferme, in all respects, no one offering any objection. It is, moreover, to be understood, that neither the said Brice nor his heirs nor his assignees, after the death of their predecessors, shall in any wise double the said feuferme. And if it shall happen the said Brice his heirs or his assignees, or their men inhabiting the said twenty acres of land, in the court of the said burgesses and community to do wrong in any case arising, their fine shall be taken as may be just. But the said burgesses and community aforesaid shall warrant acquit and for ever defend against all men and women the said twenty acres of land with all their right pertinents, with their foresaid marches contained as is before said, to the foresaid Brice his heirs and assignees : And for the greater security hereof in all the premises, the said Brice, for his own part, has found to the burgesses and community aforesaid, Ralph lord of Eglunstone, his brother, principal surety and debtor for himself and his heirs : In witness of which all and sundry the premises, to the one part of this present chirograph writing, to remain with the said Brice his heirs and assignees, the common seal of the burgesses and community foresaid is appended, and to the other part of the foresaid writing, to remain with the said burgesses and community the seals of the foresaid Brice and Ralph are appended : Witnesses, Sir Godfred of Rosse, Sir Robert Boyd, Sir Brice of Blair, knights ; Fergus of Rosse, Arthur of Rosse, brothers, William Kerr, Alexander of Blair, and many others.

2. *Indenture between Godfrey de Ross and the Burgesses of Irvine in*
1260. [*Notarial Copy, made in 1444.*]

IN Dei nomine amen: per hoc presens publicum instrumentum cunctis pateat evidenter quod anno ab incarnatione Domini millesimo quadringentesimo quadragésimo quarto indicione septima duodecima die mensis maije pontificatus sanctissimi in Christo patris ac domini nostri domini Eugenij pape quarti anno decimo quarto In mei notarii publici et testium subscriptorum presencia personaliter constitutus probus vir Johannes Spens ballivus burgi de Erwin quasdam evidencias sive indenturas factas inter burgenses predicti burgi de Erwin et dominum Godfridum de Rosse sigillo predicti domini Godfridi de Ros sigillatas publice monstravit et mihi tradidit perlegendas quarum tenor sequitur in hæc verba Anno gracie millesimo ducentesimo sexagesimo die Sabbati proxima prius festum Sancti Johannis Baptiste coram domino Johanne de Balle domino Willelmo comite de Marre domino Hugone de Balle filio dicti domini Johannis domino Hugone fratre ejusdem domini Joannis domino Gocelino de Balle domino Thoma Rane domino Stephano le Flemyng domino Odinello filio Radolphi et aliis factum fuit recordum apud Erwin inter burgenses de eadem et dominum Godefridum de Rosse assensu et bona voluntate utriusque partis videlicet per dominum Hugonem de Craweford dominum Fergus de Ardrossan, dominum Willelmum de Dunlop magistrum Godefridum de Ros David Mor Thomam de Stubhyl Adam Urri Ricardum Broun et Willelmum de Gowinskey qui dicunt quod omnibus contencionibus et querelis cessantibus exaccionibus et demandis quadam finali concordia inter predictos burgenses ex parte una et dictum dominum Godefridum ex parte altera pacificatis super tenemento de Hormissok cum pertinenciis in quo dicti burgenses clamaverunt eorum Communem pasturam ad illos tanquam jus suum pertinere Convenit inter ipsos videlicet quod predicti burgenses concesserunt pro se et heredibus suis seu successoribus dicto domino Godefrido et ejus heredibus habere et tenere bene et in pace totam terram aratam et frussatam in predicto tenemento, die predictæ Convencionis factæ; solvendo sibi et eorum heredibus seu successoribus in perpetuum duas mercas et dimidium

videlicet medietatem ad festum sancti Martini in hyeme et aliam medietatem ad pentecosten proximo futurum Salvo tamen dicto domino Godefrido et ejus heredibus bosco de Langhurst ita quod dicti burgenses in illo non communicabunt in herba vel in aliis, set dicti burgenses et eorum heredes vel successores ubique communicabunt in dicto tenemento de Hormissok cum pertinenciis et asiamentis preterquam in dicto bosco de Langehurst et preterquam in dictis terris aratis seu arabilibus Postquam vero dictus dominus Godefridus et ejus heredes vesturam dicte terre arate asportaverint dicti burgenses de Irewin et eorum heredes seu successores in eadem terra arabili sive arata plene cum ipso et ejus tenentibus absque ullo impedimento vel contradiccione communicabunt et ad noctem dictam terram aratam seu arabilem cum eorum animalibus evacuabunt Et dictus dominus Godefridus et ejus heredes facient dictis burgensibus et eorum heredibus seu successoribus rationabilem introitum et exitum ingrediendi dictam pasturam cum eorum animalibus Si vero eorum animalia in dampnis dicti domini Godefridi vel ejus heredum inveniantur solvent pro omnibus messori loci unum obolum tantum ratione dicti eschapii et dampni dicto domino Godefrido et ejus heredibus per visum proborum et legalium virorum restituetur Et sciendum quod predictus Godefridus vel ejus heredes non assartabunt frussabunt seu vacuabunt aliquo modo plusquam tempore predictae convencionis fuit assartatum frussatum seu vacuatum Nec licebit alicui eorum in dicte pasture boscis aliqua ligna scindere ad vendendum vel sibi ipsi appropriandum sine consensu et voluntate utriusque partis Ad istam vero convencionem et finalem concordiam ex utraque parte tenendam tam dictus dominus Godefridus quam predicti burgenses de Irewin in manu domini Abbatis de Kylwynin fidem suam spontanea eorum voluntate astrinxerunt. Preterea sciendum quod predictus Godefridus et dicti burgenses et eorum heredes vel successores habebunt sua estoveria in boscis dicte pasture ad comburendum et edificandum sine impedimento vel contradiccione utriusque partis Et ut hec predictae convenciones et finales concordie perpetue firmitatis robur optineant uterque eorum sigillum suum alteri parti in testimonium futurorum apposuit: Super quibus quidem indenturis sic monstratis traditis et perlectis predictus Johannes Spens sub signo publico a me notario peccit copiarum et in formam publicam redigi et inde sibi fieri publicum Instrumentum: Acta fuerunt hec in vico publico predicti burgi de Erwin prope crucem hora quasi nona ante meridiem anno

indicione mense die et pontificatu quibus supra Presentibus ibidem providis et discretis viris videlicet domino Edwardo de Cunynghame vicario de Gauston domino Alexandro Cunynghame capellano Alexandro Cunynghame armigero Johanne Roberti et Thoma Willelmi cum multis aliis testibus ad premissa vocatis specialiter et rogatis.

Et Ego Willelmus de Akinhede presbyter magister in artibus Sancti Andree dyoceseos publicus auctoritate Imperiali Notarius premissarum Indenturarum monstracioni, tradicioni et perleccioni unacum prenomminatis testibus presens interfui ipsasque Indenturas perlegi in hunc modum copiavi et in hanc formam publicam redegi nil addens vel minuens quod sensum mutare poterit aut variare intellectum indeque presens publicum Instrumentum confeci manuque mea propria scripsi et signo meo solito et subscripcione vallavi, requisitus specialiter et rogatus in fidem et testimonium premissorum.

W. DE A.

TRANSLATION.

In the name of God amen Let it evidently appear to all by this present public instrument that in the year from the incarnation of our Lord one thousand four hundred and forty-four, in the seventh indiction, on the twelfth day of May and in the fourteenth year of the pontificate of the most holy Father in Christ and our lord lord Eugenius IV. pope, in presence of me notary public and of the witnesses underwritten having personally compeared a prudent man, John Spens bailie of the burgh of Irvine, he publicly shewed certain evidents or indentures made betwixt the burgesses of the said burgh of Irvine and Sir Godfrey of Ross, sealed with the seal of the said Sir Godfrey of Ross, and delivered them to me to be read, of which the tenor follows in these words: In the year of grace one thousand two hundred and sixty, on the Saturday first before the feast of St. John the Baptist, in presence of Sir John of Ball, Sir William Earl of Mar, Sir Hugh of Ball, son of the said Sir John, Sir Hugh brother of the said Sir John, Sir Jocelin of Ball, Sir Thomas Rane, Sir Stephen Le Flemyng, Sir Odinell the son of Ralph, and others, a record was made at Irvine between the burgesses thereof and Sir Godfrey of Ross, with the assent and good will of both parties, namely, by Sir Hugh of Crawford, Sir Fergus of Ardrossane, Sir William of Dunlop,

Master Godfrey of Ross, David More, Thomas of Stubhill, Adam Urry, Richard Brown, and William of Gowinskey, who say that all contentions and quarrells being ended, the exactions and demands having been peacefully settled by a certain final agreement between the said burgesses on the one part and the said Sir Godfrey on the other part, respecting the tenement of Hormissok, with the pertinents, in which the said burgesses claimed their common pasturage to belong to them as their right: It is agreed betwixt them, to the effect that the said burgesses have granted for themselves and their heirs or successors to the said Sir Godfrey and his heirs, to have and to hold well and in peace the whole land in the foresaid Tenement, ploughed and unploughed, at the day of making the said agreement, paying to them, and their heirs or successors for ever, two merks and a half, vizt., the half at Martinmas in winter, and the other half at Whitsunday next to come; reserving, however, to the said Sir Godfrey and his heirs, the Wood of Langhurst, so that the said burgesses shall not have commonty thereon in grass or others; but the said burgesses and their heirs or successors shall everywhere have commonty in the said tenement of Hormissoks, with the pertinents and easements, except in the said Wood of Langhurst, and except in the said ploughed or arable lands: But after the said Sir Godfrey and his heirs shall have carried away the crop of the said ploughed land, the said burgesses of Irvine and their heirs or successors shall have commonty on the said ploughed or arable land equally with him and his tenants, without any impediment or contradiction; and at night they shall evacuate the said ploughed or arable land with their cattle: And the said Sir Godfrey and his heirs shall make to the said burgesses and their heirs or successors, reasonable ish and entry to the said pasture with their cattle: But if their cattle shall be found doing damage to the said Sir Godfrey or his heirs, they shall pay for all to the Reaper of the place one halfpenny only on account of the said fault, and the damage shall be repaid to the said Sir Godfrey and his heirs at the sight of prudent and liege men: And it is to be known, that the foresaid Godfrey or his heirs shall not in any manner clear, lay fallow or vacate more ground than at the time of the said agreement was cleared, fallow or empty: Nor shall it be allowed to any one of them to cut any timber in the woods of the said pasture for sale or appropriating it to themselves, without the will and consent of both parties: And for maintaining this Convention and final

Roberus dei gratia Rex Scottorum. Omnibus probis hominibus totius terre sue salutem. Scitis nos
concessisse et hac presentia carta nostra confirmasse burgensibus de Irvine et eorum successoribus infra decem
burgum maneribus quod liberi sunt et quieti de colonis et de omni consuetudine de sancto Caralis sive
per totum Regnum nostrum prout in carta venerande memorie Domini Alexandri regis quondam Regis Scottorum
predecessoris nostri eisdem burgensibus exinde concessa plenius continetur. Adiciamus etiam et concedimus et ac-
presentia carta nostra confirmamus pro nobis et heredibus nostris eisdem burgensibus et eorum successoribus quod a colonis
quod solue solebant in burgo nostro de Irvine ante presentem concessionem nostram. Liberi sunt omnino et in ff-
timum quieti. Quare firmius prohibemus ne quis contra hanc concessionem nostram ipsos burgenses aut
eorum successoribus vexare gravare seu inquietare presumat contra plenariam potestatem nostram. In cuius testimo-
nium presentia carta nostra sigillum nostrum fecimus apponi. Testibus Bernardus abbas de Melros Cancellarius noster
Walterus Senescallus noster Jacobus Comes de Douglas Gilberto de Hara Comes noster et Robtus de Bich Senescallus noster
actis apud Glasgow. Duodecimo die Maii Anno Regni nostri Septimodecimo.

agreement on both sides, the said Sir Godfrey, as well as the said burgesses of Irvine have voluntarily pledged their faith before the lord Abbot of Kilwinning: Further, it is to be known that the foresaid Godfrey and the said burgesses and their heirs or successors shall have their allowance from the woods of the said pasture, for burning and building, without impediment or contradiction of either party: and that these foresaid Conventions and final agreements may obtain the strength of perpetual endurance, both of them have set their seal to the other party for a testimony of the future. Which Indentures thus shewn delivered and read, the said John Spens requested to be copied under a public signature by me Notary, and to be reduced into public form, and a Public Instrument made thereupon to him: These things were done in the public street of the foresaid burgh of Irvine near the cross, about nine o'clock before noon of the year, indiction, month, day and Pontificate above mentioned, in presence of prudent and discreet men, namely, Sir Edward of Cunynghame vicar of Galston, Sir Alexander Cunninghame chaplain, Alexander Cunninghame esquire, John the son of Robert, and Thomas the son of William, with many others, witnesses to the premisses specially called and required.

And I William of Akinhede, presbyter, master of arts of the diocese of St. Andrews, notary public by imperial authority, was present with the forenamed witnesses at the exhibition, delivery and reading of the foresaid Indentures, and I read over the Indentures themselves, copied them after this manner, and reduced them into this public form, neither adding nor taking away anything which could change the sense or vary the meaning, and from thence I formed this present public instrument, wrote it with my own hand, and vouched it with my usual signature and subscription, being specially called and required in faith and testimony of the premisses.

3. *Charter by Robert the Bruce, King of Scots, in favour of the Burgh of Irvine.—12th May 1322.*

ROBERTUS Dei gracia Rex Scottorum omnibus probis hominibus tocius terre sue salutem: Sciatis nos concessisse et hac presenti carta nostra confirmasse

burgensibus de Irwyn et eorum successoribus infra dictum burgum manentibus quod liberi sint et quieti de Toloneo et omni consuetudine de dominicis catallis suis per totum regnum nostrum prout in carta venerande memorie domini Alexandri secundi quondam regis Scottorum predecessoris nostri eisdem burgensibus exinde confecta plenius continetur Adjicimus eciam et concedimus ac presenti carta nostra confirmamus pro nobis et heredibus nostris eisdem burgensibus et eorum successoribus quod a toloneo quod solvere solebant in burgo nostro de Are ante presentem concessionem nostram liberi sint omnino et imperpetuum quieti Quare firmiter prohibemus ne quis contra hanc concessionem nostram ipsos burgenses aut eorum successores vexare gravare seu inquietare presumat super nostram plenariam forisfacturam. In cujus rei testimonium presenti carte nostre sigillum nostrum fecimus apponi: Testibus Bernardo abbate de Abirbrothoc cancellario nostro¹ Waltero Senescallo Scocie² Jacobo domino de Duglas³ Gilberto de Haia⁴ constabulario nostro et Roberto de Keth marescallo nostro⁵ militibus: Apud Glasgu duodecimo die Maij anno regni nostri septimo decimo.

TRANSLATION.

Robert by the grace of God king of Scots to all good men of his whole land, Greeting: Wit ye us to have granted and by this our present charter confirmed to the burgesses of Irvine and their successors dwelling in the said burgh that they be free and acquit from payment of all Toll and Custom on their burgess goods throughout our whole kingdom, as is more fully contained in a charter made for that purpose to the said burgesses by Alexander the second of venerable memory sometime king of Scots, our predecessor; We also have added and granted, and by this our present Charter for us and our heirs do confirm, to the said burgesses and their successors, that they be altogether acquit and perpetually free from the Toll which before our present grant they were wont to pay in our Burgh of Ayr: Wherefore we strictly order under pain of full forfeiture that no one contrary to this our Grant presume to vex oppress or disturb the said

¹ Bernard died in 1327. *Crawfurd's Officers of State*, p. 17.

² Walter, High Steward of Scotland, died in 1326.


³ James, Lord of Douglas, was killed in

1330.—Douglas (1813), vol. i. p. 421.

⁴ He died in 1330.—Douglas, vol. i. p. 546.

⁵ Sir Robert de Keith, Great Marischal of Scotland, fell at the battle of Duplin in 1332.

Douglas, vol. ii. p. 187.


Auctoritas dei gracia Rex Scottorum Omnibus probis hominibus totius terre sue Cencie et
 controuersia sue questione nota et pendente inter burgenses nros de Ayr ex parte una et bur
 de Ayr et de Trobryne et consequenter ad nos retornatam fuit dare compitum qd de burgensib
 citra et a tempore et per tempus de cuius controuersia memoria hominum non existit in possessione fu
 libertatibz amerciarum pro suis tñ mandatis et mandatis mediorū lre excedendis pro
 predicta dare patuit prout est dictū. Douemus nos concessisse et hec presens carta nra con
 suis mandatis et mandatis ppetuo pro se et suis heredibz lre gaudeant londs limitibz et simibz
 mgetur presumat in preiudiciū dñi sui libertatum sup mūm plenariam forisfacturam
 heredibz et successoribz pro nobis heredibz et successoribz nris inuicem qd nri heredes et successor
 libere plenarie et honorifice sicut aliquis burgus infra regni nri ex infeodacione quamcuq
 cuiuslibz tollone seu alius cuiuslibz puitatio iam in portu seu in portum imponend. Vol
 pro nobis heredibz nris et successoribz libertatem Gildæ prout alii burgi et burgenses regni nri
 valeant qui gaudebunt et gaudere habebunt omi libertate Gildæ qua alii quicunq regni nri
 Testibz venerabilibz patribz Willelmo et patre scti andree et burthimens cano episcopo primogeni
 Willelmo comite de Douglas consanguineo nro Johne de Cantuariensi cano glasse cancellario nro hugo
 Anno Regni nri Secundo n. m.

lenis et laiciis. **S**alutem. Quia per inquisitionem de mandato nostro factam per Ballivum de Comynghame super
a. Et bungenfes de Jiborne ex parte altera. Super finibus limitibus et libertatibus dictorum bungen et bungenfium
bungenfes de Jiborne fuerunt et sunt. a. lxxv. quadraginta quinquaginta et sexaginta annis et plura et
cessione finium limitum et bondarum totius lxxv. de Comynghame et lxxv. de laigro de bungi de Jiborne
dis. prout hec et alia per cartas in chite memorie predecessorum nostrorum Regum stocie ostensis in inquisitione
am confirmasse. eadem bungi de Jiborne et bungenfibus eiusdem pro nobis et heredibus nostris ut ipsi dicitur utendo
et finibus supradictis firmiter insistentes neque eos contra prefatam nostram concessionem debare gravare seu
facturum. Concessimus etiam eadem bungi de Jiborne et bungenfibus eiusdem qui pro tempore fuerint et eorum
successores sui deum bungi teneant et possideant in librum bungi cum omnibus libertatibus et privilegiis. adeo
quod cum Regum stocie predecessorum nostrorum libris tenet seu honorificencia possidet absque evacione
ind. Solimus etiam et concedimus eadem bungi de Jiborne et bungenfibus eiusdem ac eorum heredibus et successoribus
Regum nostrorum ipsam libertatem hinc et hinc consueverunt. quod fides. Gille in bungi de Jiborne predicto constituere
tam in bungenfes hactenus gauisunt. Incipit etiam testium pnta ante nre. mun. pceptum apponit sigillum
inogenito nostro Johis comite de Cantuari et fenest. stocie. Roberto comite de ffif. et de manerecti filio nostro dilecto
to. hugone de eslynton et Robert de Eslyne. anilibz. apud Edinburg. octavo die mensis aprilis.

burgesses or their successors. In testimony whereof we have caused our seal to be appended to this our present charter. Witnesses, Bernard abbot of Arbroath our chancellor, Walter, Steward of Scotland, James lord of Douglas, Gilbert of Hay our constable, and Robert of Keith our marshal, knights: At Glasgow the twelfth day of May in the seventeenth year of our reign.

4. *Charter by King Robert the Second in favour of the Burgh of Irvine, following upon the Inquest for the Settlement of the dispute with Ayr, about the boundaries.—8th April 1372.*

ROBERTUS Dei gracia rex Scottorum omnibus probis hominibus tocius terre sue clericis et laicis salutem Quia per Inquisicionem de mandato nostro factam per Ballivum de Conynghame super controversia sive questione mota et pendente inter burgenses nostros de Are ex parte una et burgenses de Irwyne ex parte altera super finibus limitibus et libertatibus dictorum burgorum et burgensium de Are et de Irwyne et consequenter ad nos retornatam fuit clare compertum quod dicti burgenses de Irwyne fuerunt et sunt a triginta quadraginta quinquaginta et sexaginta annis et ultra et citra et a tempore et per tempus de cujus contrario memoria hominum non existit in possessione finium limitum et bondarum tocius Baronie de Conynghame et baronie de Largys dicti burgi de Irwyne libertatibus annexarum pro suis tantum mercandisis et mercimoniis in eisdem libere exercendis prout hec et alia per cartas inclite memorie predecessorum nostrorum regum Scocie ostensas in inquisicione predicta clare patuit prout est dictum Noveritis nos concessisse et hac presenti carta nostra confirmasse eidem burgo de Irwyne et burgensibus ejusdem pro nobis et heredibus nostris ut ipsi duntaxat utendo suis mercandisis et mercimoniis perpetuo pro se et suis heredibus libere gaudeant bondis limitibus et finibus supradictis firmiter inhibentes nequis eos contra prefatam nostram concessionem vexare gravare seu inquietare presumat in prejudicium dictarum suarum libertatum super nostram plenariam forisfacturam Concessimus eciam eidem burgo de Irwyne et burgensibus ejusdem qui pro tempore fuerint et eorum heredibus et successoribus pro nobis heredibus et successoribus nostris in perpetuum quod ipsi heredes et successores sui dictum burgum teneant et possideant in liberum burgum cum omnibus libertatibus et privilegiis adeo libere plenarie et honorifice sicut aliquis burgus infra regnum nostrum ex

infeodacione quorumcunque regum Scocie predecessorum nostrorum liberius tenetur seu honorificencius possidetur absque exaccione cujuscunque tollonei seu alterius cujuslibet servitutis jam inpositi seu in posterum imponendi volumus eciam et concedimus eidem burgo de Irwyne et burgensibus ejusdem ac eorum heredibus et successoribus pro nobis heredibus nostris et successoribus libertatem Gilde prout alii burgi et burgenses regni nostri ipsam libertatem habent et habere consueverant; quodque fratres Gilde in burgo de Irwyne predicto constituere valeant qui gaudebunt et gaudere habebunt omni libertate Gilde qua alij quicunque regni nostri burgenses hactenus gavisii sunt In cujus rei testimonium presenti carte nostre nostrum precepimus apponi sigillum: Testibus venerabilibus patribus Willelmo et Patricio Sancti Andree et Brechinensis ecclesiarum episcopis primogenito nostro Johanne comite de Carrik et senescallo Scocie Roberto comite de Fif et de Meneteth filio nostro dilecto Willelmo comite de Douglas consanguineo nostro Johanne de Carrik canonico Glasguensi cancellario nostro Hugone de Eglynton et Roberto de Erskyne militibus: Apud Edynburgh octavo die mensis Aprilis anno regni nostri secundo.

TRANSLATION.

Robert by the grace of God king of Scots, to all good men of his whole land clergy and laity, Greeting; Whereas by inquest made at our command by the bailie of Cunninghame respecting the dispute or question moved and depending between our burgesses of Ayr on the one part and the burgesses of Irvine on the other part, in regard to the boundaries limits and liberties of the said burghs and burgesses of Ayr and of Irvine, and afterwards returned to us, it was clearly found that the said burgesses of Irvine were and are from thirty forty fifty and sixty years and beyond, and before and from and during times, of the contrary of which there is no memory of man, in possession of the boundaries territory and limits of the whole Barony of Cunninghame and Barony of Largs annexed to the liberties of the said burgh of Irvine, for freely exercising only their traffic and merchandise in the same, as these and other things clearly appeared by charters shewn at the said Inquest, granted by our predecessors kings of Scotland of renowned memory, as aforesaid: Wit ye us to have granted and by this our present charter confirmed to the said burgh of Irvine and burgesses thereof, for ourselves and our heirs, that they, only for the pur-

Robertus Dei gra Rex Scottor Camerarius noster qui pro tempore fuit ac Justiciarius Vicecomes
 notitiam presentis hinc pervenit. Salutem. Quia licet noster super libertatibus et bonis
 iusticiis nobis facta fuit plena fides: tamen et ex habundantia ad
 fideles homines patrie ac alios per quos rei veritas melius sciri poterat, monitione
 bonis predictis, et ad perpetuam declarationem libertatum et bonorum eorumdem / etiam
 pro burgensibus et comitibus eorumdem promissum hoc et alia in dicta nostra carta sine consummatione
 singulis, certis quod quorum noster de noster potest damus tenore presentium firmi in
 carta nostra aut contra libertates de burgis regibus iusticiis, aut iusticiis aliquibus
 seu ab aliis hoc fieri, quatenus in vobis fuit promissum seu promissum. Si vero aliquis
 in hoc se cuperet habere per bona communis iusticie de nostra capella. Sedem lo-
 quatur. receperunt in hoc complementum iusticie aut in consilio non parhamo
 sub omni pena que potest inde sequi. Datus sub testibus nostris regum sigillis apud

LETTER OF PROTECTION BY ROBERT II. TO THE BURGH OF IRVINE IN

o, dicitur in eadem carta, burgorum propositio et status ad p[ro]p[ri]os et fideles n[ost]ros ad quos
et bonarios, burgi n[ost]ri de [illegible] p[ro]p[ri]as endencas, de mandato n[ost]ro, iusto loco et diliget
sunt ad informacionem n[ost]ram, et ad declaracionem, bonitatem et libertatem huiusmodi p[ro]p[ri]os et
magnificam fieri p[ro]p[ri]os diligenciam, p[er] quam nobis constabat ad plenam de libertatibus et
etiam hanc sine confirmacionem, sub magno sigillo n[ost]ro fieri p[ro]p[ri]os p[ro]p[ri]os et
confirmacionem libertatum et bonitatem, huiusmodi p[ro]p[ri]os n[ost]ros p[ro]p[ri]os et
in mandatis, p[er] deos burgum burgenses etiam contra eum emsonem contra rationem d[omi]ni
signat[ur] nullatenus p[ro]p[ri]os etiam aliquis p[ro]p[ri]os vexare p[ro]p[ri]os aut aliquatenus inquietare p[ro]p[ri]os
aliquis in hoc p[ro]p[ri]os se o[mn]i[n]i c[on]tra p[ro]p[ri]os d[omi]ni et mandatis p[ro]p[ri]os et quod
in hoc p[ro]p[ri]os in n[ost]ro p[ar]liamento ut et coram nobis et n[ost]ro consilio n[ost]ro o[mn]i debet
p[ar]liamento d[omi]ni n[ost]ro p[ro]p[ri]os alie possessionem burgi d[omi]ni aut burgensium p[ro]p[ri]os
etiam p[ro]p[ri]os quoddecimo die mensis february anno Regni n[ost]ri Edwardi.

IRVINE IN THE EXERCISE OF ITS PRIVILEGES, 14TH FEB. 1372-73.

poses of carrying on their merchandise and traffic, for ever, for themselves and their heirs may freely enjoy the bounds limits and territories above-written: Inhibiting every person under pain of our full forfeiture to presume, contrary to our said Grant, to vex oppress or disturb them in prejudice of their said liberties: We have also granted to the said burgh of Irvine and to the burgesses of the same who shall be for the time, and to their heirs and successors, for us our heirs and successors for ever, that they, their heirs and successors hold and possess the said burgh as a free burgh, with all liberties and privileges, as freely fully and honourably as any burgh within our kingdom, constituted by whatsoever kings of Scotland our predecessors, is freely held or honourably possessed, without the exaction of any Toll or other servitude whatever, now imposed or to be imposed hereafter: We will also and grant to the said burgh of Irvine and to the burgesses thereof, and to their heirs and successors, for us our heirs and successors, the liberty of guild, as other burghs and burgesses of our Kingdom have and were wont to have that liberty; and that they may appoint Guild brethren in the said burgh of Irvine, who shall enjoy and shall be reckoned to enjoy every liberty of guild that other burgesses whatsoever of our kingdom hitherto have enjoyed. In testimony whereof we have ordered our Seal to be appended to this our present Charter: Witnesses, the venerable fathers William and Patrick bishops of the churches of Saint Andrews and Brechin, our first-born son John Earl of Carrik and Steward of Scotland, Robert Earl of Fife and of Menteith our beloved son, William Earl of Douglas our cousin, John of Carrick canon of Glasgow our Chancellor, Hew of Eglinton and Robert of Erskyne knights: At Edinburgh the eighth day of the month of April in the second year of our reign.

5. *Letter of Protection by Robert the Second to the Burgh of Irvine in the exercise of its privileges.*—14th February 1372-3.

ROBERTUS Dei gratia Rex Scottorum Camerario nostro qui pro tempore fuerit ac Justiciariis vicecomitibus coronatoribus burgorum prepositis et ballivis ceterisque ministris et fidelibus nostris ad quorum noticiam presentes litere pervenerint salutem Quia licet nuper super libertatibus et boundis burgi nostri de Irvyne per antiquas evidencias de mandato nostro visas lectas et diligenter inspectas nobis facta fuerit plena fides nichilominus

tamen et ex habundanti ad informacionem nostram et ad declaracionem boundarum et libertatum hujusmodi per probos et fideles homines patrie ac alios per quos rei veritas melius scire poterat inquisitionem fieri fecimus diligentem per quam nobis constabat ad plenum de libertatibus et boundis predictis et ad perpetuam declaracionem libertatum et boundarum earundem, cartam nostram sive confirmacionem sub magno sigillo nostro fieri fecimus pro dicto burgo et pro burgensibus et communitate ejusdem prout hec et alia in dicta nostra carta sive confirmacione libertatum et boundarum hujusmodi plenius noscitur contineri; Vobis et vestrum singulis ceterisque quorum interest vel interesse poterit damus tenore presencium firmiter in mandatis quod dictos burgum burgenses aut communitatem ejusdem contra tenorem dicte carte nostre aut contra libertates dicti burgi vexare gravare aut inquietare aliququaliter nullatenus presumatis; seu aliquis vestrum vexare gravare aut aliququaliter inquietare presumat seu ab aliis hoc fieri quatenus in vobis fuerit permittatis seu permittat. Si vero aliquis in hoc gravari se senciatur communiter vel divisim volumus et mandamus quod jus si quod in hoc se credat habere per brevia communis justicie de nostra capella secundum leges regni nostri in nostro parlamento vel aliter coram nobis et nostro consilio jus suum debite prosequatur recepturus in hoc complementum justicie aut nostri consilii seu parlamenti decretum non perturbando aliter possessionem burgi communitatis aut burgensium predictorum sub omni pena que poterit inde sequi: Datum sub testimonio nostri magni sigilli apud Perth quarto decimo die mensis Februarii anno regni nostri secundo.

TRANSLATION.

Robert by the grace of God king of Scots, to our Chamberlain who shall be for the time, and to our justiciars, sheriffs, coronars, provosts and bailies of burghs, and our other ministers and faithful people to whose knowledge the present Letters shall come, greeting: Whereas, although lately full faith was made to us concerning the liberties and bounds of our burgh of Irvine by ancient evidents, at our mandate seen read and diligently inspected, nevertheless however, for our fuller information, and for the declaration of the bounds and liberties of the same, we caused diligent inquiry to be made by good and faithful men of the country and others by whom the truth of the matter might be better known, whereby it was fully manifest to us concerning the liberties and bounds foresaid; and for the

perpetual declaration of these liberties and bounds we have caused to be made our Charter or Confirmation under our great seal for the said burgh, burgesses and community thereof, as it is known these and other things are more fully contained in our said Charter or Confirmation of the said liberties and bounds : We therefore, by the tenor of these presents, strictly command you, and each of you, and others whom it concerns or may concern, that in no manner ye presume to vex oppress or disturb the said burgh, burgesses or community thereof, contrary to the tenor of our said charter, or contrary to the liberties of the said burgh ; or any one of you presume to vex oppress or in any manner disturb them, or permit this to be done by others in as far as in you lies : If, however, any person thinks himself aggrieved in this matter conjunctly or severally, We will and order that if he thinks he is in the right he may duly prosecute his suit by Brieves of common justice from our chancery, according to the laws of our kingdom, in our Parliament, or otherwise before us and our Council, to receive in this matter full justice or a decree of our Council or Parliament, not disturbing in any other manner the possession of the said burgh, community, or burgesses, under every penalty which may thence ensue : Given under the testimony of our great seal at Perth the fourteenth day of the month of February in the second year of our reign.

6. *Charter by King Robert the Second to the Burgh of Irvine, of a piece of ground for their Council-House.*—22d October 1386.

ROBERTUS Dei gracia rex Scottorum omnibus probis hominibus tocius terre sue clericis et laycis salutem Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse ad decorem burgi nostri de Irwyne burgensibus et communitati ejusdem unam peciam terre habentem quadraginta pedes in longitudine et triginta pedes in latitudine in vico fori ejusdem burgi in qua construere poterint unam domum decentem et honestam in qua sua consilia communia teneant et secreta ut sit eis in pretorium et suis successoribus in futurum Tenendam et habendam eisdem burgensibus et eorum successoribus imperpetuum de nobis et heredibus nostris in feodo et hereditate per metas et divisas superius expressatas cum omnibus et singulis libertatibus commoditatibus aysiamenis et justis pertinenciis quibuscunque Reddendo inde nobis et heredibus nostris dicti burgenses et eorum successores unum

denarium argenti in festo Assumptionis beate Virginis annis singulis nomine albe firme si petatur tantum pro omni alio servicio seculari In cujus rei testimonium presenti carte nostre nostrum precepimus apponi sigillum : Testibus reverendissimo in Christo patre Waltero Dei gracia sedis apostolice Cardinali venerabili in Christo patre Johanne episcopo Dunkeldensi cancellario nostro Johanne primogenito nostro de Carric senescallo Scocie Roberto de Fyf et de Menteth Jacobo de Douglas filiis nostris dilectis comitibus Archebaldo de Douglas et Thoma de Erskyne consanguineis nostris militibus : Apud Irwyne vicesimo secundo die Octobris anno regni nostri sextodecimo.

TRANSLATION.

Robert by the grace of God king of Scots to all good men of his whole land, clergy and laity, Greeting : Know ye that we have given and granted, and by this our present charter confirmed, for the ornament of our burgh of Irvine, to the burgesses and community thereof, a piece of ground having forty feet in length and thirty feet in breadth, in the market street of the said burgh, on which they may build a decent and fair house, in which they may hold their public and private Councils, that it may be a Court-House to them and their successors in future. To have and to hold to the said burgesses and their successors for ever, of us and our heirs in fee and heritage, by the bounds and divisions above expressed, with all and sundry liberties, conveniences, easements, and just pertinents whatsoever, rendering therefor to us and our heirs, the said burgesses and their successors, one penny of silver, at the feast of the Assumption of the blessed Virgin, every year, in name of blench ferme, if it is required only, for all other secular service. In testimony of which thing we have ordered our seal to be appended to this our present charter : Witnesses, the most reverend father in Christ, Walter by the grace of God cardinal of the apostolic see, the venerable father in Christ John bishop of Dunkeld, our chancellor, John of Carrik our first-born son, Steward of Scotland, Robert earl of Fife and of Menteth, James earl of Douglas, our beloved sons, Archibald of Douglas and Thomas of Erskine our cousins, knights : At Irvine the twenty-second day of October in the sixteenth year of our reign.

7. *Confirmation by King Robert the Third of the Charter (No. 4 hereof) in favour of the Burgh of Irvine.—2d January 1390-1.*¹

ROBERTUS Dei gracia rex Scotorum omnibus probis hominibus tocius terre sue clericis et laicis salutem Sciatis nos cartam recolende memorie domini Roberti Dei gracia quondam regis Scotorum illustris progenitoris nostri de mandato nostro visam lectam inspectam et diligenter examinatum non rasam non abolitam non cancellatam nec in aliqua sui parte viciatam intellexisse ad plenum sub hac forma Robertus (etc., as in No. 4 *supra*) Quamquidem cartam donacionem et concessionem in eadem contentas in omnibus punctis suis et articulis condicionibus et modis ac circumstanciis suis quibuscunque forma pariter et effectum in omnibus et per omnia approbamus ratificamus et pro nobis et heredibus nostris ut premissum est imperpetuum confirmamus salvo servicio nostro In cujus rei testimonium presenti carte nostre confirmacionis nostrum precepimus apponi sigillum: Testibus venerabilibus in Christo patribus Waltero et Matheo Sancti Andree et Glasguensis ecclesiarum episcopis Roberto comite de Fiffe et de Menteith fratre nostro carissimo, Archibaldo comite de Douglas domino Galwidie Jacobo de Douglas domini de Dalkeith Thoma de Erskine consanguineis nostris dilectis militibus et Alexandro Cokburne de Langtoun custode magni sigilli nostri: Apud Edinburgh secundo die mensis Januarii anno regni nostri primo.

TRANSLATION.

Robert by the grace of God King of Scots to all worthy men of his whole land, clergy and laymen, greeting: Wit ye us to have fully known a Charter of lord Robert of worthy memory, by the grace of God sometime King of Scots, our illustrious progenitor, at our command seen, read, inspected, and diligently examined, not erased, wasted, cancelled, nor in any part of it vitiated, under this form: Robert (etc., as in No. 4 *supra*), the which charter, gift and grant contained in the same, in all its points and articles, conditions and modes, and circumstances of it whatsoever, in form and effect, in all and throughout all, we do approve, ratify, and for us and our heirs, as is premised, for ever confirm, saving our service: In witness whereof to this our present charter of confirmation we have commanded our seal to be set: the witnesses being the venerable fathers in Christ, Walter

¹ This document is embodied in No. 10 *infra*.

bishop of St. Andrews, and Matthew bishop of Glasgow, Robert earl of Fife and of Menteth our dearest brother, Archibald earl of Douglas lord of Galloway, James of Douglas lord of Dalkeith, Thomas of Erskine, our beloved kinsmen, knights, and Alexander Cokburne of Langtoun, keeper of our great seal: At Edinburgh the second day of the month of January, of our reign the first year.

8. *Confirmation by King Robert the Third of the Letter of Protection (No. 5 hereof) in favour of the Burgh of Irvine.—2d January 1390-1.*

ROBERTUS Dei gracia rex Scottorum omnibus probis hominibus tocius terre sue clericis et laicis salutem Sciatis nos quoddam preceptum recolende memorie domini Roberti Dei gracia quondam regis Scottorum illustris progenitoris nostri de mandato nostro visum lectum inspectum et diligenter examinatum non rasum non abolitum non cancellatum nec in aliqua sui parte viciatum intellexisse ad plenum sub hac forma Robertus Dei gracia rex (etc., as in No. 5 *supra*). Quodquidem preceptum in omnibus punctis suis et articulis condicionibus et modis ac circumstanciis suis quibuscunque forma pariter et effectum in omnibus et per omnia approbamus ratificamus et pro nobis et heredibus nostris ut premissum est imperpetuum confirmamus salvo servicio nostro In cuius rei testimonium presenti carte nostre confirmationis nostrum precepimus apponi sigillum: Testibus venerabilibus in Christo patribus Waltero et Matheo Sancti Andree et Glasguensis ecclesiarum episcopis Roberto comite de Fif et de Meneteth fratre nostro carissimo Archebaldo comite de Douglas domino Galwydie Jacobo de Douglas domino de Dalketh Thoma de Erskyne consanguineis nostris dilectis militibus et Alexandro de Cokburne de Langton custode magni sigilli nostri apud Edynburgh secundo die mensis Januarii anno regni nostri primo.

TRANSLATION.

Robert by the grace of God King of Scots, to all worthy men of his whole land, clergy and laymen, wisheth salvation: wit ye us to have fully known a certain precept of lord Robert of worthy memory, by the grace of God sometime King of Scots, our illustrious progenitor, at our command seen, read, inspected, and diligently examined, not erased, not wasted, not cancelled, nor in any part of it vitiated, under this form: Robert by the grace of God, King (etc., as in No. 5 *supra*). Which precept, in all its points

Robertus dei gracia. Hic. Scitorem. Omnibus probis hominibus
 preceptum recolende memorie. In Roberti dei gracia quondam Regis
 tam et diligenter examinatum. non falsum. non abolum. non can
 hac forma Robertus dei gracia Rex Scottorum. Candido nro qui p tem
 et balliis ceteris q omstis et fidelibus nris ad quorum noticiam p
 bungi nri de qdyne. p antiquas emendaciones de mandato nro. Bisas
 tamen et ex habundanti de informacionem nram et ad de dajacem
 at alios p quos rei de pteas nobis sup potit inquisicem fep
 et bonidis p ditis et ad ppetua de dajacem libitatem et bonidis
 nro fep fecimus p dicit bungi et p bungenfibus et ceteris en
 et bonidis bungenfibus plenis nro. continep. Vobis et omni
 pncipal p pmo in mandatis q dicit bungenfibus bungenfibus aut con
 da bungi de pte granage nre inqmetare aliquando mcllaten
 quietare p pmo p ab alijs hoc fepi quatenus in vobis pnt
 carit et dmsm. Volunget mandamus. q pnt. p quod in hoc p
 leges Regni nri in nro p pmo et al coram nobis et nro con
 cie. aut nri consilij pnt p pmo de pte nri. non p pmo
 pena que potit inde pnt. + Dat sub testis nri magni Sig
 Secundo. Quod quidm p pmo in omnib pntis pntis et pntis
 forma pnt et effia in omnib et q omnia approbamus. iusticia
 Salvo dno nro. In aug su testiom pnt carit nri confirmacion
 Walto et gathco. pnt andi et glasgo. et dicit pnt. Roberto comite
 Douglas dno galidie. Jacobo de Douglas dno de dalketh theon
 Colbyne de langton. custodi magni Sigilli nri apud Edynburgh

F PROTECTION TO THE BURGH OF IRVINE BY ROBERT II. 2ND JANUARY 1390-1.

and articles, conditions and modes, and in whatsoever its circumstances, in form as well as in effect, in all and throughout all, we do approve, ratify, and for us and our heirs, as is premised, for ever confirm, saving our service: In witness whereof to this our present charter of confirmation we have commanded our seal to be put; the witnesses being the venerable fathers in Christ, Walter and Mathew, bishops of the churches of Saint Andrews and Glasgow; Robert earl of Fife and of Menteth, our dearest brother, Archibald earl of Douglas, lord of Galloway, James of Douglas, lord of Dalkeith, Thomas of Erskyne, our beloved kinsmen, Knights; and Alexander of Cokburne of Langton, keeper of our great seal; at Edinburgh the second day of the month of January, in the first year of our reign.

9. Letters of Notification by Robert Duke of Albany, Governor of Scotland, of the Decision regarding the right of the Burgh of Irvine to a piece of Moorland.—24th July 1417.

ROBERTUS dux Albanie comes de Fife et de Mentethe ac regni Scocie gubernator universis et singulis ad quorum noticiam presentes littere pervenerint salutem Quia pium est et meritorium veritati testimonium perhibere et maxime in causa vel casu quo occultacio veritatis in feodis et hereditatibus innocentibus [injuriam] poterit generari Hinc est quod universitati vestre notificamus tenore presencium litterum quod propter certam discordiam motam inter ballivos burgenses et communitates burgi de Irwyne ex parte una et Willelmum Fraunces de le Stane ex parte altera penes certum clameum hereditarie possessionis unius pecie moris jacentis ad finem occidentalem capelle sancte Brigidie in baronia de Conynghame infra vicecomitatum de Are propter quam discordiam motam inter partes predictas et ad evitandum malum et dampnum que exinde oriri posset predictam peciam more cum pertinenciis in manus nostras debite fecimus recognosci tempore longo retroacto Et post modum ad sedandum et cessandum discordiam antedictam et ad videndum declarandum et finaliter determinandum cui parti dictarum parcium dicta pecia more cum pertinenciis debeat pertinere et de jure et ratione remanere partes predictas unacum melioribus et fidelioribus hominibus patrie in propria persona ac per ballivum nostrum baronie de Conynghame per literas nostras patentes sub sigillo nostro legitime fecimus sumoniri quod comparerent coram nobis die Sabboti vicesimo quarto die mensis Julii anno Domini millesimo

quadringentesimo septimo decimo et gubernacionis nostre anno duodecimo personaliter propter causam antedictam Quo die predicta summonicione coram nobis legitime probata Tunc per probos et fideles homines patrie per quos rei veritas melius sciri potuit magno interveniente sacramento videlicet Johannem de Camera de Gadgarthe Johannem Lokarde de le Bar Robertum Roos de Tarbart Johannem de Arnot de Lochrig Robertum de Fergoushill de eodem Henricum de Conynghame Johannem Boyle de Caleburne Alexandrum Fraser de Knok Finlaium de Monfode de eodem Johannem de Langmure de eodem Johannem Homil Gilbertum Spere Johannem Gibbounsoun Willelmum Dobynesoun et Adam Lachlane diligenter fideliter inquiri fecimus que pars dictarum parcium fuit in possessione dicte pecie more tempore recognicionis nostre antedicte Qui jurati et bene et mature avisati et consulti una voce nullo discrepante dixerunt declaraverunt et finaliter determinarunt quod predicti bailivi burgenses et communitates fuerunt in possessione dicte more cum pertinenciis tempore recognicionis nostre supradicte Et ideo dictam moram cum pertinenciis in presencia plurium regni procerum baronum militum et nobilium, videlicet Murdaci Stewart de Kynclavine militis locum tenentis nostri Johannis Stewart comitis Buchanie filiorum nostrorum carissimorum Johannis de Montegomeri de Ardrossane Umfridi de Conynghame de Achtirmachane militum Alexandri de Levingistoun de Kalendare Willelmi de Conynghame de Kilmawris et Archibaldi de Conynghame de Achinbawy, cum multis aliis de deliberato consilio predictis ballivis burgensibus et communitati tanquam possessoribus eiusdem ad plegium deliberavimus sicut ex nostro suscepto officio debuimus et debemus quousque dicta mora cum pertinenciis fuerit a dictis ballivis burgensibus et communitate legitime recuperata prout expostulat juris ordo Quare omnibus et singulis legiis hominibus et subditis regni predicti quorum interest vel interesse poterit firmiter prohibemus ne quis dictos ballivos burgenses et communitates in possessione sua predictae more perturbare aut vexare presumat injuste sub pena omni que erga regiam majestatem et nos amitti poterunt quoquo modo: In cuius rei testimonium presentibus sigillum nostrum apponi fecimus apud Irwine die et anno supradictis.

TRANSLATION.

Robert Duke of Albany, earl of Fife and of Menteith, and Governor of the kingdom of Scotland, to all and sundry to whose notice these present

A red wax seal on a parchment document. The seal is circular and features a central figure, possibly a saint or ruler, surrounded by intricate carvings and text. The parchment is aged and shows some staining.

Uniceps et singulis ad quorum noticiam prece littere pervenerunt salutem Quia primum est et meritorum veritati
predicantibus immortalius poterit generari hinc est quod Universitati Breve notificamus tenore presentium litterarum quod propter certam
una et eandem personam de le stane ex parte altera penes certum clameum hereditarie possessione. Unius pacis moris pacis
atum de Breve propter quam discordiam motam inter partes predictas et ad evitandum malum et dampnum que contra
recognoscit tempore longo relictum Et postmodum ad sciendum et cessandum discordiam audiam et ad videndum de
um partem debeat partem et de iure et ratione remanere partes predictas una cum melioribus et fidelioribus
per hunc nunc patentes sub sigillo nro legitime fecimus summoneri quod compareant coram nobis die sabbati proximo
Et gubernacionis nre anno duodecimo personaliter propter causam audiam. Quo die predicta summonicione coram
vris melius fieri potuit magno intermimente sacramento Breve Johannem de caneva de sandwiche Johannem
Robertum de ferrigons hilt de eodem Henricum de conynghme Johannem de trole de calchurue Alexandrum
dem Johannem homil Gilbertum spere Johanne gibbelsfor Willm de hynesfor Adam lachlans Dugentem et
et de more tempore recognicionis nre audiam. Cum nra et bene et mature ausati et consulti una voce nullo
um burgenses et communitates fuerint in possessione dicti more cum premissis tempore recognicionis nre
dem burgensibus et nobilibus Breve amodum stewart de hynleburne milite leuinenone nro Johanne
de drossane Gufred de conynghme de althynlachane militibus Alexandro de leburgisfor de kalendare
am multo alijs de deliberato consilio predictis balliis burgensibus et communitatibus possessoribus eandem
et dicta mora cum pertinencia fuerit a dictis balliis burgensibus et communitatibus legatime recepta prout expresse
norum interest ut interesse poterit firmiter prohibemus ne quis dictos ballios burgenses et communitates in posses
ne erga regiam maiestatem et nos amittere poterit quoque modo In cuius rei testimo nri presentibus signamus

letters shall come, Greeting : Because it is a pious and worthy duty to bear witness to the truth, and chiefly in the cause or case in which the hiding of the truth would engender wrong to the innocent in their fees and heritages, therefore it is that we notify to your university by the tenor of the present letters, that on account of a certain discord moved between the bailies, burgesses, and community of the burgh of Irvine on the one part, and William Frances of the Stane, on the other part, concerning a certain claim of heritable possession of a piece of muir lying at the west end of the chapel of St. Bridget, in the barony of Cuninghame and shire of Ayr : on account of which discord moved between the parties foresaid, and in order to evite the evil and hurt which might arise therefrom, we caused the aforesaid piece of muir with the pertinents to be duly recognosced in our hands, a long time bygone : and afterwards, to pacify and put an end to the discord aforesaid, and to have it seen, declared, and finally determined to which of the said parties the said piece of muir with the pertinents ought to belong, and of right and reason to remain, we caused the parties foresaid, together with the best and most trusty men of the country, in proper person, and by our bailie of our barony of Cuninghame, to be lawfully summoned by our letters patent under our seal, that they should compear personally before us on Saturday the 24th of July in the year of the Lord 1417, and of our government the twelfth, on account of the cause aforesaid : on which day, the foresaid summons being lawfully proved before us,—then by prudent and faithful men of the country, by whom the truth of the matter might be best known, the great oath intervening, namely, John of Chalmer of Gadgirth, John Lockhart of the Bar, Robert Ross of Tarbart, John of Arnot of Lochrig, Robert of Fergushill of that ilk, Henry of Cuninghame, John Boyle of Kelburn, Alexander Fraser of Knok, Finlay of Monfod of that ilk, John of Langmure of that ilk, John Homil, Gilbert Spere, John Gibbonson, William Dobynson, and Adam Lachlane, we caused it to be diligently inquired which of the said parties was in possession of the said piece of muir at the time of our recognition aforesaid : Who having been sworn, and well and ripely advised and consulted, with one voice, none disagreeing, said, declared, and finally determined, that the foresaid bailies, burgesses, and community, were in possession of the said muir with the pertinents, at the time of our recognition above said ; and therefore, in presence of many of the chief men of the kingdom, barons, knights, and nobles, namely, Murdach Stewart of Kinclavin, knight, our lieutenant, John

Stewart Earl of Buchan, our dearest sons, John of Montgomery of Ardrossan, Humfrey of Cuninghame of Auchtermachane, knights, Alexander of Livingston of Calendar, William of Cuninghame of Kilmaurs, and Archibald of Cuninghame of Auchinbawy, with many others, of deliberate counsel, we have, as by our office undertaken we ought to do, delivered the said muir with the pertinents to the aforesaid bailies, burgesses, and community, as possessors of the same, at pledge, until the same shall be lawfully recovered from them as the order of law requires: Wherefore, we firmly charge all and sundry liege men and subjects of the kingdom whom it may concern, that none presume unjustly to disturb or vex the said bailies, burgesses, and community in their possession of the foresaid muir, under all pain which they may incur in whatsoever manner towards the regal majesty or us: In witness whereof, we have caused our seal to be set to these presents, at Irvine, day and year above mentioned.

10. *Charter by King James (the First) renewing the Charter*
No. 7, *supra*.—[Not dated.]

JACOBUS Dei gracia Rex Scotorum omnibus probis hominibus tocius terre sue clericis et laicis salutem Sciatis quia ex supplicatione nobis et consilii nostri dominis per dilectos nostros ballivos et communitatem burgi nostri de Irwyne porrecta concepimus quod dicti ballivi et communitas per nobilissimos progenitores nostros cum libertatibus et privilegiis sicuti alii nostri burgi infra regnum nostrum infeodantur prout eorum carte et infeofamenta desuper confecta proportant Et quod una pars suarum evidenciarum caduca et in punctu perdicionis existit unde prefati ballivi et communitas nobis de remedio supplicarunt Nos igitur utilitatem et commodum dictorum ballivorum et communitatis ac burgi nostri predicti volentes necnon libertates et privilegia eisdem per dictos nostros progenitores concessas observare cupientes ex dictorum dominorum deliberacione ordinavimus quamdam cartam per progenitorem nostrum Robertum Scotorum regem prenominitis ballivis communitati et burgo confectam reformari magnoque sigillo nostro de novo sigillari Cuiusquidem carte tenor sequitur et est talis Robertus Dei gracia Rex Scotorum [etc., as in No. 7 *supra*].

ABSTRACT.

Charter by King James (the First) narrating that the bailies and community of the burgh of Irvine had supplicated the King and his lords of council to remedy the decay of some of their charters conferring privileges upon the burgh, and therefore ordaining the renewal of the charter No. 7, *supra*, and that the great seal should be again appended thereto. [Not dated.]

11. *Decreet of the Commissioners of Burghs in Parliament anent Waste Burgh Lands.—6th March 1429-30.* [Notarial Copy.]

IN DEI nomine amen Noverint universi hoc presens publicum instrumentum visuri vel audituri quod anno ab incarnatione eiusdem millesimo quadringentesimo vicesimo nono indictione octava mensis Marcii die sexto pontificatus sanctissimi in Christo patris et domini nostri domini Martini divina providencia Pape quinti anno decimo tercio. In mei notarii publici et testium subscriptorum presencia personaliter constitutus Johannes Kerde commissarius burgi de Irewin peciit copiam cuiusdam decreti facti per universitatem burgorum et commissarios eorundem sibi dari per publicum instrumentum. Cuiusquidem decreti forma sequitur in hec verba. In parleamento domini nostri Regis Jacobi tento apud Perth die Lune sexto die mensis Marcii cum continuacione dierum de anno Domini millesimo quadringentesimo vicesimo nono Statutum fuit ordinatum et finaliter decretum per universitatem commissariorum burgorum Scocie in dicto parleamento existencium unacum consensu et assensu eorundem quod si aliquae terre in aliquo burgo Scocie fuerint vaste et non distringibiles pro firma Regia dicti burgi quod aldermannus eiusdem burgi vel unus vicinus eiusdem habens ad hoc potestatem per communitatem dicti burgi sub sigillo communi eorundem faciet processum per terre et lapidis capcionem de dictis terris coram uno sergiando dicti burgi et testibus vicinis eiusdem presentando huiusmodi terram et lapidem ad quatuor curias capitales in defectu solucionis firme Regie non solute nominando summam firme Regie preteritam et annos preteritos ad quamlibet curiam processus et ad quartam curiam si huiusmodi terre non fuerint redempte per solucionem firme Regie tunc inde debite dabitur iudicium proprietatis de dictis terris remanendis

in feodo et hereditate ac in proprietate communitati dicti burghi imperpetuum sine recuperacione cuiuscunque prosequentiis. Super quibus quidem statuto ordinacione et decreto predictus Johannes Kerde peciit a me notario publico subscripto sibi publicum fieri instrumentum Acta fuerunt hec anno indictione mense die et loco ac pontificatu supradictis presentibus omnibus commissariis burgorum in dicto parleamento existentibus testibus ad premissa vocatis specialiter et rogatis.

Et ego Willelmus de Kynnarde clericus Sancti Andree diocesis publicus Imperiali auctoritate notarius Quia premissis omnibus et singulis dum ut premittitur agerentur et fierent unacum prenominationis testibus presens interfui eaque vidi scivi et audivi ac ad instanciam predicti Johannis Kerde in hanc publicam formam redegi presensque publicum instrumentum me aliis negociis occupato per alium scribi feci id meis signo et subscripcione solitis et consuetis signavi in testimonium omnium et singulorum premissorum. W. DE K.

ABSTRACT.

Notarial Instrument certifying that, in presence of a notary and witnesses, John Kerde, commissioner of the burgh of Irvine, craved a copy of a Decree, made by the whole of the burghs and commissioners of the same, to be given to him by public instrument; which decree was to the effect that, in the parliament held at Perth on Monday 6th March, with continuation of days, in the year 1429, it was statute and ordained by the whole of the commissioners of the burghs of Scotland, present in the said parliament, with consent of the same, that if any lands in any burgh of Scotland were waste and not distrainable for the King's ferme of the said burgh, the alderman of the burgh or a neighbour of the same, having power by the community of the burgh under their common seal, should make process by taking of earth and stone of the said lands in presence of a sergeant of the burgh, and witnesses, neighbours of the same, and presenting them to the four head courts, in default of payment of the King's ferme, naming the sum and the years past, at each court; and at the fourth court, if the lands shall not have been redeemed by payment of the King's ferme then due, judgment shall be given of the property of the said lands, to remain in fee heritage and property to the community of the said

burgh for ever, without recovery on the part of any pursuer : On which statute and decree the said John Kerde asked an instrument from the notary ; the witnesses being all the commissioners of the burghs present in parliament and William of Kynnarde, clerk of St. Andrew's diocese, notary.

12. *Transumpt before the Official of Lothian (on 28th September 1482), of Grants by Robert, Steward of Scotland, to Sir Hugh of Eglintoun, of the offices of Bailie of Cunynghame and Chamberlain of Irwyne, and of other writs relating to the same offices—1336-1448.*¹

IN Dei Nomine, Amen : Noverint universi et singuli hoc presens publicum instrumentum transumptum inspecturi, lecturi et audituri, quod nos, Ricardus Roberti, Rector ecclesie perochialis de Suthek, ac venerabilis et egregii viri, Domini Officialis Sanctiandree infra Archidiaconatum Laudonie, commissarius ad universitatem causarum specialiter deputatus, ad instanciam nobilis et potentis domini, Hugonis Domini Mowngumry, omnes et singulos communiter et divisim, interesse habentes, seu habere putantes, vel quos infrascriptum tangit negocium, seu tangere poterit quomodolibet in futurum, ad comparandum coram nobis, certis die et loco inferius designatis ad videndum et audiendum quasdam cartas, literas, evidencias, indenturas et quitancias inferius scriptas, concernentes officium Balliatus de Cunynghame, et officium Camerarie burghi de Irwyne, transsumi, transcribi et exemplari, et in publicam transsumpti formam redigi, per edictum publicum, in valuis ecclesie Beati Egidii de Edinburgh, affixum et publicatum, peremptorie citari fecimus, cum intimacione debita, ut moris est : Quibus die et loco advenientibus, comparuit coram nobis prefatus Hugo Dominus Mowngumry, unacum suo advocato sive prolocutore, Domino Johanne Symontoun, presbytero, et dictas literas citatorias debite execucioni demandatas, presentavit ; quibus receptis, vocatisque in eisdem contentis, et non comparentibus, prefatus Dominus Johannes Symontoun contumacias accusavit, et in penam suarum contumaciarum, dictas cartas, literas, indenturas et evidencias, judicialiter produxit et exhibuit ; hujusmodi sub tenore :—

¹ *Memorials of the Montgomeries*, vol. ii. pp. 5-7.

[*Then follow Charters*]

(1.) Robertus Senescallus Scocie, etc. etc.

[*and*]

(2.) Robertus Senescallus Scocie, etc. etc.

[*and*]

(3.) Omnibus hoc scriptum visuris vel audituris, Robertus Senescallus Scocie, Comes de Stratherne, Salutem in Domino: Quia concessimus et hereditarie donavimus nobili viro, Domino Hugoni de Eglintoun, Domino eiusdem, dilecto fratri nostro, et heredibus suis, officium Ballivi Baronie de Cunyngham, unacum officio Camerarii burgi nostri de Irwyn, ad que quidem officia nullus feodus in certo consequitur nec debetur: Noveritis nos dedisse, et per presentes concessisse eidem Domino Hugoni et heredibus suis hereditarie, tertiam partem omnium exituum et amerciamentorum in dictis curiis contingencium qualitercunque: Et hoc omnibus quorum interest, vel poterit interesse, tenore presentium innotescat: In cujus rei testimonium sigillum nostrum, unacum sigillo Johannis Senescalli, Comitis de Carrik, Domini de Kyle et de Atholia, filii nostri primogeniti, presentem concessionem ut predicatur confirmans et ratificans, est appensum: Testibus, religioso viro, Domino Roberto, Dei gracia Abbate de Kilwynin, nobilibus viris, Dominis Johanne de Lindesaye Domino de Thurstoune, Adam de Fullartoun Domino de Corsby, militibus; Kennydy, Domino de Donhour, Johanne Wallace Domino de Richardtoun, Thoma Sympill Domino de Elyastoun, Johanne Graye de Estelwoude, et multis aliis. Hec autem litera sigillata erat unico sigillo, sed tamen portabat signum ubi aliud sigillum erat affixum.

ABSTRACT.

Notarial Transumpt at the instance of Hugh Lord Montgomery, of certain charters and other writs concerning the offices of Bailie of Cunninghame and Chamberlain of the Burgh of Irvine: Done before Richard Robertson, rector of the parish church of Southwick, commissary depute of the official of St. Andrews, within the Archdeanery of Lothian, in the consistorial place of the church of St. Giles of Edinburgh on 28th September 1482: of which charters the first and second above noted are dated at Erth, 15th January 1366-7; and the third, as above copied, is not dated, but is followed by a charter dated at Renfrew 30th May 1370.

TRANSLATION.

To all who shall see or hear this writing, Robert, Steward of Scotland, earl of Stratherne, wisheth salvation in the Lord : Whereas we have granted, and heritably given, to a noble man, Sir Hugh of Eglintoun, lord of that ilk, our beloved brother, and his heirs, the office of bailie of the barony of Cunyngham, together with the office of chamberlain of our burgh of Irvine, to which offices no certain fee accrues or is due,—wit ye us to have given, and by these presents to have granted, to the said Sir Hugh and his heirs, the third part of all the issues and fines of whatsoever kind happening in the said courts : and this is notified by the tenor of these presents, to all whom it may concern : In witness whereof, our seal, together with the seal of John Stewart, earl of Carrick, Lord of Kyle and of Athole, our firstborn son, is appended, confirming and ratifying the present grant as is before said : witnesses, the religious man, lord Robert, by the grace of God, abbot of Kilwinning, the noble men Sir John of Lindesay lord of Thurstoun, Sir Adam Fullartoun lord of Corsby, knights ; Kennedy lord of Dunure, John Wallace lord of Riccartoun, Thomas Sempill lord of Elliestoun, John Gray of Eastwood, and many others.

[This Letter was sealed with only one seal, but it bore a mark where the other seal was affixed.]

13. *Extracts from the Minutes of the Justiceaires, anent the Repledging of certain Burgesses of Irvine.*—1459-60, 1472.

IN curia Itineris Justiciarie domini nostri Regis tenta et inchoata apud burgum de Air tercio die mensis Marcii anno Domini millesimo quadringentesimo quinquagesimo nono Coram honorabili et potenti domino Andrea domino Avindaile gardiano occidentalium Marchiarum Scotie versus Angliam ac justiciario domini Regis ex parte australi aque de Fortht generaliter constitutus comparuit Walterus Grahame ballivus de Irwyne et replegiavit Willelmum Burne Johannem Burne Thomam Burne Mariotam Burne Mariotam Trane Georgeum Pennyr Alexandrum Howstoun Johannem Mur juniorem et Jacobum Wilsone ad libertatem dicti burgi de Irwyne.

Ita est in libro Adjornalis Nicholaus Craufurd clericus Justiciarie.

In curia Itineris Justiciarie domini nostri Regis tenta et inchoata apud burgum de Air die mensis Januarii die Martis anno Domini millesimo quadringentesimo sexagesimo quinto coram honorabilibus viris Willelmo Edmondstoun de Duntreth et Gilberto Kennedy de Bargany justiciariis domini nostri Regis ex parte australi aque de Forth generaliter constituti comparuerunt ballivi de Irwyne et replegiarunt Thomam Burne Willelmum Pyle Jacobum Burne Finlaium Park Johannem Achinmade Johannem Jamesone et uxorem Johannis Achinmade Thomam Cocherane Margaretam Stupqhill Alexandrum Cuninghame Margaretam Dene ad libertatem dicti burgi de Irwyne.

Ita est in libro adjornalis Nicholaius Craufurd clericus Justiciarie.

In curia Itineris Justiciarie domini nostri Regis tenta et inchoata apud burgum de Air die Lune secundo mensis Novembris anno Domini millesimo quadringentesimo septuagesimo secundo per honorabilem virum magistrum David Guthere de eodem justiciarium domini nostri Regis ex parte australi aque de Forth generaliter constituti comparuerunt ballivi de Irwyne et replegiarunt personas subscriptas ad privilegium dicti burgi viz. Willelmum Pyll Willelmum Dongane Johannem Jamesone Agnetam Logane Mariotam Fresale Elesabetht Wod Willelmum Dogman Archibaldum Stewart Margaretam Eskdale et Johannem Mylne.

Ita est in libro adjornalis Nicholaius Craufurd clericus Justiciarie.

In curia Itineris Justiciarie domini nostri Regis tenta et inchoata apud burgum de Air die Sabbato tercio coram honorabili et potenti domino C[olino] co[mi]te Ergadie magistro hospicii supremi domini nostri Regis et Justiciario domini nostri Regis deputato comparuerunt ballivi de Irwyne et replegiarunt personas subscriptas ad privilegium dicti burgi, viz. Willelmum Fergusone Johannem Smytht Willelmum Cuninghame Johannem Watstone Johannem Watstone filium ejusdem Johannem Hill Eduardum Arnott Bertholomeum Holland Johannem Holland Galfridum Holland Cristoferum Paidzeing et Hugonem Cutlar.

Extractum de libris adjornalium supremi domini nostri Regis per me Nicholaium Craufurd de Oxingangis clericum Justiciarie generalem ejusdem sub meis signo et subscriptione manualibus.

NICHOLAIUS CRAUFURD,
Clericus Justiciarie.

Productum : J. MILLER.

ABSTRACT.

Extracts from the Books of Adjournal regarding (1.) Repledging by Walter Grahame bailie of Irvine of William Burne, John Burne, Thomas Burne, Marion Burne, and others, to the liberty of the burgh of Irvine, in the court of Justice ayre of the King, held at the burgh of Ayr on 3d March 1459, before Andrew Lord Avondale, Warden of the West Marches of Scotland over against England, and Justiciar of the King on the south side of the Water of Forth.

(2.) Repledging by the bailies of Irvine of Thomas Burne, William Pyle, James Burne and others, in a Court of Justice ayre of the King, held at the burgh of Ayr in January 1465, before William Edmondstoun of Duntreth and Gilbert Kennedy of Bargany, Justiciars of the King on the south side of the Water of Forth.

(3.) Repledging by the bailies of Irvine of William Pyle, William Dongane and others in a Court of Justice ayre held at the burgh of Ayr 2d November 1472, by Mr. David Guthere of that ilk, justiciar of the King on the south side of the Water of Forth.

(4.) Repledging by the bailies of Irvine of William Fergusone, John Smyth and others in a Court of Justice ayre of the King, held at the burgh of Ayr before Colin Earl of Argyll, master of household to the King, and Justiciar depute. [Date obliterated.]

Extracted by Nicholas Craufurd of Oxengangs,¹ general clerk of Justiciary of the King.

14. *Memorandum of Papers produced, relating to the Earl of Eglinton's right to the office of Bailie and Chamberlain of Cunningham.*—1366-1482.

ANE Lettre of Bailyerie maid to Hew erle of Eglintoun be Robert erle of Stratherne of the office of bailzerie of the barony of Cuninghame makand na mentioun of blude nor of the burght, of the dait j^m iij^c lxvj yeris.

Ane uthir infetment maid be the said Robert to the said Hew de exitibus ballie et camerarie of the said barony, of the dait the yeir forsaide.

¹ Nicholas Craufurd of Oxengangs, Clerk of Justiciary, has a Precept from James V. for his infetment in the lands of Poldrait, dated 29th April 1527.—*Reg. Sec. Sig.*, Lib. vii. fol. 66.

Ane uthir charter maid be the samin persoun to the said Hew de tertia parte exitibus amertiametorum wantand ane dait officii camerarii infra burgum de Irwin.

Ane uthir charter maid be the said Robert to the said Hew of the said office of baillierie and chalmerlanrie within the burght of Irwin gevand the said Hew and his aris power to hald courtis to sett the saidis landis to ferme to replege the brakaris of the said office to punesche and uthiris to put in thair place, etc. quhilk evident is not halelie transumit Be ressoun the transsunpt declaris that it mycht not be red and thair mycht haif bene uthir provisionis thairintill.

Ane charter maid be King James to Alexander lord Montgwmery be resignatioun of Alexander his fader of all and haille the office of the barony of Cuninghame without ony mentioun of blude or chalmerlanrie of the dait j^m iiij^e xlvij yeris.

All thir evidentis ar transsumit in Edinburgh befor ane commissar callit Richardus Roberti upoun the xxvij day of Nouember j^m iiij^e lxxxij yeris And this transsunpt is bot modum vidimus without witnes or recognoscheing and na partie being summond thairto.

Ane charter maid be King James of the office of baillierie and chalmerlanrie gevin to Hew erle of Eglintoune als frelie as his fader or his predecessouris held the samin of befor.

Memorandum that within the court buik thair is na mentioun maid of ony burges of Irwin except ane that duelt in the burrowmur of Irwin quhilk wes nolder burges nor inhabitare of Irwin and the last court wes haldin perforce by Hewe.

Indorsed : The production of my lord of Eglintowne's letteres.

15. *Charter by King James the Fourth, ratifying all previous royal grants to the Burgh of Irvine.—8th August 1511.*

JACOBUS Dei gracia Rex Scotorum omnibus probis hominibus tocius terre sue clericis et laicis salutem Sciatis nos pro favore speciali quem gerimus erga dilectos nostros ballivos et communitatem burgi nostri de Irwin et pro ipsorum bono et gratuito servicio nobis impenso approbasse ratificasse ac pro nobis et successoribus nostris pro perpetuo confirmasse omnes et singulas

donaciones libertates privilegia et immunitates quascunque prefato nostro burgo de Irwin ac ballivis et communitati ejusdem per quondam nobilissimos progenitores et predecessores nostros quorum animabus propicietur Deus prius datas et concessas necnon omnes cartas scripta et evidencias eis desuper confectas Tenendas et habendas omnes et singulas predictas donaciones libertates privilegia et immunitates dicto nostro burgo de Irwin ballivis et communitati ejusdem nunc presentibus et futuris per ipsos et successores suos exercendas gaudendas et possidendas adeo libere quiete plenarie integre honorifice bene et in pace in omnibus et per omnia sicut carte evidencie et scripta predecessorum nostrorum predictorum prefato nostro burgo ballivisque et communitati ejusdem date concessae et facte in se plenius proportionant et testantur Ac secundum tenorem vim formam et effectum earundem Volumus eciam et concedimus pro nobis et successoribus nostris quod hec generalis nostra confirmacio erit dictis ballivis et communitati prefati nostri burgi eorumque successoribus talis et tanti valoris vigoris et efficacie sicut omnes predictae donaciones libertates et privilegia carteque et evidencie earundem in hac nostra carta confirmationis specialiter fuissent contente ac de verbo in verbum inserte Quas eciam cartas et evidencias pro expressis habere volumus in hac nostra carta confirmationis sine aliquo impedimento obstaculo vel contradictione quacunque Insuper volumus ac pro nobis et successoribus nostris concedimus et ordinamus quod quocienscumque et quandocumque aliquem vel aliquos burgensem vel inhabitantem burgenses vel inhabitantes dicti nostri burgi de Irwin ad quascunque curias in antea tenendas coram quocunque iudice vel quibuscunque iudicibus et pro quacunque causa attachiari contigerit seu arrestari Quod ipsi ad libertatem dicti nostri burgi de Irwin replegentur et reducantur et in eodem per assisam vicinorum suorum jura subeant imperpetuum sine aliquo obstaculo seu contradictione nostri aut successorum nostrorum iudicum ve aut officiariorum nostrorum quorumcunque In cujus rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus Testibus reverendissimo reverendisque in Christo patribus Alexandro Sancti Andree archiepiscopo etc. cancellario nostro Willelmo episcopo Abirdonensi nostri secreti sigilli custode Andrea episcopo Cathanensi thesaurario nostro dilectis consanguineis nostris Archibaldo comite de Ergile domino Campbell et Lorne magistro hospicii nostri Matheo comite de Levenax domino Dernlie Alexandro domino Hume magno camerario nostro Andrea domino Gray justiciario nostro Magistris Gawino Dumber archidiacono Sancti Andree clerico Rotulorum registri ac consilii

nostri Patricio Paniter rectore de Tannades secretario nostro et Roberto Colvile de Uchiltre nostre cancellarie directore Apud Edinburgh octavo die mensis Augusti anno Domini millesimo quingentesimo undecimo et regni nostri vicesimo quarto.

TRANSLATION.

James by the grace of God King of Scots, to all good men of his whole land, kirkmen and laymen, greeting: Know ye that we for the special favour which we bear towards our well-beloved the bailies and community of our burgh of Irvine, and for their good and thankful service done to us, have approved ratified and for us and our successors for ever confirmed, all and sundry gifts freedoms privileges and immunities whatsoever, given and granted beforetime to our foresaid burgh of Irvine, and the bailies and community thereof, by our deceased most noble progenitors and predecessors, on whose souls may God have mercy, and all charters writs and evidents made to them thereupon: To be had and to be held all and sundry the foresaid gifts freedoms privileges and immunities to our said burgh of Irvine, the bailies and community of the same, now present and to come, to be exercised enjoyed and possessed by them and their successors, as freely quietly fully wholly honourably well and in peace, in all and by all, as the charters evidents and writs of our foresaid predecessors, given granted and made to our foresaid burgh, and the bailies and community thereof, in themselves more fully purport and bear witness, and according to the tenor force form and effect of the same: We also will and grant for us and our successors that this our general confirmation shall be of as much and as great strength force and effect to the said bailies and community of our foresaid burgh and their successors, as if all the foresaid gifts freedoms and privileges and charters and evidents of the same had been particularly contained and inserted word by word in this our charter of confirmation: Which charters and evidents also we will to be held as expressed in this our charter of confirmation, without any impediment obstacle or gainsaying whatsoever: Moreover we will and for us and our successors grant and ordain, that so often and whensoever it shall happen any one or more burgess or indweller burgesses or indwellers of our said burgh of Irvine, to be attached or arrested before whatever judge or whatever judges and for whatsoever cause, they be repléged and brought back to the freedom of our burgh of Irvine,

and underlie the laws in the same by an assize of their neighbours, for ever, without any obstacle or gainsaying of us or our successors, or of our judges or officers whomsoever: In witness whereof we have commanded our great seal to be affixed to our present charter: Witnesses, the most reverend and reverend fathers in Christ, Alexander Archbishop of Saint Andrews, etc. our chancellor, William Bishop of Aberdeen, keeper of our privy seal, Andrew bishop of Caithness, our treasurer; our wellbeloved cousins Archibald earl of Argyle lord Campbell and Lorne, master of our household, Matthew earl of Lennox lord Darnley, Alexander Lord Hume, our great chamberlain, Andrew lord Gray, our justiciar, Masters Gavin Dunbar, archdeacon of Saint Andrews, clerk of our Rolls register and council, Patrick Paniter, rector of Tannadice, our secretary, and Robert Colville of Ochiltree, director of our chancery: At Edinburgh the eighth day of the month of August, the year of our Lord one thousand five hundred and eleven, and of our reign the twenty-fourth year.

16. *Letters of Charge by King James the Fifth, and Queen Margaret his Mother, to the Burgh of Irvine, to provide vessels and mariners for the expedition against the Lord of the Isles.—26th April 1514.*

JAMES be the grace of God King of Scottis and Margrete be the samin grace Quene of Scotland oure derrest moder tutrice testamentar and governour to the aldermane and ballies of our burgh of Irwin greting Forsamekile as we have direct our uthiris lettres to oure cousingis and counsallouris the westland lordis to pas for the resisting of our untrew liegis of the Ilis that is to say Donald of the Ilis Lauchlane M'Clane of Dowart and divers uthiris thare complicis quhilkis has invadit and dailie invadis oure propir landis of the Ilis and uthiris lordis landis thairabout be cruell slauchter hereschip and birnyng of oure trew liegis and tendis siclik to invaid the Lawland geif it be in thare powere and thai be nocht hastelye resistit in hie contemptioun and lichtleing of our auctorite brekand the cuntre and gevand evill example till uthiris now in our tender age and als in dissobeying and lichtleing of oure lettres direct to thame of before tharthrou incurrand the pane of tressoun contenit in the samyne And atour in maire contemptioun he takin oure officiare and messingere of armez Gilbert Reoch quhilk we laitlie send to thaim with oure lettres and chargis for the stancheing of sik cruell

and manifest attemptatis and as yit withhaldis him Oure will is herefore and we charge you stratlie and commandis that incontinent thir our lettres sene ye provid for all the weschallis and botis ye may furnes togidder with the marinaris ye may get to be reddy and pas to Loch Renesay in Arane and thare to meite the saidis lordis and our cousing and counsalour Colyne erle of Ergile the xv day of Maii nixt to cum but falt furnest with wittalis and expensis to remane for the space of xl dais and eftir as ye salbe chargit be the saidis lordis to pas with thame and mak thame service for the resisting of oure said untrew liegis And atour that ye furnes vittalis to the saidis lordis apoune thare expensis at your powere as ye will haif speceale thank of us and as ye lufe the commone wele of oure realme and will ansuere to us tharapoune at your utter perell.

Gevin under oure signet at Striveling the xxvj day of Aprile and of oure regnne the first yere.

Margaret R

Per S. D. N. Regem Reginam et consilium.

17. *Letters of Charge by King James the Fifth, to the Burgh of Irvine, to send all fencible men, well armed, to Roslin Muir, to resist the English.—31st May 1514.*

JAMES be the grace of God king of Scottis to the ballies of oure burgh of Irwin greting Forsamekil as it is thocht expedient devisit and ordanit be the lordis of our counsale that all our liegis fensabil men assemblil and mete on Rosling mure beside Edinburgh the fift day of Julii nixt to cum furnist and bodin for were as efter folowis for defens of our realme and liegis and resisting of our auld inymis of Ingland quhilkis as the saidis lordis ar sickerlie advertist tendis at thare power to invaid us our realme and liegis Oure wil is herfore and we charge you straitlie and commandis that incontinent thir our lettres sene ye in our naim and autorite command and charge be opin proclamatioun at the mercate croce of our said burgh al and sindry oure liegis betuix sexti and sextene and uthiris fensabil men within the fredome of our said burgh that thai and ilkan of thame be wele abulzeit

and bodin for were on thar best wise in quhite harnes brigantinis gude jakkis haburonis splentis sellatis gorgettis gluvis of plate grete speris axis halbertis Jedworth stavis lang tua handit suerdis hand bowis crocebowis culveringis pavilyeonis splentis rubbouris creilis and al uthir maner of abilzeamentis wappinnis and instrumentis for were addres thaim and convene and mete with the lafe of our lordis baronis and trew liegis upone the said mure the said fift day of Julii nixt to cum furnist with vittalis and expensis for the space of xx dais efter thar cuming pas quhare it salbe thocht expedient and devisit for the tyme for resisting of our saidis auld inymis and defens of our realme and liegis under the pane of tynsale of life landis and gudis and in the menetye that ye caus tuo or thre wappinschewingis to be maid be al the inhabitaris of our said burgh and assigne dais tharto that thai may kepe and that ye se that thai be sufficientlie furnist and bodin as said is ilkman in his aune degre as efferis and that ye charge thame to kepe the said dais of wappinschewingis the first day under the pane of xx s̄ the secund day under the pane of xl s̄ and the thrid day under the pane of iii li to be takin of eviry man but favouris that cummis nocht tharto bodin as said is and that ye be thar the said day bodin and furnist as said is bringing with you thir our lettres deulie execut and indorsat that it may be understand quhat diligence ye do herein as ye wil ansuere to us upone the executioun of youre office and under the panis forsaidis. Gevin under our signet at Striveling the last day of Maii and of oure regne the first yere.

Per duodecim dominos per generale consilium ad hoc electos, etc.

18. *Minute of the Lords of Council in reference to the Customs of Irvine.*—11th April 1524.¹

xi Aprilis (M^c V^c xxiiij).

Sederunt episcopus Abirdonensis comes de Cassillis dominus Hay de Yestir decanus Abirdonensis Archidiaconus Cathanensis Rotulator Nicholaus Craufurd.

ANENT our soverane lordis letres purchest at the instance of the grete custumaris of Irwyne aganis Andro Mure Johnne Mure Johnne Robisone Edward Robisone Patrik Patersoune Johnne Howstoune youngar James Airstoune Patrik Patersoun Mathow Multrar Johnne How Williame Mure

¹ Acta Dominorum Concilii, Lib. xxxiv.

Robert Hunter and Thomas Smyth for the wranguis defrauding of our soverane lordis custumis of thair merchandice and gudis sauld be thame to Franchemen and had furth of the said burgh and fredome thair of be thame uncustomit ilkane for thair awin pairt as at maire [lenth] is contenit in the summondis and lettres thairupone the said grete customaris comperand be schir Alexander Scott vicar of Kirkurd thair procuratour and the remanent of the saidis personis lauchfullie summond to this actioun oftymes callit and nocht comperit the Lordis of consale continewis the said mater in the samin forme force and effect as it is now but prejudice of party onto the xxiiij day of Maij nixt to cum with continuatioun of dais and ordanis the said customaris to have letres to summond sic witnes and probacionis as thai will use for the preving of the punctis of the principall summondis apone the said day and the parti to be warnit of this continuacioun and to heir the witnes suorne.

19. *Letters of Lawborrows at the instance of the Burgh of Irvine, against Hew Earl of Eglinton.—9th August 1529.*

JAMES be the grace of God King of Scottis to our Schiref of Are and his deputis and to our lovittis Ormond Bute Dingwall persewantis Duncane Richardsons David Lowry Archibald Hoge Johne Gourlaw messingeris our schireffis in that part conjunctlie and severalie specialie constitut greting Forsamekill as it is humelie merit and schewin to us be our lovittis the ballies counsale and communitie of our burgh of Irwin that quhar our said burgh is infest with all fredomez and privilegis siclike as ony uther burgh within our realme and has bene in use and possessioun thair of sen thair first fundatioun quhill now laitlie our cousing Hew erll of Eglintoun our ballie of Cunynghame molestis thame thairintill And becaus thai wald be our autorite uphald and keip the fredom of our said burgh unbrokin or hurt thai ar oft tymeze mannissit and boistit be our said cousing his compliceis and servandis for thair bodely harme and has divers tymes cumin upon thame for thare slauchter in thair aune houssis with drawin knyffis and siclike has invadit thame upon our hie streit and uther wais in grete skayth to thame and in hie contempcioun of our autorite and lawis Our will is herefor and we charge you straitlie and commandis that incontinent thir our letteris sene ye pas and tak sicker souirte and lauborrowis of the said Hew erll of Eglintoun and his compliceis and servandis samony

as the saidis ballies counsale and communite of our said burgh of Irwin will mak faith before you thai dreid bodely harme of and gevis their namez to you in bill that thai salbe harmeles and skaithles of thame and all that thai may let in tyme cuming but fraud or gile bot as law will That is to say of the said Hew erll of Eglintoun undir the pane of j^m li and of ilkane of his sonnys undir the pane of v^c li and of ilk uthir gentill man landit thair compliceis j^c li ilk gentill man unlandit j^c merkis and ilk yeman xl li And that ye in our name and autorite command and charge our said cousing his sonnys servandis and compliceis personaly gif thai can be apprehendit failzeing thairof be oppin proclamatioun at the mercate croce of the hede burgh of the schire quhare thai duell to cum and fynd the said souirte and lauborrowis to you within vj dais nixt eftir thai be chargeit be you thairto undir the pane of rebelloun and putting of thaim to our horne The quhilk vj dais being runin and the said souirte nocht fundin that ye denunce thame our rebellis and put thame to our horne and eschaete and inbring all thair movable gudis to our use for their contemptioun The quhilk to do we commit to you coniunctlie and severalie our full power be thir our letteris delivering thaim be you deuly execute and indorsate agane to the berare.

Gevin undir our signete at Edinburgh the ix day of August and of our regne the xvj yere.

Ex deliberacione dominorum consilii, etc.

BANNATYNE.

20. *Composition for the Burgh of Irvine for absence from the Host, and intercommuning with Neil Montgomery of Langshaw.—12th February 1529-30.*

COMPONITUR pro remissione cum ballivis burgensibus et communitate burgi de . . ac cum omnibus et singulis inhabitantibus infra dictum burgum terras burgales ac libertatem ejusdem infra vicecomitatum de Air com-morantibus pro eorum remanencia ab exercitu Regis de Sulway ac aliis supremi domini nostri Regis exercitibus quibuscumque suas contra pro-clamationes desuper confectas Ac pro eorum proditoria intercommunicatione receptione favore et assistentia datis et exhibitis Nigello Montgumre de Langschaw ejus fratribus et eorum compliceibus tunc felonibus ac aliis supremi domini nostri Regis rebellibus quibuscumque Et pro omnibus actione et crimine que eis aut [eor]um alicui inde quovismodo imputari

poterint Necnon pro omnibus aliis actionibus transgressionibus criminibus et offensis quibuscumque per dictas personas aut earum aliquam aliquibus temporibus elapsis ante diem date presentium commissis seu quomodolibet perpetratis proditoria traditione in personam regiam furto receptione furti murthuro incendio mulierum raptu et homicidio tantum exceptis Subscriptum per dominos compositores apud Air xii die mensis Februarii anno Domini j^m v^c xxix^o Compositio xxxiij lib vj š iij d.

R. theg.

H. Candide Case.

D. de Abirbrothok.

JHON LORD IRSKIN.

ABSTRACT.

Composition for the bailies, burgesses, and community of [Irvine], and all inhabitants within the burgh lands and liberty thereof in the sherifffdom of Ayr for remaining from the King's host at Solway, and other hosts of the King whatsoever, contrary to his proclamations: and for treasonable intercommuning, reception, favour, and assistance to Neil Montgumre of Langschaw, his brothers and their complices, then felons, and other rebels of the King whatsoever, etc. Subscribed by the lords compositors at Ayr, 12th February 1529. Composition £33 6s. 8d.

Signed by R[obert] treasurer; H[enry] bishop of Galloway, D[avid] abbot of Abirbrothok, and John Lord Erskine.

21. *Signet Summons against Mr. William Montgomery of Stane and others for spoliation.*—13th December 1533.

JAMES be the grace of God King of Scottis to our lovittis our schereffis in that part conjunctlie and severalie specialie constitut greting: Our will is and we charge you that ye lauchfully summond warne and charge Master Williame Montgomery of Stane Arthur Montgomery his sone and apperand air and Robert Arth to compere befor us and our counsale at Edinburgh or quhar it shall happin us to be for the tyme the day of nixt tocum gif it be lauchfull and failzeing tharof the nixt lauchfull day thareftir following in the hour of caus with continuatioun of dayis to answer at the instance of our lovitt Patersoun sone and air of umquhile Archibald Patersoun

burges of our burgh of Irwin and Schir Robert Patersone chaplane his tutour for his interes that is to say the saidis personis for the wranguisly violent and masterfull spoliatioun be thame self thair servandis and complices being with thame in cumpany in thair names of thair causing command assistance and ratihabitoun away taking and withholding fra the said

Patersone pupill recently upoun the ix day of December instant out of Johnne Rankynis hous within our said burgh of thir gudis undirwrittin pertening to the said

Patersone as his aune propir gudis and than being in his possessioun in the said Johne Rankynis hous foirsaid that is to say ane tydy kow price xlv s ane stirk price xx s ane mete almetry price ii merkis tua brasin pottis price of thame xx s thre pewdir discheis price of thame xij s iiij d ane veschel almetry price vj s viij d ane mete burd price v s ane irne spete price v s ane pan price iiii s v ladis of colis price of thame xxx d xxx ladis of turffis and petis price of thame v s as is allegit And tharfoir the saidis personis to here thame or ony of thame be decernit be decret of the lordis of our counsale to have done wrang in recent spoliatioun of the saidis gudis fra the said

Patersoun out of the said hous in maner foirsaid and to restoir and deliver the samin agane to him and his possessioun and place that thai war takin fra als gud as thai war the tyme that thai war takin or the avale tharof prices foirsaidis according to justice and for the costis and skaithis sustenit be the said

Patersoun and his said tutour tharthrow: And forthir to ansuer in the said mater insafer as law will Making intimatioun to the saidis personis that quhethir thai compere or nocht the saidis day and place with continuatioun of dayis we will proceid and minister iustice in the said mater insafer as we may of law according to our act of parliament made upoun recent spulze Attour that ye lauchfully summond warne and charge

to compere befoir us and our counsale the saidis day and place with continuatioun of dayis to bere lele and suthfast witness- ing insafer as thai knaw or salbe sperit at thame in the said mater undir all hieast pane and charge that eftir may follow The quhilk to do we committ to you conjunctlie and severalie our full powar be thir our letters dilivering thame be you deuly execut and indorsat agane to the berar Gevin under our signet at Edinburgh the xij day of December and of our regnne the nynetene yeir.

Ex deliberatione dominorum consilii, etc.

J. CHEPMAN.

22. *Letters of Charge to the Burgh of Irvine to choose their Officers according to the Act of Parliament.—28th September 1537.*

JAMES be the grace of God King of Scottis to our lovittis Johne Skrimgeour Johne Scheves Williame Campbell masaris Duncan Riche David Tempilman Johne Coupare Richard M'mannady messingeris oure schireffis in that part conjunctlie and severalie specialie constitute greting Forso-mekle as it is humilie menit and schewin to us be oure lovittis bailzeis and comonite of oure burgh of Irwin that quhare thai have thair bail[zeis] and officiaris of oure said burgh to cheis now at the next court eftir Michaelmes nevirtheles thare is certai[n] persouns within the samyn quhilkis in the tyme of the chesin of the said bailzeis and officiaris convenis with . . . of simple persouns fremen within oure said burgh and gadderis ane multitude of thame togidder and [will] nocht thole the said officiaris to be chosin be the best and wourthiest of oure said burgh for the gud [and] wele of the samyn bot quham that thai ples to cheis in grete stopping and hindring of justice to be kepit with[in the] said burgh and in contrare the actis and statutis of parliament as is al[legit Oure] will is herefore and we ch[arge] you straitlie and commandis that incontinent thir our lettres sene ye [pas and in oure] name and autorite command [and] charge the saidis bailzeis counsale and commonite of oure said burgh th[at thai] cheis thair officiaris in the samyn, conforme to our said act of parliament and na uthirwayis as y[e will] ansuer to us thairapoun and [on] all the hiaste pane and charge thai may commit and inrin agane . . . that part The quhi[lk to do] we commit to you conjunctlie and severalie our full powere be thir oure [lettres] Delivering thir oure lettres be yo[u deulie] execute and indorsat agane to the berare. Gevin under oure signete at Edin-burgh the xxviiij day [off] September and of oure regne the xxiii yere.

Ex deliberatione dominorum consi[lia etc.]

J. DOUGLAS.

23. *Letters of Charge forbidding the holding of Open Markets within Cuninghame, except at Irvine.—3d November 1538.*

JAMES be the grace of God King of Scottis to oure schireff of Aire and ballie of Cunynghame and thair deputis and to oure lovittis messingeris oure schireffis in that conjunctlie and severalie specialie constitute greting For[sa]mekle as it is humelie menyt and schewin to us be oure lovittis the ballies and comonite of oure burgh [of] Irwin that quhare thai ar of auld infest in fre burrowage and hes broukit the samyn with[out inter]ruptioun within the boundis of Cunynghame quhill now laitlie in this trublus tyme sen the feild of Flowdoun marchandis chepman and uthiris oure liegis makis plane mercattis upoun all sondayis at the paroch kirkis of Kilmarnok Beith Dalry Largis and uthiris kirkis within Cunynghame and sellis hyde woll skynnys claith meill malt fische flesche and chepmen haldis plane buthis and sellis all maner of small marchandice and cramry wair and will nocht produce the samyn to the market to be sauld thair and coft upoun the marcat day quharthrow oure burgh is utirlie distroyit for want of repaire and use of change and we gretumelie defraudit in oure custumes and without reformatioun oure burgh salbe put to utir reuyne and distructioun aganis the commoun and to thair hevy dampnage and skaith gif sa be Oure will is heirfore and we charge you straitlie and commandis that incontinent thir oure lettres sene ye pas and in our name and autorite command and charge all and sindry marchandis and uthiris oure legis be opin proclamatioun at the mercat croces of Irwyn and uthiris places neidfull that nane of thame tak upoun hand to use merchandice at ony kirkis within Cunynghame uthiris nor meit and drink except pure chepmen that beris thair pakkis upoun thair bakkis bot that thai bring all sic merchandice to our said burgh and uthiris fre burrowis to be coft and sauld in the samin commonely amangis oure liegis quhar we may have our custumes as accordis under the pane of escheting of all thair gudis being sauld outwith the fredome of the said burrowis That is to say the twa part thairof to be inbrocht to us and oure thesaurar in our name and the thrid part of the samin to the eschetar for his laubouris sua that our burrowis be nocht utirly . . . The quhilk to do we commit to you conjunctlie and severalie our full power be thir our lettres delivering

[thame] be you deulie execute and indorsat agane to the berar. Gevin under our signet at Edinbu[rgh the] thrid day of November and of our regne the xxiiij yere.

Ex deliberatione dominorum cons[ilii, etc.]

L. GUDE.

24. *Summons at the instance of the Burgh of Irvine against the Sheriff of Ayr, for infringing their privileges.—11th January 1538-9.*

JAMES be the grace of God King of Scottis to oure lovittis Thomas Nevin messenger Adam Mungumry James Broun oure schirreffis in that parte conjunctlie and severalie specialie constitut greting Forsamekill as it is humelie menit and schawin to us be oure lovittis the baillies counsale and communitie of our burgh Irwin That quhare our said burgh is infest of auld be oure maist noble progenitouris of gude mynd quham God assolze with siclik privilege and fredome of burgh within thare selfis as utheris oure burrowis within oure realme hes and was nevir in use of passing upoun inqueistis assisis or utheris actionis before our schirreff of Aire or baillie of Cunynghame or thare deputis outwith the fredome and jurisdictioun of oure said burgh quhill xxix yeris syne or thareby oure saidis schirreff and baillie trublit thame tharein and wald have compellit thame to have ansuerit before the saidis beillie and schirreff the saidis ballie counsale and communitie havand provest and ballies of thare aune jugeis ordinare to thame Quhareupoun thai menit thame to the lordis of our counsale and for gude caussis moving thame obtenitt our uthir letteris dischargeing our saidis schirreff and baillie and thare deputis of all calling arresting unlawing or poinding of ony of the saidis baillies consale and communitie of our said burgh within thare fredome and jurisdictioun for ony actioun or caus sen thai war exceptit fra our said schirreff baillie and thare deputis in fre burgage and of thaire officis in that parte as our saidis uthir letteris beris Nevirtheles oure said schirreff of Air and his deputis has laitlie gart call Johnne Kile elder and Thomas Kile thare nychtbouris and burgessis of oure said burgh before thame for allegit deforceing of our said schirreffis officiar in poinding within oure said burgh thai havand na power thareto and being dischargit of thare officis in that parte as said is and sa intendis to proceid aganis the said communitieis nychtbouris and hurte thare privilege and

fredome gretlie tharethrow that thai have peciabillie broukit and joisit past memor of man as is allegit Oure will is herefore and we charge you that ye lauchfullie summond warne and charge oure said schirreff of Aire and his deputis to compere befoire us and our counsale at Edinburgh or quhare it sall happin us to be for the tyme the xxiiii day of Januar instant in the houre of caus with continewatioun of dais to here oure uthir letteris gevin chargeing oure said schirreff and his deputis gyfe the saidis Johnne and Thomas Kile be burgessis and induellaris of oure said burgh and that the said deforciamment is allegit to be committit within the samyn quhare our said schirreff his deputis nor officiariis had na power to poind that thai desyst and ces fra all calling and proceeding before thame aganis the saidis Johnne and Thomas nyctbowris of our said burgh dischargeing thaim tharof and of thair officis in that parte for the caussis forsaidis Or ellis to schaw ane resonable caus quhy the samyn aucht nocht to be gevin with certificatioun to thame and thai failze tharein oure uthir lettres salbe direct to the effect abone specifit Attour that ye in our name and auctorite command and charge oure said schirreff and his deputis to continew thare courte in the said mater quhill the sext day of Februar nixt efter the said xxiiij day of Januar instant Sua that this summondis may be callit in the meyntyme as thai will ansuer to us thareupoun, and under all hiest pain and charge that efter may follow, as ye will ansuer to us thareupoun: The quhilk to do we committ to you conjunctlie and severalie our full power be thir our lettres delivering thaim be you deulie execut and indorsat agane to the berar. Gevin under our signet at Edinburgh the xj day of Januar and of our regne the xxvj yere.

Ex deliberatione dominorum consilii, etc.

J. MABEN.

Fiat ut petitur: and anentis the mater depending before the Schiref to send the proces heire of deforce and to send heire the x day of Februar that justice may be ministrat.

The xiiij day of Januere the yere of God j^m v^c xxxviiij yeris I Thomas Nevin ane of the Schirreffis in that part within constitut past at command of thir our soverane lordis letterez and summond warnit and chargit Hew Campbell of Lowdoun Schirreff of Aire personaly apprehendit in jugement in the tolbuyth of Aire to compere before the lordis of Counsell day and place within writtin with continuatioun of dais to heire letterez gevin to

the effect within writtin Or ellis to schaw ane resonable caus quhy the samin suld nocht be gevin with certificatioun as is within specifyit Attour I chargit the said schirreff and his deputis to continew thare court quhill the vj day of Februlare nixt to cum under the panis contenit in thir our soverane lordis letterez And this I did before thir witnes Adam Montgumry Archibald Muire William Yong Schir James Craufurd and Schir William Mure chaplanis and public notaris with utheris divers And for the mair witnessing I have affixt my signet.

25. *Letters of Protection by King James the Fifth to the Burgh of Irvine.—7th August 1540.*

JAMES be the grace of God King of Scottis to all and sindry oure liegis and subdittis quham it efferis quhais knowlege thir our lettres sal cum greting Wit ye us to have takin and be thir oure lettres takis our lovittis the provest baillies counsale and communite of our burgh of Irwin and all and sindry thair landis rentis heretageis takis stedingis possessionis malingis rowmes custumes burrow malis mylnis multuris houssis bigyngis myris mossis maner places stoir places grangeis pasturis lesuris woddis lowis fischeingis cornis cattell orchartis yardis stankis dykis men tenentis servandis familiaris factouris procuratouris and intromettouris and all and sindry uthiris thair gudis movable and unmovable quhatsumever had or to be had quhare ever thai be within oure realme or outwith under oure speciale protectioun supple maintenance defence and saufgard Quharfor we charge straitlie and commandis you all and sindry our liegis and subdittis forsaidis that nane of you tak upone hand to do the saidis provest baillies counsale and communite or to all and sindry thaire landis rentis heretageis takkis stedingis possessionis malingis rowmes custumes burrow males mylnis multuris houssis bigyngis myris mossis maner places store places grangeis pasturis lesuris woddis lowis fischeingis cornis cattell orchartis yardis stankis dykis men tenentis servandis familiaris fermouraris factouris procuratouris and intromettouris and all and sindry utheris thair guddis movabill and unmovabill quhatsumever forsaidis ony evill molestatioun violence distrubulance usurie harme or greif in ony maner of degre uthirwayis than the course of commone law will, under all the hiest pane charge and offence that ye and ilkane of you may committ and inrin aganis

oure majestie in that parte and in speciale under the pane of forfaling and escheting of all youre gudis to oure use for your contemptioun gif ye do incontrare heiroy Certefying you and ilkane of you quha sa dois incontrar heiroy in ony poynt or wais we will mak you be punist thairfor but favour with all rigour as efferis as aganis thame that committis crymes aganis oure majestie and oure familiar servandis Thir oure lettres of speciale protectioun and sauvgard for all the dais of the saidis provest baillies counsale and communitis lyftymes but ony revocatioun to indure Gevin under our prive seile at Falkland the sevint day of August the yeire of God j^m v^c fourty yeires and of our regnne the xxvij yeir.

Per signaturam manu supremi domini nostri regis subscriptam, etc.

[Seal slightly broken.]

[*On the back.*]

One Settirdaye the fourtene daye of August in the yeir of God ane thousand fif hundreth and fourtye yeris I George Adam ane of the officiaris and borrowe serjandis of the burgh of Irwin at the command of honorable men Jhone Mur prowest Robert Scot and Steyn Tran ballies the counsell and communitie of the burgh forsaid past to the mercat croce of the sammyne at ten howris afoir none the tyme of the hicht of the mercat upon the fayr eyne of the assumptione of our ladye And thair opinlie proclamit thir our soverane lordis letteris of protectione maintenance and sauvgard and maid strait inhibitioun be oppin proclamatioun till all and sindre our soverane lordis liegis and utheris quham it efferis that thai nor nane of thame presume infer hurt harm molest or injure the provest ballies counsell and communitie of the burgh of Irwin all and sindre thar landis rentis possessiounis heretaige takkis steddendis malis rowmes custumes borrowe malys mylnis multuris houses biggingis myris mossis maner plaices stoir places grangeis pasturis lesuris woddis lowis fishingis cornis cattell orchartis yardis stankis dykis men tenentis servandis familiaris factouris procuratouris intromettouris and generalie all and sindre utheris thingis within contenit ony maner of waye in tyme cuming under the painis within contenit efter the form and tenour and effecte of thir our soverane lordis letteris in all punctis and this I did befor thir witnes honorable men James Montgumrye brothir germane till Hewe erle of Eglintoun Maister Thomas Scot James

Brown John Brown burges of Irwin Jhon Gottraye James Mur and Rycharde Bauld burgessis of Eddinburgh with utheris divers and for witnessing herof I affixit my signet to thir presentis

L. S.

[*On tag.*] Protectio pro communitate Burgi de Irwin, etc.

26. *Letters of Charge by Mary Queen of Scots to the Burgh of Irvine, requiring the Fencible Men to muster for service against troublers of the peace of the Realm.—8th August 1543.*

MARIE be the grace of God Quene of Scottis to our provest and baillies of our burgh of Irvin and to our lovittis Alexander Heittone messingeris oure schireffis in that part conjunctlie and severalie specialie constitut greting Forsamekle as our governour hes evir socht to bring our reallme to quietnes sen his cuming to the rewme of governing thair of and to that effect hes contractit peax with the King of Ingland contening the honorabill comprehentioun of the King of France all uthiris princes that ar freindis to us and thaireftir to stanche and sett down the emotioun and insurrection apperand within our said realme hes condiscendit to all resonabill menis and wayis that mycht keipe the samin fra cummin within the self Nochttheles seand that divers greit men thair of can nocht be contentit of na rasonabill concord bot menis be convocatioun of oure liegis usurpe aganis oure and oure governouris auctorite in contraire thair aithis and handwrittis and selis and expres aganis the commoun weill of oure realme Oure will is heirfore and we charge you straitlie and commandis that incontinent thir our lettres sene ye pas to the mercat croce of our burgh of Irwin and thair be opin proclamatioun in our name and auctorite command and charge all and sindry our liegis fensabill men to be in our burgh of Edinburgh at our said governour the xx day of August instant with xv dayis wittalis for down setting of all truble within our realme and furthbering of our and our said governouris auctorite and for resisting of all personis that wald usurpe aganis the samin under the pane of tinsell of lyf landis and gudis and that ane of you our saidis officiaris

remane within our said schirefdom to denunce thame our rebellis and escheit thair gudis that cumis nocht to our said governour upoune this our charg With certificatioune to thame at and tha failze the eschetis of thame that bidis at hame salbe disponit to thame that service our said governour at this tyme as ye will ansuere to us thairpoun The quhilk to do we committ to you conjunctlie and severalie our full power be thir our letteres delivering thame to you dewlie execute and indorsat agane to the beirrer. Gevin under our signet at Edinburgh the viii day of August and of our regne the first yeir.

Per dominos consilii, etc.

L. S.

27. *Commission of Justiciary in favour of the Provost and Bailies of Irvine, for suppression of the Pest.—15th August 1546.*

MARIA Dei gratia Regina Scotorum omnibus probis hominibus suis ad quos presentes litere pervenerint salutem Sciatis quod cum avisamento et consensu charissimi consanguinei et tutoris Jacobi Aranie comitis domini Hammyltoun regni nostri protectoris et gubernatoris intelligentes quod burgus noster de Irwin cum contagiosa pestis infirmitate infectus est Et pro ejusdem repressione prepositus et ballivi dicti nostri burgi suam fecerunt exactam diligentiam et diversa ad hunc effectum acta fecerunt et statuta nichilominus nostri diversi ligei et dicti nostri burgi inhabitantes in hujusmodi oppositum seu contrarium puniunt unde infirmitas ipsa totam patriam apparenter inficiet nisi aspera ad hoc celerius provideatur punitio Quocirca cum avisamento et consensu prescriptis fecimus constituimus et ordinavimus ac facimus constituimus et ordinamus per presentes dilectos nostros prepositum et ballivos dicti nostri burgi de Irwin presentes et futuros conjunctim et divisim nostros justiciarios in hac parte et ad infrascripta dumtaxat Dantes concedentes et committentes illis nostram plenam potestatem et mandatum speciale nostre justicie curias unam vel plures infra bondas et libertatem dicti nostri burgi affigendi statuendi inchoandi affirmandi et tenendi ac quociens opus fuerit easdem continuandi actorum statutorum et ordinanciarum per dictos prepositum et ballivos ab

initio dicte egritudinis et infirmitatis in dicto burgo et simili modo affuturo tempore usque cessationem ejusdem pro ipsius repressione confectorum infractores seu violatores secundum quantitatem eorum demeritorum seu criminum capiendi apprehendendi puniendi Et si necessum fuerit ad mortem justificandi Exitus et bona eschaeta omnium personarum justificatarum sive punitarum pro dictis criminibus intromittendi levandi et hujusmodi ad pauperum infirmorum dicti nostri burghi sustentationem disponendi ad hunc etiam effectum clericum serjandum judicatore et alios officarios ac curie membra necessaria faciendi creandi deputandi ac quociens opus fuerit jurari causandi et generaliter omnia alia et singula faciendi et exercendi que noster justiciarius generalis facere potuit si personaliter presens fuisset Quare universis et singulis quorum interest vel interesse poterit precipimus et mandamus quatenus prefatis nostris justiciariis in hac parte suis officiariis et ministris in omnibus et singulis premissa tangentibus prompte respondeant pareant et intendant Sub omni pena que competere poterit in hac parte Presentibus semper et usque repressionem et plenariam cessationem dicte pestis in prelibato oppido absque revocatione in suo robore duraturis Datum sub testimonio nostri magni sigilli apud Edinburgh decimo quinto die mensis Augusti anno Domini millesimo quingentesimo quadragésimo sexto et regni nostri quarto.

ABSTRACT.

Commission of Justiciary by Mary Queen of Scots with consent of her dearest cousin and tutor James Earl of Arran, Lord Hamilton, protector and governor of her kingdom, whereby, understanding that her burgh of Irvine was infected with a contagious plague, and that the provost and bailies, for the repression thereof had done their exact diligence and made sundry acts and statutes to that effect, nevertheless, that divers lieges and inhabitants of the burgh put themselves in opposition thereto, whence the said pestilence would apparently infect the whole country unless a sharp punishment were provided, Therefore the Queen appoints her well beloved the provost and bailies of her burgh of Irvine, jointly and severally, her justiciars in that part; giving them full power to hold courts of justiciary within the bounds and liberty of the said burgh, to take and punish the violators of the acts and ordinances made by the provost and bailies since

the beginning of the sickness and disease, and in like manner in time to come till the cessation of the same, for the repression thereof, and if need required to justify them to the death, to dispose of the fines and escheated goods of such persons for the support of poor sick persons of the said burgh, appoint clerks, serjeant, etc. The commission to endure till the cessation of the plague in the said town. Given under the Quarter seal at Edinburgh, 15th August 1546.

28. *Letters of Charge against the Community of Irvine for payment of Composition for absence from the Army to convene on Roslyn Muir.—9th October 1549.*

MARIE be the grace of God Quene of Scottis to our lovittis messingeris our schireffis in that part conjunctlie and severalie specialie constitut greting Forsamekill as we with avise and consent of oure derrest cousingne and tutour James Erle of Arane lord Hammiltoun protectour and governour of our realme for the compositioun of the soume of saxscoir pundis money of our realme hes grantit and gevin licence to our lovittis the provest balzeis and haill communitie of oure burghe of Irwene to remane and byid at hame fra our oist and army devisit to convene on Roslene Mure the xx day of October instant for resisting of our auld Inemiis of Ingland and recovering of the fortis of our realme being presentlie in thair handis And howbeit the provest and bailzies of our said burghe hes ellis maid pament to oure thesaurer in our name of ane parte of the said compositione and ar oblist to him for the rest nevertheles the inhabitantes and communitie thair of deferris to releif and mak thame pament of the said compositione ilkane for thair awne part conforme to the taxatione maid thairupon without thai be compellit Owre will is heirfoir and we charge you straitlie and commandis that incontinent thir our letteris sene ye pas and in our name and autorite command and charge all and sindrie the burgessis inhabitantes wedois als weill wemen as men and communitie of oure said burghe to releif and mak thankfull pament to the saidis provest and balzeis of the fairsaid compositione ilkane for thair awne part conforme to the said taxatione within thre days nixt efter thai be chargeit be you thairto wnder the paine of rebellious and putting of thame to our horne And gif thai or ony of thame failzeis thairintill that ye denunce sa mony of thame as disobeyis our rebellis and put thame to

our horne and escheat and inbring all thair movabill gudes to oure use for thair contempcion as ye will answer to us thairupon The quhilk to do we committ to you conjunctlie and severalie our full power be thir oure letteris delivering thame be you dewlie execut and indorsate agane to the berar Gevin under our signet and subscrivit be our said governour at Hammilton the nynt day of October and of oure regnne the sevint yeir.



29. *Letters of Horning at the instance of the Magistrates and Community of Irvine, against Hew Earl of Eglinton and others. — 21st September 1557.*

MARIE be the grace of God Quene of Scottis to our lovittis messingeris our schireffis in that parte conjunctlie and severalie specialie constitute greting Forsamekill as it is humilie menit and schawin to us be our lovittis the provest baillies counsale and commonitie of our burgh of Irwin that quhair our said burgh is infest with all fredomes and previliges siclike as ony uthir burgh and hes bene in use and possessioun thair of sen the first fundatioun quhill now laitlie that our rycht traist cousing Hew erle of Eglintoun baillie of Cunynghame be the avis and assistance of Johnne Mure of Caldwell Thomas Caldwell of that ilk Robert Montgomery in Auchinchangane James Montgomery sone to Mathow Montgomery of Bar and uthiris his evill avisit freindis upoun the day of last bypast come to our said burgh with ane grite company of folkis and thair nocht allenerlie stoppit and maid impediment to the saidis complenaris in halding of thair fair and uptaking of thair custumes and dewiteis thair of bot alsuae crewellie invadit thame for thair slauchter and hurt and woundit divers of thame and dalie and continewalie sensyne thai ar boistit and manissit be our said cousing personis foirsaidis and uthiris thair complices becaus thai wald be our autoritie uphald and kepe the fredome of oure said burgh and ar invadit and socht for thair slauchter suae that thai may nocht do nor exerce thair lefull besiness for feir of thair lyvis in hie contempcion of us our autoritie and lawis gif suae be Our

Will is heirfoir and we charge you straitlie and commandis that incontinent thir our lettres sene ye pas in our name and authoritie tak sicker souirtie and lauborrois of the foirsaidis personis and thair complices sa mony as the saidis complenaris will mak faith thai drede bodelie harme of and gevis thair names to you in bill that thai thair kin freindis wyiffis bairnis and servandis salbe harmeles and skaithles of the foirsaidis personis and all that thai may latt in tyme cuming but fraude or gyle bot as law will That is to say our said cousing Hew erle of Eglintoun under the pane of ane thousand pundis the said Johnne Mure of Caldwell under the pane of ane thousand markis Thomas Caldwell and the uthiris twae speciale personis above writtin ilkane of thame under the pane of five hundreth markis and thair complices ilk gentilman landit ane hundreth pundis ilk gentilman unlandit ane hundreth markis and ilk yeman fourty pundis And that ye charge thame personalie heirto gif thai can be apprehendit and failzeing thairof be oppin proclamatioun at the mercate croce of the heid burgh of our schire quhair thai duell to cum and find the saidis souirtie and laubourrois within sax dayis nixt efter thai be chargit be you thairto under the pain of rebelloun and putting of thame to our horne The quhilkis sax dayis being bypast and the saidis souirtie and lauborrois nocht being fundin to you in maner foirsaid that ye incontinent thairefter denunce the disobeyaris our rebellis and put thame to our horne and eschete and inbring all thair movabill gudis to our use for thair contemptioun according to justice as ye will ansuer to us thairupoun The quhilk to do we committ to you conjunctlie and severalie our full power be thir our lettres delivering thame be you dewlie execute and indorsate agane to the berair Gevin under our signet at Edinburgh the xxj day of September and of our regnne the fiftente yeir.

Ex deliberatione dominorum consilii, etc.

S. J. NICOLSON.

30. *Letters of Charge by Mathew Earl of Lennox to the Burgh of Irvine, to stent the Inhabitants for furnishing a seemly number of "hagbutters" for the Army.—29th September 1565.*

MATHOW Erle of Levenax lorde Dernelie Luftennende generall in the west pairtis of Scotlande to our Soverane lorde and lady the kinge and queneis Majesteis to our lovittis the provest and bailleis of Irvyn and to our

lovittis messingeris our schireffis in that pairt conjunctlie and severalie specialle constitut greting Forsamekle as we understanding that ane semelye number of hagbittaris is mair convenient to be rasit be the saidis burght of Irvin upone thair charge and expenssis and mair honorable to serve our saidis soveraneis and us thair luiftenend in that pairt in this thair majesteis armye laitlie devisit to assemble at Striviling nor is the confuse multitude of the haile communalitie Quhairfore we ar fyneit and aggreit witht the provest and bailleis of the saidis burght of Irvin for the numbir of twenty men bodyne as said is Quhilkis the saidis provest and bailleis of the saidis burght one nayne wayis may perfurneis without the inhabitantis of the saidis burght pay taxt and stent conforme to the saidis provest and bailleis ordinance to the effect fairsaidis Oure will is heirfore and we charge you straitlie and cummandis that incontinent this oure precept seyne ye pas in our soverane lord and ladyis nayme and myne thair Luiftenend generall cummand and charge all and sindrie the inhabitantis of the saidis burght that thai and ilk ane of thame reddely ansuer and obey and als thankfullie content and pay thair taxt and stent that thai happin to be taxt to conforme to the taxt roll to be set furth thairupone under the pane of tynsall of lyf land and gudis And this on nayne wayis ye luif undone as ye will ansuer to us thairupone The quhilk to do we committ to you conjunctlie and severalie our full power be thir our letteres delyvering the samyn be you dewlie execut and indorsat agane to the beirar Gevin under our signet and subscription manuall at Glesgu the penult day of Septembar the yeir of God j^m v^c and lxxv yeiris etc.



31. *Commission of Justiciary by King James the Sixth to the Provost and Bailies of Irvine.—1569.*

JAMES be the grace of God King of Scottis to all and sindry our liegis and subdittis quhome it efferis quhais knowlege thir our letteris sall tocum greting Wit ye us to have made constitute and ordanit and be thir our letteris with avise and consent of our derrest cousing James erll of Murray

lord Abirnethie regent to us our realme and liegis makis constitutis and ordanis our weilbelovittis the provest and baillies of our burgh of Irwing our justices in that part to the effect underwritin Gevand grantand and committand to thame our full fre and plane power generall and speciall command expres bidding and charge court or courtis of justiciarie within our burgh of Irwing als oft as neid beis to set begin affirme hald and continew and in the samyn court or courtis all and sindry personis committaris of slauchter murthour and suspectit and delaitit of pykerie commoun thift and resset of thift within our said burgh to put to the knowlege of ane assyis thairfoir and as thai be fundin culpabill or innocent to minister justice upoun thame conforme to the lawis of our realme And to that effect assyissis or inq best and worthiest personis dwelland within our said burgh and four half about to cheis and caus be sworne ilk persoun under the pane of ten pundis Sectis to mak to amerciat trespassouris to puneis unlawis amerschiamentis and eschaetis of the saidis c . . . rais and for the same gif neid be to poind and distrenze the ane half thairof thesaurare and compt and rekining in our chekker to mak and the uther half of justices awin use and commoditie to apply Deputtis ane or ma in the said of mak with clerkis serjandis dempstar and all uther officiaris and memberis of cou eat substitute and caus be sworne For the quhilk thai salbe haldin to ansuer and g all and sindry uther thingis to do exerce and use that to the premissis of law practik or consuetud of this realme is necessarlie knawin to pertene fferme and stabill haldand and for to hald all and quhat[sume]vir thingis our saidis justices and ilk ane of thame conjunctlie and severalie in the premissis . . . to be done. And als gevis grantis and committis full power and commissioun t baillies of our burgh of Air to tak the ayth of our saidis justices for dew and la our commissioun as efferis quhilk during the will of us and our said dearest allanerlie indure Gevin underoure signet and subscrivit be ourng and regent at the day of and of our regnne the thrid . . .

[Not subscribed: document much torn.]

32. *Letters of Charge to the Magistrates of Irvine for payment of the General Taxation.*—14th October 1570.

JAMES be the grace of God King of Scottis to the provest and baillies of our burgh of Irwin and our lovittis Johne Hairt messingeris our schirreffis in that pairt conjunctlie and severale specialie constitute greting Forsamekle as for furthsetting of certane effairis tending to the advancement of oure realme and quietnes of the commoun wele of oure realme thair is ane taxatioun of xij^m li devisit to be upliftit and payit be the estaitis thair of within certane space appointit thairto in maner following That is to say vj^m li thair of be the sperituale estait providing that the thrid thair of be taikin up of the thridis of the benefices sua that thai salbe onlie astrictit in payment of the tua pairt thair of four thousand pundis to the barronis and frehalderis and the sowme of tua thousand poundis in compleit payment of the said hale taxatioun of xij^m li be oure burrowis And foir inbringeing of oure burrowis pairte thair of thir oure lettres ar ordanit to be direct in maner following as ane act maid thairupoun beiris Oure Will is heirfoir and we charge you straitlie and commandis that incontinent thir our lettres sene ye pas in oure name and auctorite command and charge the provest and ballies of our burgh of Irwin to make payment of the taxt and extent thair of to John Cunyngham of Drumquassill appoyntit collectour generall thairto within sex dayis nixt eftir thai be chargit be you thairto conforme to the taxt roll gevin to thame thairupoun undir the pane of rebelloun and putting of the saidis provest and bailzeis to our horne And gif thai failze thairin the said day being bygane that ye incontinent thairefter denunce the dissobeyarris our rebellis and put thame to our horne and escheit and inbring all thair movable guidis to our use for thair contemptioun And for releif that ye in our name and auctorite command and charge the inhabitaris off oure said burgh of Irwin to convene and elect certane persones to stent thair nychtbouris and that ye charge the persones electit to accept the charge upoun thaim in setting off the said stent upoun the nychtbouris off our said burgh And als to convene and set the samin and mak ane stent roll thairupoun as effeiris within xxiiij houris nixt eftir thai be chargeit be you thairto undir the paine of rebelloun and putting of thaim to our horne and gif thai failze the saidis xxiiij houris being bypast that incontinent thaireftir denunce thame our rebellis and put

thame to our horne and escheit and inbring all thair movable guidis to our use for thair contemptioun and siclyk the said stent being maid and set that ye in oure name and auctorite command and chairge the burgesses nyctbouris and inhabitantis of our said burgh to mak payment to the saidis provest and bailzeis of the said extent conforme to the taxt roll within thre dayes nixt eftir thai be chairgit be you thairto undir the paine of rebelloun and putting of thame to our horn And gif thai failze thairin the saidis thre dayes being bypast that ye incontinent thaireftir denunce the dissobeyaris our rebellis and put thame to our horne and escheit and inbring all thair movabill guidis to our use for thair contemptioun and gif neid be that ye pund and distrenze thairfoir as ye will ansuer to us thairupoun The quhilk to do we commit to you conjunctle and severalie our full power be thir our lettres delivering thame be you dewle execut and indorsat againe to the beirar Gevin undir our signet at Edinburgh the xiiij day of October and of our regnne the ferd yeir 1570.

Per actum secreti consilii, etc.

L. S.

The soume of the taxatioune to be payit be the provest and baillies of Irwing extendis to xxvij fi as is contenit in the taxt roll gevin furth thairupoun Johne Hairt messinger w^t my hand.

[*On the back.*]

I HESUS

At Irwin the xvii day of November anno 1570 I Jhone Hert messinger within writtin hes rasavit fra the handis of the provest and balzeis of Irwin and commonitie thair of the sowm off twentie sevin pundis money of this realme as haill and compleit payment off the said commoniteis part off the taxatioun and obedience off ther our soveran lordis lettres within writtin and in all poyntes grantes the part off the saidis provest balzeis and commonitie fulfillit and obeyit quharfor I exoner thaim of the sam and oblegis me to sen to the said commonitie the acquittance of Jhon Conyngham of Drumfassill collectour of the said taxatioun be ther presentes subscribit with my hand befoir ther witnes Thomas Broun Stene Tran Hew

Campbell James Mur James Broun and Gilbert Dunlope burgessis of Irvin
 And ffoulowes the effect of my commission The taxt roll of the burrowis
 committit to be imbrocht be Jhon Hert messinger Striviling L fib x š
 Linlythgow xxx fib vj š viij d Rothissay xij fib x š Dumbartan xvij fib xv š
 Renfrow xx fib v š Rutherglen xij fib x š Aire xlvij fib v š Irwin xxvij fib
 Glesgow xl fib x š Lanerk xvj fib xv š

Summa of the taxatioun abone writtin ij^c iij^{xx} xvij fib vj š viij d.

JHON CONYNGHEM off Drumquhessill.

JOHNE HAIRT messinger w^t my hand.

33. *Instrument on the Proclamation of the King's Protection and other Grants in favour of the Burgh of Irvine.—12th April 1572.*

At Irwin the twelft day of Aprile the yeir of God j^m v^c threscoire twelf
 yeiris In presens of us notaris publicque and witness underwrytin Allane
 Ross ane of the serjandis and officiaris of the burgh of Irwin past at
 command of Hew Campell provest Hew Scott and Robert Kyle baillies
 be advyce o[f the couns]all and communetie of the said burgh and be pub-
 lic proclamation proclomit our soverand lordis lettres [of pr]otection
 mantenance defence and saifgaird under his grace prive seill inclusid in
 reid wax bering the dait at Sterling the last day of Februar and of his
 grace rigne the fyft yeir makand mentioun that our said souveraine lord
 had and hes resavit the provest baillies consall and communitie of the said
 burgh thair landis heritage rouses rentis liberties privileges servandis
 procuraturis familiaris guidis movable and immovable in his grace
 mantenance saifgaird and protection Certefying the contravenaris that
 cummis in the contrair to incure our said soverainis displesour and under
 the panis of foirfaling as the said lettres beris in the self at mair lenth
 Alsua at command foirsaid proclomit and causit reid our souveraine lordis guid-
 scharis confermatioun under the quarter seill bering the dait at Edinburgh the
 saxt day of Julii the yeir of God j^m v^c xl yeiris discharging the schiref of Air
 baillie of Cunyghame thair deputtis and successouris fra all troubling
 arristing fensing or persewing of the burgessis and inhabitantes of the said
 burgh befor tham for ony causs and fra passing upon inquestis or assaysis
 and als at command foirsaid presentit and proclomit at the said mercat
 cross our sovering lordis g[rand]schir chertour King James the Feird of

guid memorie off the datt at Edinburgh the aucht day of August the yeir of God j^m v^c and elevin yeiris that all the burgessis and inhabitantis of the said burgh and libertie thairof sal be replaigit to the libertie of the said burgh and underlye justice be the assyse of the nyctbouris of thair awin burgh descharging all justices and juges within the realme to cum in the contrair as the said chartour in the self beris And also causid reid and proclame tua actis of adjournall under the subscriptioun of Johnn Bellenden justice clerk the ane bering the datt at Air the yeir of God j^m v^c twentie nyn yeiris and the uthir the datt at Air the yeir of God j^m v^c fyftie ane yeiris the seventein day of Februar quhair the prowest baillies and communitie of the said burgh and libertie thairof ar replaigit fra the kingis grace progenitouris and predicessouris in justice airis to the fredome of thair awin burgh. Quhilkis lettres and privileges foirsaidis the saidis provest and baillies be the consent of thair counsall and communitie causit proclame and intimatioun maik And now specialie that Hew erle of Eglintoun Lord Montgomerie baillie of Cunyghame his assistaris and partakeris incure na danger of ignorance of the saidis protectioun privilegis and liberties foirsaid And heirupon the said Hew Campbell upon us notaris publick tuik instrumentis at the said mercat cross at sevin houris befor none or thairby befor thir witness Jehone Boll Ballachkewin Jehone Boll his sone thair Thomas Broun Stevin Tran Stevin Quhyt William Patoun Jehon Symontoun youngar William Mur Robert Montgomerie William Cunyghame Robert Cunyghame burgessis of the said burgh and us Jehon Mur George Boid and James Broun notairis publikis and burgessis of the said burgh with mony utheris diverss requerit thairto.

Jacobus Broun notarius publicus ad premissa testificanda requisitus
approbo prescripta. JACOBUS BROUN.

Ita est Georgius Boyd notarius publicus ad premissa rogatus et requisitus
manu propria subscribo.

34. *Extract Act of Privy Council regarding the Jurisdiction of the Magistrates of Irvine and the Bailie of Cuninghame, and ordering the trial of Thomas Gilmour for slaughter.—18th June 1572.*

At Leith the aughtene day of Junii the yeir of God j^m v^c and lxxij yeiris
The quhilk day forsamekle as the lordis of counsale of befor continewit
the actioun and caus contenit in our soverane lordis lettres purchest

be the provest baillies and communitie of the burgh of Irwin aganis Hew erle of Eglintoune baillie of Cunynghame tueching the productioun befor the saidis lordis of his richtis gif he ony hes quhairby he allegis him to haif privelege to sit upoun certane personis indwellaris of the said burgh takin for thift or ony utheris inhabitantis of the samin and refusis thame to be replegit be the saidis provest and baillies to the fredome of the said burgh and courtis thair of Like as at mair lenth is contenit in the saidis lettres unto ane certane day bigane with continuatioun of dayis And assignit the samin day to bayth the saidis partiis to produce all thair charteris infetmentis titillis actis of replegiatioun richtis and utheris writtis quhatsumever quhilkis ather of the saidis par[tiis] hed or wald use in the said mater without prejudice of ather of thair defenssis ellis proponit or to be proponit thairin and als [in the] meynetye dischargeit the said baillie and his deputis of all proceeding aganis ony of the inhabitantis of the said burgh and fredome thair of and of thair offices in that part And siclike dischargeit the saidis provest and baillies of all executioun [aganis] personis within the samin burgh and fredome thair of in the meynetye quhill the samin day Providing that it salbe lesum to tha[me to] tak apprehend keip in presoun and captivitie all sic personis dwelland within the said burgh and fredome thair of as [sall] happin committ ony crymes in the meynetye Like as at mair lenth is contenit in ane act maid be the saidis

Sen the making of the quhilk act Thomas Gilmur indwellar in the said burgh of Irwin is takin and in the handis of the [saidis] provest and baillies for the cruell slauchter of umquhile Robert Howie thair and thairfor the saidis lordis willing that nochtwithstanding the dependence of the said pley befor thame as said is justice sall not ceis to be execute upoun the said Thomas Gilmur for the said slauchter conforme to the lawis of this realme without preiudice of the said pley dependand act foirsaid and of ather of the saidis partiis richtis and titillis quhatsumevir or possessioun or replegiatioun usit or to be usit hes thocht necessar and expedient that my lord Regentis grace grant and geve our soverane lordis commissioun of justiciarie in dew forme makand constituand and ordinand Johnne Crawford of Crawfordland his hienes justice in that part to the effect under writtin Gevand grantand and committand to him full power speciall mandment expres bidding and charge Court or courtis of justiciarie within the tolbuith of Irwin to set begin affirme hald and continew als oft as neid beis Sectis to mak be callit absentis to amerciati And in the samin

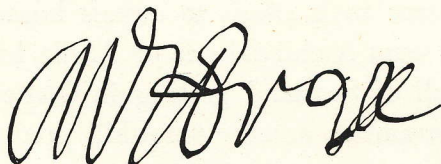
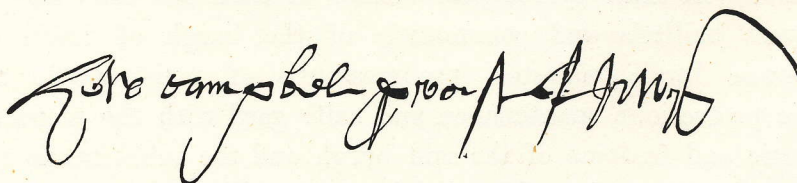
court or courtis the said Thomas Gilmur for art and part of the cruell slauchter of the said umquhile Robert to call and be dittay to accus and as he beis fundin culpable or innocent of the said slauchter to minister and caus be ministrat justice upoune him conforme to the lawis of this realme ane assis to sufficient nowmer of the said burgh and foure halffis about lest suspect and that best knawis the veritie in the said mater ilkane under the pane of fourtie pundis to summond cheis and caus be sworne clerkis serjandis dempstaris and [other] officiaris and memberis of the saidis courtis neidfull to mak creat substitute and ordane for the quhilkis he salbe [haldin] to ansuer and the said commissioun to be forder extendit in dew forme with all claussis neidfull contenand and expreslie without prejudice of the said pley dependand and act foirsaid and of ather of the saidis partiis utheris [richtis] or possessioun quhatsumevir Quhilk the saidis lordis ordanis alsua to be registrat in the buikis of counsale ad [perpetuam] rei memoriam Extractum de libro actorum per me magistrum Jacobum M'Gill de Rankelour Nether clericum registri ac consilii Supremi domini nostri Regis sub meis signo et subscriptione manualibus.

JACOBUS MAKGILL.

35. *Letters of Protection by Archibald Earl of Argyll to the Burgh of Irvine.—July 1572.*

TILL all and sindrie quhome to it efferis to quhais knowlege thir present lettres of protectioun sall cum Archibald erle of Argile lord Campbell and Lorne and Justice generall of Scotland greting in God everlasting Wittis youre universiteis that forsamekle as oure umquhill predecessouris of guyd memorie in thair tymes past memor of man hes tane and ressavit the provest baillzeis and communitie of the burgh of Irwin (under oure soverane lordis majesteis predecessouris of maist noble memorie) in thair protectioun maintenance and salfe gard with the maintenance of the libertie and fredome of the said burgh and the inhabitantis thair of in all thare travellis suitis and besenes lauchfull And siclyck that the said provest baillzeis and communitie of the said burgh for the tyme hes cum under the protectione maintenance and salfegarde of oure said umquhill predecessouris for the tyme Lyck as now the provest baillzeis and communitie thair of present hes cum under oure awin protectione maintenance and salfegarde and subjectit thame and thare forisaidis to oure service befor all utheris under oure soverane lordis majestie according to the auld leage mayd

betwix oure sayd umquhill predecessouris and the said burghe of befoir
 Therefore we be the tennour heirop tackis and ressavis thame and thair
 successouris provestis baillzeis and communitie of the said burghe in oure
 protectioun maintenance and sallegard wyth the maintenance and defence of
 the fredome and libertie of the said burghe and inhabitantis thairof (under
 oure said soverane lord and his graces successouris) in all thair travellis
 suyttis and besenes lauchfull during oure lyfetymes swa that quhatsumever
 persone or persones of quhatsumevery stait of hie or law degre wythin
 this realme (under oure said soverane lordis majestie) sall attempt to
 tribull molest harme or injure the foirsadis provest baillzeis and communitie
 of the said burghe or thair successouris thair fredomes liberteis landis rentis
 privilegis rowmes and possessiones be ony maner of way (by ordoure of
 law) we sall esteme and rekin the samyn as done aganis oure awin persone
 and sall assist and fortifie oure said servitouris for persuyt thairof wythe
 all rigoure in respect of the foirsaid auld and ancient leage and the present
 renewing of the samyn In witnes of the quhilk thing to thir present lettres
 subscrivit wyth oure hand and be the said provest baillzeis and court
 clerk of the said burghe for the tyme for the said communitie thairof oure
 proper seale of armes and the commoun seale of the said burghe is to hung
 at the said burghe the day of Julii the yeir of God j^m v^c threscoir and
 twelfe yeris befoir thir witnessis

ROBERT KYILL bailze

Jacobus Broun scriba communis dicti burgi de Irwin ex parte
 communitatis ejusdem secundum tenorem acti secreti consilii
 prefati burgi.

JACOBUS BROUN, *Scriba*.

[Seal of the granter—much effaced.]

36. *Commission of Justiciary in favour of the Magistrates of Irvine.*
20th March 1572-3.

JACOBUS Dei gratia Rex Scotorum Omnibus probis hominibus suis ad quos presentes litere pervenerint salutem Sciatis quod cum avisamento et consensu charissimi consanguinei Jacobi comitis de Mortoun domini Dalkeith etc. nostri ac regni et liegiorum nostrorum regentis fecimus constituimus et ordinavimus ac tenore presentium facimus constituimus et ordinamus predilectos nostros prepositum et ballivos burgi nostri de Irwin et eorum quemlibet conjunctim et divisim nostros justiciarios in hac parte ad effectum subscriptum Dantes concedentes et committentes eisdem et eorum cuilibet conjunctim et divisim nostram plenam potestatem et mandatum speciale curiam vel curias nostre justiciarie infra pretorium dicti nostri burgi de Irwin toties quoties opus fuerit statuendi inchoandi affirmandi tenendi et continuandi Et in eisdem curia seu curiis omnes et singulas personas de surreptione lie pykrie furto furti receptione suspectas et delatas infra dictum nostrum burgum commorantes assise cognitioni inde ponendi Et prout eedem ree seu innocentes adjudicabuntur justiciam super ipsos legibus et regni nostri consuetudini conformiter ministrandi et ministrare causandi Et ad hunc effectum assisas seu inquisitiones personarum meliorum et digniorum infra dictum nostrum burgum et quatuor dimedietates circa jacentes commorantium quamlibet personam sub pena decim librarum summoniendi citandi elegendi et jurari causandi sectas vocari faciendi absentes amerciandi transgressores et delinquentes puniendi exitus amerciamenta et escaetas dictarum curiarum petendi levandi et exigendi et pro eisdem si necesse fuerit namandi et distringendi unam dimedietatem earundem nobis et computum et ratiocinium ejusdem in scaccario nostro et alteram dimedietatem dictorum justiciariorum nostrorum proprio usui et commoditati pro ipsorum laboribus applicandi deputatos unum seu plures sub ipsis in prefato officio cum clericis seriandis adjudicatoribus et omnibus aliis officiariis et curie membris necessariis pro quibus respondere tenebuntur faciendi creandi substituendi et ordinandi Et generaliter omnia alia et singula faciendi dicendi gerendi et exercendi que in premissis et circa ea necessaria fuerint seu etiam quomodolibet oportuna Quare universis et singulis quorum interest vel interesse poterit stricte precipimus et mandamus quatenus dictis nostris justiciariis in hac parte suis deputatis et ministris in omnibus et singulis premissa tangentibus prompte pareant respondeant et intendant

sub omni pena que competere poterit in hac parte Presentibus pro nostra et dicti nostri regentis voluntate in suo robore tantummodo duraturis Datum sub testimonio nostri magni sigilli apud Edinburgh vicesimo die mensis Marcii anno Domini millesimo quingentesimo septuagesimo secundo et regni nostri sexto.

Per signaturam manu dicti domini Regentis subscriptam.

ABSTRACT.

Commission of Justiciary by King James the Sixth, with advice and consent of James Earl of Mortoun Lord Dalkeith, etc., regent, appointing the provost and bailies of his burgh of Irvine, and each of them, jointly and severally, his justiciars in that part; giving them power and special mandate to hold courts of justiciary within the tolbooth of the burgh, as often as need should be, and to put to the knowledge of an assize all persons suspected and delated of "pykrie," theft and reset of theft, dwelling within the burgh, and to administer justice upon them as they should be found guilty or innocent, according to the laws and customs of the kingdom; and for this purpose to cite, choose, and cause be sworn inquests of the better and worthier persons dwelling within the said burgh and four halves lying about, each person under the penalty of £10, etc., half of the issues and escheats to go to the King and his account in Exchequer, and the other half to the justiciars' own use and behoof, etc. Given under the quarter seal at Edinburgh 20th March 1572.

37. *Contract of Sale between the Town of Irvine and John Wallace of Dundonald and others, of the lands of Marres.—3d August 1572: registered by Decreet of the Lords of Council 13th August 1590.*

At Edinburgh the xij day of August the yeir of God j^m v^e lxxx ten yeiris The Lordis of Counsale underwrittin that is to say Mr. Williame Baillie Lord Provand president Adame bischop of Orknay Alexander commendater of Culros Sir Patrick Vans of Barnebarroch knyght Mr. Jhone Lyndesay persone of Menmuir Mr. Jhone Grahame persone of Killerne Mr. David Chalmer chancellor of Ros Williame Douglas of Quhittinghame Mr. Williame Melville commendater of Tungland Alexander Hay of Eister Kennet clark register Mr. David M^cGill of Cranstoun Riddell advocat to our Soverane

Lord and Mr. Thomas Bannatyne of Newtyle Anent oure Soverane Lordis lettres purchest at the instance of the Provest baillies counsale and communitie of the burgh of Irving aganis Jhone Wallace of Dundonald Makand mentioun That quhair be verteu of ane Contract and Appointment maid betuix thame on the ane pairt and Jhonne Wallace of Dundonald umquhile Eduard Wallace of Sewaltoun and umquhile Robert Wallace his sone and appeirand air on the uthir pairt ffor certane soumes of money ressavit be thame fra the saidis persewaris they sauld annaleit and disponit fra thame thair airis and assignayes to the saidis persewaris and thair successouris of the said burch heretable for evir ane sufficient rowme and quantitie of grund and land of thair landis of Marres extending to the quantitie of tuelff fallis of bread ffor lowsing and laidnyng of thair schippis boittis and merchandice off quhatsumevir uther that salhappin to resort towardis the said Burcht upoun the foirsaidis landis of Marres on ather syde of the Watter of Irving with ane sufficient gait and passage throwch the foirsaidis landis ffor frie ische and intres to and fra the said Watter togidder with ankirage and ankirheid upoun the saidis landis as at mair length is contenit in the said Contract Quhilk Contract bearis speciallie to be actit and registrat in the Buikis of Counsale that the Lordis thair of may interpone thair Decreit thairunto to the effect that Lettres and Executoriallis may be direct thairupoun in maner contenit thairintill And albeit it be of veritie that the foirsaidis persones contractouris on nawys will fulfill the said Contract in thair lyfetymes and the said Robert and Eduard Wallaces being deceissit nevirtheless the said Jhone Wallace of Dundonald on nawys will fulfill the said Contract nor yit will compeir befor the saidis Lordis of Counsale and consent to the registering thair of in maner contenit thairintill to the effect that Executorialis may be direct upoun him for fulfilling of the samyn without he be compellit And anent the chairge gevin to the said Jhone Wallace of Dundonald to have comperit befor the saidis Lordis of Counsale at ane certane day bigane to have hard and sene the said Contract and Appoyntment decernit to be insert and registrat in the Buikis of Counsale and Lettres and Executoriallis to be direct thairupoun in maner underwritin or ellis to have allegit ane ressonable caus quhy the samyn sould nocht have bene done as at mair lenth is contenit in the saidis Lettres The saidis Provest baillies counsale and communitie of the Burch of Irving compeirand be Maisteris Oliver Colt and Thomas Gray thair procuratouris and the said Jhone Wallace of Dundonald being lawfullie summond to this

Actioun oftymes callit and nocht comperit the Lordis of Counsale decernis and ordanes the said Contract and Appoyntment to be insert and registrat in the saidis Buikis of Counsale to have the strength of ane Act and Decreit of the Lordis thair of and decernis and ordanes Lettres and Executorialis to be direct thairupoun ffor fulfilling thair of in all poyntis in maner specifiet thairintill off the quhilk the tennour followis: At the Burch of Irving the thrid day of August the yeir of God j^m v^e thriescoir tuelff yeiris It is appointit contractit and finallie aggreit betuix honourable pairteis following thay ar to say Jhone Wallace of Dundonald Eduard Wallace of Sewaltoun and Robert Wallace his sone and air appeirand on the ane pairt Hew Campbell proveist of Irving Hew Scott and Robert Kyle baillies thair of Thomas Broun Stevin Tran Jhone Peblis Stevin Quhyt Hew Tran Hew Neving Alexander Cunynghame Jhone Harvie Thomas Harvie Williame Tran Williame Stevinstoun Williame Patoun comburgessis of the samyn burch for thameselffis and with consent and assent of the hail communitie thair of on the uthir pairt in maner following That is to say the said Jhone Wallace of Dundonald Eduard Wallace of Sewaltoun and Robert Wallace his sone grantis thame to have taine and actuallie ressavit fra the handis of the saidis Proveist and baillies and remanent persones abonewrittin ffor thameselffis and the hail communitie of the said Burch the soume of twa hundereth merkis money in numerat money gude and usuale of this realme and in thair use haillelie committit of the quhilk they grant thame weill content and compleitlie payit and thair of for thame thair airis executouris assignayes and successouris quitclames exoneris and dischaarges the saidis Provest and baillies and communitie of the said Burch thair airis executouris assignayes and successouris for now and evir. For the quhilk caus abone exprimit the said Jhone Wallace of Dundonald Eduard Wallace of Sewaltoun and Robert Wallace his sone and air appeirand grantis thame to have sauld analeit and disponit lykas they be the tennour hei of sellis annaleis and disponis ffra thame and thair foirsaidis titulo oneroso ffor soumes of money in and to the saidis Provest baillies and communitie of the said Burch and thair successouris thair of heretable for evir ane sufficient quantitie and rowme of grund of thair landis of Marres extending to the quantitie of tuelff fallis bread for lowssing and laiding of thair schippis barkis and boittis with thair merchandice and the merchandice of quhatsumevir utheris that salhappin to resort towardis the said Burch upoun the foirsaidis landis of Marres on ather syd of the Watter of Irving with ane sufficient gait and

passage throwth the foirsaidis landis ffor frie ische and intres to and fra the said Watter togidder with ankirage and ankirhald upoun the saidis landis Provyding the samyn be nocht to the distructioun of the coirnes that salhappin to be growane upoun the saidis landis and sufficient Rowme alwayes of grund being left as said is unmanureit thairto with fredome and libertie to the saidis Provest baillies counsale and communitie of the said Burgh present for the tyme and thair successouris for ewir to dame and mak forcies of daming owirthort the said Watter of Irving quhair and in quhat place and sa oft as the saidis Provest baillies and communitie foirsaid and thair successouris sall think best and maist expedient for the commoun weill and commoditie of the said Burch Provyding always that thay may caus the said Watter of Irving thairby to ryn and haif the cours the best way as thai sall think expedient for the commoditie of the said Burgh schippis barkis and boittis thair of and utheris resortand thairunto swa that the samyn on nawayes hurt nor damage na arable land of the foirsaidis landis of Marres ffarther nor privilegis abonewrittin And gif it salhappin the foirsaidis Jhone Wallace of Dundonald Eduard Wallace of Sewaltoun and the said Robert his sone thair airis and successouris to sell annalie dispone and away put or sett in lang or schort takkis or ony pairt thair of in ony tyme heirefter they sall reserve and accept thairintill the boundis liberteis and privilegis abone exprimit to the saidis Provest baillies and communitie of the said Burch and thair successouris for evir to be usit be thame as thair awin propper heretage And attour gif this present Contract be not sufficient that thairby the saidis Provest baillies and communitie and thair successouris may bruik and joys the Rowmes and privilegis abonewrittin grantit to thame be vertew thair of salbe renewit alterit and changeit and maid owir agane in the maist sure and ample forme can be devysit be men of law and judgment sa oft and how oft the said communitie and thair successouris sall think expedient upoun thair awin expensis ay and quhill the saidis Provest baillies and communitie and thair successouris be sure to bruik and joys the boundis liberteis and privilegis foirsaidis heretablie in the maist sure forme can be devysit keipand the effect and substance abonewrittin And for observation heirof ather of the saidis parteis ar content this present Contract be registrat and insert in the Buikis of Counsale and that the Lordis thair of interpone thair Decreit thairunto and Lettres in forme as effeiris to be direct thairupoun And for registering heirof they haif maid constitut and ordanit honourable men and ilk ane of thame conjunctlie

and severallie thair verray lauchfull and irrevocable procuraturis committand to thame thair full power for registratting heirof in thair names fferme and stable In witnes of the quhilk thing they and ilk ane of thame as followis hes subscriyvit this present Appointment day yeir and place foirsaidis befor thir witnes Sic subscribitur Jhone Wallace of Dundonald Eduard Wallace of Sewaltoun Robert Wallace younger of Sewaltoun Hew Campbell Provest Hew Scott bailze Robert Kyle bailze Jhone Peblis Stevin Tran Hew Tran Alexander Cunynghame Thomas Broun James Robesoun Becaus the said Jhone Wallace of Dundonald wes lauffullie summond to have comperit befor the saidis Lordis at ane certane day bigane to have hard and sene the foirsaid Contract and Appointment decernit to have bene insert and registrat in the Buikis of Counsale or ellis to have allegit ane ressonable caus quhy the samyn sould nocht have bene done with certificatioun to him and he failzeit thairin the saidis Lordis wald decerne in maner foirsaid And he being lauchfullie summond to that effect compeirit nocht to schaw ony ressonable caus in the contrair lyk as wes cleirlye understand to the saidis Lordis and thairfoir thai decernit in maner foirsaid and ordanes Lettres to be direct heirupoun gif neid beis in forme as effeiris Extractum de libro Actorum per me Alexandrum Hay de Eister Kennet clericum Rotulorum Registri ac Consilii Supremi Domini Nostri Regis sub meis signo et subscriptione manualibus.

ALEXANDER HAY.

23 Merch 1677.

[*Dorso.*] Hew Killpatrick took Instruments.

31 Merch 1698.

James Nisbet Baillie took Instruments upon the interruption made by Mr. Alexander Cunynghame Provest and him to James Guthrey tennent to Shewaltoun quhen plewing on the Sunnybuttbrae upon the tounes libertie and that in the hands of me notary publict clerk of Irving Robert Wallace late Baillie and uncle to Shewaltoun George Monro Clerk of Cunynghame John Marschell wrytter in Irving Andrew Spark merchant there Allan Francis my servant James Mure and Hugh Buckle Borrow officers and many others

Jo HAMILTON

Notar Publict.

38. *Commission of Justiciary to the Provost and Bailies of Irvine to punish Thomas Snodgirs for the murder of his wife.*—1st March 1573-4.

JACOBUS Dei gratia Rex Scotorum omnibus probis hominibus suis ad quos presentes litere pervenerint salutem. Sciatis quod cum avisamento et consensu charissimi nostri consanguinei Jacobi comitis de Mortoun domini de Dalkeith etc. nostri ac regni et liegiorum nostrorum regentis fecimus constituimus et ordinavimus ac tenore presentium facimus constituimus et ordinamus predilectos nostros prepositum et ballivos burgi nostri de Irwin conjunctim et divisim nostros justiciarios in hac parte dantes concedentes et committentes eisdem nostram plenam potestatem et mandatum speciale Thomam Snodgirs burgensem dicti nostri burgi deprehensum et in pretorio dicti nostri burgi pro crudeli murthuro et interfectione quondam Semple ejus sponse detentum per eum noviter vigesimo primo die mensis Februarii ultimo elapsi sub noctis scilento commissio justificandi et justificari faciendi Et ad hunc effectum justicie nostre curias unam vel plures statuendi inchoandi affirmandi tenendi et quoties opus fuerit continuandi clericum serjandum adjudicatorem ac omnes alios officarios et curie membra necessaria faciendi creandi et jurari causandi assisam seu assisas ad hoc quamlibet personam sub pena quadraginta librarum summonendi et summoniri faciendi Et generaliter omnia alia et singula faciendi dicendi gerendi et exercendi que in premissis et circa ea necessaria fuerint seu quomodolibet oportuna Quare universis et singulis quorum interest vel interesse poterit stricte precipimus et mandamus quatenus dictis preposito et ballivis conjunctim et divisim nostris justiciariis in hac parte antedictis suis officiariis et ministris in omnibus et singulis premissa tangentibus prompte pareant respondeant et intendant sub omni pena que competere poterit in hac parte Datum sub testimonio nostri magni sigilli apud Halyrudehous primo die mensis Marcii anno Domini millesimo quingentesimo septuagesimo tertio Et regni nostri septimo.

Per signaturam manu dicti domini Regentis subscriptam.

ABSTRACT.

Commission of Justiciary by King James the Sixth with advice and consent of James Earl of Mortoun, Lord of Dalkeith, Regent, by which he

appoints the provost and bailies of the burgh of Irvine his justiciars in that part jointly and severally; giving them power to "justify" and cause to "be justified" Thomas Snodgirs of the said burgh, apprehended and detained in the tolbooth thereof, for the cruel murther and slaughter of the deceased

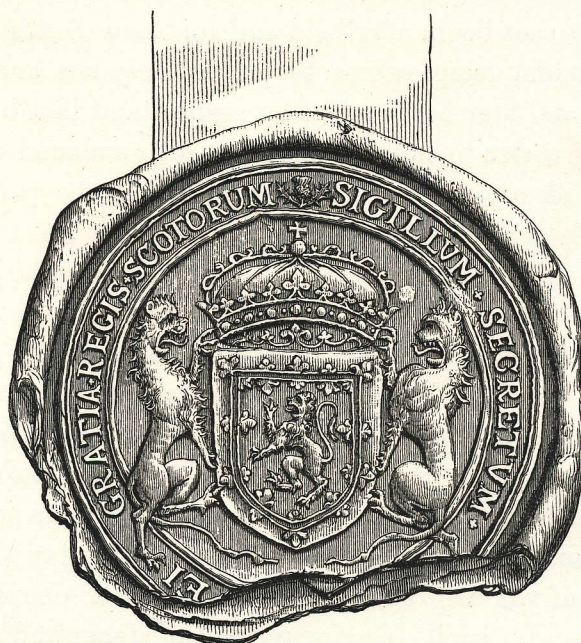
Semple his spouse, lately committed by him under the silence of night on the 21st of February last; and to that effect to appoint courts of Justiciary, etc. Given under the quarter seal at Halyrudehous, 1st March 1573.

39. *Grant by King James the Sixth to the Burgh of Irvine of the Customs of the Burgh for five years, for repair of the Harbour.*
—15th August 1579.

JAMES be the grace of God King of Scottis to our comptrollar present and to cum his deputtis and officiaris and all utheris our liegis and subdittis quhome it efferis quhais knowlege this oure lettres salcum greting Wit ye us and lordis of oure secreit counsall understanding perfytelie that the heavin and port of oure burgh of Irwing being decayit and brokin doun the provest baillies and communitie of the same hes not onlie spendit and bestowit thair hail commoun gude for beiting and reparing thairrof, bot hes alsua raisit syndrie greit taxationis and contributionis amangis thame-selffis for help and support of the same And seing the same is not abill to serve the turn, we have gevin grantit and disponit and be thir our letres gevis grantis and disponis to the saidis provest baillies and communitie of oure said burgh all and hail the custumes of oure said burgh extending yeirlie to the soume of twenty nyne markis for all the space yeiris and termes of fyve yeiris eftir the dait of thir oure lettres to the effect abone writtin with power to thame peaceablie to intromet thairwith uptak and dispone upoun the same for beiting and reparing of the said heavin and port during the space abonewrittin at thair plesoure Dischargeing you oure comptrollar present and to cum youre deputtis and officiaris off all craving ressaving uptaking and intrometting with the saidis custumes of oure said burgh of Irwing during the said space of fyve yeiris bot to suffer and permit the saidis provest baillies counsall and communitie thairrof to intromet thairwith and dispone upon the same at thair plesour Gevin under oure privie seall at oure castell of Striveling the fyvetane day of August

the yeir of God j^m v^e threscoir nynetene yeiris and of oure regnne the threttene yeir.

Per signaturam manibus supremi domini nostri regis ac dominorum sui secreti consilii subscriptam.

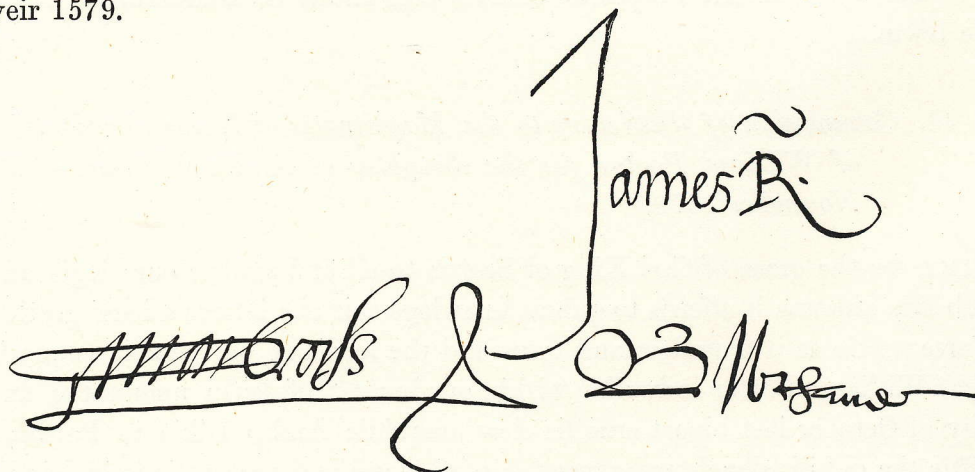


[On tag.] Litera Preposito ballivis consulibus et communitati burgi de Irwin.

40. *Commission of Justiciary to the Magistrates of Irvine, for the trial of William Portar for the slaughter of Andrew Dickie.—19th November 1579.*

JAMES be the grace of God King of Scottis to all and sindrie our liegis and subditis quhome it effeiris to quhais knowlege thir our lettres salcum greting Forsameikle as it is understand to us and the lordis of our secreit counsale that Williame Portar indwellar within our burght of Irvin upoun the xxv day of October last bipast cruellie slew umquhile Andro Dikie in Paistoun Eftir the quhilk slauchter he wes takin reidhand and presentlie is in handis within our tolbuith of Irvin Quhairfoir we have gevin and grantit and be thir our lettres gevis grantis and committis our full power and commissioun

to the provest and baillies of our said burght of Irvin to do justice upoun the said Williame for the said slauchter And to that effect we mak and constitutis thame conjunctlie and severalie our justices in that part Gevand grantand and committand to thame our full power and commissioun court or courtis of justiciarie als oft as neid beis within our tolbuith of our said burght to set begin affix hald and continew Sectis to mak be callit absentis to amerchiat trespassouris to puneis Assyissis ane or ma within our said burght and four half about leist suspect and that best knawis the veritie in the said mater to sufficient nowmer to summound warne cheis and caus be sworne ilk persoun not compeirand under the pane of ten pundis Clerkis serjandis dempstaris and all utheris officiaris and memberis of court neidfull to mak creat substitute and ordane for the quhilkis they salbe haldin to ansuer And generalie all and sindrie uther thingis to do exerce and use that to the premissis is necessarle requirit to be done Ferme and stabill haldand and for to hald all and quhatsumevir thingis our saidis commissioneris conjunctlie and severalie lauchfullie leidis to be done Commanding and charging you all and sindrie our liegis and subdittis foirsaid to concur and assist our saidis commissioneris and justices in the executioun of this our commissioun and do nor attempt na thing to thair hinderance as ye and ilkane of you will ansuer to us upon your obeydience at your uttermost charge and perrell Gevin under our signet and subscrivit with our hand at Haliruidhous the xix day of November and of our regnne the threttene yeir 1579.



The image shows two handwritten signatures. The signature on the right is 'James B.' with a large, decorative flourish extending upwards and to the left. The signature on the left is 'James R.' with a large, decorative flourish extending to the right, meeting the flourish of the first signature. The two signatures are connected by a large, ornate flourish that spans across the space between them.

[Montroiss]

[Bwchane]

41. *Act of Privy Council ratifying and approving Act of Convention of Burghs at Glasgow concerning the Taxation of the Burgh of Irvine.*—1579-80.

ANENT the supplicatioun presentit to the Kingis Majestie and Lordis of Secreit Counsale be the communitie and inhabitantis of the burgh of Irvin, makand mentiou that quhair in the moneth of November last-bipast, they meanit unto his Hienes and the saidis Lordis, how that a nowmer of thame that war pur men, upoun a certane abuse usit be the Magistratis of the said burgh in collectioun of stentis and contributionis within the same in tymes bipast, war alike and equalie stentit with certane inhabitantis thairof of gretar rank and substance; at quhilk tyme it wes ordanit be his Hienes and the saidis Lordis that the commissionaris of burrowis sould sicht and consider thair supplicatioun, and quhat ordour they thocht meit to be taikin thairanent, to report the samin agane to his Hienes and the saidis Lordis, that ordour thaireftir mycht be followit furth as sould be thocht best, as the said supplicatioun and deliverance thairof at mair lenth propertis. According to the quhilk the saidis complenaris laitlie gave in the same supplicatioun to the commissioneris of Burrowis convenit at Glasgw; quha hes sichtit and considerit the same, and hes ordanit, quhen ony taxatioun sould happin to occur, that the said toun of Irvin sould be stentit, taxt, and ane taxt roll maid thairupoun, conforme to the use of uther burrowis—to witt, the provest, baillies, and counsale thairof sall caus and depute certane sworne men of the said toun to taxt everie ane within the samin according to thair habilitie—as ane act and ordinance maid thairupoun will testifie Quhilk act and ordinance the saidis complenaris hes reportit to his Hienes and the saidis Lordis: humilie desiring, thairfoir, that, be Act of Secreit Counsale, the fairsaid Act maid be the saidis Commissioneris of Burrowis mycht be ratifiit, approvit, and confermit, quhairthrow the samin mycht tak the bettir effect and executioun heireftir, like as at mair lenth is contenit in the said supplicatioun; quhairwith wes producit the said act and ordinance, off the quhilk the tennour followis:—

In the conventioun and assemblie of burrowis haldin at Glasgu the xxiiij, xxv, xxvj, and xxvij dayis of Februar 1579 yeiris :

Item anent the complaint gevin in be Hew Campbell provest and Gawin Nasmytht commissionaris of Irvin first gevin in to the Kingis Majestie and lordis of Secreit counsale and thairfra remittit to be decidit in this present conventioun tuicheing the abuse of the taxatioun and stent roll making within the toun of Irvin allegeing the samin to be sett in quarteris of the toun not having respect to thame that hes the guidis thairinto as in the said complaint is at mair lenth contenit The haill commissionaris of burrowis havand consideratioun thairof and advisand thairwith Ordanis quhen ony taxatioun salhappin to occur that the said toun of Irvin sould be stentit taxt and ane taxt roll maid thairoff conforme to the use of uther burrowis To witt the provest baillies and counsale thairof sall caus and depute certane sworne men of the toun to taxt everie ane within the same according to their habilitie.¹

Quhilk Act and ordinance of the saidis Commissioneris, togidder with the said supplicatioun, being hard, sene, and considderit be the Kingis Majestie and Lordis of Secreit Counsale, and thay thairwith being ripely avisit, the Kingis Majestie and Lordis of Secreit Counsale, understanding the said Act and Ordinance, maid be the saidis Commissioners, to be agreebill to ressoun and conforme to the use and ordour of uther Burrowis, hes thairfor ratifiit, apprevit, and confermit, like as they be thir presentis ratifiis, apprevis, and confermis the said Act, ordaning the same to tak full effect and executioun heireftir in all pointis conforme to the tennour thairof.

42. *Letter from King James the Sixth to the Magistrates of Irvine anent the Convention of Estates.*—1st September 1586.

TRAIST freindis we greit you heirtlie weill. Upoun gude considerations moving us we have thocht meit to alter the day and place of this conventioun of our estaittis to the tein day of September instant and in our burch of Edinburcht quhairfor we desire you richt effectuuslie that ye fail not to have your commissioneris present with us the said day as ye will do us

¹ *Regist. Secreti Concilii Acta*, September 1579–October 1581, pp. 418, 419.

speciall plesour and gude service. Thus we commit you to God frome our castell of Sterling the first of September 1586.

JAMES R.

[*Dorso.*]

To our traist fr[eindis the provost]
bailyes and coun[sale of] Irwyne.

43. *Decreet of the Justice-deputes remitting to the Magistrates of Irvine to adjudicate upon a crime committed by one of their Burgesses.*—16th November 1586.

CURIA Justiciarie Supremi Domini nostri Regis tenta in pretorio de Edinburgh decimo sexto die mensis Novembris anno Domini millesimo quingentesimo octuagesimo sexto per honorabiles viros magistros Joannem Grahame de Halyairdis Willelmum Oliphant et Eduardum Bruce justiciarios deputatos nobilis et potentis domini Archibaldi comitis Ergadie domini Campbell et Lorne etc. Justiciarii generalis dicti supremi domini nostri Regis totius regni sui ubilibet constitutos sectis vocatis et curia legitime affirmata: The quhilk day comperit maister Alexander King commissioner and procuratour speciallie constitute for the provest bailleis counsall and communitie of the burgh of Irrving be thair lettres of procuratorie and produceit ane chartoure and infestment gevin and grantit to the said burgh of Irrving the bailleis and communitie thair of be umquhile oure soverane lordis predecessoure umquhile King James the Fourt of guid memorie be the quhilk it is gevin grantit and ordenit that quhow oft and att quhat tyme it salhappin ony burges or burgessis induellar or induellaris of the burgh of Irrving to be areistit and atteichit to quhatsumewir court or courtis before quhatsumewir judge or judgeis for quhatsumewir caus that thay salbe repledgeit and reduceit to the libertie of the said burgh of Irrving And that thay within the samin burgh sall underly the law be ane assyis of the nychtbouris of the samin as the said infestment of the dait at Edinburgh the aucht day of August the yeir of God j^m v^e and ellevin yeiris and of the Kingis regnne the xxiiij yeir att mair lenth beris Accoirding to the quhilk chartoure he desyrit and requyrit that Niniane Barclay burges of Irrving now enterit on pannell summond to compeir before the justice or his deputtis this day and place to underly the law for the mutilatioun of Johnne Broun burges of Irrving of his rycht leg committit within the

said burgh of Irrving in the moneth of Maii the [yeir of God j^m] v^c four-scoir and fyve yeiris to be re[pledgeit] red[uce]it and brocht hame fra the jurisdictioun and priviledge of the justice generall and his deputis to the libertie and priviledge of the said burgh conforme to the tennour of the said chartour Quhilk chartour being red sene and considerit be the saidis justice deputis and they throwchlie avisit thairwith Thay ordenit the said Niniane to be remittit to the libertie of the said burgh Quha fand Thomas Harvie ane of the bailleis of the said burgh of Irrving actit caution and souirtie that he sall compeir before the provest and bailleis of the burgh of Irrving in the tolbuith thairof the aucht day of December nixtocum in the hour of caus to underly the law for the mutilatioun of the said Johne Broun of his rycht leg Eftir the forme and tennour of our soverane Lordis lettres direct thairupoun and under the panis contenit in the actis of parliament And siclyke the said Thomas Harvie become cautionar and souirtie for administratioun of justice to the partie complenand the saidis day and place in the houre of caus under the pane of law Extractum de Libro actorum Adjornalis Supremi domini nostri Regis per me Ludovicum Bellendene de Auchnowle militem clericum justiciarie ejusdem generalem sub meis signo et subscriptione manualibus.

LUDOVICUS BALLENDEN, *Clericus Justiciarie.*

44. *Act of Parliament granting Commission anent the Brig [Burgh?] of Irving.*—1587.¹

OUR Soverane Lord with advise and consent of the thrie estaittis of this present parliament hes given and grantit power and commissioun to the richt honorable Robert Lord Boyde, William Cunynghame of Capringtoun, and Hew Campbell of Teringane, or ony twa of thame conjunctlie to pas to the burgh of Irving ony time thai pleis appoint to that effect and thair to visie and considder the watter mouth heavin port and herborie of the said burgh quhair the schippis and barkis wont to repair lose and ladin and thairupone to confer with the maist honest and ancient burgessis of the said burgh and landit gentilmen duelland nixt adjacent thairto and sie gif the said herbrie possiblie may be helpit and quhat sowmes and moyen wald help the saymen and to report thair opinioun and proceedingis in the

¹ *Acts of Parliament*, vol. iii. p. 520.

premissis to the Lordis of Secreit Counsall And in cais eftir the said report the said hevin and herbrie beis fundin remedable our said soverane Lord with advise and consent of the saidis thrie estaittis gevis and grantis full power and commissioun to the saidis Lordis of Secreit Counsall to grant and appoint ane ressounable generall stent and taxatioun upone sic pairtis of the cuntrie as thai sall think maist expedient for the speciall help and support of the said decayit herbrie and heavin and to make speciall act and ordinance upone the said taxatioun contening the forme and ordour of the payment and ingadding of the samin for the said support siclyk and in the samin maner as the saidis thrie estaittis micht have done thame-selffis in this present parliament and ordanis lettrez to be direct heirupone gif neid beis in forme as effeiris.

45. *Letters of Charge to the Burghs to guard against the admission of Jesuits, etc., into the country.—5th March 1588-9. [Copy.]*

JAMES be the grace of God king of Scottis to our lovittis William Forsyth messengeris our schirreffis in that part conjunctlie and severallie speciallie constitut greiting Forsameikill as it is understandit to us and lordis of secreit consall [from] travelleris in the sey furth of our realme that divers strangeris as wele as borne subjectis of the sect of Jesu-ittis excommunicat personis semnare preistis and utheris passangeris ar transportit furth of utheris countres and brocht within our realme careing to and fra mony trassonable and dangerous wryttingis bukis lettres and messaigeis to the hurt and prejudice of the trew religioun and of the royale persone and auctoritie of us and our gud subjectis For remeid quhairof Our Will is and we charge you straitlie and commandis that incontinent thir our lettres sene ye pas and in our name and auctoritie command and charge the proveistis and baillies of our burrowis of Abirdene Montrois Dumdee Sanctanderois Carraill Anstruder Pettinvene Dysert Kirkealdehy Kinghorne Brunt Iland Leith Haymouth Queneisferrie

Dumbartane Air Irvine Kirkandbrycht and all utheris buorrowis and touns within our realme within quhais harberis portis havinis schipis or utheris veschellis arrayvis or sall arrayve as alswa the custumaris and cocquattiaris within the saidis boundis be opin proclamatioun at the mercat crocis of the same burrowis and touns that nane of thame tak upon hand

to suffer or permit ony of the saidis schipis or veschellis to depairt furthe of our realme at ony tyme hencfurth nor yit custume thair gudis nor grant cocqueit thairupon Bot to fens and arreist the same schipis and veschellis and take the saillis fra the rais unto the tyme they find sufficient and responsall souerteis actit in thair tunis bukis that they sall not transport furth of oure realme nor yit bring within the same ony Jesuittis excommunicat personis semnare preistis passingeris strangeris nor utheris inemyis to the treuth thair bukis lettres or messagis proivatlie nor publiclie nather cary ony forbidden guidis furth of [the] realme without our speciallicenc obtenit to the same effairis and last that th[ey] sall gife up the

of that equipage and company for quhom thai salle ansuer under the pane of confiscatioun of thair . . . blis and of the rest of thair moveable guidis to our use certefeing the said provest baillyes custumar and cocquattiaris and they faillze or be fund negligent heirin that we will crave compt at thair handis and will caus thame ansuer and underly the pane and puneishment dew to trassonable practicis aganis the said religioun our persone and estat with all rigour and extremitie Quhilk catioun and souertie being fund in maner and to the effect foirsaid we grant license thairefter be thir presentis to the maisteiris skipperis and ownaris of the said schippis and veschellis to depeirt furth of our realme in thair lauchfull traid and merchandres nochtwithstanding our lait proclamatioun maid in the contrair Certefeing thame that depairtis afoir the finding of the
Sic. said somond thay salbe persewit in thair personis and guidis according to the tenour of the same proclamatioun with all rigour and extremitie as ye will ansuer to us thairupone The quhilk to do we commit to you conjunctlie and severallie our full power be thir lettres delyvering tham be you dewly execut and indorsat againe to the beirar Gevin under our signet at Edinburgh the fyft day of Marche and of our regnne the xxij yeir 1588.

Per actum Secreti Consilii.

WILLIAME FORSYTH, *messenger*.

[*Indorsed.*].—Copie of ane charge gevin to the Towne.

46. *Act of Privy Council granting New Commission anent the Harbour of Irvine.*—1590.¹

UPON a supplication presented by the provost, baillies and council of the burgh of Irving to Parliament in July 1587, commission had been granted to Robert Lord Boyd, Williame Cunynghame of Caprintoun, and Hew Campbell of Terrinyeane, to report to the Privy Council on the "hevin and herbrie" of the said burgh. [Acts of Parliament, 1587, c. 13, iii. 520.]

The said commission had not, however, been executed; and now, as only the last named of the said commissioners is alive, and "necessar it is that sum utheris be appointit," the King, on petition from the said provost, baillies and council, gives full power to Thomas, now Lord Boyd, Master of Eglintoun, Blair of that Ilk, and Hew Campbell of *Sic.* Terrinyeane, or any two of them conjunctly "to pas to the said burgh of Irwing," and to "visie and considder" the water mouth, haven, port and harboury thereof, and to "se gif the same may be helpit," and for that purpose to "confer with the maist honest and ancient burgessis of the said burgh and landit gentilmen dwelland nixt adjacent thairto, and quhat sowmes of money wald help the same, and gif the same can not be helpit, to visie sum uther commodious place nixt adjacent to the said burgh quhair ane herbry may be biggit, and to set doun ane overture how the same may be biggit and quhat expenssis wilbe requisite," reporting to the King and council by the Feast of Pasch next.

47. *Letters of Charge against the Town of Irvine for proportion of the "General Extent."*—2d January 1590-1.

JAMES be the Grace of God King of Scottis to our lovittis William Forsyth messingeris our Shireffis in that pairt conjunctlie etc. Schawin to us be our lovit Henrie Charters merchand burges of our Burgh of Edinburgh Collectour of the Taxatioun under specifeit That quhair the Commissioners of our Burrowis of Edinburgh Perth Dundie and Abirdene for thameselffis and thair saidis Burrowis and as haveand power and commissioun of the remanent hail Burrowis of our Realme being convinit at Edinburgh the xxix day of October anno lxxxix yeiris to heir the customar Comptis thair of and upoun the inlaik of the samyn for payment of xxx tunis Wynis furneist to

¹ *Register of the Privy Council*, vol. iv. p. 511, 1590.

us fra the first day of October anno lxxxviiij yeiris to the first day of October anno lxxxix yeiris foirsaid as yit unpayit to sic as furnist the samen the pryces quhairof efter dew advysement according to the maner of the dounsetting thair of in tymes preceiding being fund to extend: viz., everie tun thair of to vj^{xx} xij tib The saidis Commissioners ordanit ane generale extent of the sowme of four thowsand pund to be set and raisit of the haill Burrowis of our Realme according to the generale Roll set doun thairanent and upoun the inlaik of the Custumes efter the dounsetting quhairof the saidis Commissioners hes ordanit the Collectour Generall upoun the Burrowis expenssis to ingadder the samyn and upoun the refusaris to pay thair particular pairtis of the said extent as thai salbe extenit to And thir our Lettres of Horning upoun the said act to be raisit and execute as in the said Act and ordinance maid thairupoun at lenth is contenit According to the quhilk ordinance the saidis Commissioneris being lyikwayis convenit at Edinburgh upoun the first day of October anno lxxxix^o yeiris maid and set doun ane extent Roll contenand the particular sowmes undir writtin imput upoun everie Burgh within this Realme and speciallie upoun our Burrowis under writtin for payment of thair pairtis of the said Taxatioun Thay ar to say Irwing tuentie four pundis

Off the quhilk Taxatioun and particular sowmes abone writtin the Proveistis and Baillies of our Burrowis speciallie abone namit hes not maid nor will mak the said Compliner payment ilk ane of thame for thair awin pairtis as is abone devydit conforme to the said taxt Roll without thai be compellit Oure will is heirfoir that ye command and charge the Provost and Baillies of the Burrowis speciallie abone writtin to set ane extent Roll upoun the burgessis merchantis craftismen and inhabitantis of thair saidis Burrowis ilk ane of thame for thair awin pairt as is abone devydit and to collect inbring and delyver to the said Compliner of the samen ilk ane of the saidis Burrowis for thair awin pairtis according to the said taxt Roll maid thairanent within ten dayis nixt eftir thai be chargit be you thairto under the pane of rebelloun and gif thai failzie to denunce and eschete etc. And immediatlie efter your said denunciatioun that ye use the haill ordour prescrivit in the Act of Parliament as ye will answer to us thairupoun etc. Gievin under our Signet at Edinburgh the secund day of Januar and of our regne the xxiiij yeir 1590.

Ex deliberatione Dominorum Consilij, etc.

48. *Missive by King James the Sixth to the Provost and Bailies of Irvine, requiring the attendance of their Commissioners at Holyrood in prospect of the birth of a successor to the Crown.—18th December 1592.*

TRAIST freindis we greit you hartlie weil It has plesit God to our contentment and we ar assurit na les to the comown lyking of all our effectit subjectis to blis with appeirance of successioun (our darrest bedfallow the Quene being with chyld and neir the tyme of her delyverie) Quhilk and uther wechtie effairis geving occasioun of a mair necessar deliberatioun and advyse of oure nobilitie and estaittis nor at ony tyme heirtofoir We have thocht meit to desyre you maist ernistlie that ye failt nocht all excuissis sett apairt to addres your commissioneris towardis us heir at Halyrudhous the xj day of Januar nixtocum at quhat tyme ye salbe aquentit with the particularis moving your cuming quhilk we assuridlie luik for as ye will kyth your affectioun in that erand furnessing mater of comoune rejoysing we dout nocht you and all our subjectis and to the advancement of sic purpoissis of grit wecht and importance as ar to be cravit and resolvit in that conventioun Sua committis you to Goddis blissit protectioun Frome Halyrudhous the xvij day of December 1592.

JAMES R.

To our traist freindis the provest baillies and
counsale of our burgh of Irwing.

49. *Letters of Charge against the Burghs for the payment of their Maills in sterling money.—2d January 1593-4.*

JAMES be the Gres of God King of Scottis to our lovitis David Neilsoun messenger our Sherifeis in that pairt conjunctlie and severallie constitut greitting Forsemeikill as the Lordis auditouris of our Chaikker considdering how our Burrow ruiddis and privilaig of the maist pairt of our Burrowis of our Reallm ar sett of auld for the Burrow meillis contenit in thair infeftmentis to be payit in Stirlling money and throw negligens of our officiaris thir diveris yeiris bygane our meillis ar resavit in current money to our

greit hurt and prejudice thairfor hes ordanit thir or Lettres to be derect in manner following Our will is heirfor and we chairge you stratlie and commandis that incontinent thir our Lettres sene ye pas and in our name and auctoritie command and charge the heill Proviestis and Ballies within our Reallm to produce thair infeftmentis in our Chaikker the xxvj *Sic.* day of Januar instant and the day of next tocum that it may be knawin quhiddir they sall pay Stirrveling money or current money of our Reallm with ceirttificatioun to thame and thay failze thay salbe haldin and decernit to pay the samen in tyme cuming or ellis the aweill thair-off as is in current money conforme to our Act of Parliament and to justis as ye answer to us thairupone The quhilk to do we commit to you conjunctlie and severallie our full powair be thir our Lettres delyvering thame be you dewllie execut and indorsit agane to the beirair Geivin undir our Signet at Edinburgh the secund day of Januar and of our regene the xxvij yeir 1593.

Per actum Dominorum Scaccarij.

50. *Missive from the Lords of Parliament to the Provost and Bailies of Irvine, anent the payment of Burgh Maills in sterling money. —3d January 1593-4.*

EFTER our maist hairtlie commendationis for deliberating upone the materis of the custumes and impost of wynis according to the artielis presentit to the parliament in Junii 1593 thair wes conference betuix sum that the Kingis Majestie directed for that purpois and the commissioneris of burrowis about this tyme twelf moneth and then materis left to a new meiting and sensyne at the parliament haldin in Junii thair wes direction gevin to tak ordour anent the payment of certane burrow mailis in sterling money and seing the chekker is presentlie sittand and that thair is also a conventioun of the Estaitis appointed agane the xj day of Januar instant we have thocht expedient according to his Majestyis direction gevin us to desyre you effectuuslie that your commissioneris to be send to the said conventioun may be instructed to confer treat and conclude with sic as salbe directit be his Majestie in thir materis sa as the same may be setlit to the contentment of his Majestie and you all, God willing To quhais

protectioun we commit you at Edinburgh the thrid day of Januarii 1593.
Your assurit freindis¹

Blantyre

Newbotle
Lynccloudon

Hay

Culluthy
Durhame of Duntervie

M. G. Young

I David Neilsoun messinger delyverit this meself to the proveist and
balyis Irwin the xv day of Januar 1593. DAVID NEILSOUN *messinger*
w^t my hand.

[*Addressed.*] To our richt traist freindis
the provest and ballies of Irwing etc.

51. *Extract Decreet of the Lords of Council in the Action at the instance
of Laurence Scott against the Magistrates of Irvine anent the
office of Town Clerk thereof.—7th December 1594.*

AT Edinburgh the sevint day of December the yeir of God j^m v^e four scoir
fourteine yeiris The Lordis under writtin Thay ar to say Johnne lord
Thirlstane chancellar Alexander lord Vrquhart president Alexander
commendator of Culros William commendator of Tungland Master James

¹ The Signatures are :—Blantyre, Newbotle, Lynccloudon, A. Hay, Culluthy, Durhame of Duntervie,
M. G. Young.

Elphinstoun of Innernoctie Sir Patrick Vaus of Barnbarroche knyght Master Thomas Hamiltoun of Dumcairne Master Johnne Skene clerk of Registre Master David M'Gill of Cranstoun-riddell Andro Weymes of Maircainry Sir Richard Cokburne of Clerkingtoun knyght secretar Sir John Cokburne of Ormestoun knyght Justice Clerk Master Johnne Lyndsay persone of Menmuire Anent oure Soverane Lordis lettres purchest at the instance of Laurence Scott servitour to Master William Scott of Grangemure Director of the Chancellarie aganis Hew Neving provest Alexander Dunlop and Archibald George baillies and Niniane Barclay baillie commissioner of the burgh of Irwing and the counsell and communietie thereof and Hew Garven thair Court Clerk makand mentioun that quhair his Hienes be his utheris Lettres of gift under the Previe Seill have gevin and grantit to the said Laurence the office of the Clerkship and commoun toun Notarie of the said burgh of Irwing during all the dayes of his lifytyme with full power to the said persewar to minister in the said office use and exerce the samyn at his pleasour and to creat and substitute ane clerk under him for exerceing and using thair of during quhat tyme he pleissis ffor quhome he salbe answerable to us upoun the executioun of his office and to intromet with all and sindrie casualities fies and dewties pertening to the said office ayther be the said persewar for himself or his Depute dischargeing the provest and baillies of the said burgh of creatioun of ony uther clerk therein in the meantyme as the saidis Lettres of gift maid to the said persewar thairupoun of the dait the penult day of September last bipast at mair lenth proportis Be vertew of the quhilkis the said persewar hes gude and undouttit rycht to the said office and all fies and deuties belanging thairto Nochttheles the provest baillies counsell and communitie of the said burgh of Irwing will on nawis acknaulege him commoun Clerk of the said Burgh suffer and permit him be himself and his deputtis minister in the said office use and exerce the samyn intromet and uptak quhatsumevir fies and dewties belanging thairto conforme to the Lettres of Gift without thay be compellit And anent the charge gevin to the saidis defenderis to haif comperit befor the Lordis of Counsall at ane certane day bigane to haif hard and sene utheris Lettres in all the four formes decernit to haif bene direct at the instance of the said persewar and ilk executioun to be efter uther within xxiiij houris and the wairding place to be in the Castell of Blacknes in caice of disobedience chargeing thame and ilk ane of thame to haif acknowlegeit the said persewar as commoun clerk of the said

Burgh To haif sufferit and permittitt him and his deputtis and na utheris to haif ministerit thairin usit and exerceit the samyn intromettit and uptakin all fies and dewties belanging thairto efter the forme and tenour of the saidis Lettres of Gift or ellis to allege ane ressonabill caus quhy the samyn suld not be done as at mair lenth is contenit in the saidis Lettres The said persewar comperand be Mr. John Russell his procuratour and the saidis defendaris comperand be Master William Oliphant thair procuratour Thair rychtis ressonis and allegationis being hard sene and considderit be the saidis Lordis and thai thairwith being ryplie advisit The Lordis of Counsell assoilzeis simpliciter the saidis defendaris from the haill poyntis and contentis of the saidis Lettres and petitioun of the said persewar aganis thame in the said mater And decernis thame frie and quyte thairfra in tyme tocum Becaus it was allegit peremptorie be the said Master William Oliphant procuratour for the saidis defenderis that na Lettres aucht to be grantit in all the four formes at the instance of the said Laurence Scott aganis thame to acknowlege the said Laurence as commoun Clerk of the said Burgh suffer and permit him and his deputtis and na utheris minister thairin use and exerce the samyn intromett and uptak all fies and deuties belanging thairto efter the tennour of the saidis Lettres of Gift Becaus the fairsaidis Lettres of Gift proceedis frome our Soverane Lord in the moneth of September last bipast anno four scoir fourtene yeiris quha had na power to dispoine the office of Clerkschip and commoun toun Notarie of the said Burgh of Irwing contenit in the said Gift Becaus the Burgh of Irwing lang befor the dait of the said Gift wes ane frie Burgh Regall erectit of auld in ane frie burgh regall with all immunities privilegis liberties and fredomes perteing to frie burghis regall within this realme and thairby hes undouttit rycht to elect and creat all officeris within Burgh be the lawes of this realme and speciallie thair toun Clerk for quhome thai ar obleist to be answerable Quhilk allegiance being fund relevant be the saidis Lordis and admittit to the saidis defendaris probatioun (nochtwithstanding of the haill answeris maid thairto for the pairt of the said persewar) The saidis defendaris instantlie verefeit the same be production of divers and sundrie infestmentis chartoris evidentis and writtis hard sene and considderit be the saidis Lordis as was cleirly understand to the saidis Lordis and thairfoir thai assoilzeit simpliciter in maner fairsaid And ordanis Lettres to be direct heirupoun gif neid beis in forme as effeiris Extractum de libro actorum per

me Magistrum Johannem Skene Clericum Rotulorum Registri ac Consilii
Supremi Domini Nostri Regis sub meis signo et subscriptione manualibus.

JOHANNES SKENE, *Cls. Regri.*, etc.

52. *Act of Privy Council granting Commission for inquiring as to the fitness of a particular creek in Little Cumbrae to be a new Harbour for the Burgh of Irvine.*—1596.¹

SUPPLICATION by the Provost, bailies, and council of the burgh of Irvine as follows:—

The Act of Parliament appointing Robert, Lord Boyd, William Cunynghame of Caprintoun, and Hew Campbell of Terringeane, or any two of them, commissioners for reporting on the “heavin porte and herbory” of thair burgh, and empowering the imposition of a taxation for its support (1587, c. 13, iii. p. 520), hes taken no effect, two of the principal commissioners so nominated having died, and the watter mouth having become so “ouerblawne and fillit with sand that it is unremediable and can not be helpit through occasioun quhairof sindrie of thair nichtbouris hes sustenit grite losse and shipwrack, and thair toun brocht to grite miserie and povertie; and, be appeirance, thay will losse the haille benifite and trade of the sey, without remeid be providit: and, thay haveing considderit the haille commodious pairtis nixt adjacent to thair burgh, quhair ane harborie maist commodiouslie may be had, thay fand na parte sa meit as ane creik in Little Comray, quhilk thay ar unable be thair awne moyne to gett accommodat for that purpois unless the said Act of Parliament tak yit effect.” Thay humbly desire therefore that commission may be given to Walter, Prior of Blantyre, treasurer, Sir Mathew Steuart of Minto, Fleming of Barrochin, James Hammiltoun of Ardoch, and Johnne Craufurde of Crawfordland or any two of them conjunctly for attending to the matter. Accordingly the King and Council gave full power and commission to the said persons to visit the said creek and consider if it may be suitable for a harbour “and to confer with sic men of jugement and experience as thay think meit anent the expenssis and sowmes of money quhilk will satisfie the heretour of the said creek, and perfyte and accomplish the said harborie and to reporte thair

¹ *Acts of the Privy Council*, vol. v. p. 293, 1596.

proceedingis heiranent to his Majestie and his Prevey Counsaill betuix and the first day of November nixt to cum, that thaireftir the saidis Lordis according to the privilege grantit be the said Act of Parliament may appoint the said taxatioun and sett down the forme and maner of the ingaddering and payment thairrof."

53. *Grant by the Privy Council to the Burgh of Irvine for five years of a right of exacting duties on goods passing up and down the Clyde, the same to go towards the new Harbour for the Burgh.—29th July 1596.*¹

REFERENCE to the Act of Parliament (1587, c. 13, iii. p. 520), and to the Act of Secret Council of 3d June last, appointing certain commissioners to visit and report upon the creek in Little Comray as a place where "ane harborie maist commodiouslie might be had" for the town of Irwing. The said commissioners have lately sighted and considered the said creek, and found that the same will be a sufficient harboury for ships and all other vessels, and that, for repairing and completing of the same, payment of masons and wrights and other workmen, and furnishing all materials requisite, the expenses will amount in all to the sum of £4773, 6s. 8d. This report having been heard and considered by his Majesty and Lords of Secret Council, "thay, upoun a speciall cair and regaird had be thame to the weill and proffeit, not onlie to the haill inhabitantis of the said toun, bot of all the cuntreis nixt adjacent thairto, quha wilbe accomodat and easit at all occasionis be the said harborie, baith at thair outpassing and incuming to the same," grant to the provost, bailies, council and community of Irwing, for the space of five years from the date hereof, the "toust, exactioun, and impoist," to the effect foresaid, of all the following sorts of merchandise that shall enter or pass furth of the ports of Air, Glasgu and Dunbartane, or that shall "pas up and down the saidis watteris or ony parte to and fra the samin townis and watteris, and betuix the saidis townis, alsweill the hielandis as laulandis" viz., "off every last of barrellit guidis, quhilk is ane tun and ane halff, fyve shillingis; and of every tun of guidis and merchandice, iii^s iiiii^d; and of every pype, hoigat and barrell accordingly *pro rata*; off every fisheair boit yeirlie, v^s; and of every manis skair within the same boitis yeirlie, v^s; and that for the three

¹ *Register of the Privy Council*, vol. v. p. 305.

fisheingis of the north and south sey hering and killing; of every hundreth bollis of salt of water mett, ane half boill, and siclyke halff boll of all victuall or uther stuff of barkis, mett be boll; of every hundreth tree, jeist, daill or burde of aik, or uthir tymmer, cabir, or rungis, ane; and of every boit that bringis in horse or ky frome the Hielandis, ten shillingis." There is also an order to charge all and sundry merchants, skippers and mariners of the said ships, crears, boats, barks, "coparis" and other vessels, by open proclamation at the market crosses of Irving, Glasgu, Dunbartane, and their parish kirks, and all other places needful, to make payment to the said town council of the said impost to the effect abovewritten, during the said space, within ten days after being charged, under pain of rebellion. It is also concluded that no suspension shall be granted of letters of horning till the sums charged for be consigned in the hands of James Primrois, writer; who shall keep the same in his hands till the reasons of suspension be discussed. It is however, provided that, in case the inhabitants of the said burghs complain that they are "extraordinarlie handillit be the rasing of this present exaction and impost upoun thame, without thair consent and knauleg, to thair grite hurt and prejudice," then their complaints shall be heard and considered, and disposed of according to equity and good conscience.

54. *Charter by King James the Sixth, confirming to the Burgh of Irvine all the rights and privileges thereof.—1st May 1601.*

JACOBUS Dei gratia Rex Scotorum omnibus probis hominibus totius terre sue clericis et laicis salutem Sciatis nos cum avisamento et consensu confisi et predilecti nostri consilarii Davidis Murray de Gospertie militis nostrorum computorum rotulatoris ratificasse approbasse [et pro] nobis nostrisque successoribus pro perpetuo confirmasse omnia et singula infeofamenta et cartas per nos nostrosque preclarissimos progenitores datas et concessas penes erectionem et creationem burgi nostri de Irwing in liberum burgum regalem cum omnibus libertatibus immunitatibus privilegiis et commoditatibus quibuscunque in eisdem specificatis in omnibus et singulis conditionibus punctis passis articulis clausulis et circumstanciis in dictis infeofamentis mentionatis et contentis secundum earundem formas et tenores Ac volumus et concedimus proque nobis nostrisque successoribus decernimus et ordinamus quod hec presens generalis nostra ratificatio infeofamentorum suprascriptorum tanti sit et erit valoris roboris efficacit et

sufficientie in omnibus respectibus ac si omnia predicta infeofamenta per-
prius facta et concessa penes antedictam suprascripti burgi erectionem
specialiter et ad longum in hac presenti carta nostra expressa et ingrossata
fuissent Preterea nos pro bono fideli et gratuito servitio nobis nostrisque
preclarissimis progenitoribus per prefectum ballivos consules dictique burgi
de Irwing incolas temporibus retroactis prestito et impenso proque majori
policie et edificiorum incremento faciendo infra dictum nostrum burgum
pro nostro nostrorumque subditorum eidem frequentantium asiamento et
hospitio necnon pro diversis aliis bonis causis et considerationibus nos
moventibus ex nostra certa scientia proprioque motu cum avisamento et
consensu antedictis de novo creavimus et ereximus tenoreque presentium
de novo creamus et erigimus totum et integrum predictum burgum de
Irving omnesque et singulas terras tenementa domos edificia hortos com-
munitates pertinen[ciaque eidem] spectantes in liberum burgum regalem
Acetiam dedimus concessimus et disposuimus tenoreque presentium damus
concedimus et disponimus prefecto ballivis consulibus burgensibus dictique
burgi de Irving communitati suorumque successoribus hereditarie totum et
integrum predictum burgum de Irving una cum omnibus et singulis terris
aliisque subscriptis eidem spectantibus et pertinentibus, viz. omnes et
singulas terras et tenementa infra dictum burgum jacentia totas et integras
terras vulgo nuncupatas lie burrow landis alias Montaber, Gallowmure,
Knodgerhill, Newmure, Hie Myre, Guildelandis, Weirisholme, Inner et Utter
Boigfauldis, unacum integris pascuis lie wardis pratis acris et commu[n tati-
bus infra dicti] burgi territorium aliisque quibuscunque per ipsos possessis
vel de ipsis perprius immediate tentis unacum omnibus et singulis aliis
terris tenementis annuis redditibus molendinis multuris piscationibus viis
semitis aliisque quibuscunque pertinen per ipsos
eorumve predicesores possessis et gavisis cum omnibus portubus littoribus
lie harbreis et bulwarkis eidem pertinentibus cumque omnibus custumis
anchoragiis privilegiis et libertatibus solitis et consuetis
Similiter et adeo libere in omnibus respectibus quam alius quivis burgus
regius infra regnum nostrum habent vel privilegia sua et libertates possi-
dent Idque infra omnes balliatus de Conynghame bond[as
burgi nostri] de Irwing libertati perprius annexatas cum plenaria potestate
dictis prefecto ballivis consulibus burgensibus dictique nostri burgi de
Irwing communitati eorumque successoribus pistores brasiatores
et artifices necessarios in eodem tenendi simul et habendi Necnon

in eodem emendi et vendendi vinum cibum pannum lineum et laneum
 latum et densum pisces carnes omniaque alia in quovis burgo
 infra nostrum regnum emi vendique solita Acetiam cum potestate ipsis in
 dicto nostro burgo tres liberos nundinarum dies annuatim tenendi et
 habendi Quarum primum per Augusti decimum quartum
 decimum quintum et decimum sextum dies continuando Secundum
 nundinarum Septembris die initiando et ad ejusdem
 mensis [Sep]timum diem nundinarum incipiendo vicesimo
 tertio mensis Octobris die et inde vicesimo quarto et vicesimo quinto
 continuando duas hebdomadatim forales dies
 dictorum dierum foralium
 clericos serjandos adjudicatores aliosque omnes curie officarios
 nostri burgi communi bono necessaria eligendi
 Burgalis curie affigendi toties quoties
 opus fuerit tenendi leges et constitutiones [pr]edicti nostri
 burgi communi bono faciendi eademque secundum
 constituimus tenoreque presentis carte nostre facimus et con[stituimus]
 prefectum et ballivos dicti [nostri] burgi de Irving presentes et futuros
 nostros justiciarios ipsis justiciarias et vicecomitatus curias
 in eodem tenendi ac transgressores et malefactores in eisdem puniendi
 exquirendi capiendi et apprehendi justiciamque erga
 ipsos prout secundum nostri regni leges rei vel innocentes inventi fuerint
 ministrari causandi Inquisitionemque aut inquisitiones necessarias summo-
 niendi quamlibet personam juramenta prestare et admitti
 causandi Sectas vocandi absentes amerciandi exitus amerciamenta et
 dictarum curiarum exactas petendi et levandi et precipiendi
 eadem Necnon super dictorum malefactorum ut dictum est
 communiendi escaetis ad ipsorum placitum disponendi ad commune dicti
 burgi nostri bonum clericos serjandos membra curie
 necessaria in dictis justiciarii et in hac parte vicecomitatuum officiis pro
 justicie in eisdem administratione faciendi et constituendi cum omnibus et
 singulis libertatibus et immunitatibus quibuscunque
 quolibet alio libero burgo regali infra regnum nostrum pertinentibus seu
 juste pertinere valentibus quomodolibet in futurum Tenendum et habendum
 [totum et integrum] predictum nostrum burgum de Irving cum omnibus et
 singulis terris tenementis domibus edificiis hortis pomeriis molendinis mul-
 turis piscationibus communitatibus portibus le [harbreis et bulwarkis] viis

semitis custumis anchoragiis privilegiis libertatibus immunitatibus pro commoditatibus lie outsettis partibus pendiculis dictique burgi nostri pertinentiis quibuscunque seu quorum prefecti ballivi consules et ejusdem burgi nostri communitas quovis tempore preterito in possessione fuerunt dictis prefecto ballivis consulibus dictique nostri burgi communitati eorumque successoribus de nobis nostrisque successoribus in feodo hereditate [et libero] burgagio imperpetuum Per omnes rectas metas suas antiquas et divisas prout jacent in longitudine et latitudine in domibus edificiis boscis planis moris marresiis viis semitis aquis stagnis [rivolis] pratis pascuis et pasturis molendinis multuris et eorum sequelis aucupationibus venationibus piscationibus petariis turbariis carbonibus carbonariis cuniculis cuniculariis columbis columbariis fabrilibus brasinis [brueriis] et genestis silvis nemoribus et virgultis lignis tignis lapicidiis lapide et calce Cum curiis et earum exitibus amerciamentis herezeldis bludewitis mulierum merchetis et escaetis dictarum curiarum [cum lie] pit et gallous infangtheif outfangtheif thole theme vert wrak wair et vennesoun Ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis asiamentis ac justis suis pertinentiis quibuscunque tam non nominatis quam nominatis tam subtus terra quam supra terram procul et prope similiter et adeo libere in omnibus respectibus quam quivis alii nostri liberi burgi regales sua privilegia libertates aliasque commoditates quascunque [iisdem] spectantes usi sunt aut potuerunt libere quiete plenarie integre honorifice bene et in pace sine aliqua revocatione contradictione obstaculo seu impedimento aliquali Reddendo inde annuatim dicti prefectus ballivi consules et communitas suorumque successores nobis nostrisque successoribus summam septem librarum sex solidorum et octo denariorum usualis monete hujus regni nostri Scotie ad solutionis terminos solitos et consuetos] annuatim [in] nostris scaccariis computum reddere tenebuntur Cum servicio burgi solito et consueto tantum Proviso omnimodo quod si quovis tempore futuro per autentica scripta verificatum fuerit dictum nostrum burgum de Irving nobis aut nostris predecessoribus quovis tempore preterito aliquam monetam Strivilingensem vel majorem annum redditum quam suprascriptum est unquam persolvisse quod tunc et in eo casu nos nostrique successores bonum jus ad eandem monetam Strivilingensem maximumque annum redditum pro eodem quovis tempore preterito persolutum habemus et habebunt non obstante presenti hoc nostro infeofamento supra specificato et ac si idem nunquam [datum et] concessum fuisset In cujus rei testimonium huic presenti carte nostre

magnum sigillum nostrum apponi precepimus Testibus predilectis nostris consanguineis et consiliariis Joanne Marchione de Hamiltoun comite Arranie domino Evandale etc., Joanne comite de Montrois domino Grahame etc., cancellario nostro Georgio comite Mariscalli domino Keith etc., regni nostri mariscallo dilectis nostris familiaribus consiliariis dominis Jacobo Elphinstoun de Barntoun nostro secretario Richardo Cockburne juniore de Clerkingtoun nostri secreti sigilli custode militibus Magistro Joanne Skene nostrorum rotulorum registri ac consilii clerico domino Joanne Cokburne de Ormestoun milite nostre justiciarie clerico Et magistro Willelmo Scott de Elie nostre cancellarie directore Apud Dalkeith primo die mensis Maii anno Domini millesimo sexcentesimo primo et regni nostri trigesimo quarto.

ABSTRACT.

Charter by King James the Sixth by which he ratifies and confirms all and sundry infeftments and charters granted by him and his progenitors in reference to the erection and creation of his burgh of Irvine into a free Royal Burgh, with all the liberties and privileges specified therein: And further, for the faithful service done to him and his progenitors by the provest bailies and councillors of the said burgh, increase of policy and building within the same, etc., the King of new creates and erects all and whole the foresaid burgh of Irvine, and lands, tenements, etc., belonging to the same into a free Royal Burgh, granting and disponing to the provost, bailies, councillors, burgesses, and community of the same, and their successors, all and whole the foresaid burgh of Irvine, and lands and others belonging thereto, viz. the lands and tenements lying within the said burgh; the lands commonly called the Burrow Lands alias Montaber, Gallowmure, Knodgerhill, Newmure, Hiemyre, Guildelandys, Weirisholme, Inner and Outer Bogfauldis, with the wairds, acres, and commonties within the territory of the said burgh and others possessed by them or immediately held of them, with all other lands, etc., possessed by them or their predecessors; ports and harbours, bulwarks, with customs, anchorages, privileges and freedoms, as freely as any other Royal Burgh within the kingdom, and that within all the bounds of the bailliary of Cuninghame [and also Largis] formerly annexed to the liberty of the Burgh. With power to make and have bakers, braziers, etc., sell and buy, etc., and to have three free fairs yearly, the first beginning on the [13th] day of August

and continuing till the 16th; the second beginning on the [7th] of September and continuing till the [10th]; and the third beginning on the 23d of October and continuing till the 25th; and also two weekly market days with power to make clerks, serjeants, etc., and to hold Burgh Courts: The King further creates the provost and bailies of the burgh his justiciars and sheriffs in that part within the liberty of the Burgh, with the usual powers: To be held of the King and his successors in fee heritage and free burgage for ever, for payment of £7 : 6 : 8 Scots yearly, rendering account to the Exchequer and service of Burgh used and wont: Provided that if it should be verified that the Burgh had at any time previously paid sterling money or a greater annual rent, the King or his successors should have good right to such sterling money or greater rent. The Great Seal is appended at Dalkeith 1st May 1601. Witnesses John Marquis of Hamilton Earl of Arran Lord Evandale, etc., John Earl of Montrose Lord Grahame, etc., chancellor, and others.

55. *Instrument of Sasine upon Crown Charter in favour of the Burgh of Irvine, of the whole rights and privileges thereof.—2d September 1601.*

IN Dei nomine amen Per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno Domini millesimo sexcentesimo primo die vero mensis Septembris secundo regnique supremi domini nostri Jacobi Sexti Scotorum regis illustris[simi] anno tricesimo quinto In nostrorum notariorum publicorum et testium subscriptorum presentiis personaliter comparuerunt honorabiles viri Patricius Trane prepositus burgi de Irweine Thomas Cuming unus ballivorum ejusdem Joannes Peblis Ninianus Barclay et Archibaldus George quidam consiliariorum [dicti] burgi pro seipsis necnon nomine dicti burgi et communitatis ejusdem super solum et fundum terrarum dicti burgi aliarumque subscriptarum Ac habentes et tenentes in eorum manibus quoddam sasine preceptum subscriptum dicti supremi domini nostri Regis e ejus cancellaria sub testimonio sui magni sigilli cera alba app[en]si ballivo de Cunynghame et deputatis suis necnon ballivis subtus mentionatis de Cunynghame in hac parte specialiter constitutis directum Et ibidem dictum sasine preceptum honorabilibus personis Willielmo Stevinstoun ballivo deputato de

Cunynghame et Hugoni Scot comburgensibus dicti burgi ballivis de Cunynghame in hac parte in dicto precepto specialiter nominatis et constitutis ea qua decuit reverentia presentaverunt ipsosque humiliter requirendo pro executione ejusdem debite facienda Qui vero ballivi in hac parte antedicti dictum preceptum sasine a manibus dictorum prepositi ballivi et aliorum suprascriptorum reverenter receperunt Et idem nobis notariis publicis subscriptis perlegendum publicandum et in hanc publicam instrumentalem formam redigendum reddiderunt tenor cujus precepti sequitur verbatim et est talis Jacobus Dei gratia Rex Scotorum ballivo nostro de Cunynghame et deputatis suis necnon dilectis nostris Willielmo Stevinstoun ballivo deputato de Cunynghame et Hugoni Scot burgensibus de Irweine et eorum cuilibet conjunctim et divisim ballivis nostris de Cunynghame in hac parte salutem Quia nos cum avisamento et consensu confisi et predilecti nostri consilarii Davidis Murray de Gospertie militis nostrorum computorum rotulatoris pro bono fideli et gratuito servitio nobis nostrisque preclarissimis progenitoribus per prefectum ballivos consules et incolas burgi nostri de Irweine temporibus retroactis prestito et impenso proque majore policie et edificiorum incremento faciendo infra dictum nostrum burgum proque nostro nostrorumque subditorum eidem frequentantium asiamento et hospicio necnon pro diversis aliis bonis causis et considerationibus nos moventibus ex nostra certa scientia proprioque motu de novo creavimus et ereximus totum et integrum predictum burgum de Irweine omnesque et singulas terras tenementa domos edificia hortos communitates pertinentiaque eidem spectantia in liberum burgum regalem Ac etiam dedimus concessimus et disposuimus prefecto ballivis consulibus dictique burgi de Irwin communitati suorumque successoribus in perpetuum totum et integrum predictum burgum de Irweine unacum omnibus et singulis terris aliisque subscriptis eidem spectantibus et pertinentibus videlicet omnes et singulas terras et tenementa infra dictum burgum jacentia totas et integras terras nuncupatas lie burrowlandis [alias Montaber Gallowmure] Knodgerhill Newmure hiemyre Guldelandis Weirisholme Inner et Utter Bogfauldis unacum integris pascuis lie wardis pratis acris communitatibusque infra dicti burgi territorium aliisque quibuscunque per ipsos possessis et de ipsis immediate perprius tentis unacum [omnibus aliis et singulis] terris tenementis annuis redditibus molendinis multuris piscationibus viis semitis aliisque quibuscunque dicto burgo ejusve libertati pertinentibus per ipsos eorumve predicesores possessis et gavisis cum omnibus portubus littoribus

lie harbries et bulwarkis [eidem pertinentibus] cumque omnibus custumis anchoragiis privilegiis et libertatibus iisdem spectantibus solitis et consuetis similiter et adeo libere in omnibus respectibus quam alius quivis burgus regius infra regnum nostrum habet vel privilegia sua et libertates possidet idque infra omnes balliatus de Cunynghame bondas necnon lie Lairgis dicti nostri burgi de Irwene libertati perprius annexatas cum plenaria potestate dictis prefecto ballivis consulibus burgensibus dictique nostri burgi de Irweine communitati eorumque successores pistores brasiatores laniatores piscatores aliosque omnes artifices necessarios in [eodem] faciendi simul et habendi necnon in eodem emendi et vendendi vinum ceram pannum linium et lanium latum et densum pisces carnes omniaque alia mercimonia in quovis libero burgo nostro regali infra regnum nostrum emi vendique solita Ac etiam cum potestate ipsis in dicto nostro burgo tres liberos nundinarum dies annuatim tenendi et habendi Quarum primum super Augusti decimum tertium diem incipiendo ejusdemque mensis decimum quartum et decimum sextum dies continuando secundum dictarum nundinarum septimo Octobris die incipiendo et inde [ejusdem] mensis decimum diem continuando Ac tertium predictarum nundinarum incipiendo vicesimo tertio mensis Octobris die et inde vicesimo quarto et vicesimo quinto ejusdem mensis diebus continuando Necnon duas hepdomatim forales dies quorum unum die dictorum dierum foralium et nundinarum custumas solitas et consuetas levandi et percipiendi superque eadem ad ipsorum placitum disponendi Et similiter cum potestate prefectum ballivos thesaurarios decanos gilde clericos serjandos adjudicatores aliosque [omnes curie officarios] et membra pro ejusdem burgi nostri bono et gubernatione necessaria eligendi Burgales quoque curias toties quoties ipsis expediens videbitur initiandi affigendi affirmandi totiesque quoties opus fuerit tenendi et continuandi Acta leges et constitutiones predicti nostri burgi communi bono faciendi easdem

ponendi Ac etiam fecimus et constituimus prefectum et ballivos burgi nostri de Irving presentes et futuros nostros justiciarios et in hac parte vicecomites infra ejusdem libertatem Cum potestate ipsis justiciarias et vicecomitatus curias in eodem tenendi [transgressores et malefactores in iisdem] puniendi exquirendi capiendi et apprehendi apprehensosque ad inquisitionis cognitionem ponendi justiciamque erga ipsos prout secundum regni nostri leges rei vel innocentes inventi fuerint ministrari causandi inquisitionemque aut inquisitiones necessarias sum-

m[oniendi] pena comparere recipi juramenta prestare et admitti causandi Sectas vocandi absentes amerciandi exitus amerciamenta et dictarum curiarum exactas petendi et levandi et pro iisdem dummodo opus fuerit namandi et distringendi superque eadem nec

exactis ad ipsorum placitum disponendi ad commune dicti burgi nostri bonum Clericos serjandos adjudicadores aliosque omnes officarios membraque curie necessaria in dictis justiciarie et in hac parte vicecomitatus officiis pro justicie in iisdem administr

libertatibus

commoditatibus privilegiis immunitatibus proficuis custumis et immunitatibus quibuscunque cuilibet alio libero burgo regali infra regnum nostrum pertinentibus seu juste pertinere valentibus quomodolibet in futurum Prout in carta nostra desuper

dictis prefecto ballivis

consulibus dictique nostri burgi communitati eorumque successoribus vel suis certis actornatis latoribus presentium sasinam totius et integri predicti nostri burgi de Irvin cum omnibus et singulis terris tenementis dom[ibus]

communitatibus portubus littoribus lie bulwarkis viis semitis custumis anchoragiis privilegiis libertatibus immunitatibus proficuis commoditatibus lie outsettis partibus pendiculis dictique burgi nostri pertinentiis quibuscunque seu quarum prefecti

[burgi

nostri communitas] quovis tempore preterito in possessione fuerunt Secundum formam et tenorem predictae carte nostre quam de nobis inde habent justis haberi faciatis et sine dilatione Et hoc nullo modo omittatis Ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim

committimus potestatem Datum sub testimonio nostri magni sigilli apud Dalkeyth primo die mensis Maii anno Domini millesimo sexcentesimo primo et regni nostri tricesimo quarto Post cujusquidem precepti sasine prelectionem et publicationem prefati Gulielmus Stevinstoun

officii

tenoreque dicti sasine precepti personaliter existentes super solum terrarum aliarumque subscriptarum propriis suis manibus statum et sasinam hereditariam pariter et possessionem realem actualem et corporalem totius et integri predicti burgi de Irving cum omnibus et singulis terris aliisque subscriptis eidem spectantibus et pertinentibus videlicet omnium et singularum terrarum et tenementorum infra dictum burgum jacentium totarum et integrarum terrarum vulgo vocatarum lie burrowlandis alias Montaber, Gallowmure, Knodger [hill] Newmure Hiemyre Guldelandis Weirisholme Inner et Utter Bogfauldis unacum integris pascuis lie wardis pratis acris communitatibusque infra dicti burgi territorium aliisque quibuscunque per ipsos possessis et de ipsis

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immediate perprius tentis unacum aliis et singulis terris tenementis annuis redditibus

viis semitis aliisque quibuscunque dicto burgo ejusve libertati pertinentibus cum omnibus portubus littoribus lie harbries et bulwarkis Cumque omnibus customis anchoragiis privilegiis libertatibus immunitatibus proficuis commoditatibus lie outsettis do[mibus]

pendiculis dictique burgi pertinentiis quibuscunque seu quarum prefecti ballivi consules vel ejusdem burgi communitas quovis tempore preterito in possessione fuerunt vel de ipsis immediate tente fuerunt Prefatis Patricio Trane preposito et Thome Cuming

[Joanni Peblis] Niniano Barclay et Archebaldo George quibusdam consiliariorum dicti burgi pro seipsis et nomine dicti burgi et reliquorum communitatum ejusdem Per deliberationem illis personaliter presentibus et acceptantibus terre et lapidis fundi dicti burgi terrarumque

clope et hopper molendinorum ejusdem et unius denarii ut moris est Secundum tenorem dicti sasine precepti dederunt contulerunt et deliberarunt Super quibus omnibus et singulis premissis dicti prepositus ballivus et reliqui consilii suprascripti

burgi et communitatis ejusdem a nobis notariis publicis subscriptis sibi ipsis fieri petierunt hoc presens publicum instrumentum seu instrumenta Acta erant hec apud crucem foralem dicti burgi necnon super solum et fundum dictarum terrarum molendinorum aliarumque

singulatim et successive per se horas inter decimam ante meridiem et secundam post meridiem sub anno die mense et regno quibus supra Presentibus ibidem Thoma Boyd Alexandro Montgomerie Alexandro Cunynghame Hugone Quhyt Roberto Craig conburgensibus dicti burgi et Olivero Broun uno officiariorum ejusdem testibus ad premissa vocatis pariterque rogatis.

Et ego vero Laurentius Scott Glasguensis diocesis notarius publicus, etc.
Ante omnia veritas. L. Scott, N. P.

Et ego vero Hugo Garvene Scriba balliatus de Cunynghame clericus Glesguensis diocesis regia auctoritate notarius publicus, etc.

H. G. N. P.

In te salutis spem posui meæ.

ABSTRACT.

Instrument of Sasine, proceeding on the precept following on the foregoing charter, dated at Dalkeith 1st May 1601, by which Patrick Trane, provost of the Burgh of Irvine, Thomas Cuming, one of the bailies, John Peblis, Ninian Barclay, and Archibald George, councillors of the said burgh, for themselves and in name of the burgh and community thereof, receive from William Stevinstoun, bailie depute of Cuninghame, and Hugh Scot, co-burgesses of the said burgh, bailies of Cuninghame in that part, to whom the precept was directed, sasine of the foresaid Burgh of Irvine, with the Burrowlandis, etc., all as contained in the preceding charter. Done at the Market-cross of the said burgh, and on the various lands and others specified, in presence of Thomas Boyd, Alexander Montgomerie, and other burgesses, 1st September 1601.

56. *Summons at the instance of the Magistrates of Irvine, against the Owners of Lands, etc., in the Burgh, to produce and exhibit their Charters.—24th December 1602.*

JAMES be the grace of God King of Scottis to our lovittis
oure Shireffis in that pairt conjunctlie and severalie speciallie constitute
greeting ffor samekill as it is humelie menit and schawin to us be our lovitis
Archibald George provest Alexander Dunlop and William Patoun baillies
for thameselfis and in name and behalf of the counsale and communitie of
our Burgh of Irving That quhair thai have guid and undoubtit richt to
our said burgh with all landis tenementis houssis biggingis yairdis pairtis
pendicles and pertinentis of the samyn as the infestmentis seasingis richtis
and tittillis maid to thame and thair prediceessoris thairupoun at mair
lenth proportis And trew it is that the personis efter nominat bruikis joissis
and possessis all and sindrie the landis tenementis and utheris particularlie
underwritin lyand within the friedome and libertie of our said burgh ilk
ane of thame for thair awin pairtis as is efter devydit To witt

And thairfoir necessar it is to the saidis complaineris to know be quhat
richt or tittill the foirnemit personis bruikis and joissis the landis tenementis
and utheris abone writtin and intromet with the proffittis and dewteis

thairoff Nevertheless the foirnemit personis wrangouslie reffussis postponis and differris to exhibite and produce befor the lordis of our Counsale all and sindrie Infeftmentis charteris preceptis instrumentis of seasing confirmatiounis and utheris securities quhatsumevir maid to thame or thair predicessoris or authouris of the Landis and utheris abone writtin to the effect that the saidis complineris may knaw the contentis thairof viz. be quhome and to quhome the samyn ar maid and grantit how the samyn ar hauldin and quhat yeirle dewtie provisiounis and claussis irritant ar thairin contenit and thairupoun may intent actioun of reducioun or improbatioun of the samyn as accordis of the law without thai be compellit Oure will is heirfor and wee charge you that ye lawfullie summond warne and charge the fornemit personis personallie or at thair duelling places and the tutouris and curatouris of the saidis minoris gif thai ony have for thair enteress be open proclamatioun at the Mercat Croce of our burgh of and utheris places neidfull to compeir befor us and our Counsale at Edinburgh or quhair it sall hapine us to be for the tyme the day of in the hour of caus with continuatioun of dayis bringand and exhibitand with thame befor the saidis lordis of our Counsale all and sindrie infeftmentis charteris preceptis instrumentis of seasing confirmatiounis and utheris richtis and securities quhatsumevir maid to thame or ony of thame thair predicessoris or authouris of the foirsaidis landis tenementis and utheris particularlie abone writtin with the pertinentis or ony pairt thairof quharby thai bruik and joise the samyn and intromet with the proffittis and dewteis thairof of quhatsumevir dait or daittis tennour or contentis the samyn be To be sene and considderit be the saidis lordis of our Counsale and to heir and sie the autentik copeis and doubillis thairof under our clerk of registeris hand writt decernit to be delyverit to the saidis complineris upoun thair ressonabill expenssis To the effect that thai may knaw the contentis thairof and thairupoun intent and persew actioun of reducioun annulling or improbatioun of the samyn as accordis of the law or ellis allege ane ressonabill caus quhy the samyn sould not be done with certificatioun to thame as effeiris—According to justice as ye will answer to us thairupoun The quhilk to do we committ to you conjunctlie and severalie our full power be thir our lettres delyvering thame be you dewlie execute and indorsate agane to the berar Gevin under our signet at Edinburgh the xxiiij day of December and of our regne the xxxvj yeir 1602.

Ex deliberatione Dominorum Consilij.

A. KYNNEIR.

57. *Act by the Committee of Estates anent the Repayment by the Burghs of 150,000 Guilders, borrowed from the Factors at Campvere.*
—20th January 1641.

AT Edinburgh the twentieth day of Januar j^m vj^c and fourtie ane yeiris The Lordis and utheris of the committie of the Estaittes of Parliament understanding that the Commissionaris of the Burrowes at thair desire had undertaken the advancement of ane hundreth and fiftie thousand gilderis debursit be James Weir Thomas Cunynghame and James Elleis factoris at Campheir at the desire of the Estaittes of this Kingdom conform to the declaration given in be the saids Burrowes in November last and ane act of the saidis Burrowes of the dait the eightene of this instant quhairby they obleist thair burghis for payment of the foresaid soume to the saidis factoris betwixt and the threttene day of May nixt Thairfoir the saidis Lordis and utheris of the saidis Committie of Estaittes ordanes all persones of quhatsoever qualitie residing within the shireffdome quhair any of the saidis burghis ar situate quhen they shalbe requyrit be any of the saidis Burrowis quho shall advance thair proportionall pairt of the said soume to subscribe such bandis or securities for thair releiff as shalbe presentit to them And the refuseris to be censured and punished according to the former Act of the said Committie of Estaites of the daitt the twentieth sext day of November last. Lykas also the saidis Lordis and utheris of the said Committie of Estaites of this Kingdome for thair farder securitie bindis and obleissis the Estaites of this Kingdome to repay to the saidis Burrowes the said soume compting for ilk hundreth gilderis the soume of ane hundreth and eight pundis Scottis and that betwixt and the said threttene day of May nixt And sua lang as the samyn sall remane unpayit efter the said day Lykas also it is heirby declarit that the saidis Borrowes shall have libertie of retentioun in thair awine handis of quhatsoever farder taxatioun or impositioun shalbe imposit upoun them efter this dait At leist sua meikle thairof as will satisfie and releive them of the annual-rent of the proportioun of the said soume undertakin be thame as said is And siclyke the saidis Burrowes shall have all the uther immunities contained in the said former act and declaratioun inssert in the buikis of the said Committie of Estaites upoun the said twentieth sext day of November last by past And last the said Committie of Estaittes does heirby bind and obleis

the Estaittes of this Kingdome to warrand and releive all and everie persone that shall bind and give securitie to the saidis Burrowes or ony particular persone within burgh for the caus forsaid off all danger perrill inconvenient or prejudice quhatsoever quhilk they or thair ares or executoris may sustaine or incure thairthrow in ony tyme heireftir Sic subscribitur Montrois Cassillis Lindesay Burghly S. D. Home Craighall S. J. Hamiltoun S. P. Murray Thomas Hope [Mr. T. Nicolsoun?] Edward Edgar James Scott.

Extractum de libris actorum prædictorum Dominorum Commission-
ariorum Parliamenti Per me

RO. HEPBURNE.

58. *Ratification by Parliament of the Rights of the Burgh of
Irvine.*—17th November 1641.

IN the Parliament haldin at Edinburgh the sevintene day of November the yeir of God j^m vj^e fourtie ane yeires. Our Soveraine Lord and Estates of Parliament ratifies and approves the foure Chairtoris and Infestmentis and utheris respective efterspecifeit videlicet ane chairtor grantit be King Robert the Secund to and in favouris of the burghe of Irving and burgessis theirowf giveand libertie to them allennerlie to use their merchandice and injoy the samin frielie within the haill boundis borderis and mairches of the haill baronies of Cunynghame and Largis annexit to the liberties of the said burghe and dischairging any utheris to disquyet thame theirintill With power also to them and their successouris to hold and posses the said burghe in ane frie burghe with all priviledgis and liberties als frielie and honorabillie as any uther burghe within the kingdome With the libertie of gild and to make gildbrether in maner conteinet in the said chairtor quhilk is of the dait the aucht day of Apryle in the second yeir of his Majesties regne and confirmed be King Robert the thrid upon the second day of Januar in the first yeir of his regne And ane uther chairtor of confirmatioun grantit be umquhile King James the fourt to the said burghe of Irvin baillies and commountie theirowf Ratifieing and approveing the haill priviledgis liberties and immunities quhatsoever grantit of befor to the said burghe conteining ane priviledg of Replegiatioun grantit to the said burghe ffor Replaidging and Reduceing of quhatsoever burges or burgessis indweller or indwelleris within the samin burghe that

sall happin to be attatchit or areistit to quhatsoever court or courtis befoire quhatsoever judg or judgis to the libertie of the said burghe of Irving and that they within the samin burghe sall underly the law be ane assyse of the nichtbouris of the samin Quhilk chairtor is daitit the aucht day of August j^m v^e and ellevin yeiris With the haill actis of Replegiatioun grantit in favouris of the said burghe of Irving be vertew of the chairtor foirsaid Ane uther chairtor under the great seill grantit be umquhile King James the sext with advyse and consent of his hienes Regent for the tyme to the said burghe of Irving and their successoris off all and quhatsoever landis houssis tenementis bigingis kirkis chaplenries yeardis orcheardis annuellrentis and utheris quhatsoever quhilkis pertinet to quhatsoever chaplenries altarages prebendaries chapellis or colledgis within the said libertie of the said burghe of Irving And sex bollis of moulter or suckin quhilkis pertinet to the Carmeline freires of the said burghe and wer upliftit be them furthe of the landis of Ormisheuche Reddinghill and Hoalhous lyand within the bailliarie of Cunynghame and all uther annuellrentis quhatsoever perteining of befoire to the saidis freires within the said burghe and libertie theirow daitit the aucht day of Junij j^m v^e thriescoire twelff yeires And ane uther Chairtor of Confirmation under the great seill grantit be the said umquhile King James the sext ratifieand and approveand all and quhatsoever Infestmentis and Chairtoris grantit be his Majestie and his hienes predicessouris anent the erectioun and creatioun of the burghe of Irvine in ane frie burghe royall with all liberties immunities priviledgis and commodities quhatsoever conteinet thairintill Quhilk chairtour conteines ane claus de novodamus in favouris of the said burghe of Irving and thair successouris off all and haill the burghe of Irving with the landis and tenementis lyand within the samin The landis callit the burrow landis alias Montaber Gallowmure Knodzerhill Newmure Hiemyre Auldelandis Weirisholme Inner and Utter Boigfauldis with the haill pasturage or wairdis meidowis aikeris and commountie within the said burghe With all and sindrie utheris landis annuellrentis mylnes moulteris fischingis and utheris quhatsoever perteining to the said burghe with all seaportis or harbories and bulwarkis perteining thairto With all casualities anchoragis priviledgis and liberties belonging to the samin With power also to the provest and baillies of the said burghe and their successoris to keip and hold Justice and Shereff Courtis within the liberties of the said burghe to punische malifactoris conforme to the lawis of this realme and to

dispone upon thair escheitis to the use of the said burghes With the priviledg of yeirlie faires and weeklie mercatis in maner specifeit in the said chairtor quhilk is of the dait the first day of May j^m vj^c and ane yeiris with all that hes followit or may follow upon the saidis foure chairtouris To be haldin in maner specifeit in the saidis ffoure chairtoris and Infestmentis in all and sundrie the heidis poyntis articles claussis circumstances and conditiones conteinet in the saidis foure chairtoris and efter the formes and tennoris theirow in all poyntis And our said soveraine Lord and Estates of Parliament decernes and ordaines that this present Ratificatioun theirow is and sall be als valied and of als great force strenth and effect to the said burghes of Irving and their successoris as if the saidis foure Chairtoris and Infestmentis wer at lenthe insert de verbo ad verbum heirintill Quheiranent and with all uther defectis imperfectiounes and objectiounes quhatsomever quhilkes may be proponit or objectit againes the saidis foure Chairtoris and Infestmentis or any of them our said Soveraine Lord and Estates of this present parliament dispensis forever Extractum de libris parliamenti per me Dominum Alexandrum Gibsone Juniores de Durie militem clericum rotulorum Registrj ac consilij supremj domini nostri regis sub meis signo et subscriptione manualibus.

ALEX. GIBSONE, *Cls. Regrj.*

59. *Letter from the Marquis of Argyll to the Magistrates of Irvine requiring 1000 lbs. of Powder; and Receipt therefor by Archibald Campbell of Kilmun.— 6th and 22d December 1643.*

TRAIST FREIND,

You ar desyred by the publick for whom you keep some ammunitioun ther to delyver to Archibald Campbell of Kilmund the bearer hearof one thousand weight of poulder for the use of my men that are going out in the expedition against Allaster M'Donald and his complices. This I entreat you faill not to doe with all diligence as you would oblidge me to continowe

Your loving freind to power,

ARGYLL.

Edinburgh, the 6 December 1643.

Receaveit be me Archibald Campbell of Kilmowne tene barrallis of powder weeing in haill (ane thousand saxtie twa punds) from the


magistrats of the brughe of Irveine conforme to letter above wryttin and according to ane ordour sent heirwith of the deat the twentie nynt of November fourtie thrie under the hand of the clark of the secreit counsell and this I testifie to be of treuth by this my not wryttine and subscriyvit with my awne hand at Irveine the twentie twa of December ane thousand sax hundereth fourtie thrie.

AR^d. C. of Kilmound.

60. *Order by Committee of Estates to the Provost and Bailies of Ayr and Irvine to supply Powder to the Forces under Argyll.*
—30th July 1644. (Signed by the Lord Chancellor.¹)

30 July 1644.

THE Committie of Estates ordanis and commande the Provost and baillies of Air and Irvyn to deliver furthwith upon the sight heirof twa thousand weight of powlder out of the magasin thair to Johne Campbell to be caried for the use of those forces presentlie employed under the Marques of Argyle.



I. P. D. Com.

61. *Letter from the Marquis of Argyll to the Provost and Bailies of Irvine, requesting 2000 lbs. of Powder for the Public Service; and Receipt therefor by John Campbell.*—9th and 19th August 1644.

LOVEING FRENDIS: I have sent the bearer with this warrand frome the committie of Estatiss to receave that twa thousand weight of powder appointed for the use of thes forces employed under my command in the publict service and therfoire thes ar moist earnestlie desyreing you to caus delyver the samen to him to the effect it may be haisted to me with all expeditioun possible ffor I stand in neid of it And receave this other

¹ "Loudoun Cancellarius." Sir John Campbell was created Earl of Loudoun by Charles I. in 1633, and made Lord Chancellor in 1642.

Ho. my loving
 assured friend
 James Blair
 provost of
 Irvine

My friend
 In respect of the debt of a muniment
 for the expens of the same I intend, & because it can
 not be brought in before from the records.
 and it may be said I must make good to
 you the loss of the debt all expens of the
 bonds all the way to the bonds of the
 two barrels of goods I shall send to the
 satisfaction for it from the goods of the
 shall pay it my selfe against my own interest
 in the I shall remaine

Your assured friend
 James Blair
 27th Feb
 1646
 send by day matche
 proportionable W. Shapell

warrand for gaitting of the samen bak againe out of the publict magasyne
 So expecteing your care in the delyverie and spedie dispatche of the
 powder as ye respect the good of the publict service and wald obleidge me
 quho am your maist affectionate freind.

ARGYLL.

Ardnamurchane, 9 August 1644.

[*Addressed.*]

For my loveing freindis the proveistes and balleis of the
 burrowes of Air and Irvine.

Resaved be me Johne Campbell servitour to the Marquis of Argyll
 twentie barrelles of pouthier conteineing 2000 weght from the bealyies of
 the brughe of Irving conformed to the desyre of the above wrytine letter as
 wittnes my hand this day 19 August 1644.

JOHNE CAMPBELL.

62. *Letter from the Marquis of Argyll to the Provost of Irvine, requesting
 two barrelles of Powder.—27th February 1646.*

LOVING FREIND,

In respect of the want of ammunitioun for the Expeditioun I intend,
 and because it cannot bee brought in tyme from such places quher it may
 bee had I most mak bold to desyr you to send with all expeditioun (as yee
 would oblidge mee) to Henry Kelso baylly of Largs two barrels of powder
 and I shall stryv to see you satisfied for it from the publick otherwayes I
 shall pay it myselfe Expecting your diligence in this I shall remane

Your assured freind,

ARGYLL.

Largs 27th of February 1646.

Send lykday matche proportionabl.

[*Addressed.*]

For my loving and assured freind James Blair,
 provest of Irvine.

63. *Acts by the Committee of Accounts and Moneys, for the payment of Sir John Smyth of Grottall the sums due to him for supplying Victuals and Arms to the Troops.—1650-1651. [Copies.]*

Att Perth the fyft day of Februar j^m vj^c ffyftie ane yeirs.

THE Committie of accomptis and moneyis haveing sein and considderit ane Act and precept of the committie for the provisiōe of the armie daitit the tent day of August last ordaining Johne Denholme Commissarie for the armie for the time to give assignment upon the maintenance of the Schyrs and Burghes specifeit in the said Act, viz. The Schyres of Lanark Aire and Ranfrew and Burghes thairoff To and in favouris of Sir Johne Smyth of Grottall Knight now general Commissar for payment to the said Sir Johne of twelff thousand pund Scotis as for the price of 1200 bolles of oats and oat maill for the use of the armie at ten pund the boll And further ordaineing the said Johne Denholme to give assignment to the said Sir Johne Smyth upon the said maintenance for payment to the said Sir Johne of the prices of sevin hundreth ffourscoire threttine stand of armes furneist be the said Sir Johne to the armie The price of which armes is be the said Act declaired to be 20 merks for ilk stand of armes as the said Act proportis And in respect that the said Sir Johne Smyth as yet lyes furth of the payment of the forsaid prices of the said victuall and armes in respect the said former act and precept grantit to him for payment thairoff is become ineffectuall be reasone of the troubles of the Kingdome And it being just and reasonable that the said Sir Johne be thankfullie satisfiet of the samyne as being furneist be him in a tyme so necessarie and seaseoneable for the publict use Thairfore the said Committie of accomptis and moneyis undersubscryveand ordanis the said Sir Johne Smyth to be payit of the said twelff thousand punds Scotis as the price of the saids 1200 bollis oats at ten pund the boll and of the saids sevin hundreth ffourscoire threttine stand of armes at 20 merks the stand conforme to his said former precept and allowes and grants warrand to the said Sir Johne Smyth to pay himself of the saids soumes out of the first end of the maintenance of the Kingdome for August and September last not already assigned be precepts and failzieing thairoff out of any other publict dewis and ordains the saidis haill soumes to beare annual rent till the some be payit.

Sic subscribitur.

F. BELSCHES
JA : SWORD
GEORGE GARDIN
S^r J. WAUCHOP
W. SCOTT
RO : HEPBURNE

ARD. BLAIR
A. HEPBURNE
JA : MURRAY
J. WIGGLY
J. COUPER
J. BOWER.

This is the trew copie of the originall Actes which were in my custodie to be made furthcomeing to the Magistrates of Irevine upon demand. Subscryveit att Edinburgh the fyft day of February j^m vj^e threescore one yearis befor thir witnessis Hugh Makculloch wryter in Edinburgh and James Simsone servitour to Sir John Smyth.

S. J. SMYTH.

Hugh Makculloch, *witnes*.

James Symsonsone, *witnes*.

fforsameikill as Sir Johne Smyth of Grottall Knicht hes furnished for the use of the armie at Leith certane great quantities of meill and oatts amounting to twelff thousand pundis Scotis As also their is dew to him neir sexteine thousand merks for certane other furneischung to the armie as by ane warrand sall appeir quhilk is directit to me by the Rycht Honourable the Committie of Provisiones ordering me to give the said Sir Johne precept upon some Schyres for payment of the same, in obedience to the quhilkis ordour thaise are to desyre you eftir sicht heiroff to caus pay to the said Sir Johne or his ordour the maintenance dew by your Schyre both for burghe and landwart and that for the twa monethes of August instant and September nixt to cum Quhilk twa monethes are only appoynted by the Parliament for paying of the provisiones of the armie receaved then at Leith tak receipt for what ye sall pay for quhilk with this salbe your sufficient warrand. Edinburgh 15th August 1650.

Sic subscribitur.

JO : DENHAME.

ffor the Rycht Honourable the Lords and others

of the Committie of Warr of the Schyre of Aire, thais.

This is the just and treu copie of the originall precept above writtine which are in my custodie to be made furthcomeing to the Magistrates of Irvine upon demand. Subscryveit at Edinburgh the fyft day of February

j^m vj^e threescore one yearis befor thir witnessis Hugh Makculloch wryter in Edinburgh and James Simsone servitor to Sir John Smyth. J. SMYTH.

Hugh Makculloch, *witnes*.

James Symson, *witnes*.

Nota.—The Provost is to returne ane Act of their Towne Counsell subscryveit be their Clerk declareing that notwithstanding of his discharge yit the towne hes payed no more bot tuo hundreth pound with a proviso in ther Act that the said Act sall militat nothing to the prejudice of the towne in any tyme heirefter.

64. *An Ordinance for Distribution of the Elections in Scotland.*—
27th June 1654.¹

FOR the Broughs of Lannerike, Glasquo, Rutherglen, Rothsay, Renfrew, Aire, Irvinn, and Dunbarton, one, and the place of meeting for the Election of such person shall be at Glasquo.

65. *Summons against the Burghs of Ayr and Irvine for Arrears of Maintenance Money, due for August and September 1650.*—
31st March 1659.

RICHARD Lord Protector of the Commonwealth of England Scotland and Ireland and dominions therto belonging To our messingeris and shereffes in that pairt conjunctlie and severallie constitut greiteing fforsameikle as it is humbly meanit and schawen to us be Sir Johne Smythe of Grottall Knycht That whair the Committie for provisiōe of the late Scottish armie by ther warrand direct to Johne Dennhome ther general Commissar of the Scottes armie haveing ordained the said Johne Dennholm to give precept to the said complinere ffor answeiring and paying to him the soume of twelve thousand pounds Scottes money for certain quantities of meall and oattes and also for sextein thousand merkes money foirsaid for certaine other furnishing furnished be him to the said armie as the said warrand daited the tenth day of Agust j^m vj^e fiftie yeirs at mair length beirs In obedience to the which warrand the said Johne Dennhome did give and grant to the said complinere ane precept drawn upon the Committie of Warr of the Schire of Air both for brughe and landwart for

¹ *Acts of the Parliament*, vol. vi. 2, p. 823.

answereing and payeing the said persewer conforme to the order the mantinance dew be the said Schyre both for brughe and landwart and that for the twa monethes of Agust and September j^m vj^c fiftie yeirs as the said precept of the daitt the fifteinth day of Agust j^m vj^c fiftie yeirs at mair length propors. Neverthelesse the proveist baillzies counsall and communitie of the brughes of Air and Irving and others lyabell in peyment of the saids twa monethes mantinance of Agust and September the said yeir j^m vj^c fiftie yeirs dew and addebted foorth of the saids twa Borrowes of Air and Irrving will on nawayes answer obey and make peyment to the complinere his factors servitors and uthers in his name of the saids twa monethes mantienance extending to the particular quantities under writtin aither of the saids brughes for ther owne pairts as is efter divydit, viz.— [The said brughe of Air of the soume of ane hundreth fiftie twa pounds Scottes money monethlie for the saids two monethes]¹ and the said brughe of Irving of the soume of ane hundreth and four scoir pounds monethlie of the saids twa monethes conforme to the said warrand and act of the Committie of Provisioun and precept above-written in all poynts without they be compellit as is alledgit. Our Will is heirfore and we chaarge you that ye lawfullie summond warne and chaarge the saids proveist bailzies and counsall of the saids twa borrowes [of Air and] Irrving personallie or at ther dwelling places and the communities of the saids twa brughes be oppen proclamatioun at the mercate croces of Air and Irrving upon twentie ane dayes warning to compeir before our Commissioners for administratione of justice to the people in Scotland att Edinburgh or quher it shall happen them to be for the tyme the day of in the hour of caus with continuatione of dayes to answer at the instance of the said compliner. That is to say To hear and see the premisses to be sufficientlie proven to be of veritie. And the samyen being swa verified and proven the saids persones defendars to hear and see themselves decerned be decret of our saids Commissioners to make peyment to the saids compliners his factors servitors and uthers in his name of the saids twa monethes mantinance extending to the particular quantities under writtine aither of the saids brughes for ther awn pairts as is efter divydit, viz. [The said brughe of Air of the soume of twa hundreth fiftie twa poundis Scottes money monethlie the saids twa monethes] and the said brughe of Irving of

¹ The sentences within brackets are scored out in Original.

the soume of ane hundreth and ffour scoir pounds monethlie the saids twa monethes conforme to the said warrand and act of the Committie of Provisioun and precept above writtin in all poynts Or els to compeir and alledge a reasonable cause why the samyen should not be done With certificatioun to them giff they failzie our saids Commissioners will desern in maner foirsaid And give the saids defenders shall failzie to compeir the foirsaid dyett that then your messengers of armes passe of new and lawfullie summond warne and chairge the saids proveist baillyies and counsall of the saids brughes of Air and Irrving personallie and the communities of the saids twa brughes be oppen proclamatioun at the mercatte croces foirsaid upon sex dayes warning to compeir personallie before our saids Commissioners att Edinburgh or quher it shall happen them to be for the tyme the day of in the hour of caus with continuatioun of dayes to hear and see all necessar probatioun received led and used in the premisses give neid beis and to give and depone ther oathes of verity upon the poynts of the saids summons sua farr as shall not be proven be wryt With certificatioun to them giff they failzie they shall be halden as confest upon the premiss And decreit given against them in the said matter according to justice Attour that ye lawfullie summond warne and chairge to compeir before our saids Commissioners the saids day and place in the hour of caus with continuatioun of dayes to beir leel and suithfast wittnessing in sua farr as they know or shall be speired off them in the said matter under all highest paynes and charge that efter may follow as ye will answer to us thairupone The quhilk to doe we committ to you conjunctlie and severallie our full power be thir our letters delyvering them be you dewlie execut and indorsat again to the bearer Givin under our Signett att Edinburgh the last day of March 1659.

By warrand of the Commissioners for administratioun of Justice
to the people in Scotland. JOHN MUIRE.

Secundo Aprilis 1659.

[*Note on Back.*]

In regard ther wer severall necessaries furnisht be the said burgh of Air to the army these tuo monethes.

66. *Order by the Lords of Privy Council to the Magistrates of Irvine, to liberate John Reid under caution.—29th September 1670.*

ATt Edinburgh the twenty nynt day of September j^m vj^e and seventie yearis: Anent a petition presented be the magistratis counceill and communitie of the burgh of Irving shewing that John Reid one of the burgesses of the said burgh being apprehended and imprisoned within the burgh of Irving for his alledged accession to the slaughter of the deceast Alexander Kennedy servitour to Sir Alexander Cunyngham of Robertland be vertue of a warrand from some of the counceill And seing the supplicants are ready to make it appear that the said Alexander Kennedy was the only occasion of the woundis quhich he receaved and of which it is alledged he dyed And that the supplicants are ready to exhibit the said John Reid to justice when ever he shall be called Humbly therefore supplicating that order and warrand might be granted to the effect under wrytten The Lordis of his Majestie's privie counceill haveing heard and considered the forsaid petition doe hereby give order and warrand to the magistratis of Irving to set the said John Reid to liberty upon sight hereof in regard they have found caution under the payne of one thousand merks to produce the person of the said John Reid to underly the law for the said alledged cryme when ever he shall be cited. Extracted by me.

AL. GIBSONE.

67. *Order by the Privy Council regarding the process for the Slaughter of Alexander Kennedy.—12th January 1671.*

Edinburgh the tuelt day of January 1671.

THE Lords of his Majesties Privy Counceill haveing considered ane accompt of depositions of the witnesses cited for the part of the burgh of Irving anent the slaughter of the deceast Alexander Kennedy together with a bill given in be Sir Alexander Cunyngham of Robertland master to the defunct desyring the said matter might be remitted to the Justices as only propper judges thairto, at least that warrand might be granted for citeing such witnesses as he should condescend upon to clear the maner of the said slaughter be way of presumption before any farder procedour The

saidis Lordis doe hereby grant warrand for directing of letters at the instance of the said Sir Alexander for citing of such witnesses as he will adduce for proveing of the said slaughter And lykwayes allowes the magistratis of Irving letteris for citeing any moe witnesses they will make use of either in relation to the forsaid slaughter or upon what occasion the said Sir Alexander came to the toune of Irving and what his cariage was thairin Lykas the Councill notwithstanding of any former remitt to the Justices declares they will take cognition of the matter themselves and discharges the justices to proceed thairin. Ext.

68. *Act of the Lords of Privy Council acquitting the Magistrates of Irvine of the Slaughter of Alexander Kennedy, servitor of Sir Alexander Cuninghame of Robertland.—9th February 1671.*

ATT Edinburgh the nynt day of ffebruarij j^m vj^e and seventie one yeares anent our Sovereigne Lords letters raised at the instance of the magistrates councill and communitie of the burgh of Irving makeand mention That whereupon the twelt of September instant Sir Alexander Cunynghame of Robertland with some of his servants having come into the said burgh and amongst them Alexander Kennedy servitor to the said Alexander Cunynghame of Robertland weell mounted with swords and hulster pistollis and plate-sleives The said Alexander Kennedie in his passage throw the street of the said burgh did invade some Irish merchants who stood upon the street pretending they were laughing at him and drew out a pistoll threatning to shoot them whereupon the saids strangers fled to ane shope he following them on horsback to the shope doore Thereafter the said Alexander having ridden downe the street and having lighted from his horse and comeing up in great furie and the said provest being then upon the street and understanding that he intended to attack the saids strangers he called to him desyreing him to preserve and keep the peace in a civill burgh and iff any wrong was done desired him to complaine and he should have redress Whereupon he disdainfullie answered that he scorned to complaine bot he should make these persones the first compleaners So that such of the compleaners as were present did command the towne officer to secure him untill he should secure the peace Lykeas the said officer having offered to secure him he the said Alexander Kennedie drew furth his sword and perseued the said provest compleaner the officer having withdrawne

to gett his halbart which he wanted for the tyme Whereupon the cry rose that the provest was persued for his lyfe Severall of the tounsmen and others present seing the same rune to long polles which were lying one the street and did rune in to the defence of the magistrat and the said Alexander Kennedie persueing the provest and the saids persones, stricking at all quarters round about him with his naked sword he received severall strocks both frome the officer after he was returned with his halbart and from the people with the saids polles upon the head and shoulders untill in the end he fell Whereupon the magistratis ffinding some others of Sir Alexander his servants come in for his rescue shooting pistollis amongst the saids persones who were defending the magistrats whereof one snaped a pistoll at the provests head Bot by providence the pistoll did not fyre and which persone was pulled from his horse and the pistoll taken from him found loden And the rest reteiring the magistrats commanded the people to reteire and did carefullie attend the said wounded person untill within ten dayes he dyed. And anent the charge given to David Kennedie of Knoknarling neirest of kin to the said deceast Alexander Kennedie and the said Sir Alexander Cunynghame his master to have compeired personally and to have heard and sein precognition and previous tryeall of the way and maner of the forsaid slaughter and the Justices discharged to proceid to the tryall of the said matter as the saids letters executiones and indorsationes thereof at length proports Whilk being called and James Blair present provest of Irving for himself and in name and behalf of the said burgh compeirand personallie and the said Sir Alexander Cunynghame compeirand also personally The Lords of his Majesties privy councill having at length heard and considered the depositiones of divers famous witneses ledd and adduced for both parties anent the slaughter of the said deceast Alexander Kennedie and the way and maner thereof Doe ffind that the magistrates of the said burgh of Irving are innocent of that slaughter and that the same could not be imputed to them and therefor doe discharge the Lords Commissioners of Justiciary to susteane any criminall persute against the saids Magistrates upon the accompt of the said slaughter Lykeas upon divers important considerationes the saids Lords doe think fitt to take to themselves the consideration and tryeall of John Reid burgess of the said burgh of Irving his accession to the said slaughter and what censure and punishment should be inflicted upon him and discharges the Lords Commissioners of Justiciarie to sustein any criminall

proces against him befor them upon that accompt And recomends to the Lord Advocat to raise a lybell against the said John Reid befor the counsell to the effect forsaid. Extracted by me THOMAS HAY.

Air, May 8, 1671.

The abone writtine Act of Counsell being produced in ane Justice Court holdine be Alexander Lord Halcartoune and Sir John Baird of Newbyth tuo of the Comissioners off Justiciarie and being publictly read in face off Court wes allowit and admitted be them In testimonie quhairoff thir presents ar subscriyvit be me Master Thomas Gordon clerk to the west and south Circuit Courts. THO : GORDONE.

69. *Letter of Gift by King James VII. to the Burgh of Irvine, of an Impost upon Ale, Malt, and Wine.—18th October 1688.*

[Translation.]

Ane Coppie of the Letter of Gift in favouris of the Burgh of Irving of the Impositione upon Ale Bear and Wyne translated from the Latine into English.

JAMES be the grace of God King of Great Brittain ffraunce and Ireland defendar of the faith To all good men to whom thir present Lettres shall come Greiting fforsuameikle wee considdering That our burgh of Irving is one of the Royall burghs of this our ancient Kingdome of Scotland And that the Magistrats and Inhabitants of the said burgh were alwayes firme to our Royall service and interest and wee understanding that the yearlie revenues of the communitie of the said burgh is no wayes sufficient to defray the debts and other incident charges of the said burgh and that the samen burgh is redacted to great povertie by the decay and ruine of the Bridge and Key therof and is rendered altogether unable to pay the debts therof already contracted so that it is neither able to help the merchants and tradsmen living within the said burgh nor to keep up the Church and calseys and pay other incident charges therof And Wee being also very desyreous to assist the Magistrats of the said burgh every maner of way whereby they may promote the publick good and advantage of the inhabitants thereof and may be the better able to serve us in tyme to come Therefore witt yee us To have given granted and

disponed and be thir presents ffor the reasons forsaid and diverse other causses and considerationes Give grant and dispoñe to the Proveist Baillies and Counsell of the said Burgh of Irving in name of the Communitie thereof ane Imposition of four pennies money of this our Kingdome of Scotland upon every pynt of ale or beir browen imported or sold within the said burgh With power to the saids Magistrats either to exact the forsaid imposition upon ale or beir as is above mentioned, or the pryce of tuo merks money forsaid upon every boll of malt browen within the said burgh and Liberties therof And ffurther Wee Give grant and dispoñe to the proveist baillies and Counsell of the said Burgh of Irving present and to come in name of the Communitie thereof ane Imposition of ffourtie pounds money forsaid upon every Tunn of French wyne And the lyke soume of ffourtie pounds money forsaid upon every butt of Spanish wyne imported and sold within the said burgh and Liberties of the same Which Impositiones upon ales and other liquors forsaid Wee hereby declair shall be without prejudice of the ordinary excise and custumes granted to us by Act of Parliament And Lykewayes Wee will and declair that the forsaid Impositions shall continow and take effect ffor the space of nyntein years nixt and immediatlie following the feast and terme of Witsunday in this instant year of God j^m vj^e ffourscore eight years ffrom which tyme Wee ordaine the samen to beginn And be thir presents Wee grant full power to the Proveist Baillies and Counsell of the said burgh present and to come to nominat Collectors of the forsaid Impositions or to ferme the samen as they shall see fitt And if neid beis to poynd and distrenzie for the samen, and to doe all other things for the effectual ingathering thereof sicklyke and als freele in all respects as any other royall burgh does or by the law by gifts and letters of the like nature granted by us or our illustrious brother of ever blessed memorie may doe In testimonie whereof Wee have appointed our Great Seal to be appendit hereunto att our Court att Whytehall the eighteenth day of October in the year of God j^m vj^e ffourscore eight and ffourth year of our Reigne.

Superscribed by Signature of the hand of our So/ Lo/ the King.

[*Backed thus.*]

Written to the Great Seal and registrat the sixth day of November 1688.

(*Subscreyveit thus.*)

PAT: MURRAY, Dp^t

Sealled att Edinburgh the sixt day of November 1688.

(*Subscreyveit thus.*)

J. HAY.

70. *Extract Act of Parliament in favour of the Burgh of Irvine on their Petition against the Impost on Ale and Wine, etc.—20th May 1690. [Copy.]*

ATT Edinburgh the tuentieth day of May j^m vj^c and nyntie years: Anent the Petition presented to his Majesties High Commissioner and the Estates of Parliament by the provost baillies counsell and community of the brugh of Irving, mentioning that quhair in the years j^m vj^c and eightie-sevin and j^m vj^c and eightie-eight the provost baillies dean of gild thesaurer and toun counsell of the said burgh were illegallie imposed upon the petitioners by ane arbitrary power, and they were scarce in the Magistracy when they began to contract debts liberally And particularlie three thousand merks from John Craig merchant in Glasgow, and tuo thousand merks from John Bryce merchant citizen of Dubline, ffor quhich they gave Bands bearing annual rents and penalties obleidgeing them and their successors in office; and with the said ffyve thousand merks (as wes pretendit) they purchased a gift of a plack upon the pynt of all Ale and Bear browne vended and sold within the said burgh containing also ane imposition upon other liquors therein mentioned Wherefore the said illegall and unwarrantable gift and imposition ought to be declaired void and null ffor the reasones following, viz. *Primo*, Becaus the said gift wes illegallie and unwarrantable imposed upon the said burgh against the freedome of the subject and Clame of Right. *Secundo*, The said gift wes procured after the report of the Prince of Orange now King his comeing to Britain wes publick, and his declaration declairing these impositions and the imposeing Magistrats upon burroughs to be breaches of their priviledge and contrair to law. *Tertio*, The Magistrats and others granters of thir Bands were not the representatives of the burgh nor elected by the common counsell or burgesses thereof, But were commissioneate by the late King James, and so their Deeds and Bands can only obleidge themselves and their constituents, but not the burgh who had no interest in their election and admission to be magistrats and counsellors, and especially in this case where they acted *in re illicita* in borrowing money for procureing a gift or laying on ane imposition upon the inhabitants without their oun consent or ane Act of Parliament. *Quarto*, The Magistrats granters of the Bands above written, after the money wes borrowed, and before the money wes applyed, by their Act dated the tuentie-third day of October j^m vj^c and

eightie-eight years ordained the money to be brought from Edinburgh by Robert Wallace baillie and Alexander Broun Dean of Gild, and to have payed the said John Craig his three thousand merks and annualrents, and applyed the remander ffor paying the burgh's most pressing debts att sight of the Toun Counsell, So that they were *in mala fide* to apply the money to any other use, much more to have applyed the samen ffor procureing the said gift, after all such gifts were looked upon as greiveances and exprest as such in the Prince's now King his declaratiōe Therefore humblie craveand that the said illegall and unwarrantable gift might be declaired void, and the said burgh and present magistrats, thesaurer, dean of gild, counsell and community thereof declaired free of the saids tuo Bands and soumes of money principall, annualrents and expenses therein mentioned, and that the samen might be only a debt upon the contractors, and burden and reach them and their oun privat fortunes, as in the said petition att more length is contained Which petition being upon the said day read in presence of the saids Estates, and they having considdered the samen His Majesties High Commissioner his Grace and Estates of Parliament Granted and hereby grants warrand to macers and messengers for summonding the severall persons granters of the Bands above written, or the representatives of any of them who now might be dead And the respective creditors to whom the samen wes granted, to compear before the high Court of Parliament or commity of their number to be named by them, to consider the matter above represented upon fyftein dayes nixt after the citatiōe, and to hear and sie the tuo Bonds above written reduced, and the forsaid Gift declaired null, as his Grace and Estates of Parliament should find just, or else to have alleadged ane reasoneable cause in the contrair With certificatiōe, etc.

Extracted out of the Records of Parliament by me Sic subscribitur,

J. HAY, *Cls. Reg.*

I Messinger Be vertew of the forsaid Act of Parliament in our Majesties name and authoritie summons warns and charges you to compear befor the High Court of Parliament above written or commity of their number to be named be them to considder the matter above represented upon the day of next to come to the effect above narrated or else, etc. With certification, etc. conform to the forsaid Act of Parliament in all poynts.

71. *Petition of the Magistrates of Irvine anent the Meal Market, and Minute of Parliament thereupon.*—1693. [Copy.]

To his Grace their Majesties High Commissioner and the Honourable Estates of Parliament

The Petition of the Magistrates and Common Councill of the Burgh of Irvine

Humblie Sheweth

THAT the ordinary sheltering place of the Victuall Mercat of the said burgh of Irvine whear meall corne bear and other graines used to be sett down upon the weeklie mercat dayes for sale is now changed and altered so that the meall corne and other graines brought to the said town for sale are now exposed to raine wind and weather whereby the victuall is greatly damnified and the people about discouraged from bringeing in thereof to the saids weeklie mercates to the prejudice of the towne and leidges living thereabouts, for redressing whereof the councill and communitie of the said burgh doe designe to build and erect ane mercat house for sheltering of the said victuall upon the mercat dayes and secureing the graines to be brought into the said mercat that shall not at first be bought of, from one mercat daye to one other, provideing allwayes that those who bring in victuall to the said mercat house should pay for each seck of graine (beside eight pennies which is the pettie custom thereof alreadie due to the said town) fourtie pennies farder, makeing in haill four shillings Scotts for each seck of victuall to be sheltered in the said mercat house, and which imposition many of the meall makers and other victuall merchants repaireing to the said weekly mercat are willing to pay to the said towne for their encouragement to build the said mercat house for sheltering of their victuall as said is if the same wer authorized by law as their petition heerwith produced doeth testifie.

May it therefor pleas your Grace and the Honourable Estates of Parliament for the said townes encouradgement in building and upholding of the said weekly mercat house to impose fourtie pennies over and above eight pennies already payable for pettie dues makeing in the haill four shillings Scots upon every seck of meall corne bear pease beans and other graines that shall be brought to the said weekly mercats to be paid to the

magistrates and towne councill of the said burgh for the use and behoove of the same in all time comeing as a pairt of their common good Commencing the said imposition how soon the said mercat house shall be built so as it can shelter the victuall in manner foresaid As also that your Grace and Estates of Parliament would be pleased to change the two yearly Faires of the said towne from the 20 of September and 23 of October upon which they were hitherto kept to the last Tuesday of October and the first Tuesday of January in all time heirafter And your petitioners shall ever pray.

ALEX^r CUNINGHAME.

Edinburgh fifteenth Junij 1693.

Their Majesties High Commissioner and the Estates of Parliament having considered the within petition given in by the magistrates and common councill of the Burgh of Irvine with ane other petition given in to the said councill by the meal makers resorting to the weekly mercat days of the said burgh they grant the desire of the within petition.

TWEEDDALE CANCEL. *I: P: D: Parl.*

72. *Grant by the King and Parliament to the Burgh of Irvine, of an Impost for repair of the Harbour and Bridge.—12th July 1695.*

At Edinburgh the twelfth day of July one thousand six hundred nyntie five years our Sovereigne Lord considering that the Harbour of the Toune of Irving is ruined and lyes in rubish and that therby the trade of the forsaid toun is quyte decayed and the inhabitants therof so impoverished that they cannot repair the said Harbour to the great prejudice of all the adjacent countrey As lykewayes that the Bridge over the Water of Irving is much decayed and if it be not repaired it will suddenly fall and ruine And also considering that in the late Government the magistrats who wer illegally imposed upon the burgh did contract considerable debts wherof ane assigned to the Hospitall of Glasgow and another due to John Bryce for both which debts ther is a proces presently depending befor the Parliament Therefore his Majesty with advice and consent of the Estates of Parliament for enabling of the said burgh to repair ther said Harbour and

Bridge and to pay and satisfie the forsaid debts for which the burgh is like to be distressed and other debts to which they are lyable doth heirby Grant to the said burgh of Irving and the community therof ane Imposition of ane Marke upon each boll of Malt to be grinded at the Milnes of the said Toun and that for the space of ten years commencing from the date of this Act The which Imposition is to be manadged by two persons chosen by the toun councill and one to be chosen by the other inhabitants yearlie who are to uplift and imploy the same for the uses forsaid And if need be's to use dilligence therfor at the sight of the magistrats and toun counsill And the saids magistrats councill and managers are yearly to hold compt for what they shall intromett with be vertue of this present Act to my Lord Montgomery Master Francis Montgomery of Giffin the Lairds of Rowallan Kilbirnie and Kelburn or the major pairt of them being on life And in case they shall find the same to be mismanaged and otherwayes imployed then for the uses forsaid the saids overseers or major parte of them are heirby impowred to choise other Manadgers for rendering the disigne of this Imposition effectuall And notwithstanding that the forsaid Imposition is granted for the space of ten years yet it is heirby Declaired that if within the forsaid tyme the Harbour and Bridge shall be repaired and the debts of the said toun payed that then and in that case this Imposition shall terminat and the inhabitants shall be no longer lyable in payment of the same

Extracted furth of the Records of Parliament by us George Viscount of Tarbat, etc., Clerk to his Majestys Counsills Registers and Rolls.

TARBAT, *Clerk Register.*

73. *Assessments imposed on the Burgh of Irvine, from 1645 to 1696.*¹

THE burgh to entertain for sex months twenty-three soldiers at £207 monthly :—1645, vi. i. 352 b.

To pay £207 monthly for 8 months :—1646, vii. i. 540 b.

To pay £252 monthly for 9 months :—1647, vi. i. 701 b.

To pay £252 monthly for 5 months :—1648, vi. ii. 60 a.

¹ General Index to the *Acts of the Parliament*, vol. xii. p. 682.

To pay 252 merks for February :—1649, vol. vi. ii. 156 b.

£302, 8s. for 3 months :—1649, vi. ii. 238.

To pay £252 for July :—529 a. (1649, vi. ii.)

To pay £180 monthly for 3 months :—530 a. (1649, vi. ii.)

To pay £15 monthly for 6 months of a monthly tax of £10,000 :—1655, vi. ii. 837 a.

To pay £8, 6s. 6d. monthly for three months of a monthly tax of £5000 :—1657, vi. ii. 849 a.

To pay £9, 19s. 8d. monthly for three years of a monthly tax of £6000 :—1657, vi. ii. 861 b.

To pay £19, 19s. 4d. monthly for six months of a monthly tax of £12,000 :—vi. ii. 879 b. (1659).

To pay £130 monthly for a year of a monthly supply of £72,000 :—1667, vii. 541 b.

To pay 18s. of every £100 imposed on the burghs :—1670, viii. 23 a.

To pay £108 monthly for 5 months in the year for 5 years of a tax of £1,800,000 :—1678, viii. 222 b.

To pay £108 Scots monthly for 28 months of a supply of £2,019,733, 6s. 8d.—1690, ix. 136 a.

To pay £60 monthly for 6 months of a supply of £432,000 :—1695, ix. 373 a.

To pay £60 monthly for 18 months of a supply of £1,296,000 :—1696, x. 27 b.

74. *Resignation ad remanentiam by Mr. Alexander Cuningham and others, in favour of the Magistrates of Irvine, of the piece of Ground called the Chappell, etc.—11th March 1761.*

IN the name of God, Amen.—Be it known to all men by this present instrument that upon the eleventh day of March Seventeen hundred and sixty-one and in the first year of the reign of our Sovereign Lord George the Third by the Grace of God King of Great Britain, France, and

Ireland, Defender of the Faith, In presence of me notary publick common clerk of the Burgh of Irvine and witnesses subscribing and in presence of James Alison one of the present baillies of the said burgh presiding magistrate for the time and of the other councillors assembled and sitting in common councill within the councill house thereof Compeared James McKerrell one of the ordinary officers of the said burgh and as procurator for and in name of Mr. Alexander Fergusson minister of the gospell at Kilwinning and John Glasgow merchant late provost of Irvine for themselves and as taking burden on them for Loudoun Cuninghame only lawfull son of the deceast James Cuninghame of Collellan procreat betwixt him and the deceast Susanna Cuninghame his spouse who was one of the two lawfull daughters and heirs portioners of the deceast Mr. William Cuninghame surgeon late provost of Irvine, and as procurator for and in name of Grizell Cuninghame the other lawfull daughter and heir portioner of the said deceast Mr. William Cuninghame, specially constituted by the Procuratory of Resignation contained in a disposition dated the fifteenth day of February seventeen hundred and fifty-three granted by them to and in favours of Edward Ker merchant and late baillie of Irvine his heirs successors and assigneys whatsoever to which William Allan merchant in Irvine had right from him and Jean Monro his spouse by disposition dated the sixth day of December seventeen hundred and fifty-four, and to which Alexander Earl of Eglintoun present lord provost, the said James Alison, and John McFie baillies, John Reid dean of gild, Arthur Grahame, treasurer, and remanent members of the councill of the said burgh of Irvine and their successors in office for the behoof of the community of the said burgh superiors thereof have right *ad perpetuam remanentiam* by disposition from the said William Allan dated the twenty-second day of December last, and in virtue of the said procuratory of resignation and conveyances thereof *ad remanentiam* the said procurator with all due reverence and humility as becomes, purely and simply, by staff and baston as use is, resigned renunced surrendered upgave overgave and delivered all and haill the peice of ground called the Chappell sometime possessed by the said Edward Ker, with the bleaching or washing house built and the well and other improvements and conveniencys made by the said William Allan thereon, with free ish and entry thereto and therefrom and pertinents of the same lying within the territory of the burgh of Irvine near to the south nook of the churchyard of Irvine bounded by part of the minister's

gleib sometime possessed by James Kennedy weaver and part of the church-yearld dike on the north-west, the road from the townhead of Irvine to the Water of Irvine and Chappell well on the south-east, the peice of ground fewed to Thomas Davidson postmaster on the north-east, and the Water of Irvine on the south-west parts, Together with all manner of right title and interest which the saids Mr. Alexander Fergusson, John Glasgow, Loudoun, and Grizell Cuninghames, and the other creditors of the said Mr. William Cuninghame had have or may any ways pretend to the same or any part thereof or maills and duties of the same bygone and in time coming in the hands of the said James Alison baillie as their immediate lawfull superior of the same in favours of the said lord provost, baillies, dean of gild, treasurer, and remanent members of the Councill of the said Burgh of Irvine and their successors in office for the behooff of the community thereof To the end that the right and property of the same may return to the body and community of the said burgh *ad perpetuam remanentiam* and be consolidated and remain with the right of superiority of the same standing in the persons of the said magistrates and town council and be peaceably enjoyed and possessed by them forever Which resignation was so duely and lawfully made by the said James Alison baillie his accepting thereof and receiving the symbols into his hands to the end and effect particularly above mentioned, and thereupon he asked and required instruments under the hand of me notary publick subscribing. These things were so acted and done upon the day of the month and in the year of God and King's reign above mentioned before and in presence of Andrew Hod and Matthew Mackie both officers and Thomas Clark drummer of the said burgh, witnesses specially called and required to the premises.

Et ego vero Alexander Nisbet communis scriba Burgi de Irvine, clericus Glasguensis dioceseos et notarius publicus auctoritate regali ac per dominos consilij et sessionis secundum tenorem acti parlamenti rite admissus, Quia premissis omnibus et singulis dum sic ut premittitur dicerentur agerentur et fierent, una cum prenominatis testibus presens personaliter interfui, Eaque omnia et singula premissa sic fieri vidi scivi, et audivi, ac in notam cepi Ideoque hoc presens publicum instrumentum manu mea fideliter scriptum ex inde confeci et in hanc publici instrumenti formam redegi signoque nomine et cognomine meis solitis et consuetis signavi et subscripsi in fidem

robur et testimonium veritatis omnium et singulorum premissorum
rogatus et requisitus.

Fides Præstantior Auro

Andrew Hod, *witness*.
Mathew Mackie, *witnes*.
Thomas Clark, *witness*.

ALEX: NISBET *N: P.*

At the Burgh of Irvine the eleventh day of March seventeen hundred
and sixty-one years the within written instrument of resignation *ad*
remanentiam was presented and registrate in the 54th and 55th leaves
of the Register of Seasines, Reversions, etc., kept within the said burgh by
me,

ALEXR. NISBET.

