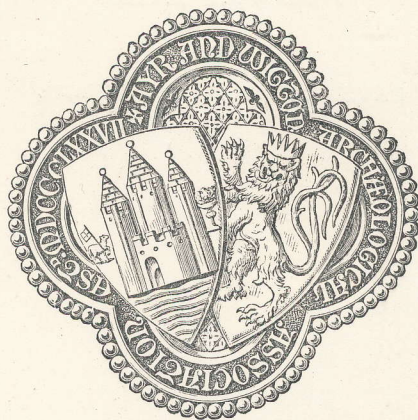


CHARTERS  
OF THE  
ROYAL BURGH OF AYR



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1883



CHARTERS  
OF THE  
ROYAL BURGH OF AYR



## II.—MISCELLANEOUS MUNIMENTS.

41. *Obligation by John Kennedy, Lord of Dunure, that the Reversion of his Lands of Carcluie and Broomberry-yard shall belong to the Burgesses and Community of Ayr after his death.*—[20th October 1385.]

UNIVERSIS has literas visuris vel audituris Johannes Kenedy dominus de Donhower salutem in domino sempiternam Noverit universitas vestra me teneri et per presentes firmiter obligari burgensibus et communitati burgi de Are et eorum successoribus quibuscunque quod ego heredes mei vel assignati nec aliquis vel aliqui nomine meo post decessum meum aliquod jus vel clameum seu possessionem in omnibus et singulis terris de Cortluy et Byndberyyharde cum pertinenciis vendicabit vel vendicabunt vel vendicare valeat vel valeant ratione possessionis vite mee in presenti Omnes et singule predictae terre de Cortluy et de Byndberiyhard cum pertinenciis predictis burgensibus et eorum successoribus et communitati post mortem meam libere et integre revertentur et remaneant imperpetuum sine aliqua contradictione vel reclamatione heredum vel assignatorum meorum ex quo nullum jus nec possessionem in predictis terris habeo vel habendum nisi solummodo pro tempore vite mee Item obligo me predictis burgensibus et communitati quod predictas terras de Cortluy et Byndberiyharde cum pertinenciis non assedabo nec ad firmam dimittam alicui generoso vel potenti domino nec cuicunque alii qui dampnum vel gravamen predictis burgensibus vel communitati valeat inferri aliquo tempore sed predictas terras husbandis assedabo vel eas ad usum meum proprium tempore meo retinebo In cuius rei testimonium sigillum meum presentibus est appensum et gracia majoris testimonii sigillum Gilberti Kenedy militis filii mei et apparentis heredis apponi feci et procuravi Datum apud Casselys vicesimo die mensis Octobris anno Domini m<sup>o</sup> ccc<sup>o</sup> octogesimo quinto.



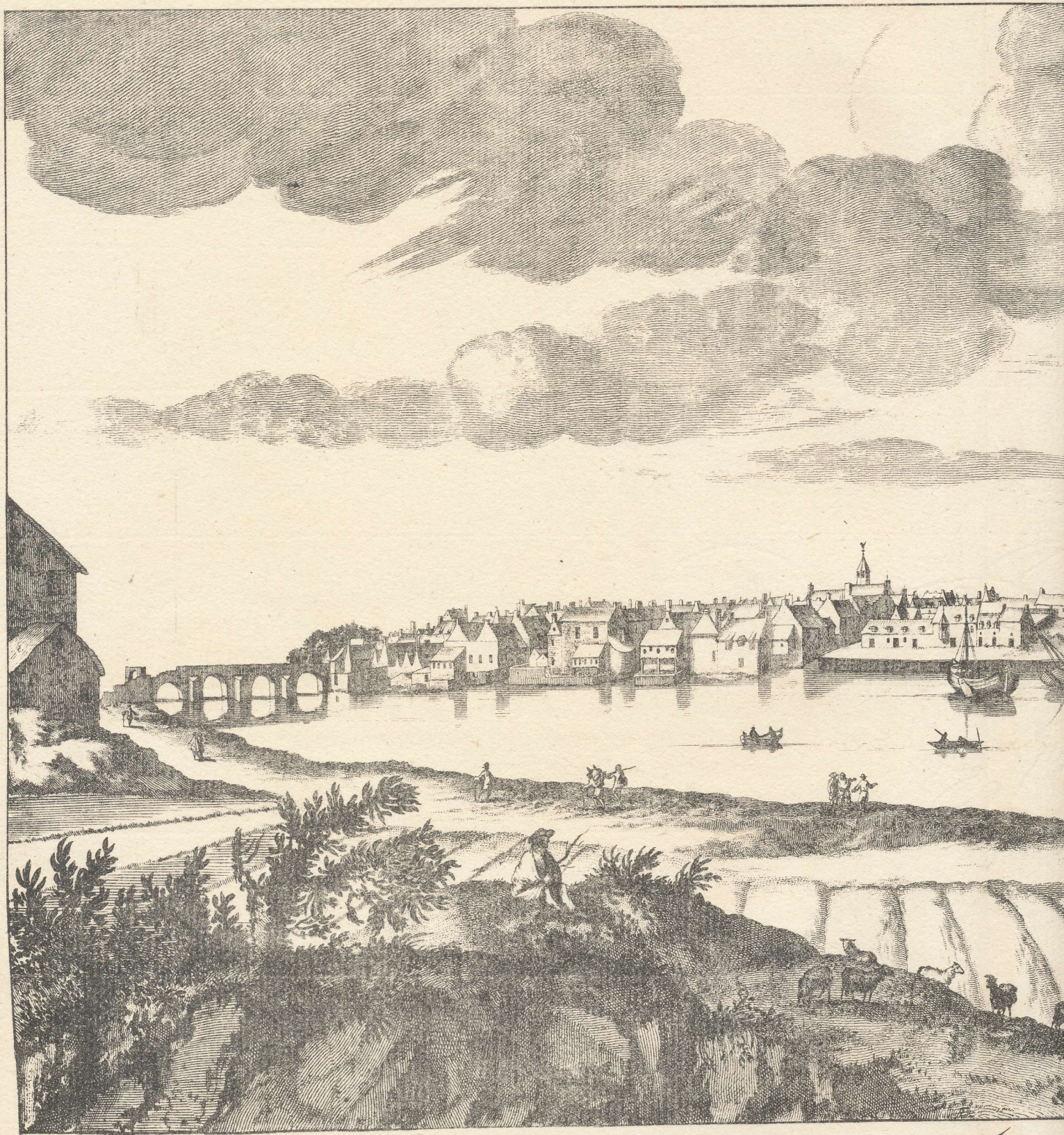
## ABSTRACT.

Letters of Obligation by John Kennedy, Lord of Dunure, whereby he becomes bound and obliged to the burgesses and community of the burgh of Ayr and their successors, that neither he nor his heirs or assignees, nor any one in his name, shall, after his decease, make any claim of right or possession to the lands of Carcluie and Broomberry-yard by reason of his possessing them during his life; but that the said lands shall, after his decease, freely and wholly revert to the foresaid burgesses and community, and shall remain with them for ever, without gainsaying or reclaiming on the part of his heirs or assignees, seeing he has no right nor possession in the said lands but only during his lifetime: Moreover, he obliges himself that he shall not set the said lands in tack to any gentleman or potent lord, nor to any other who might in any way in time to come cause damage or grievance to the said burgesses and community; but that he shall set the said lands to husbandmen, or retain them for his own use during his lifetime. Sealed with his own seal, and for the greater witnessing, with the seal of Gilbert Kennedy, knight, his son and apparent heir, at Cassillis, 20th October 1385.

42. *Notarial Instrument on the Dispute between the Town of Ayr and the Sheriff in regard to the Power of the latter to Distrain their Goods.—*  
*[18th January 1417-18.]*

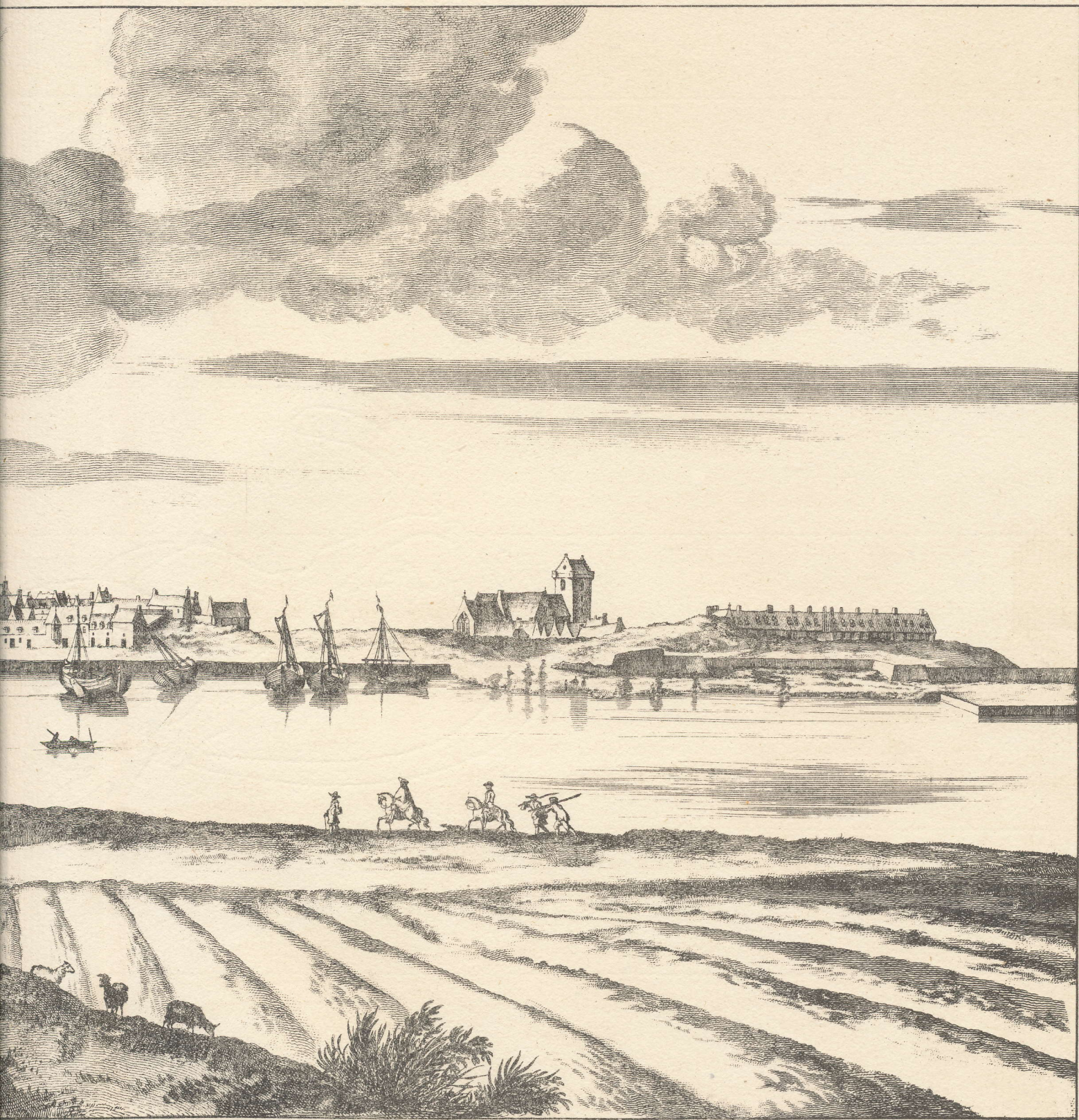
IN Dei nomine amen Per hoc presens publicum instrumentum cunctis pateat evidenter quod anno a nativitate Eiusdem millesimo quadringentesimo septimo decimo indicione duodecima mensis Januarii die decima octava pontificatus sanctissimi in Christo patris ac domini nostri domini Benedicti divina providencia pape tercii decimi anno vicesimo quarto in mei notarii publici et testium subscriptorum presencia personaliter constitutus honestus vir Johannes Pictor ballivus burgi de Are nomine et ex parte burgensium et communitatis dicti burgi cum plena commissione eorundem publice ostensa et perlecta nobili viro Hugoni Cambell de Lowdoun vicecomiti de Are conquestus est quod officarii sui et ministri de brevi tempore tunc elapso diversa catalla tam burgensium quam aliorum hominum suorum in burgo de Are et territorio eiusdem et infra baroniam suam de Aulway commorancium abstulerunt minus iuste ipsis ignorantibus pro qua causa De quo facto ipse





*Prospectus Civitatis AERÆ ab Orientale . The Pro*





*The Prospect of the Town of AIR from the East.*



ballivus a dicto vicecomite peciit remedium oportuno et virtute officii sui dicta catalla restaurari Ad que ipse vicecomes respondebat quod ex precepto suo et per literam domini nostri gubernatoris sibi missam dicta catalla dictorum hominum suorum capta fuerunt pro eorum absentia ab ultimo exercitu per dictum dominum nostrum gubernatorem generaliter proclamato quorum una pars deliberata fuit ubi dictus dominus noster gubernator ordinavit alia vero dicto ballivo conquerenti ad plegium concessa sub certa premunitione reintranda Quo audito dictus ballivus concessit quod dicti burgenses et homines sui antedicti tenentur ad exercitum domini nostri regis et gubernatoris cum domino Camerario Scocie qui pro tempore fuerit comparere cum et quando dicti burgenses de Are cum aliis regni burgensibus ad exercitum per dictum dominum Camerarium literatorie fuerint premuniti et pro eorum si contingat absentia per dictum dominum nostrum camerarium et ministros suos tantum compelli et distringi et non per alios officarios quovismodo cum universi domini nostri regis burgenses generaliter a vicecomitum compulsione sint exempti Ac etiam homines dictorum burgensium de Are in eorum territorio et baronia commorantes per diversos reges Scocie specialiter sunt privilegiati et ab exercitu exempti nisi dicti burgenses domini sui generaliter per literas camerarii prout supra sint citati et ut ipsi burgenses a quacunque compulsione sunt exempti prout in quibusdam instrumentis dicto vicecomiti ostensis plenius continebatur Qua propter ipse ballivus a dicto vicecomite dicta catalla sibi peciit restaurari cum ipsa actio et compulsio dicto domino camerario et ministris suis et non sibi pertinebat ullo modo Quod ipse vicecomes facere penitus denegavit Tunc ipse ballivus peciit dicta catalla a dicto vicecomite ad plegium sibi dimitti ut iuris ordo exigebat cum ipsi nec homines sui super debitum negatum de iure namari debeant nec compelli et aliud plegium quod primum suum plegium per ipsum sic inventum fuit virtutis et valoris et quod debuit de iure dicta plegia per ipsum inventa recipere et dicta catalla sibi ad plegium concedere quousque ipsa actio iuste foret determinata Tunc ipse vicecomes maturo proborum consilio avisatus illam partem catallorum tunc presentem quam idem ballivus de ante replegiaverat reintrandam sibi ballivo ad plegium concessit et ipsum ballivum quietum clamavit ab introitu eorundem nisi a dicto nostro domino gubernatore super hoc aliud haberet in mandatis Et pro alia parte catallorum tunc absente data ut dixit ubi dominus noster gubernator ordinavit idem vicecomes unum par cirothecarum sibi ballivo tradidit ad plegium sub ista condicione restaurandum si per dicti domini



nostri gubernatoris literas patentes sibi scribatur quod dicti burgenses de Are et homines sui antedicti sunt liberi a vicecomitis compulsione in hac parte sin autem dicta catalla cum dicto vicecomite virtute officii sui remanebunt Super quibus omnibus dictus ballivus a me notario sibi publicum fieri peciit instrumentum dictorum burgensium et communitatis sumptibus et expensis Acta fuerunt hec in plena curia vicecomitis de Are tenta ibidem per dictum Hugonem Cambell vicecomitem de Are die Martis die legis capitali proximo post festum nativitatis Domini sub anno indictione mense die et pontificatu premissis presentibus tunc ibidem nobilibus dominis Waltero Senescallo filio et herede apparente domini Murdaci Senescalli Roberto de Lile Rocaldo Were militibus Johanne Senescallo domino de Dernele Thoma Boyde domino de Kylmernok Alexandro de Montegomeri Johanne Schaw de Hayle Roberto de Dalrympell de Camerhagane scutiferis et multis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Willelmus Nigelli clericus Glasguensis dyocesis, etc.

#### ABSTRACT.

Notarial Instrument narrating that John Painter, bailie of the burgh of Ayr, on behalf of the burgesses and community thereof, complained to a noble man Hugh Campbell of Loudoun, sheriff of Ayr, that his officers and servants had unjustly taken away divers chattels belonging to the burgesses and their other men dwelling in the burgh and territory of Ayr, and within their barony of Alloway, they being ignorant of the cause for which this was done; for which fact he demanded due remedy from the said sheriff, and the restoration of the chattels. To which the sheriff replied that the chattels of the said men were seized by his command, by virtue of the lord governor's letter to him, on account of their absence from the last army generally summoned by the said governor: of which chattels one part was delivered where the lord governor ordained, and the other was granted to the said bailie to be re-entered under certain premonition. Whereupon the bailie acknowledged that the burgesses and their men were bound to attend the army of the King and the lord governor, with the lord chamberlain of Scotland for the time being, whenever they, with other burgesses of the kingdom, were warned thereto by letter from the lord chamberlain, and that for their absence, if it should happen, they should be compelled and distrained by the said lord chamberlain and his ministers only, and not



by any other officers whatsoever, seeing all the burgesses of the King were exempt from the compulsion of the sheriffs : And further, that the men of the said burgesses of Ayr, dwelling in their territory and barony, were specially privileged by divers kings of Scotland, and exempted from the army unless the said burgesses their masters were cited by letters of the chamberlain: and that the burgesses themselves were exempt from every kind of compulsion, as was more fully contained in certain instruments shown to the sheriff: Wherefore the bailie demanded from the sheriff that the chattels be restored to him, seeing the said action and compulsion pertained to the lord chamberlain and his ministers, and not in any way to him : Which the sheriff altogether refused to do: Then the bailie requested the chattels to be given to him at pledge, as the order of law required, since of right neither they nor their men ought to be distrained or compelled for a debt which they denied : And that the pledges found by him ought to be received, and the chattels given to him at pledge until the action should be justly determined : Then the sheriff, having taken mature counsel with prudent men, granted at pledge that part of the chattels then present which the bailie had before repledged to him, and discharged the bailie from entering them again, unless he should be otherwise commanded by the lord governor ; and for the other part of the chattels, then absent, the sheriff gave to the bailie one pair of gloves at pledge, on condition that it should be restored if the lord governor should signify by letters patent that the burgesses of Ayr and their men were free from the compulsion of the sheriff in that part ; but if otherwise, the said chattels should remain with the sheriff in virtue of his office : Upon all which the said bailie craved from the notary, William Neilson, a public instrument, to be executed at the expense of the burgesses and community. Done in full Court of the sheriff of Ayr, held in the burgh thereof, on Tuesday, the head day of law next after the feast of the nativity of the Lord (18th January), 1417-18.

43. *Attestation of the Duke of Albany's Warrant to the Community of Ayr to Straiten the Sandgate.*—[10th November 1425.]

UNIVERSIS presentes literas visuris vel audituris prepositus ballivi et communitas burgi de Are salutem in Domino sempiternam Cum in conspectu Altissimi opus meritorium reputamus testimonium perhibere veritati et



precipue ubi occultata veritate iustis et innocentibus minus iuste dampna inferuntur non modica Hinc est quod nos predicti testamur quod quondam Robertus Dux Albanie et gubernator Scocie secundo anno sue gubernacionis una cum Johanne senescallo comite de Buchane ac camerario Scocie ac cum multis aliis regni baronibus et nobilibus in propria persona existens in dicta villa de Are per requestum tocius communitatis predictae visitavit quoddam vicum ville predictae vocatum Vicum arene et bene consideravit et intellexit quod flatus arene indies in dicto vico habundans ipsum penitus destruxit et veresimilius videbatur destruere in futurum Unde dictus gubernator cum consilio dicti camerarii et aliorum baronum ibidem existentium precepit et licenciavit dicti vici habitatores ipsum vicum arciori et strictiori edificacione constringere et artare usque ad quandam metam quam ipse propriis manibus fixit in terra ad requestum tocius communitatis et ad dampnum arene evitandum tucius in futurum Et eciam quod coartacio dicti vici arene ut premittur arene dampnis consideratis dicte communitati placet et merito semper placuit manifestius notificari fecimus per inquisitionem captam de melioribus et magis probis ville nostre comburgensibus In cuius rei testimonium sigillum nostrum commune presentibus est appensum anno Domini M<sup>o</sup> iiij<sup>e</sup> xxv<sup>mo</sup> die x<sup>o</sup> mensis Novembris.

#### ABSTRACT.

Testimonial by the provost, bailies, and community of the burgh of Ayr, bearing witness that the late Robert Duke of Albany and Governor of Scotland, in the second year of his governorship, being in proper person in the said town of Ayr, together with John Stewart, Earl of Buchan and chamberlain of Scotland, and with many other barons and nobles of the kingdom, by request of the whole community visited a certain street of the said town called the Sandgate, and carefully observed that the daily overflow of sand in the said street wholly destroyed it, and was like to destroy it in the future: Wherefore the governor, with advice of the chamberlain and other barons there present, gave command and license to the inhabitants of the said street to make it narrower by building up to a certain measure, which he with his own hands fixed in the ground at the request of the whole community, and for more effectually preventing the damage of the sand in time to come; and further, that the straitening of the said Sandgate, in consideration of the damage of the sand, is, and with good



reason always was, pleasing to the said community, they have made known more evidently by an inquest taken of the best and most prudent burgesses of the town. In witness whereof the common Seal of the burgh is appended on the 10th of November 1425.

44. *Notarial Instrument on the Inquest concerning the narrowing of the Sandgate.*—[9th November 1427.]

IN Dei nomine amen Per hoc presens publicum instrumentum cunctis pateat manifeste quod anno ab incarnatione Eiusdem millesimo quadringentesimo vicesimo septimo die nono mensis Novembris indiccione sexta pontificatus sanctissimi in Christo patris ac domini domini Martini divina providencia pape quinti anno decimo in mei notarii publici et testium subscriptorum presencia personaliter constituti prepositus et ballivi burgi de Are in plana curia consedentes et requisiti ab habitatoribus cuiusdam vici australis dicti burgi vocati Vici arene ut eisdem fidelem inquisicionem fieri facerent de melioribus et magis probis dicti burgi conburgensibus utrum coartacio et strictior edificacio dicti vici ad viam regiam facta fuerat ex precepto et speciali mandato quondam Roberti ducis Albanie et gubernatoris Scocie una cum consensu Johannis senescalli comitis de Buchane quondam et camerarii Scocie et ex consensu dicti burgi communitatis propter communem utilitatem Unde quindecim de melioribus ville ut premittitur super premissis in inquisicione positi et magno sacramento interveniente jurati dixerunt quod quondam dictus Robertus dux Albanie et gubernator Scocie in secundo anno sue gubernacionis una cum consensu et consilio Johannis senescalli quondam comitis de Buchane camerarii Scocie et multorum aliorum baronum et nobilium consilio requisitus per comunitatem dicti burgi pro utilitate communi personaliter dictum vicum arene visitavit et arene dampno considerato mandavit et precepit habitatores dicti vici ipsum vicum strictiori edificacione artare usque ad quamdam metam quam ipse propriis manibus fixit in terra ut arene flatibus evacuatis et dicto vico strictius et decencius edificato et ville ornatus et eiusdem habitatoribus utilitas augeretur Super quibus omnibus et singulis premissis dicti vici habitatores a me notario subscripto suis sumptibus et expensis sibi pecierunt fieri publicum instrumentum Acta fuerunt hec in theoloneo dicti burgi hora quasi undecima anno die mense indiccione et pontificatu premissis Testibus nobilibus viris et providis Reginaldo de Foulartoun domino de Dregarne Adam de Cunyng-



hame de Caprintoun Alano senescallo fratre domini de Dernle magistro Ricardo Petit vicario de Stewynstoun Johanne Pantour Thoma Haket burgensibus de Are ut predicatur in plana curia cum multis aliis.

Et ego Thomas Haket presbyter Glasguensis diocesis publicus auctoritate imperiali notarius, etc.

#### ABSTRACT.

Notarial Instrument narrating that the provost and bailies of the burgh of Ayr, sitting in open court, were requested by the inhabitants of a certain south street of the said burgh called the Sandgate, that they would cause a faithful inquest to be made of the best and most prudent of their fellow-burgesses whether the narrowing of the said street towards the highway had been done according to the special mandate of the late Robert Duke of Albany, Governor of Scotland, with consent of John Stewart, Earl of Buchan, Chamberlain of Scotland, and by consent of the community of the said burgh, for the common utility: Wherefore, fifteen of the best of the town having been put on inquest, and sworn by the great oath, they declared that the late Robert Duke of Albany, Governor of Scotland, in the second year of his government, with consent and advice of John Stewart, late Earl of Buchan, chamberlain, and of many other barons and nobles, at the request of the community of the said burgh, personally visited the said street; and having considered the damage done by the sand, commanded the dwellers in the said street to straiten it by narrower building, as far as to a certain stake which he with his own hands fixed in the ground, so that the blasts of sand being excluded, and the said street built more narrowly and in better manner, the adornment of the town and utility of the inhabitants might be increased. Upon which the dwellers in the said street craved instruments to be made at their expense: These things were done in the Tolbooth of the said burgh about eleven o'clock on 9th November 1427.

#### 45. *Notarial Instrument concerning the Rendering of Accounts by the Bailies of Ayr.*—[17th November 1429.]

IN Dei nomine amen Per hoc presens publicum instrumentum cunctis pateat manifeste quod anno ab incarnatione Eiusdem millesimo quadringentesimo vicesimo nono mensis Novembris die xvii indiccione octava pontificatus



[illegible]

Et ego Thomas Galles pbr. qd. signum dno pbr. autē imperiali nozno Cuius A pmo ad  
pmissio dno sit ut pmissio dno rēat et pōtēnt pōtēnt dno pōtēnt dno pōtēnt  
cas omnia p hunc pmissio sit pōtēnt pōtēnt pōtēnt pōtēnt pōtēnt pōtēnt  
qat pbr. pōtēnt pōtēnt pōtēnt pōtēnt pōtēnt pōtēnt pōtēnt pōtēnt pōtēnt  
Abt A Regat qm pōtēnt A pōtēnt pōtēnt pōtēnt pōtēnt pōtēnt pōtēnt pōtēnt pōtēnt



Erasmus



sanctissimi in Christo patris ac domini domini Martini divina providencia pape quinti anno decimo tercio in mei notarii publici et testium subscriptorum presencia personaliter constituti Johannes de Bathcate et Thomas de Carrie ballivi de Are in anno preterito requisiti et onerati de computo officii sui reddendo de anno preterito per Henricum Forestarii deputatum camerarii modo et forma quibus plenius continetur in quodam instrumento accepto per dictum deputatum super premissis cum melioribus dicti burgi de Are avisati respondentes dixerunt quod ipsi nunquam ante annum preteritum et tunc a domino Rege nec camerario super tali computo fiendo onerati nec requisiti fuerunt Insuper quod ballivi in dicta villa de Are non fuerunt consueti reddere computa sua ante quadragesimum diem post exitum officii sui Et preterea dixerunt quod non tenebantur reddere computum de baronia sua de Awlway nisi pro ut ceteri barones regni de baronijs suis Insuper dicti ballivi dixerunt quod predictis non obstantibus propter placentiam regis et camerarii ac benevolentiam ipsi voluerunt parare computum suum et monstrare ipsum domino Regi vel camerario ubi eijs vel eorum alteri melius placuerit ad bene placitum eorum infra xl<sup>to</sup> dies Super quibus omnibus et singulis predictis antedicti ballivi a me notario subscripto suis sumptibus et expensis sibi fieri pecierunt publicum instrumentum Acta fuerunt hec in villa de Are in pretoreo eiusdem hora quasi xj anno die mense indicione et pontificatu premissis Testibus nobilibus viris et providis Rankino de Fowlartoun domino de Corsby Alexandro de Cragy ballivo terrarum templi Sancti Johannis domino Thoma Crotteche et domino David Glassynwricht capellanis Macolmo de Qulchone armigero Johanne Litster Johanne Gray clerico Johanne Bannezour Gilberto Askirk cum tocius curie quam multis alijs.

Et ego Thomas Hakete presbyter Glasguensis, etc.

#### ABSTRACT.

Notarial Instrument narrating that John of Bathgate and Thomas of Carrick, bailies of Ayr, being charged to render their account for the past year, by Henry Forestar, depute of the chamberlain, in the manner and form contained in a certain instrument accepted by the said depute; they having advised with the best men of the burgh of Ayr declared that they were never before the past year charged or required to make such account, either by the King or chamberlain: Further, that the bailies in the said town of



Ayr were not accustomed to render their accounts before the fortieth day after the expiry of their office: And besides, that they were not bound to render account of their barony of Alloway but in the same way as other barons of the kingdom for their baronies: Further, they said that these things notwithstanding, for the pleasure of the King and the goodwill of the chamberlain they were willing to prepare their account, and to show it to the King or the chamberlain wherever it might please them to appoint, within forty days: Whereupon the said bailies craved this present instrument to be executed at their expense. Done in the Tolbooth of Ayr, about eleven o'clock on 17th November 1429.

46. *Charter by Michael Gray, Chaplain, to Robert Mure of Rowallan, of the Lands of Galblare.*—[1st January 1430.]

OMNIBUS hanc cartam visuris vel audituris Michael Gray capellanus salutem in Domino sempiternam Noveritis me concessisse vendidisse et hac presenti carta mea confirmasse nec non et huius presentis carte mee tenore concedere vendere et confirmare totas terras meas de Galblare et totas terras meas vocatas ly Tenne acrys cum suis pertinenciis jacentes infra territorium de Are in vicecomitatu eiusdem Ac eciam totum jus et clameum quod ego dictus Michael Gray heredes mei vel assignati habeo habebunt vel quovismodo iuste habere potero vel ipsi habere poterint aliquo iure vel clameo in futurum Roberto More de Rowalane pro quindecim marcis bone et usualis monete regni Scocie mihi in mea urgente necessitate premanibus persolutis Et de qua quidem summa predicta quindecim marcarum fateor me bene contentatum et plenarie persolutum Tenendas et habendas omnes et singulas dictas terras de Galblare et de ly Tenne acrys cum earundem pertinenciis a me et heredibus meis et assignatis dicto Roberto More heredibus suis vel assignatis in feodo et hereditate imperpetuum ita libere quiete pacifice honorifice bene et in pace sicut ego dictus Michael Gray vel aliqui predecessorum meorum de burgo de Are liberius quocius pacificentius et melius in aliquo tempore ego tenui vel possedi tenuerunt vel possederunt infra dictum territorium de Are cum omnibus et singulis libertatibus commoditatibus et asiamentis quibuscunque ad dictas terras de jure vel consuetudine spectantibus seu juste spectari valentibus aliquo modo infuturum tam non nominatis quam nominatis tam subtus terram quam supra tam prope quam longe in latitu-



dine et longitudine Et ego dictus Michael Gray heredes mei et assignati dictas terras de Galblare et ly Tene acrys cum pertinenciis in omnibus et per omnia si melius et liberius prescriptum est dicto Roberto More et heredibus suis vel assignatis contra omnes homines et mulieres mortales warandizabimus acquietabimus et imperpetuum defendemus In cuius rei testimonium sigillum meum presentibus est appensum apud Are primo die mensis Januarii anno Domini millesimo quadringentesimo tricesimo Coram hiis testibus Patricio Hayre aldermanno de Are Gilberto Askyrk et Johanne Davidson ballivis de Are Johanne More domino de Caldwel Johanne More de Sanchare Adam More de Laglane Johanne Chamer de Gadgart magistro Ricardo Petit baccallario in decretis Thoma Haket Johanne Bannezour Thoma de Crauforde et Johanne Broune burgensibus de Are cum multis aliis.

## ABSTRACT.

Charter by Michael Gray, chaplain, whereby for fifteen merks Scots paid to him in his urgent necessity in ready money, by Robert Mure of Rowallan, he sells to the said Robert all his lands of Galblare, and the lands called the Ten acres lying within the territory of Ayr and shire thereof: To hold of the said Michael in fee and heritage for ever. Sealed at Ayr, 1st January 1430.

47. *Charter by Janet of Cairns and John of Fergushill, to Thomas Scott of Baillieland, of the Lands of Hayandhouth and Atkyn's Croft.—*  
[20th July 1433.]

OMNIBUS hanc cartam visuris vel audituris Joneta de Carnys domina unius partis de Busby et Jhoannes de Fergushyle dominus eiusdem salutem in Domino sempiternam Noveritis nos dedisse concessisse et hac presenti carta nostra confirmasse dilecto et speciali nostro Thome Scot de Baillyelande pro suo servicio nobis gratanter impenso totas et integras terras de Hayandhouth et de Atkynys Croft jacentes in baronia de Largis infra vicecomitatum de Are cum suis pertinentiis Tenendas et habendas totas et integras terras predictas predicto Thome et heredibus suis et suis assignatis de nobis et heredibus nostris et nostris assignatis per omnes rectas metas et divisas suas antiquas et consuetas in bossis silvis planis viis semitis moris et marrasiis petariis turbariis pascuis et pasturis molendinis et multuris curiis et eschaetis earundem aucupacionibus venacionibus et piscacionibus aquis stagnis et



vivariis cum calce lapide et carbone cum libero introitu et exitu absque contradiccione huiuscunque et cum omnibus aliis commoditatibus libertatibus et asiamentis ac iustis pertinenciis suis quibuscunque tam nominatis quam non nominatis tam subtus quam supra terram tam procul quam prope ad dictas terras spectantibus seu quovismodo spectare valentibus in futurum libere quiete<sup>1</sup>

in feodo et hereditate imperpetuum Reddendo inde annuatim dictus Thomas et heredes sui et sui assignati nobis et heredibus nostris de dictis terris de Hayandhouth sedecem denarios usualis monete regni Scocie et sex denarios de terra de Atkynns Croft eiusdem monete annuatim

<sup>1</sup> solvendos ad duos anni terminos videlicet pentecostes et sancti Martini in hieme per equales portiones tantum pro omnibus aliis serviciis secularibus exaccionibus seu demandis quibuscunque de predictis terris cum pertinenciis per quoscunque exigi poterit vel requiri Et nos vero dicti Joneta et Johannes et heredes nostri et nostri assignati totas predictas terras predicto Thome heredibus suis et suis assignatis contra omnes mortales warantizabimus aquietabimus et in forma premissa imperpetuum defendemus In cuius rei testimonium sigilla nostra predictae carte nostre sunt appensa Datum apud ecclesiam parochialem de Largs vicesimo die mensis Julij anno Domini millesimo quadringentesimo tricesimo tercio Testibus nobilibus viris dominis Thoma Cambele de Schalawthwrake Wilhelmo Freseel de Knok Patricio Boil de Kelburne et Fynlao de Monfoide cum multis aliis.

#### ABSTRACT.

Charter by Janet of Cairns, lady of one part of Busby, and John of Fergushill, lord of the same, granting to Thomas Scot of Baillieland, for his service thankfully rendered, the lands of Hayandhouth and Atkyn's Croft, in the barony of Largs and shire of Ayr: To hold of the granters in fee and heritage, for the yearly payment of sixteen pennies money of Scotland for Hayandhouth, and for Atkyn's Croft six pennies of the same money. Dated at the parish church of Largs, 20th July 1433.

#### 48. *Notarial Instrument concerning the right of the Community of Ayr to hold the Fair of St. Michael.*—[29th September 1460.]

IN Dei nomine amen Per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno ab incarnatione Domini millesimo quadrin-

<sup>1</sup> Illegible.



A decorative initial 'F' inside a square frame with a cross on top. The 'F' is stylized with a central vertical bar and horizontal bars that have a notched, interlocking appearance. The square frame has a small cross on top and a small circle on the right side.

Et ego bene scire scid hystoriam  
 Sic ut emperat aserit dicitur  
 et emperat emissa vidi fieri et ad  
 mea pia hystoriam publicam et  
 sunt signam rogato et Regis

Гованнъ

249



Post hanc per nos dicta per nos dicta Imperiali Nota quod omnes et singuli de  
dicta civitate et fuerit una cum proinde et istis per nos personaliter in fine Regia  
fuerit et audiri ad dicta nota super (ex qua quid) Nota hoc per nos per nos in fine manu  
publicam et in hanc per nos forma videlicet Signos et subscrisa meos per nos et con-  
et Regis in fine et istis et omni et singulis per nos



gentesimo sexagesimo mensis vero Septembris die penultimo indiccione nona pontificatus sanctissimi in Christo patris et domini nostri Pii divina providencia pape secundi anno tercio in mei notarii publici et testium subscriptorum presencia personaliter constitutus Johannes de Dalrympill assertus cliens domini Georgii Cambell militis vicecomitis de Are peciit et oneravit providos viros videlicet Johannem Multrar aldermannum burgi de Ar Johannem Cher[y et] Thomam Vilzamson ballivos eiusdem necnon Alexandrum Otterburn et Jacobum Valcar burgenses dicti burgi ad invenendum sibi plegios ad comparandum coram dicto vicecomite in curia nundinarum sancti Michaelis archangeli tenenda in crastino earundem Et tunc dictus aldermannus peciit a prefato cliente qua auctoritate eos oneraret vel ad huius curiam arrestaret Qui respondit quod nomine et auctoritate vicecomitis antedicti Ac dictus aldermannus peciit si aliquam ad hoc faciendum potestatem haberet quod ibidem ostenderet Quam minime fecit Insuper prefatus aldermannus asseruit custodiam et conservacionem dictarum nundinarum sancti Michaelis datam et collatam aldermanno ballivis et communitati burgi antedicti et super huius custodia et conservacione ipsos asseruit literas habere regias desuper confectas et ad crucem foralem alias publice proclamatas Publice et expresse inhibendo dicto clienti et aliis quibuscunque nomine et auctoritate supremi domini nostri regis in custodia dictarum nundinarum et curiis earundem se non intromittere eo quod tota earundem iurisdiccio per regem erat ut asseruit eiis collata Et quod dictum Johannem Dalrympill non cognovit in huius arrestacionibus dictis nundinis pertinentibus clientem nec in eisdem potestatem quovismodo habere et quod sibi vel suis arrestacionibus quantum ad curiam nundinarum prefati aldermannus ballivi et burgenses antedicti nullo modo obedirent pro et ex eo quod nullum alium cognovit nisi tantummodo aldermannum ballivos et communitatem burgi predicti quoscunque officarios posse in dictis nundinis conservandis et curiis earundem tenendis facere aut quovismodo ordinare et si eos ad dictam curiam nundinarum arrestare presumpserit ab eodem cum omni cura declinarent et plegios eidem clienti non invenirent Super quibus omnibus et singulis sic premissis peciit dictus Johannes Multrar aldermannus nomine proprio et tocius communitatis per me notarium publicum infrascriptum sibi presens publicum fieri instrumentum Acta sunt hec in villa de Are ex parte australi pretorii eiusdem in planis nundinis sancti Michaelis sepedictis sub anno mense die indiccione et pontificatu supra dictis Presentibus nobilibus ac providis viris videlicet



Thoma Spreule domino de Coldoun Johanne Mur de Herothill Alexandro de Conynghame burgense burgi de Erwyne cum multis aliis testibus ad premissa vocatis pariterque rogatis.

Et ego vero Johannes Kerd presbyter Glasguensis diocesis, etc.

#### ABSTRACT.

Notarial Instrument narrating that John of Dalrymple, asserted client of Sir George Campbell, knight, sheriff of Ayr, required and charged these prudent men, namely, John Multrar, alderman of the burgh of Ayr, John Chery and Thomas Williamson, bailies, Alexander Otterburn and James Walker, burgesses of the said burgh, to find pledges for themselves to compear before the said sheriff in the court to be held on the day after the fair of St. Michael the Archangel: The alderman then asked of the said client by what authority he charged them to such a court; who replied that it was by authority of the sheriff: The alderman then demanded that if he had any warrant to that effect he would show it there: Which he did not: The alderman further asserted that the holding of the said fair of St. Michael was granted to the alderman, bailies, and community of the burgh, by royal letters publicly proclaimed at the market-cross, expressly inhibiting the said client and others whomsoever from intromitting with the holding of the said fair, because that the whole jurisdiction thereof was by the King committed to them; therefore he refused to recognise the authority of the said John of Dalrymple, or to find pledges as he had required: Upon all which the said John Multrar, alderman, in his own name, and in that of the whole community of Ayr, craved this present public instrument: These things were done in the town of Ayr, on the south side of the Tolbooth of the same, in the open fair of St. Michael, on 29th September 1460.

49. *Decreet by the Lords of Council in Action between the Burgh of Ayr and Sir George Campbell of Loudoun, Sheriff of Ayr, anent the new Fair held in the said Burgh.*—[6th October 1460.]

At Edinburgh the sex day of the moneth of October the yere of our Lord a thousand four hundreth and sexte before thir lordis of our soveran lordis counsale undirwritten that is to say a reverend fadir in Criste Andro



bischap of Glasgw richt worschipful and mighty lordis Andro lord Annandale chancelar of Scotland William erle of Orknay and of Cathnes lord Sinclar William erle of Erole connestabil of Scotland William lord Borthwic Alan lord Cathkert James lord Hammilton maister John Arous prive sele maister George Liddale secretare til our soveran lord the King bodely comperit certane burges of Are for thame self and as procuratours to the burges and comonte of the said burgh of Are on the tapart and Sir George Cambell of Loudon knicht schereff of Are on the tothir part in the caus and accion of debate betuix the said burges on the tapart and the said schereff on the tothir part tuiching the clame of bath the said parties of the halding of the new fair of the said burgh grantit be our soveran lord quham God assolze to the burges of the said burgh Eftir the avais of bath the parteis foresaid thai being removit and enterit again the said lordis of counsale decretit and deliverit that for ocht hethirtill schawin be the said burges before the said lordis the said burges has nocht na keping rewling nor govirnance of the said fare na that the dewiteis pertenyis nocht to thaim as for the keping of it and has thairfore for the gud of the said burgh ordanit that the kingis lettres to be given to the said schereff of the keping thairof enduring the kingis will And thairattour the said lordis has decernit and ordanit that thair be na unlawis dewiteis nor proffitis taken up be the said shereff na nane of his behalf of ony thing pretening to the said last faire and alsa it is ordanit that the said shereff tak na dewiteis in time cumming bot sic as wes ordanit be the hale parliament and thre estatis to be tane be the shereffis.

50. *Instrument on the Agreement between Gilbert Lord Kennedy and the Burgh of Ayr regarding the Boundaries of the Baronies of Alloway and Dalrymple.*—[25th April 1475.]

IN Dei nomine amen Per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno ab incarnatione Domini millesimo quadringentesimo septuagesimo quinto die vero mensis Aprilis vicesima quinta indiccione viij<sup>a</sup> pontificatus sanctissimi in Cristo patris et domini nostri domini Sixti divina providencia pape iiij<sup>ti</sup> anno iiij<sup>to</sup> in mei notarii publici et testium subscriptorum presencia appunctuatum concordatum et finaliter erat terminatum inter nobilem dominum Gilbertum dominum Kennedy et Johannem Kennedy filium et heredem apparentem dicti domini



pro se et eorum heredibus in perpetuum ex parte una et Johannem Multrar Alanum Boyman et Thomam Makkilkerdy aldermannum et ballivos burgi de Air cum consensu et assensu communitatis dicti burgi pro se et eorum successoribus ex parte altera quod figure et mete divide inter baroniam de Dalrumpill pertinentem prefato domino Kennedy ex una et baroniam de Alloway pertinentem prescriptis aldermanno ballivis et communitati dicti burgi ab altera servarentur et hereditarie custodientur in forma et effectum ut sequitur Primo incipiendo ad finem torrentis de Pulraskan ubi porrigit brachium suum in aqua de Dwyne et sic ab hinc per quamdam fossam lapideam cum certa terra accumulata nuncupata le Hedrig de terris de Alloway usque le Clowin Stane deinde ascendendo per eandem fossam et dimidietatem terre nuncupate le Brakanhirst in qua terra est quadam crux situata vulgariter nuncupata sanct Markis Cors et sic ab hac gradiens versus orientem ad fossam nuncupatam le Lowchridding et ab hinc ascendendo per communem viam usque petarium de Monyvayn tam prope quam procull inhabitantes et tenentes dictam baroniam de Alloway arare vel ad culturam redigere possunt integro tamen petario remanente cum baronia de Dalrumpille deinde descendendo a dicto petario spacium quoddam per marresium nuncupatum le Syik inter terras aratas de Kertcloy et communem de Balsaracht versus orientem a dicto marresio et exinde gradiens et iter faciens per certum solum accumulatum nuncupatum le Hedrig de Bymberizard usque ad tres magnos lapides inter Bymberizarde et Ballinseracht existentes supra communi torrente deinde descendendo per marresium usque torrentem et ascendendo torrentem usque petarium nuncupatum Ridhalchis Mowse deinde a capite dicti torrentis per dictum petarium usque terram communem monialium ita quod una dimidietas dicti petarii dividetur et remanebit pro perpetuo cum dicta baronia de Alloway et altera media pars eodem modo remanebit cum baronia de Dalrumpill Super quibus omnibus et singulis sic actis factis et elocutis ut prescriptum est idem Johannes Multrar nomine et ex parte communitatis dicti burgi a me notario publico exinde fieri sibi peciit hoc presens publicum instrumentum sive publica instrumenta Acta fuerunt hec in dictis terris de le Brakanhirst sub anno mense die indicione et pontificatu quibus supra hora quarta vel eo circa post meridiem presentibus honorabilibus et circumspicis viris Colino venerabili patre abbate de Corsragruer Johanne Kennedy de Blarquhan Johanne Chalmir de Gadgirth milite David Blair de Adamton Jacobo Kennedy Johanne Kennedy filio et herede apparente dicti Johannis Kennedy de Blarquhan Quintino



Mvr Jacobo Blar Alexandro Cathkert scutiferis Willelmo Bkemcamhop  
 Michaelae Mason Georgio Quhit Johanne Broun Johanne Rolland et Thoma  
 Red burgensibus dicti burgi cum multis aliis ad premissa vocatis specialiter  
 et rogatis.

Et ego vero Robertus Gref presbyter Glasguensis, etc.

#### ABSTRACT.

Notarial Instrument, narrating that it was agreed and finally ended between a noble lord, Gilbert lord Kennedy, and John Kennedy his son and apparent heir, for themselves and their heirs, on the one part, and John Multrar, alderman, and Alan Boyman and Thomas Makkilkerdy, bailies of the burgh of Ayr, with consent of the community thereof, for them and their successors, on the other part, that the marks and boundaries set between the barony of Dalrymple, belonging to the said lord Kennedy on the one part, and the barony of Alloway, belonging to the burgh of Ayr on the other part, should be preserved and heritably kept in form and effect as follows: Beginning at the end of the burn of Pulraskan, where it stretches its arm in the water of Doon, and so from thence along by a certain stone dyke with some heaped earth, called the Headrig of the lands of Alloway, as far as the Clowin Stane; then upwards by the same dyke to the half of the land called the Brakanhirst, on which land there is placed a certain cross, called St. Mark's Cross: and so onwards from this, turning towards the east, to the dyke called the Lowchridding; and thence upward by the common way to the peat moss of Monyvayn,—both near and far, those inhabiting and holding the said barony of Alloway may plough or cultivate; the whole peat moss, however, remaining with the barony of Dalrymple: then going down from the said peat moss a certain space, along by the marsh called the Syke, between the ploughed lands of Carcluie and the common of Balsarroch, towards the east from the said marsh, and thence turning and making way by the headrig of Broomberry-yard, as far as to three large stones between Broomberry-yard and Balsarroch, above the common burn: then down the marsh to the burn, and up the burn to the peat moss called Ridhaleh's Moss; then from the head of the said burn by the said moss as far as to the common land of the Nuns; so that one half of the said peat moss should be divided and remain for ever with the said barony of Alloway, and the other half in like manner should remain with the barony of Dalrymple.



Done in presence of the witnesses therein named, on the lands of the Bracanhirst, about four o'clock afternoon, 25th April 1475.

51. *Sasine of the Burgh of Ayr in Annualrent of Five Shillings out of the Lands of Holmyshill, in exchange with Hugh Wallace of Smithstoun for the place of the Walkmill and Salmon Fishing.*—[9th March 1488.]

IN Dei nomine amen Per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo quadringentesimo octuagesimo octavo die vero mensis Marcii nona indicione septima pontificatus sanctissimi in Christo patris ac domini domini nostri Innocencii divina providencia pape octavi anno quinto in mei notarii publici et testium infrascriptorum presencia personaliter constitutus honorabilis vir Hugo Walles de Smythistoun melioribus via modo forma pariter et effectum quibus jure potuit seu debuit pure et simpliciter resignavit necnon a se et suis heredibus ac assignatis imperpetuum sursum reddidit in manibus providi viri Ade Wischard ballivi pro tempore burghi de Aire per deliberacionem unius denarii in manibus eiusdem quinque solidos annui redditus usualis monete regni Scocie annuatim levandos et percipiendos in festis sancti Martini in hieme et Pentecostes per equales porciones de omnibus et singulis terris suis de Holmys Hill cum pertinenciis jacentibus in terretorio dicti burghi in Kile regis et infra vicecomitatum burghi predicti Quaquidem resignacione quinque solidorum annui redditus ut premittitur in manibus dicti ballivi ut predictur rite peracta antedictus ballivus post resignacionem eorundem ex speciali mandato dicti Hugonis Walles statum dedit hereditariam et saisinam necnon et realem et corporalem possessionem antedicti annui redditus egregio viro Andree Busby aldirmanno dicti burghi tanquam persone publice nomine et ex parte totius communitatis ac omnium burgensium dicti burghi sibi et suis futuris successoribus possidendi et levandi imperpetuum Et hoc nomine puri excambii quinque solidorum feodifirme expressatorum in quadam carta per dictum aldirmannum Michaellem Mak Gilroy et Adam Wischard ballivos ac eciam communitatem predictam sepedicto Hugoni confecta pro loco et sede molendini fullonatorii ly Walkmyll una cum piscaria salmonum ut luculencius constat in eadem Pro quaquidem carta dicto Hugoni ut premittitur tradita ipse Hugo sub



suo deliberabat sigillo antedictis aldermanno ballivis et communitati unam cartam excambii de dictis quinque solidis annui redditus debita forma secundum cuius quidem carte tenorem tradidit dictus Adam ballivus saisinam premissam salvo jure cuiuslibet Super quibus vero resignacione dicti annui redditus ac eiusdem saisine ceterisque omnibus et singulis pecierunt prenominati aldermannus ac eciam Michael Mak Gilroy ballivus burgi predicti nomine et ex parte sui et interesse atque tocus communitatis unum aut plura instrumentum aut instrumenta publicum seu publica per me notarium publicum subscriptum sibi fieri Acta erant hec super solum dictarum terrarum hora quasi octava ante meridiem vel ea circa anno die mense indiccione et pontificatu quibus supra presentibus ibidem honorabilibus viris Matheo Walles de Coschogil Johanne Blar de Adamtoun Alano Cathcart filio et herede apparente Johannis Cathkert de Carloun militis Laurencio Walles Gavino Dalrumpill Alexandro Raith Johanne Walker conburgensibus et Willelmo Thomsoun scutifero cum multis aliis testibus ad premissa vocatis.

Et ego vero Andreas Makcormyll presbyter Glasguensis, etc.

## ABSTRACT.

Notarial Instrument, narrating that an honourable man, Hugh Wallace of Smithstoun, resigned an annualrent of five shillings out of his lands of Holmyshill, in the territory of the burgh of Ayr, in King's Kyle, by delivery of one penny in the hands of a prudent man Adam Wishart, bailie of the burgh of Ayr: After which the said bailie, by special mandate of the said Hugh Wallace, gave heritable infeftment of the aforesaid annualrent to a distinguished man, Andrew Busby, alderman of the said burgh, as a public person, in name and behalf of the community and burgesses of the burgh, to be possessed and uplifted by them and their successors for ever: And that in name of pure exchange for five shillings of feu-ferme mentioned in a charter granted by the said alderman, Michael Mak Gilroy and Adam Wishart, bailies, and the community foresaid, to the said Hugh, for the place and ground of the Walkmyln, with the salmon fishing; for which charter so granted, the said Hugh delivered under his seal to the said alderman, bailies, and community, a charter of excambion of the said five shillings of annualrent in due form: These things were done on the ground of the said lands, about eight o'clock before noon of the 9th day of March 1488.



52. *Instrument on the Resignation by Margaret White of a Tenement in Ayr in favour of Sir Arthur Reid, Chaplain.*—[15th October 1490.]

IN Dei nomine amen Per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis Dominice millesimo quadringentesimo nonagesimo die vero mensis Octobris decima quinta indiccione nona pontificatus sanctissimi in Christo patris ac domini nostri Sixti divina providencia pape quarti anno septimo in mei notarii publici et testium subscriptorum presencia personaliter constituta provida mulier Margreta Quhit pure et simpliciter resignavit per fustem et baculum et sursum reddidit in manibus providi viri Thome Hustoun ballivi pro tempore burghi de Are suum liberum conjunctum feodamentum ac eciam omne ius aut clameum que habuit vel habere potuit ad quoddam suum tenementum cum pertinentiis jacens in burgo de Are inter tenementum Jacobi Vilsoun ex parte boriali et tenementum quondam Roberti Kow ex parte australi Qua resignacione sic facta et per dictum ballivum recepta ipse ballivus more quo decuit seu debuit statum contulit hereditarium et sasinam de dicto tenemento cum pertinentiis provido viro domino Arthuro Reid capellano hereditarie imperpetuum Salvo iure cuiuslibet Super quibus vero omnibus et singulis peciit dictus capellanus hoc presens publicum instrumentum per me notarium publicum subscriptum sibi fieri Acta erant hec super solum dicti tenementi hora quasi xj ante meridiem vel ea circa anno die mense indiccione et pontificatu quibus supra presentibus ibidem Johanne Dalrumpill olim de Lacht Willelmo Blar Alexandro Recht juniore Patricio Kar Adam Mure seniori Johanne Dic et Thoma Stewart cum multis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego vero Andreas Makcormyl, etc.

ABSTRACT.

Instrument on the resignation by a prudent woman Margaret White, in the hands of Thomas Houston, bailie of the burgh of Ayr, of her conjunct fee of a tenement in the said burgh, situated between the tenement of James Wilson on the north and that of the deceased Robert Kow on the south: Which resignation having been received by the said bailie, he gave and delivered heritable state and sasine of the said tenement to Sir Arthur



Reid, chaplain. These things were done on the ground of the said tenement about eleven o'clock before noon, on the 15th October 1490, before these witnesses, John Dalrymple sometime of Lacht, William Blair, Alexander Recht younger, Patrick Kar, Adam Mure elder, John Dick, and Thomas Stewart. Notary, Andrew Makcormyll.

53. *Instrument on the Resignation by Sir John Shaw, Chaplain, of an Annualrent of Six Shillings and Eightpence, in favour of the Choristers of the Church of St. John, for an Obit Mass for Nicholas M'Ylroye. [30th December 1500.]*

IN Dei nomine amen Per hoc presens publicum instrumentum cunctis pateat evidenter quod anno incarnationis Dominice millesimo quingentesimo die vero mensis Decembris penultimo indiccione quarta pontificatus sanctissimi in Christo patris ac domini domini nostri Alexandri divina providencia pape sexti anno nono et regni Jacobi quarti regis nostri illustrissimi anno decimo tercio in mei notarii publici et testium subscriptorum presencia personaliter constitutus circumspectus vir dominus Johannes Schaw capellanus accessit ad suum tenementum jacens in burgo de Air inter tenementum Ade Conyngham de Caprontoun ex parte boriali ex parte una et tenementum Willelmi Dregarne ex parte australi ex parte altera Et ibi ob certas causas ipsum ad hoc moventes sex solidos et octo denarios annui redditus per denarii deliberacionem ut moris est in manibus providi viri Thome Tayt ballivi de Ayr pro tempore a se et heredibus suis sursum reddidit pureque et simpliciter imperpetuum resignavit et hoc in favorem presbiteriorum coristarum ecclesie parochialis sancti Johannis Baptiste de Ayr et suorum successorum ibidem Deo serviencium Qua resignacione facta idem ballivus statum et sasinam hereditariam de dictis sex solidis et octo denariis annui redditus annuatim de dicto tenemento levandis per denarii tradicionem ut moris est domino Thome Rolland curato de Ayr pro tempore tanquam principali coriste salvo jure cuiuslibet imperpetuum donavit et hoc pro exequiis et missa obitus in crastinum per dictos coristas pro salute anime quondam Nicholai M'Ylroy annuatim in insula sancte Trinitatis dicte ecclesie celebrandis Super quibus omnibus et singulis peciit dictus dominus Thomas a me notario subscripto presens fieri instrumentum Acta erant hec super solum dicti tenementi hora novena ante meridiem vel ea circa sub anno die



mense indicione pontificatu et regis regno quibus supra presentibus ibidem providis viris Johanne Schaw de Haly Colino Campbell Michaelē M'Ylroye Willelmo Dregarne Johanne Makyleardy Alano Schaw David Masoune et Thoma M'Ylroy cum multis aliis testibus ad premissa vocatis pariter et rogatis.

Et ego vero Johannes Thome presbiter Glasguensis, etc.

#### ABSTRACT.

Notarial Instrument on the resignation by Sir John Shaw, chaplain, of an annualrent of six shillings and eightpence out of his tenement situated in the burgh of Ayr, between the tenement of Adam Cunyngham of Caprington on the north and that of William Dregarne on the south, by delivery of a penny, in the hands of a prudent man Thomas Tayt, bailie of Ayr, in favour of the choristers of the church of St. John the Baptist of Ayr,—on whose behalf Sir Thomas Rolland, curate of Ayr, as principal chorister, received infestment from the hand of the said bailie: And this for exequies and an obit mass on the morrow, to be celebrated once a year by the said choristers, in the aisle of the Holy Trinity of the said church, for the soul of the deceased Nicholas M'Ylroy: Done at the said tenement at nine o'clock in the forenoon of the 30th December 1500.

54. *Charter by Sir Andrew Makcormyll<sup>1</sup> to the Choristers of the Parish Church of Ayr, of Twenty Shillings yearly, for the Celebration of his Anniversary and Obit.*—[12th May 1502.]

UNIVERSIS sancte matris ecclesie filiis ad quorum noticias presentes litere seu carta pervenerint dominus Andreas Makcormyll vicarius de Stratoun ac Instructor pro tempore studii grammaticalis burgi de Are licet immeritus salutem in Domino sempiternam Quia per pias elimosinas et missarum celebrationes continuas ubi Filius pro peccatis nostris Patri offertur credimus peccata dimitti purgatorij penas demollirj et ab eisdem defunctorum animas frequencius liberarj Noverit igitur universitas vestra me spiritu fervide devocionis in hac parte motum unum anniversarium ac perpetuum obitum in ecclesia parrochiali predicti burgi fundasse pro salute anime mee mei patris et matris meorumque benefactorum intencionaliter vivorum et

<sup>1</sup> He died 3d April 1507 (*Obit Book of Ayr*, p. 31).



defunctorum Pro quo quidem anniversario et exequiis per presbiteros et choristas chorj de Are pro tempore celebrando noveritis me dedisse concessisse et hac presenti carta mea confirmasse ac per presentes dare concedere et imperpetuum confirmare presbiteris et choristis dicti chorj presentibus et futuris ac eciam pauperibus viginti solidos annui redditus legalis monete regni Scocie annuatim levandos in terminis pentichostes et sancti Martini in hieme per equales porciones videlicet sedecim solidos de toto et integro tenemento meo cum pertinenciis in dicto burgo inter finem pontis eiusdem ab una et tenementum Patricii Kare ex parte altera ac eciam quatuor solidos de toto meo tenemento cum pertinenciis jacente in eodem burgo inter tenementum Johannis Chapell ab una et tenementum dudum Michaelis Masoun ex parte altera Quiquidem annuus redditus imperpetuum distribuetur prout sequitur Et primo Campanarius ibit per plateas more solito instigando eciam pauperes ut veniant ad missam obitus ad deprecandum pro anima fundatoris et ad recipiendum suam elimosinam secundum formam fundacionis quamobrem habebit quatuor denarios Interea post missam obitus ad pauperes tunc presentes in esca et potu ac pecunia octo solidj ex predictis vigintj solidis per principalem sacerdotem chori cum concilio decani gilde si interfuerit distribuendi Preterea quia seculares perspicue explorant facta ecclesiasticorum et e converso volo quod ipse decanus gilde qui pro tempore fuerit intersit dicte elimosine distribucioni si voluerit gracia cuius duodecim denarii sibi annuatim ex premissa summa dabuntur sinautem nichil Volo eciam quod ad decorem domus Dei clericus parochialis vel sacrista pro tempore ter pulset ad exequias et tociens ad missam obitus pulsa maioris campane Ea propter duodecim denarios habeat sinautem sex tantum Et quod huiusmodj anniversarii officium annuatim celebretur ad altare sacri sanguinis in die sanctj Andree quo ad obitum cum missa obitus et ceteris privatis missis in crastinum Et luminj eiusdem altaris annuatim sex denarij dabuntur Et quod exequie cum novem lectionibus ad cultum Dei honeste annuatim perficiantur Volo eciam quod a quolibet sacerdote ab exequiis absente quatuor denarii et a missa totidem subtrahantur absentibus vero ab utraque nichil debitur Volo eciam quod sex sacerdotes ad minus ex dicto choro seu hiis deficientibus alii predicto officio intersint Et quia mora trahit periculum et suffragii dilacio aliquomodo auffert meritum ab indigentibus volo quod a quolibet sacerdote presente die obitus et tunc non celebrante tres denarii subtrahantur Insuper constituo quod illa pecunia que ex absentia decani gilde seu ex



negligencia sacerdotum ut predicitur contigerit in <sup>1</sup> datur partes  
 Et una pars in usum pauperum cedat reliqua vero sacerdotibus presentibus  
 et celebrantibus ut supra <sup>1</sup> pro perpetuo ordino quod distributor  
 Elimosine pro tempore et ceterorum ut supra gracia sui fidelis laboris  
 habeat por <sup>1</sup> diete pecunie qui aliis sacerdotibus incumbit  
 Et ut ipse distributor pro tempore reddat fideliter singula <sup>1</sup> eterne  
 remuneracionis optat esse particeps Volo eciam quod si contingat ex incuria  
 sacerdotum vel aliter quod <sup>1</sup> die et tempore prescriptis non  
 perficiatur quod illa vice et ceteris vicibus quociens hoc contigerit predicti  
<sup>1</sup> gantur decanum gilde et meos propinquiores amicos in burgo  
 et ex dicta summa quatuordecim solidj pauperibus <sup>1</sup> gentur Cetera  
 do ad suum usum et ecclesie ut eis expedire videbitur pertinere dinoscantur  
 patronos vero ad huiusmodj fierj faciendas imperpetuum aldirmannum  
 decanum gilde ballivos et burgenses dicti burgi presentes et futuros pre-  
 sentis carte tenore facio constituo creo et ordino irrevocabiliter imper-  
 petuum Reservato tamen michi tempore vite mee libero tenemento pre-  
 dicti annui redditus In cuius rei testimonium huic presenti carte mee  
 sigillum meum est appensum apud dictum burgum duodecimo die mensis  
 Maij anno domini millesimo quingentesimo secundo coram hiis testibus  
 Matheo Walles de Crago Roberto Clerc aldermanno dictj burgj Johanne  
 Browne Adam Wischart ballivo Johanne Wischart decano gilde et Alex-  
 andro Johnnestoun cum multis aliis, etc.

(Signed) Dominus ANDREAS MAKCORMYL,  
 Notarius Publicus.

Ita est manu propria approbat singula premissa.



<sup>1</sup> Original torn.



## ABSTRACT.

Charter by Sir Andrew Makcormyll, vicar of Straiton, and instructor for the time of the Grammar School of the burgh of Ayr, albeit undeservedly, whereby, confessing his faith that by pious alms and the celebration of masses, the Son is offered to the Father for the sins of men, which are on that account remitted, and the pains of purgatory ended, and the souls of the dead set free in greater numbers, therefore, being moved by a spirit of fervid devotion, he founded an anniversary and perpetual obit in the parish church of the said burgh for the welfare of his own soul, the souls of his father and mother, and of those who were intentionally his benefactors, both living and dead; for the celebration of which anniversary, and the funeral rites, by the priests and choristers of the choir of Ayr, for the time, he granted to them, and also to the poor, twenty shillings of annualrent, of legal money of Scotland, to be uplifted at the terms of Whitsunday and Martinmas by equal portions, viz., sixteen shillings from his tenement in the said burgh, between the end of the bridge thereof on the one side and the tenement of Patrick Kare on the other; also four shillings from his tenement in the said burgh, between the tenement of John Chapell and that of the late Michael Masoun; which annualrent should be perpetually distributed thus: First, the bellman should go through the streets, in the usual manner, to instigate the poor to come to the obit mass to pray for the soul of the founder and to receive his alms, for which service the said bellman should have four pence; while to the poor people then present there should be distributed, by the principal priest of the choir, with the advice of the dean of gild, if present, eight shillings, in meat, drink, and money, out of the foresaid twenty shillings: Further, because the seculars look sharply after the doings of churchmen, as the latter also do regarding the conduct of the seculars, he willed that the dean of gild should be present, if he pleased, at the distribution of the said alms, for which favour twelve pence should be given to him out of the foresaid sum, but if not present, nothing: He willed, also, that for the decency of the house of God the parish clerk or sacristan should toll the great bell three times at the exequies and as many times at the obit mass, for which he should have twelve pence, otherwise only six; and that the office of the said anniversary should be celebrated at the altar of the holy blood on St. Andrew's



Day, and the obit, the obit mass, and other private masses on the morrow; and for the light of the same altar six pence should be given yearly; and that the exequies should be performed every year in honourable manner, with nine lessons for the worship of God; and that from every priest absent from the exequies four pence should be deducted, and the same from those absent from mass; while the absentees from both should have nothing: He willed, also, that at least six priests from the choir should be present at the foresaid office, and failing these, others: And because delay leads to danger, and the deferring of prayer in some way keeps back favour from the indigent, he willed that from each priest present on the day of the obit, and then not celebrating, three pence should be kept: He further ordained that the money which accrued from the absence of the dean of gild, or from the negligence of the priests, should be divided amongst the poor and the priests who were present and celebrating; and that the distributor of the alms should have as much of the said money as the other priests. [The clauses following this are imperfect, owing to the decay of the parchment, and therefore not translatable.] For all which purposes he ordained the alderman, dean of gild, bailies, and burgesses of Ayr to be the patrons of his grant in all time coming; but reserved to himself the frank tenement thereof during his lifetime. Dated 12th May 1502.

55. *Resignation by Sir Andrew M'Cormyll, Vicar of Straiton, for an Obit to be said by the Choristers of St. John's Church, Ayr.*—[19th May 1502.]

IN Dei nomine amen Per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis Dominice millesimo quingentesimo secundo die vero mensis Maij xix<sup>o</sup> indictione sexta pontificatus sanctissimi in Christo patris ac domini domini nostri Alexandri pape sexti anno undecimo et regni excellentissimi principis Jacobi quarti Scotorum regis illustrissimj anno decimo quarto in mei notarij publici et testium subscriptorum presencia personaliter constitutus circumspectus vir dominus Andreas Makcormile vicarius de Stratoun incola burgi de Aire pro tempore pure simpliciter resignavit et sursum reddidit ut moris est imperpetuum quatuor solidos annuj redditus usualis monete annuatim levandos de tenemento suo cum pertinenciis jacente in dicto burgo inter



tenementum dudum Michaelis Masoune ab una et tenementum Johannis Chapell ex parte altera in manibus providi viri Johannis Walcare ballivi pro tunc dicti burghi ad augmentacionem sedecim solidorum annui redditus prius donatorum per dictum vicarium pro perpetuo annuo obitu pro ipso annuatim faciendo secundum tenorem carte sue desuper confecte Qua resignacione facta predictus ballivus statum contulit et saisinam ac veram possessionem predicti annui redditus digno viro magistro Eduardo Blayre tanquam publice persone nomine et ex parte ecclesie sancti Johannis et choristarum eiusdem presencium et futurorum Insuper predictus ballivus vive vocis oraculo publice fatebatur se prius recepisse resignacionem per prefatum vicarium de sedecim solidis ut predicatur annuatim levandis de tenemento dicti vicarii prope pontem de Aire pro perpetuo explecione dicti annui obitus secundum tenorem carte sue Super quibus vero omnibus et singulis sic premissis pecierunt predicti magister Eduardus et dominus Andreas quilibet pro suo interesse instrumentum vel instrumenta publicum vel publica per me notarium publicum subscriptum sibi fieri Acta fuerunt hec super solum dicti tenementi hora quasi prima post meridiem vel ea circa anno die mense indiccione et pontificatu quibus supra presentibus ibidem providis viris Roberto Clerk aldermanno Alexandro Johnsone Johanne Wischard Georgio Neisbit Willelmo Bell dominis Johanne Thomsone notario et Thoma M'Quhinze capellano cum multis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Patricius Law presbiter Glasguensis diocesis publicus regali auctoritate notarius, etc.

#### ABSTRACT.

Resignation by Sir Andrew Makcormyll, vicar of Straiton, inhabitant for the time of the burgh of Ayr, of four shillings of annualrent to be raised from his tenement situated in the said burgh, between the tenement of the late Michael Mason on the one side and that of John Chapell on the other, in the hands of John Walker, then bailie of the said burgh, for augmentation of sixteen shillings of annualrent formerly given by the said vicar, for a perpetual yearly obit for himself, according to the tenor of his charter granted thereupon: Which resignation having been made, the said bailie gave state, sasine, and true possession of the foresaid annualrent to a worthy man Mr. Edward Blayr, as a public person, in name of the church of St.



John, and of the choristers thereof present and future: Whereupon the foresaid bailie, with lively voice, acknowledged that he had formerly received resignation by the said vicar of sixteen shillings, to be uplifted yearly from his tenement near the Bridge of Ayr, for the perpetual accomplishment of the said yearly obit: Whereupon the said Mr. Edward and Sir Andrew asked instruments for their respective interests. Done on the ground of the said tenement 19th May 1502.

56. *Charter by the Burgh of Ayr to the Convent of the Friars Preachers, of a Piece of the common land, etc.—[1st October 1531.]*

OMNIBUS hanc cartam visuris vel auditoris Adam Wallace de Neutoune prepositus burgi de Are Johannes Kennedy et Leonardus Clerk ballivi dicti burgi pro tempore et communitas eiusdem salutem in Domino sempiternam Noverit universitas vestra nos non vi aut metu ductos nec errore lapsos seu dolo circumventos sed nostra mera et spontanea voluntate utilitateque nostra undique prevista et pensata ac commodum et favorem nostre reipublice unanimi consensu et assensu omnium nostrum dedisse concessisse confirmasse et ad feodifirmam dimisisse necnon per presentes dare concedere confirmare et hac presenti carta nostra ad feodifirmam nemine nostrum contradicente dimittere pro nobis et nostris successoribus imperpetuum circumspecto religioso viro fratri Thome Stevinsone priori fratrum predicatorum de Are et conventui eiusdem suisque successoribus quamdam peciam terre communis nostri ad sedem et locum molendini continentem in longitudine viginti quinque casus oblonge virge ly rudwand computando quemlibet casum dicte virge ad sex ulnas usualis mensure et in latitudine occupantem tantum terre communis nostri quantum distat inter aquam de Are ex parte orientali et quamdam sicam seu fossam jam edificatam super orientalem partem terrarum de Holmys ex parte occidentali dicte pecie terre et ex parte altera inchoando in quadam rupe ad descensum et pedem cuiusdam loci qui dicitur ly Kendee Bank et sic descendendo abhinc per ripam dicte aque per tantum spacium terre in longitudine ut predictur Cum aquarum adductu et deductu ly to laid and away laid in dicta terra unacum croa sive crois ly cruyse pro piscaria salmonum in dicta aqua et aquarum statione seu stationibus predicti molendini cum pertinentiis jacentem in territorio dicti burgi in Kyle et intra vicecomitatum de Are Faciendo



aquarum stationem ly dammyng dicti molendini et locum sive loca diete piscarie ly crois in quodam vado antedictae aque vulgariter nuncupate ly stob akyr furde et prout dicto priori et conventui fratrum predicatorum de Are et successoribus suis ad asiamentum dicti molendini et piscarie videbitur magis expediens Que quidem pecia terre fuit prius mei ipsius Ade Wallace prepositi antedicti hereditarie Et quam peciam cum sede et loco dicti molendini et piscarie antedictae ego dictus Adam non vi aut metu ductus nec errore lapsus sed mea spontanea voluntate in manibus dictorum ballivorum in favorem dicti prioris et conventus fratrum predicatorum de Are antedictorum sursum dedi ac per fustim et baculum pure et simpliciter resignavi cum jure et clameo proprietate et possessione Pro certis suffragiis et divinis officiis videlicet duabus exequiis placebo et dirige cum missa de requie in crastino una videlicet pro anima quondam Hugonis Wallace de Smythstoune patris mei annuatim celebranda die xij<sup>o</sup> mensis Septembris Et alia die illius mensis quo contigerit me ab hac luce decedere via universe carnis ingredientem pro anima mea ac pro animabus omnium predecessorum meorum omniumque fidelium defunctorum per predictum priorem et conventum et successores suos in dicta ecclesia sua fratrum predicatorum de Are per modum anniversarum annuatim celebranda et divine agenda imperpetuum Tenendum et habendum dictum molendinum cum suis sede loco et piscaria predicta dicto priori et conventui fratrum predicatorum de Are et successoribus suis de nobis et successoribus nostris in feodifirme more burgali hereditarie imperpetuum per omnes rectas metas suas divisas et limitates in maiore et competenti modo forma et effectu asiamento utilitate firmis feodo et proficuis cum edificiis aquarum adductu et deductu ac statione prout quovismodo dicto priori conventui fratrum predicatorum de Are et successoribus suis magis opportunum videbitur expedire Cum omnibus et singulis libertatibus commoditatibus edificiis asiamentis ac justis suis pertinentiis quibuscunque tam non nominatis quam nominatis tam subtus terra quam supra terram tam procul quam prope ad omnia predicta videlicet peciam terre communis et piscariam cum pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum cum lapide et cespitibus cum libero introitu et exitu ad dictum molendinum et piscariam cum pertinentiis per nostras terras territorium et bondas adeo libere quiete plenarie integre honorifice bene et in pace sine aliqua revocatione impedimento aut obstaculo quocunque sicut alique huiusmodi infra regnum Scocie ad feodifirmam liberius et quiccius dantur conceduntur seu eciam quocummodo dimittantur Reddendo inde



annuatim dictus prior conventus fratrum predicatorum de Are et successores sui predicti nobis et successoribus nostris preposito ballivis et communitati burgi predicti quinque solidos usualis monete regni Scocie in festo sancti Martini in hieme et pentichostes per equales portiones nomine feudifirme tantum pro omni alio onere exactione questione servicio seculari seu demanda que de dicto molendino sede et loco eiusdem pecia terre piscaria predictis cum pertinenciis per quoscunque juste exigi poterunt seu quomodolibet requiri in futurum Et nos vero prepositus ballivi et communitas antedicti unanimi consensu et assensu omne nostrum predictum molendinum cum sede et loco eiusdem et suis asiamentis ut premittitur unacum dicta piscaria in dictis ly cruys cum pertinenciis dicto priori et conventui fratrum predicatorum de Are et successoribus suis in omnibus et per omnia ut predictum est contra omnes mortales varrantizabimus acquietabimus et presentis carte nostre tenore imperpetuum defendemus In cuius rei testimonium huic presenti carte nostre sigillum nostrum commune est appensum apud dictum burgum de Are die primo mensis Octobris anno domini millesimo quingentesimo trigesimo primo coram hiis testibus Johanne Nelesoune domino Roberto Legat presbytero Ricardo Rede Quintino Cwnynghame Bartholomeo Kilpatrik et Thoma Broune ballivis dicti burgi Leonardo Clerk Johanne Fullartoun comburgensibus dicti burgi et Stephano Prestoune clerico burgali ac notario publico cum diversis aliis.

#### ABSTRACT.

Charter by Adam Wallace of Newtoun, provost of Ayr, John Kennedy and Leonard Clerk, bailies for the time, and the community of the said burgh, for their utility and the advantage of the commonweal, granting to a circumspect religious man, friar Thomas Stevenson, prior of the Friars Preachers of Ayr, and to the convent thereof, a certain piece of their common land, at the site and place of the mill, containing in length twenty-five falls lengthways by the roodwand, reckoning each fall of the said rood at six ells of the usual measure, and occupying in length as much of the common land as extends between the water of Ayr on the east, and a dyke just built upon the east side of the lands of Holmes, on the west of the said piece of ground; and on the other side beginning at a certain rock at the descent and foot of the place called the Kendee Bank; and so downwards by the bank of the said water, by as much space of ground in length as is aforesaid:



With the lade to and from the mill in the said ground : Together with the cruves for fishing salmon in the said water, and the dam or dams of water of the mill, with the pertinents : Lying in the territory of the said burgh, in Kyle, and within the sheriffdom of Ayr : Making the mill-dam and fish cruves on the ford of the said water commonly called the Stob Acre Ford, and as shall seem to the prior and convent most expedient for the convenience of the said mill and fishing : Which piece of ground belonged to the said Adam Wallace, provost, in heritage, and was, along with the site and place of the mill and fishing, resigned by him in the hands of the said bailies, in due form, in favour of the said prior and convent, for their suffrages and religious offices, namely, two funeral services, *placebo* and *dirige*, with requiem mass on the morrow,—that is to say, one for the soul of the deceased Hugh Wallace of Smithstoun, father of the said Adam, to be celebrated yearly on the 13th day of September ; and the other to be celebrated yearly on the day of the month on which the said Adam should happen to depart this life, going the way of all flesh,—for his own soul, and the souls of all his predecessors, and of all the faithful dead ; to be celebrated every year by way of anniversary, by the said prior and convent, in their church of the Friars Preachers of Ayr : To hold of the granters in feu-ferme, burgage, for the yearly payment of five shillings Scots, at the terms of Martinmas and Whitsunday, by equal portions : Dated and sealed with the common seal of the burgh 1st October 1531.

57. *Instrument on the Protestation by the Burgesses of Ayr regarding their Exemption from bearing Witness in any Court outside the Burgh.*—  
[20th May 1555.]

Vicesimo Maii anno Domini millesimo quingentesimo quinquagesimo quinto.

THE quhilk day Robert Dalrimple Archibald Fergushill Robert Rankene Archibald Nicole and Robert M'Myllen burgessis of Air being callit to compeir befor maister James Makgill of Nether Rankelour clerk of register and maister Henrie Lauder advocate to our soverane lady commissioneris constitute be vertew of ane commissioun direct thairupone for exeminging of witnessis in the actioun underwritten to beir leill and suithfast witnessing insafer as thai knaw or suld be sperit at thame in the actioun persewit be



Blais Sanderis Richard Darrell and Katherene Wigmoir alias Limmer be vertew of appellatioun aganis Henrie Worland and Rolland Broun comper- and produceit ane lettre undir the grete seill berand that oure soverane ladiis predecessouris for thame and thair successouris exonerit the burgessis and induellaris of the said burght of Air and thair tennentis of the barony of Alway fra all compering as witnessis in quhatsumever courtis of justiciarie chalmerlanerie scheref courtis or utheris outwitht the boundis of the said burght as the said lettre mair fullelie proportis And thairfoir protestit that albeit thai comperit at this tym to beir witness in this mater for helping of strangearis quhame betuix the said caus dependit that thair said comperance done for sa gude ane respect suld na maner of way prejuge thair said privilege in tym cuming And that thai on na wis suld be haldin nor compellit to beir witnessing in ony uthir actioun outwitht the boundis foirsaidis heireftir Quhilk lettre being sene and considerit be the saidis comissionaris thai admittit the samyn with the protestatioun foirsaid And becaus the said actioun concernit strangearis and wes in point of tinsale grantit that nochtwithstanding that thai at that tyme being burgessis of the said burght past and buir witnessing in the said mater that the samyn on na wis suld prejuge thame nor thair privilege abonespecifiit in ony tyme cuming Upone the quhilk the said burgessis askit instrumentis This wes done in the toubuith of Edinburgh at half houre to twelf or thairby befor thir witnessis maister David Borthuik maister Johnne Spens maister David Makgill and maister David Maitland with uthiris divers.

Ita est Johannes Johnestoun notarius publicus in premissis requisitus.

58. *Decreet by the Lords of Council at the instance of the Burgh of Ayr against Lord Eglinton anent his Jurisdiction as Bailie Principal of the Bailiery of Cunningham.*—[20th December 1558.]

At Edinburgh the twenty day of December the yeir of God j<sup>m</sup> v<sup>c</sup> lviiij yeris the lordis of counsale underwritin that is to say maister Henrie Sinclare dene of Glasgou maister Johnne Sinclaire dene of Restalrig maister Abraham Creichtoun provest of Dunglass maister Johnne Stevinstoun chantour of Glasgou maister William Baillie lord Provand maister James Scott provest of Corstorphin maister James M'Gill of Rankelour nethir clerk of regestre Siris Johnne Campble of Lundie William Hamiltoun of Sanchair knychtis



Robert Carnagy of Kynnard Richart Maitland of Lethingtoun knychtis maister James M'Gill of Rankelour nethir clerk of register maister Henry Lauder advocat to oure soverane lady and maister Johnne Gledstanis licentiat in the lawis Anent our soverane ladiis lettres purchest at the instance of the provest baillies counsale and commontie of the burght of Air aganis Hew Erle of Eglingtoun baillie principale of the baillierie of Cuningham Sir Richard Maitland of Lethingtoun knycht and maister Archibald Craufurd persoun of Eglischehame his curatouris for thair interest and Johnne Muir of Cauldwell baillie deput to the said erle Malie Craig and Johnne Craig hir spous for his interes Johnne Muir burges of Irvin ane uthir of the baillies deputis of the said baillierie and all uthiris the said baillie principalis deputis procuratouris and curatouris gif he ony hes Makand mentioun that quhair the said provest baillies counsale and commontie predecessouris and thai ar infest in fre privilege with fre jurisdiction upoun all the nychtbouris and inhabitaris of the said burght fredome and boundis thair of and conform thairto hes bene in use and possessioun of replegeing and agane bringing of ony nychtbour and inhabitant of the said burght attecheit or arrestit befor ony uthiris jugeis to the fredome and privilege of the said burght jurisdiction and courtis thair of Nochttheles upoun the xj day of October last bipast Archibald Wilsoun powderar induellar and burges of the said burght being attheitit and arrestit befor the baillie of Cuningham and his deputis at the instance of the said Malie Craig the complenaris foirsaidis send Robert M'Millane ane of the baillies of the said burght with sufficient commissioun to replege thair said nychtbour to thair awin fredome and prevelege quha desyrit the said Johnne Muir of Cauldwell baillie deput of Cuninghame sittand in judgement for the tyme to suffer the said Archibald be replegit and to remitt him to the jurisdiction of the said burght and offerit caution of collerat for justice to be ministrat to the said Malie and all uthiris complenand upoun law Nochttheles the said baillie deput wranguslie refussis to do the samin and hes partialie and wilfullie procedit forthir in the said mater aganis the said Archibald to the grete hurt and dampnage of thair privilegis inviolablie observit in tymes bipast and anent the charge gevin to the foirsaidis personis abonewrittin to have comperit befor the lordis of counsale at ane certane day bipast brynging with thame thair precept bill or clame direct be thame aganis the said Archibald in the said mater to have bene sene and considderit be the saidis lordis and to have hard and



sene thame decernit to have done wrang in thair refusing to suffer the said Archibald to be replegit be vertu of the saidis provest baillies counsale and commonities commissioun to thair fredome and jurisdictioun and to admitt the samin in all tyme cuming and to decist and ceis fra all proceeding in the said mater as jugeis competent thairto and the said actioun to be admittit to the saidis complenaris jurisdictioun thair to be decydit conform to thair saidis previlegeis use and possessioun foirsaid or ellis to have allegit ane ressonable caus quhy the samin suld nocht be done lykeas at mair lenth is contenit in the saidis lettres The saidis provest baillies counsale and comontie of Air comperand be maister David Borthuik thair procuratour and the said Hew erle of Eglingtoun baillie principale of the said baillierie of Cuningham his saidis tutouris and curatouris and all uthiris the said baillie principalis deputis procuratouris and curatouris gif he ony hes for thair interes being all lauchfullie summond to this actioun oftymes callit and nocht comperit The lordis of counsale dischargeis the said baillie principale of the bailliery of Cuningham his saidis curatouris and thair deputis of all proceeding in the said mater dischargeing thame thairof and of thair offices in that pairt becaus the said baillie principale his saidis curatouris and thair deputis and all uthiris his deputis procuratouris and curatouris gif he ony had for thair interess wer chargit to have comperit befor the saidis lordis at ane certane day bipast to have brocht with thame [and] producit befor the saidis lordis the said precept or clame direct be the said baillie and his deputis in the said mater to have bene sene and considerit be thame to the effect abonewrittin and [thai] being lauchfullie summond to that effect failzeit thairintill lykeas wes cleirlye understand to the saidis lordis and ordanis lettres to be direct heirupoun gif neid be in form as efferis.

Extractum de libro actorum per me magistrum Jacobum M'Gill de Rankelour Nether clericum rotulorum registri et consilii S. D. N. regis et regine sub meis signo et subscriptione manualibus.

JACOBUS M'GILL.



59. *Letters of Charge at the instance of the Magistrates of Ayr against James Dalrymple, Minister of Ayr, for suspension of Horning raised by him.*—[13th March 1573.]

JAMES be the grace of God king of Scottis to our lovittis Mathow Baird oure shereffis in that parte conjunctlie and severalie specialie constitute greting Forsamekill as it is humelie menit and schawin to ws be our lovittis the provest baillies counsale and thesawrare of oure burgh of Air that quhair James Dalrumpill minister of Ayr allegeing him to be appoyntit minister at the kirk of Air and Alloway and to haif assignit to him for the serving of the cure thairof the sowne of ane hundreth xlix<sup>li</sup> vj<sup>s</sup> viij<sup>d</sup> to be payit as followis That is to say the personage and vicarage of Alloway liij<sup>li</sup> vj<sup>s</sup> viij<sup>d</sup> the third of Air tertio xxxiiij<sup>li</sup> iiij<sup>s</sup> v<sup>d</sup> 3 part<sup>d</sup> and the remanent extending to lxj<sup>li</sup> xv<sup>s</sup> x<sup>d</sup> thrid part<sup>d</sup> to be payit be the said toun of Air out of the annuellis obittis and chaipplanreis disponit to the toun hes thairupoun obtenit our uthiris lettres be deliverance of the lordis of oure counsale and thairwith causit charge the saidis complenaris to ansuer obey and mak the said James payment of the saidis sowmes allegeit assignit to him furth of thair said toun as said is of the lxxiiij yeir and siclike yeirlie in tyme cumming within ten dayis nixt eftir thair charge under the pane of rebelloun and gif thai failze to put thame to our horne and as thai ar informit intendis of verray malice to cause put thame to our horne wranguslie Considdering it is of veritie that thai being patronis thame selfis of the saidis annuellis obittis and chaipplanreis extending in the hail to lxxvj<sup>li</sup> ij<sup>s</sup> off auld befor the Reformatioun of religioun gaif and disponit the same in maner and to the personis following videlicet to Sir Thomas Raith for all the dayis of his lifetyme yerlie xx markis To Sir Johnne Sinclare during his lifetyme xx<sup>li</sup> The laird of Ley withhaldis and detenis fra thame yerlie ten markis for quhilk thai haif actioun instantlie depending aganis him Item thai pay yerlie to James Davidsoun thair redar xx<sup>li</sup> To the clerk of thair sessioun for his stepend and to by paper and ink viij markis To the pouir lvj<sup>s</sup> To him that kepis the sessioun dur and haldis the kirk clene and in gude ordour ten merkis And to the sangstar that takis up the psalmes befor and eftir the precheing ten pundis In the quhilkis sowmes the saidis complenaris ar far superexpendit attour the saidis annuellis obittis and chaipplainreis and the saidis personis respective ilkane



for thair awin parte hes bene in continewall possessioun of the samyn thir divers yeiris bigane like as thai ar yit and the saidis complenaris hes bene onlie in use of payment thair of to thame and the said James Dalrumpill minister foirsaid nor na uthiris ministeris at the said kirk had nevir possessioun of ony parte of the saidis sowmes in ony tymes bigane nor nevir chargeit the saidis complenaris thairfoir quhill now Quhairthrow thair could na assignatioun gif ony be gevin to the said James of the saidis annuellis obittis and chaipplanreis belonging to the saidis complenaris and being disponit be thame as said is without thair avise and gift seing thai man warrand the dispositioun ellis maid be thame and wilbe compellit to mak the saidis personis payment thair of in tyme cumming And as to the Freris landis of our said burgh the same ar halelie adjugeit to Charlis Crawford and Williame Crawford his broder and to twa freris and the saidis complenaris gettis na dewtie thair of as is notourlie knawin In respect of the quhilkis our saidis uthiris lettres ar wranguslie and evill purchest and execute upoun thame and aucht to be suspendit simpliciter Oure will is heirfoir and we charge yow that ye lauchtfullie summond warne and charge the said James Dalrumpill to compeir befoir ws and oure counsale at Edinburgh or quhair it sal happin ws to be for the tyme the xvj day of March in the hour of caus with continewatioun of dayis bringing with him our saidis uthiris lettres purchest be him in the said mater to be sene and considerit be the lordis of our counsale and to heir and se the same effect thair of and proces of oure horne contenit thairintill be suspendit simpliciter upoun the saidis complenaris in all tymes cuming for the caussis foirsaidis and uthiris to be proponit and allegeit be thame in thair names and upoun thair behalfis the saidis day and place with continewatioun of dayis and forder to ansuer at thair instances in the said mater insafer as law will with intimatioun to the said James as efferis or to schaw ane ressonabill caus quhy the same sould nocht be done with certificatioun to him and he failze our saidis uthiris lettres salbe suspendit simpliciter in maner foirsaid according to justice as ye will ansuer to ws thairupoun The quhilk to do we commit to yow conjunctlie and severalie our full power be thir our lettres delivering thame be yow dewle execut and indorsit agane to the berare Gevin under our signet at Edinburgh the xij day of Marche and of our Regnne the sevint yeir 1573 Ex deliberatione dominorum consilij.

(Signed) A. Tod.



(*Dorso*) Upoun the xiiij day of Marche the yeir of God J<sup>m</sup> v<sup>c</sup> lxxiiij yeiris I Mathow Baird ane of the shereffis in that part within constitute past at command of thir our soverane lordis lettres and lauchtfullie summondit warnit and chargit James Dalrumpill within writtin personalie apprehendit to compeir befor the lordis of our said soveranis counsale and sessioun day and place within specifeit in the hour of caus with continewatioun of dayis bringing with him the lettres within mentionat to the effect within writtin with intimatioun to the said James within specifeit eftir the forme and tennour of thir our said soveranis lettres in all poyntis and articlis quhairof I delyverit ane just copy to the said James Dalrumpill and this I did befor thir witnessis Mr. Johne Young David Neill and James Greg with uthiris divers and for the mair witnessing to this my executioun my signet is affixit.

60. *Protest of the Burgesses of Ayr for their Privilege of Exemption from Courts, etc.*—[2d June 1580.]

CURIA justiciarie supremi domini nostri regis tenta et inchoata in pretorio burghi de Edinburgh secundo die mensis Junii anno domini millesimo quingentesimo octuagesimo per discretum virum magistrum Joannem Grahame justiciarium deputatum justiciarii regni generalis specialiter constitutum Sectis vocatis et curia affirmata.

The quhilk day comperit Johnne Lokhart burges of Air for him self and in name and behalf of the remanent burgessis and inhabitantis of the burgh of Air and within the baronye of Alloway quho exponit and declarit in jugement that forsamekle as King James the secund of gude memorie upoun divers reasonabill caussis and considerationis moving his hienes for him and his successouris grantit unto the provest baillies counsale aldermen and communitie of the said burgh thair successouris and to thair tennentis and inhabitantis of the said baronye of Alloway being for the tyme that thai suld nocht be compellit in ony tymes cuming to compeir as witnessis in quhatsumevir justice airis chalmerlane airis scheref courtis or justice courtis outwith the boundis and fredome of the said burght in quhatsumevir courtis bot in the courtis of the samin burght as the lettres thair of past undir the grete seill to schaw beris Quhairupoun thay nocht onelie hes obtenit lettres be deliverance of the Lordis of Sessioun direct to the said



Justice and his deputtis and to all uthiris jugeis officiaris schereffis and subdittis quhatsumevir for obedience of the samin quhilk is sene and admittit of befoir in ane justice court haldin in the tolbuith of the said burght of Edinburgh the xxvj day of Apryle the yeir of God j<sup>m</sup> v<sup>e</sup> threscoir and fyftene yeris be maister Thomas Bannatyne then justice depute for the tyme and subscrivit in dew forme be the clerk of the courtis of the saidis justiciarie bot als thai have of new obtenit ane command and precept direct frome our soverane lord unto officiaris of armes messingeris and schereffis executouris of quhatsumevir lettres criminale or civile within the realme dischargeing thame of all summoning or arreisting of ony of the inhabitantis of the said burght of Air or baronye of Alloway to pas upoun assyssis or inqueistis in quhatsumevir courtis owtwith thair awin jurisdiction boundis and fredome of thair said burght and barony foirsaid as the samin of the dait at Kincardin the xxvij day of Maij last bipast subscrivit be our said soverane lord presentlie produceit with the formar lettres to schaw proportis And now seing that nochtwithstanding the fornait exemption lettres and command direct thairupoun divers and sindrye of the burgessis and inhabitantis of the same burght ar summond to this day and place to pas upoun the assys of William Stewart and uthiris his complicis delatit of certane crymes contenit in the lettres thairanent expres contrair the tennour and command of the said exemption lettres and precept subscrivit be the Kingis grace quha cravis and willis the samin to be obeyit in all punctis The said Johnne Lokhart thairfoir solempnitlie protestit in respect of his production of the saidis lettres and command foirsaid direct to the officiaris being sene and considderit be the said justice depute that nane of the burgessis and inhabitantis of thair said burght of Air nor within the boundis of the baronye foirsaid be haldin to compeir in this court nor na uthir court of justiciarie in tymes cuming nochtwithstanding ony summoning or arreisting maid or to be maid be quhatsumevir officiaris of armes or uthiris in the contrair And gif thaj or ony of thame beis heireftir callit befoir the said justice or his deputtis as being summond be quhatsumevir officiaris of armes to pas upoun assyssis he protestit na proces of dome and unlaw suld be pronunceit or putt in adjornale nochtwithstanding thair absence and non comperance to that effect Protesting alsua for remeid aganis quhatsumevir officiaris ane or ma that makis or usis ony executioun of summondis and lettres in contrair the precept and command direct be the Kingis grace heiranent And heirupoun the said Johnne for him self and in name and



behalf foirsaid askit actis and instrumentis in the handis of me notar publict underwrittin and scribe of the saidis courtis.

Ita est Jacobus Bannatyne notarius publicus ac scriba dicte curie ut predicitur.

61. *Charter by the Burgh of Ayr to Quintin Craufurd of Drumlauch, of the Lands of Friars Dankeith.*—[9th January 1586.]

OMNIBUS hanc cartam visuris et auditoris prepositus ballivi et consilium burgi de Air salutem in Domino sempiternam Noveritis nos pro specialibus favore et amore quos habemus et geremus erga dilectum nostrum Quintinum Craufurd de Drumlaucht antiquum possessorem et assedationem habentem terrarum subsequentium unanimi consensu et assensu dedisse concessisse et ad feudifirmam hereditarie dimisisse necnon per presentes dare concedere et ad feudifirmam hereditarie dimittere prefato Quintino Craufurd antiquo possessori antedicto et suis heredibus quibuscunque totas et integras nostras duas mercatas terrarum antiqui extentus de Freris Dalkeyth cum pertinentiis jacentes in balliatu de Kyle Stewart et infra vicecomitatum de Air Tenendas et habendas totas et integras dictas duas mercatas terrarum antiqui extentus de Freris Dalkeyth cum pertinentiis prefato Quintino Craufurd et suis heredibus hereditarie de nobis et successoribus nostris prepositis ballivis consilio et communitate dicti burgi in feudifirma et hereditate imperpetuum per omnes rectas metas suas antiquas et divisas prout jacent in longitudine et latitudine in domibus edificiis hortis bostis 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 sylvis nemoribus et virgultis lignis tignis lapicidiis lapide et calce cum curiis et earum exitibus amerciamentis eschaetis herezeldis bludewitis et mulierum merchetis cum communi pastura libero introitu et exitu 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 ad predictas terras spectantibus seu juste spectare valentibus quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace sine aliquo impedimento revocatione con-



tradictione aut obstaculo aliquali Reddendo inde annuatim dictus Quintinus et heredes sui nobis et successoribus nostri nostrorumque thesaurariis et factoribus quatuor bollas farine avenatice et quatuor bollas hordei bone et sufficientis inter festa nativitatis Domini et purificationis beate Marie virginis annuatim unacum tredecim solidis et quatuor denariis monete hujus regni in augmentationem nostri rentalis dictarum terrarum tantum pro omni alio onere exactione questione demanda seu servitio seculari que de predictis terris per quoscunque juste exigi poterint quomodolibet vel requiri. Insuper dilectis nostris Joanni M'Kene ac vestrum cuilibet conjunctim et divisim ballivis nostris in hac parte specialiter constitutis salutem Vobis precipimus et firmiter mandamus quatenus visis presentibus indilate statim et saisinam hereditariam necnon realem actualem et corporalem possessionem predictarum duarum mercatarum terrarum antiqui extentus de Freris Dalkeyth cum ejusdem pertinentiis jacentium ut supra memorato Quintino Craufurd vel suo certo actornato latori presentium per terre et lapidis fundi hujusmodi terrarum traditionem ut moris est tradatis et deliberetis sine dilatione et hoc secundum tenorem prescripte nostre carte Ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim ballivis nostris in hac parte antedictis nostram plenariam et irrevocabilem tenore presentium committimus potestatem In cujus rei testimonium presentibus manibus nostris ut sequitur subscriptis sigillum nostrum commune dicti burgi est appensum apud dictum nostrum burgum de Air nono die mensis Januarii anno Domini millesimo quingentesimo octuagesimo sexto coram his testibus. (Signed) Sr William Stewart provost of Ayre George Cochrane baillie of Ayre James Craufurd baillie of Air David Crauffurd dein off Gild William Crawford burges of Air.

## ABSTRACT.

Charter by the provost and council of the burgh of Ayre, in favour of Quintin Craufurd of Drumlauch, of the two mercates of land of old extent of Friars Dankeith, in the bailliery of Kyle Stewart and shire of Ayre: To hold to the said Quintin and his heirs heritably of the granters and their successors in feu-ferme and heritage for ever, for the yearly rent of four bolls of meal and four bolls of barley, payable between the terms of Christmas and Candlemas, with thirteen shillings and fourpence in augmentation of the rental: Containing precept of sasine, and dated at Ayre the 9th January 1586.



62. *Notarial Instrument on Protest for the Burgh of Ayr anent the Exemption from Passing on Assize.*—[24th July 1587.]

CURIA justiciarie supremi domini nostri regis tenta in pretorio de Edinburgh xxiiij<sup>to</sup> die mensis Julij anno Domini millesimo quingentesimo octuagesimo septimo per honorabiles viros magistros Joannem Grahame et Willelmum Oliphant justiciarios deputatos justiciarii regni generalis Sectis vocatis et curia affirmata.

The quhilk day comperit Johnne Lokart burges and auld provest of the burgh of Air and for him selff and in name and behalf of the provest baillies and remanent burgessis counsalouris tenentis and communitie of the burgh of Air protestit that the comperance of certane persounes burgessis of Air as summond to compeir this day and place and admissioun of thame upoun the assyis of Robert Jamesoun burges of Air dilatit and accusit of airt and pairt of the slauchter of umquhile Robert Bannatyne sone to James Bannatyne burges of Air and David Burnis burges of the said burgh As also the unlawing of certane utheris persounes burgessis of Air as summond and nocht comperand upoun the assyis of the said Robert Jamesoun on nawyis prejudge the saidis provest bailleis counsell and communitie and tenentis in thair exemptioun grantit be our soverane lord and his predecesouris to thame exemand thame fra all comperance and passing upoun assyiss quhilk exemptioun is insert and registrat in the buikis of adjornal Quhairupoun he askit act and instrument of me notar publict underwrittin clerk of the said court.

Ita est magister Jacobus Bannatyne notarius publicus ac deputatus ordinarius in officio clericatus justiciarie.

63. *Renunciation by David Crawford of the Barony of Alloway redeemed by the Magistrates of Ayr.*—[7th November 1590.]

I DAVID CRAWFURD burges of Air grantis me be the tennour heirof to haif ressavit fra the handis of Williame Knox thesaurer of the burgh of Air in name and behalf of the provest baillies counsale and communitie thair of the sowme of four hundreth merkis money of this realme as for the lauchful redemptioun lowsing outquitting fra me my airis and assignayis of all and haill ane yeirlye annuelrent of fourtie aught merkis money fairsaid quhilk I



had yeirlie to be upliftit furth of all and haill thair landis and baronie of Alloway extending to foirscoir merkland with the corne miln thairof or ony part of the samyn with thair pertinentis lyand within Kingis Kyle and sheref dome of Air annaliit and wodsett to me be the saidis provest baillies counsall and communitie under reversioun contening the said sowme of four hundreth merkis Off the quhilk sowme and of all byrun annnellrentis awand to me of the said annuelrent of all yeris and termes bipast sen my infeftment to the dait heirof I hald me weill content and payit And for me my airis executouris and assignayis exoneris and discharges the saidis provest baillies counsall and communitie and thair successouris of the samin be thir presentis for now and evir And thairfoir I haif resignit renuncit frelie quitclomit dischargit and ourgevin and be the tennour heirof resignis renuncis quitclamis and ourgevis all and haill the said yeirlie annuelrent of fourty aucht merkis in the handis of the saidis provest baillies counsall and communitie as in the handis of my ovirlordis and superiouris thairof with all richt titill entres kyndnes clame of rycht propertie and possessioun quhatsumevir quhilkis I had hes or may haif thairto togidder with all charteris preceptis instrumentis of sasing and all utheris evidentis maid and deliverit to me thairupoun to remane with thame and thair successouris forever And grantis the samin annuelrent to be lauchfullie redemit and quitout fra me my airis and assignayis and the said reversioun to be fulfillit to me in all pointis conforme to the tennour of the samin And sall warrand this my renunciatioun and resignatioun at all handis In witnes of the quhilk thing to thir presentis subscrivit with my awin hand my seill is appendit at Air the sevint day of November the yeir of God j<sup>m</sup> v<sup>e</sup> four-scoir ten yeris befor the witnessis George Cochren burges of the said burgh Nicoll Gardner in Maynholme Williame Rankene Johne Masoun notaris Patrik Gluver burges of the said burgh Robert Potter my servand and Niniane Mogerisland in Air. (Signed) David Craufurd Johnne Masoun notar witnes Williame Renkine noter witnes to the premisses.

64. *Extract of Contract between John Kennedy of Baltersane and the Burgh of Ayr, anent the Fishings of Doon.*—[25th April 1593: Recorded 6th March 1606.]

At Edinburgh the sext day of Marche the yeir of God j<sup>m</sup> vj<sup>e</sup> and sex yeiris in presens of the Lordis of Counsall comperit personalie Mr. John Makgill



procuratour specialie constitute be this underwrettin Contract for Johne Kennedye of Balterssane on the ane pairt and als comperit personallie Mr. Isaac Broun procuratour specialie constitute lykwayes for Adame Stewarte provest of Air George Cochren and Robert Jamesone bailyeies Robert Maxwell deane of gild George Maissone Alexander Lokharte of Boghall James Bannatyne Robert Campbell Robert Cochrane all burgessis and upone the counsale of the burgh of Air the tyme of the subscriyveing of this underwrettin contract on the uther pairt and gaiff in the samyne subscriyveit with thair handis desyreing the samyne to be insert and registrate in the buikis of counsaill to have the strenth of ane act and decreit in tyme tocum and thair auctoritie to be interponit thairto with lettres and executoriallis to be direct thairupone in maner thairincontentit The quhilk desyre the saidis Lordis thocht ressonable and thairfoir hes ordanit and ordanes the said contract to be insert and registrate in thair saidis buikis and hes interponit and interpones thair auctoritie thairto and decernis and ordanes lettres and executoriallis to be direct thairupone in maner thairincontentit quhairoff the tennour followes At the Burgh of Air the tuentie fyve day of Apryle the yeir of God j<sup>m</sup> v<sup>c</sup> lxxx threttine yeiris it is appointit aggreit and finallie contractit betuixt the parteis underwrettin to witt Johne Kennedye of Balterssane now heritabill proprietar of the landis of Grenane on the ane pairt Adame Stewarte provest of the said burgh of Air George Cochren and Robert Jamesone bailyeis thairof for thameselffis as magistratis foirsaidis with speciall advyce and consent of the counsaill and communitie of the samyn burgh heritable proprietaris of the fischeing underwrettin on the uther pairt in maner forme and effect as eftir followes that is to say fforsamekill as the said Johne Kennedie hes presentlie contentit and payit realie and with effect in nwmerit money to the saidis provest bailyeis and counsale at the making heiroyf the sowme of thrie hundreth merkis money of this realme to be bestowit to the weill and commoditie of the said burgh quhairoff they hauld thame weill contentit satisfeit and payit and for thame and thair successouris exoneris quytclames and discharges the said John Kennedie his airis executoris and assigneis of the samin for evir For the quhilk sowme of thrie hundreth merkis the saidis provest bailyeis counsaill and commwnitie of the said burgh for thame and thair successouris sall with all possible diligence be thair chartour and seasing of fewferme in dew and competent forme heretablie infet and seas the said Johne Kennedye of Balterssane and his airis maill and assignais in all and haill the haill cobill salmont fischeingis



in the watter mouthe of Dwne lyand within the scherefdome of Air alsweill in salt watter as in fresche quhair the saidis cobillis of the said Watter of Dwne wes in use to fische of befor according to use and wont allanerlie and na farther Togider alswa with the salmont fischeing of the said Watter of Dwne upoun baith the sydis of the samyn wattir alsweill of salmont as uther fisches fra the wattir mouthe and ingres of the said Watter upwart to the Craigweill of Grenane inclusive quhilk is the marche of the landis of Grenane allanerlie and na farther To be haldin be the said Johne Kennedie his airis maill and assignais foirsaidis of the foirnamit provest bailyeis counsale and commonitie of the said burgh of Air and thair successouris in fewferme and heretage ffor the yeirlie payment thairfoir be the said Johne Kennedye and his foirsaidis to the saidis provest bailyeis counsale and commonitie of the said burgh and thair successouris and thesaureris in thair names of the sowme of tuentye merkis money of this realme of yeirlie few maill at twa termes in the yeir Witsonday and Mertymes in winter be equale portiounes And the airis of the said Johne Kennedye and his successouris to pay the doubill of the said few maill the first yeir of thair entrie to the saidis fischeingis allanerlie To the payment of the quhilk yeirlie few maill of tuentie merkis money foirsaid yeirlie and termelie to the saidis provest bailyeis counsale and commonitie and thair foirsaidis at the termes afoir expremitt in maner as said is the said Johne Kennedye bindis and oblissis him and his airis maill successouris and assignais in the surest maner of oblissing that can be devysit beginnand the first termes payment thairfoir at the feist of Mertymes nixtocum with full power to the said Johne and his foirsaidis to fische the said watter within the boundis foirsaidis on baith the sydis of the samyn watter and watter mouth thairfoir abone specifeit alsweill in fresche watter as salt be bottis cobillis nettis and leastouris at thair plessour as they sall think expedient for thair commoditie and to set and fessin thair nettis at everie tyme of fischeing according to use and wont And the said infetment to be extendit in dew and ampill forme for the said Johne and his foirsaidis heritabill bruiking and joising of the foirnamit cobillis and salmont fischeingis in all tymes cuming And gif it be neidfull that the said Johne upone his awin expensis may obtene and procure oure soverane lordis confirmatioun thairupoun in forme as effeiris Under speciall provisioun and conditioun alwayes lyke as salbe provydit in the said infetment that in caice of evill and unthankfull payment be the said Johne and his foirsaidis of the said yeirlie few maill of tuentie merkis swa that thrie



termes maill of the samyn salhappin to rin ovir in the ffourt terme unpayit to the saidis provest bailyeis counsale and commonitie and thesaureris in thair names That then and in that caice the foirnamit few chartour and infetment of the foirnamit salmont and cobill fischeingis respective abone-wrettin sall thaireftir be null and expyre of itself and of nane avail strenth force nor effect ipso facto but ony declaratioun Lykeas in that caice of evill payment of the said yeirlie few maill swa that thrie termes thairof rin over in the fourte termes maill unpayit as said is the said Johne Kennedye for him his airis maill and successouris quhatsumever now as than and than as now renunes quytelames and simpliciter discharges to the saidis provest bailyeis counsale and commonitie and thair successouris perpetualie for ever all richt tytill entres kyndnes clame of richt propertie and possessioun quhatsumever quhilkis the said Johne or his foirsaidis haid hes or may have to the saidis salmont and cobill fischeingis abon expremitt with thair pertinentis fra thynefurtht ony maner of way Swa that the saidis provest bailyeis counsale and commonitie and thair successouris may than enter thairto peceablie bruik and jois the samyn as thair proper heretage in all tymes thaireftir for evir as they sall think expedient and the said Johne and his foirsaidis to be perpetualie secludit thairfra for evir in caice of evill payment as said is And in caice it salhappin the airis or successouris of the said Johne Kennedye to be minoris and within the aige of xxj yeiris and thairthrow in thair minoritie salhappin to let thrie termes maill of the said yeirlie few maill rin over in the ffourt terme unpayit to the saidis provest bailyeis counsale and commonitie and thair foirsaidis in that caice of thair being minoris quhen it salhappin nochtwithstanding of thair rynning over of the saidis thrie termes maill in the fourte terme unpayit be thame in thair minoritie and les aige as said is the foirsaid claus irritant maid for expyreing of the said infetment in maner foirsaid salbe suspendit upoun the saidis airis and successouris of the said Johne being minoris as said is during all the tyme of thair minoritie and les aige allanerlie and na utherwayes And the saidis provest bailyeis counsale and commonitie and thair successouris sall have na libertie be the claus irritant nather be way of actioun nor exceptioun to quarrell the said infetment for the non payment for the said few maill of ony yeiris and termes during the minoritie of the said Johnes airis and successouris bot onlie the saidis provest bailyeis counsale and commonitie and thair foirsaidis to have libertie upoun the said claus irritant aganes the said infetment in caice the airis or successouris of the said Johne being of lauchfull aige of



xxj yeiris compleit failyeis in payment of the said yeirlie few maill be latting of thrie termes thairof at ony tyme eftir thair said perfyte aige to rin over in the fourte terme unpayit as said is without prejudice alwayes to the saidis provest bailyeis counsale and commonitie and thair foirsaidis anent the said yeirlie few maill that sal happin to be restand awand to thame in the tyme of the said Johneis airis and successouris minoritie as said is bot that the saidis provest bailyeis counsale and commonitie and thair foirsaidis sall have place and actioun aganes the foirnamit airis and successouris thairfoir to call follow and persew for the samyn and gif neid beis to poind and distrenyie thairfoir yeirlie and termelie at thair plessour as they sall think maist expedient And the saidis airis and successouris of the said Johne Kennedye being cumin to perfyte aige of xxj yeiris the foirsaid claus irritant sall thaireftir extend aganes thame in caice of evill payment fra thynefurth of the foirsaid yeirlie few maill be latting of thrie termes maill thairof rin over in the fourte terme unpayit And that alsweill for the byrwne maillis of the samyn gif ony sal happin to be restand awand to be awand unpayit within thrie termes eftir thair said perfyte aige of xxj yeiris as in all tymes thaireftir eftir the forme and tennour of the foirnamit claus irritant in all pointis swa that the said claus of suspensioun of the foirnamit claus irritant sall nawayes be onye farder extendit bot onlie during the tyme of the minoritie and les aige of the said Johnes airis and successouris foirsaid quhen it salhappin thame to be minoris allanerlie as is afoir declairit and na utherwayes And farder provyding lykeas salbe lykwayes provydit in the said infetment that the saidis provest bailyeis counsaill and commonitie nor thair successouris sall nocht be astrictit nor oblist in na farder warrandice to the said Johne Kennedie nor his foirsaidis of the foirnamit cobill and salmont fischeingis respective abone specifeit with thair pertinentis bot fra the saidis provest bailyeis counsaill and commoniteis awin deidis bygane and to cum and fra the deid of thair predicessouris allanerlie and na farther Exceptand alwayes and reserweand the fact and deid gif ony be maid be the saidis provest bailyeis counsale and commonitie and thair predicessouris to the Lairdis of Grenane being than of the surname of Davidsone of the saidis fischeingis Quhilkis deidis the saidis provest bailyeis counsale and commonitie sall nawayes be oblist to warrand na maner of way And the saidis provest bailyeis counsale and commwnitie and thair foirsaidis sall mak thair infetment quhilk they have of the said fischeing patent to the said Johne and his foirsaidis sa oft as neid beis upone thair requisitioun safar as the



samyn may be extendit for the said Johne and his foirsaidis weill and commoditie for bruiking and joising of the saidis fischeingis in maner abone-wrettin and that nawayes upone the expenssis of the said Johne and his foirsaidis Provydeing alsua lykeas it salbe provydit in the said infetment that the samyn infetment nor this present contract quhairupoun the said infetment is to proceid sall nawayes be hurtfull nor preiudiciall to the saidis provest bailyeis counsale and commonitie nor thair successouris in na tyme cuming anent thair corne myln of Alloway myln land myln houssis stans laid dame and wattirgang of the samyn alredy biggit be thame nor yit anent ony uther mylnes to be biggit be thame upone the said Watter of Dwne within the boundis of the fischeingis abone specifeit in ony tyme heireftir myln houssis stans laidis dames and wattirgangis of the samyn in sic sorte as they mycht have biggit befor the dait heirof Nathir yit anent thair landis and baronie of Alloway nor anent ony utheris thair burrow landis adjacent to the said Watter na maner of way Nor yit hurtfull to the inhabitantis of the said burgh thair tennentis and servandis in wascheing thair claythis at the said watter bot that they sall frelie wasche thairat in all tyme cuming but molestatioun or impediment als frelie as they wer in use to do befor the dait heirof Swa that this present contract nor infetment to follow heiron sall nawayes be ony farder extendit bot onlie to the fischeings foirsaidis within the boundis abone specifeit allanerlie and na farther And attour baith the saidis pairteis discharges utheris of all actiones quhilkis ather of thame hes intendit or mycht intend aganes utheris anent the said fischeing ony maner of way befor the dait heirof And specialie the said Johne Kennedye for him and his foirsaidis discharges the saidis provest bailyeis counsale and commonitie of the said burgh thair burgessis inhabitantis tennentis and servandis of the allegeit actioun of ejectioun intentit be him aganes thame and now dependant befor the Lordis of Counsaill for allegeit ejecting of him furth of the saidis fischeingis and cobillis thairof and thairfoir renunes and discharges the samyn allegeit actioun of ejectioun haill actioun proces and effect thairof simpliciter for now and ever And oblissis him and his foirsaidis that he hes maid na rycht nor tytill of the said allegeit actioun to ony persone or persones heirtofoir and to warrand this his present renunceatioun and discharge thairof at all handis And heirto baith the saidis pairteis oblissis thame to utheris in the surest maner of oblissing that can be devysit And for the mair securitie ar content and consentis that this present contract be actit and registrate in the



buikis of counsale to have the strenth of ane act and decreit of the Lordis thairof with lettres and executoriallis of horning poinding and wairding the ane but prejudice of the uther to be direct heiron and the horning to pas upone ane simple charge of sex dayes allanerlie And for registrating heirof makis and constitutis Maisteris Johne Makgill and Isaac Broun thair procuratouris promittentes de rato etc. In witnes quhairof baith the saidis pairteis hes subscriyveit this present contract with thair handis as followes day yeir and place abonewrettin beffoir thir witnessis Johne Porterfeild minister of the said burgh Andro Chalmer of Curraytht Hew Kennedy of Balbany Anthone Kennedy of Balsarrocht William Campbell in Grenane Moreis McMirrie of Culteoun and Johne Masoun noter publict Attour the saidis provest bailyeis counsale and commonitie and thair foirsaidis sall fortifie mantein and defend the said Johne Kennedy and his foirsaidis in the peceabill bruiking joising of the fischeingis abonewrettin according to his richt thairof abone specifeit within the boundis of the territorie of the said burgh and fischeingis thairof and that as law will beffoir the witnessis foirsaidis Sic subscribitur Johne Kennedye of Balterssane Adame Stewart George Cochrane bailyie Robert Jamesone bailyie Robert Maxwell deane of gild George Masone Alexander Lokharte of Boghall James Bannatyne James Craufurd burges of Air Robert Campbell George Hammyltoun George Jamesone burges of Air David Craufurd burges of Air Robert Cochrane Ita est Joannes Masoun notarius publicus scriba commwnis dictj burgj de mandato consilij et communitatis ejusdem.

Extractum de libro actorum per me dominum Joannem Skene de Curryehill militem clericum rotulorum registrij ac consilij S. D. N. regis sub meis signo et subscriptione manualibus.

(Signed) JOANNES SKENE,  
Cls. Regrj, etc.

65. *Charter to John Kennedy of Baltersane, of the Fishings on the Water of Doon.*—[25th April 1593.]

OMNIBUS hanc cartam visuris vel audituris Adamus Stewart prepositus Georgius Cochrene et Robertus Jamesoun ballivi burgi de Air necnon consilium et communitas eiusdem burgi eternam in Domino salutem Noveritis nos pro perimptione unius partis cujusdam contractus initi et confecti



inter honorabilem virum Joannem Kennedy de Baltersane nunc hereditarium possessorem terrarum de Grenane ab una et nos partibus ab altera de data die vicesimo quinto mensis Aprilis anno Domini millesimo quingentesimo nonagesimo tertio in libris consilii registrandi necnon pro quadam certa summa pecunie in dicto contractu specificata nobis per ipsum in pecunia numerata persoluta cum exoneratione eiusdem imperpetuum necnon pro augmentatione rentalis dicti nostri burgi dedisse concessisse assedasse arrendasse locasse et ad feudifirmam seu emphiteosim hereditarie dimisisse et hac presenti carta nostra confirmasse necnon dare concedere assedare locare et ad feudifirmam seu emphiteosim hereditarie dimittere et hac presenti carta nostra confirmare memorato Joanni Kennedy de Baltersane et heredibus suis masculis et assignatis quibuscunque totas et integras nostras cymbicularum salmonum piscaturas in ore aque de Dwne jacentes infra vicecomitatum de Air tam in aqua dulce quam in salsa ubi prefate cymbicule (vulgo lie cobellis) dicte aque solebant antea piscari secundum solitam et consuetam tantum et non ultra Necnon totam et integram salmonum piscaturam prefate aque de Dwne ex utroque latere eiusdem aque tam salmonum quam aliarum piscium ab ore seu ingressu dicte aque de Dwne sursum ascendendo usque ad illam gurgitem vocatam lie Craigweill de Grenane inclusive que est marchia terrarum de Grenane duntaxat et non ultra Tenendas et habendas omnes et singulas prenominatas cymbicularum salmonum piscaturas in ore prefate aque de Dwne tam in aqua salsa quam in dulce necnon prefatam salmonum piscaturam et aliarum piscium prefate aque ex utroque latere eiusdem aque juxta limites prescriptos cum singulis suis pertinentiis memorato Joanni Kennedy heredibus suis masculis et assignatis quibuscunque de nobis et successoribus nostris preposito ballivis et communitate dicti burgi de Air in feudifirma et hereditate imperpetuum per omnes rectas metas suas limites et bondas consuetas prout dicte piscature jacent in longitudine et latitudine ab ore sive ingressu dicte acque de Dwne sursum ascendendo ad prefatum Craigweill de Grenane tantum et non ultra cum libero introitu et exitu ac cum plena potestate in dicta aqua de Dwne infra limites prescriptos et in ore eiusdem piscandi salmones aliosque pisces quoscunque cujuscunque generis extiterint capiendi trahendi et ad littora solita et consueta per rechia et cymbas ac alia vasa et instrumenta in illis officiis debita consueta et necessaria ut moris est pertractandi protrahendi et deducendi ac de eisdem libere disponendi Cum curiis et earum exitibus infra terras suas de Grenane tenendis cum omnibus aliis et singulis libertatibus



commoditatibus asiamentis ac justis suis pertinentiis quibuscunque tam non nominatis quam nominatis ad dictas piscaturas cum pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum libere quiete integre bene et in pace sine aliquo impedimento obstaculo aut contradictione quacunque Reddendo inde annuatim dictus Joannes Kennedy heredes sui masculi et assignati prescripti nobis et successoribus nostris preposito ballivis et communitati dicti burgi nostrisque thesaurariis nostro nomine firmam viginti mercarum usualis monete regni Scotie ad duos anni terminos festa videlicet pentechostes et sancti Martini in hieme per equales portiones nomine feudifirme necnon heredes dicti Joannis duplicando dictam feudifirme firmam primo anno eorum introitus ad dictas piscaturas prout usus est feudifirme tantum Et defectu bone et gratuite solutionis prefate feudifirme viginti mercarum sic quod tres termini eiusdem current in quartum terminum insoluti nobis aut nostris predictis tunc et in eo casu presens carta et infeofamentum piscaturarum prescriptarum expirabit et nullius erit roboris valoris efficacie aut momenti deniceps (ipso facto) absque ullo legis processu vel iudicis declaratione quacunque sic quod dictus Joannes heredes sui et successores tunc totum eorum jus titulum clameum amicitiam proprietatem et possessionem prefatarum piscaturarum cum pertinentiis amittent et perdent Et in favorem nostrum et successorum nostrorum easdem piscaturas cum pertinentiis defectu bone solutionis dicte feudifirme ut supra simpliciter tunc renunceabunt et omnino extradonabunt cum nobis et successoribus nostris postea pro perpetuo permansuras et per nos et successores nostros de hinc adeo libere utendas gaudendas et disponendas ac si dictus Joannes nullum unquam titulum clameum aut possessionem ad easdem habuisset absque contradictione quacunque Et in casu si contigerit heredes vel successores dicti Joannis esse minores et pupillos infra etatem viginti unius annorum et in ipsorum minoritate contigerit tres terminos prefate feudifirme in quartum terminum currere non solutos nobis vel nostris predictis nihilominus et non obstante prefata non solutio in dicta eorum minoritate per spacium antedictum prefata clausula irritata facta penes expirationem hujus presentis infeofamenti ut predictum est super prefatis heredibus et successoribus dicti Joannis existentibus minoribus ut supra in suspentione erit durante toto tempore eorum minoritatis tantum et non alias sic quod nos prefati prepositus ballivi consilium et communitas dicti burgi nec successores nostri nullam libertatem per prefatam clausulam irritatam habebimus neque per modum actionis vel exceptionis contradicere presentem



infeofamentum pro non solutione prefate feudifirme de aliquis annis et terminis durante minoritate dictorum heredum et successorum prefati Joannis sed saltem libertatem habebimus super prefata clausula irritata contra hujus infeofamentum in casu si heredes vel successores dicti Joannis existentes legitime etatis viginti unius annorum complete contigerint deficere in gratuito solutione prefate annualis feudifirme per spacium trium terminorum in aliquo tempore post eorum perfectam etatem in quartum terminum non solute ut predictum est Absque prejudicio tamen nobis et nostris predictis quoad prefatam feudifirmam nobis debentem in dicta eorum minoritate et quoad nostram actionem eiusdem feudifirme pro hujusmodi repetitione et recuperatione de omnibus annis et terminis tunc in ipsorum minoritate insolutis sed licitum erit nobis nostrisque predictis propter eandem preteritam feudifirmam prosequendi prout de jure congruit et si necesse fuerit pro hujusmodi namandi et distringendi prout nobis nostrisque antedictis videbitur magis expedire et oportunum Et prefati heredes et successores dicti Joannis existentes legitime etatis viginti unius annorum tunc et immediate postea prefata clausula irritata confecta penes expirationem presentis infeofamenti defectu solutionis dicte feudifirme ut predictum est contra eos sortitur effectum si ipsos contigerit deinceps deficere in gratuito solutione prefate feudifirme per spacium trium terminorum in quartum non solute ut supra Et hoc non solum pro prefata preterita feudifirma restante non soluta tempore dictorum eorum minoritatis si hujusmodi feudifirma forte contigerit esse non soluta nobis nostrisque predictis infra tres terminos post ipsorum perfectam etatem antedictam sed etiam omni tempore tunc affuturo secundum formam et tenorem prefate clausule irritate et contractus supra scripti in omnibus prout in eodem contractu latius continetur Proviso etiam quod hoc presens carta et infeofamentum non prejudicet aut gravamen aliquod ferat nobis vel successoribus nostris in aliquo tempore affuturo quoad nostrum molendinum granarium de Alloway terras molendinarias domos stationem aqueducta et cursu lie dam laid et wattirgang eiusdem Neque quoad aliqua alia molendina per nos vel successores nostros super prefatam aquam de Dwne infra bondas prescriptas imposterum edificanda domos stationem aque ductu et cursu lie dames laidis et wattirgangs eiusdem adeo libere ut edificare potuissemus ante diem date presentium Neque quoad nostras terras et baroniam de Alloway vel aliquas alias nostras terras burgales dicte aque adjacentes quascunque et etiam absque prejudicio inhabitantium dicti nostri burgi de Air nostrorumque tenentium et servitorum



quorumcunque in lavatione ipsorum vestimenta apud dictam aquam omni tempore affuturo adeo libere et sicuti solebant antea lavari ante diem confectionis presencium Et nos vero prefati prepositus ballivi consilium et communitas dicti burgi de Air et successores nostri totas et integras prefatas nostras cymbicularum salmonum piscaturas in ore prefate aque de Dwne tam in aqua dulce quam in salsa ubi prefate cymbicule prius antea solebant piscari ut supra Necnon totam et integram prefatam piscaturam salmonum et aliarum piscium quoscunque dictae aque de Dwne ex utroque latere eiusdem ab ore seu ingressu huiusmodi aque sursum usque ad prefatam gurgitem vocatam Craigweill de Grenane inclusive et non ultra cum suis pertinentiis memorato Joanni Kennedy suis heredibus masculis et assignatis quibuscunque in omnibus et per omnia forma pariter et effectum ut premissum est a nostris propriis et nostris predicesoribus factis preteritis et futuris duntaxat et non ultra contra omnes mortales warrantizabimus acquietabimus et imperpetuum defendemus salvis tamen et reservatis hiis factis (si qui sint) per predecessores nostros dominos de Grenane predicesoribus dicti Joannis de prefata piscatione confectis A quibus factis nulla tenus warrantizare tenemur In cujus rei testimonium presentibus manibus nostris necnon manu nostri clerici communis nostro nomine ut sequitur subscriptis sigillum commune dicti nostri burgi presentibus est appensum apud eundem burgum die vicesimo quinto mensis Aprilis anno Domini millesimo quingentesimo nonagesimo tertio coram his testibus Joanne Porterfeild ministri dicti burgi Andrea Chalmer de Corraithe Hugone Kennedy de Balcarnie Antone Kennedy de Balsarroch Willelmo Campbell in Grenane Morisio McMurrie de Culteoun et Joanne Masoun notario publico.

Hee est vera copia carte suprascripte per me notarium publicum subscriptum diligenter copiata et collationata de verbo in verbum nil addito vel remoto quod substantiam rei variare aut mutare potest sed cum principali in omnibus concordans Teste meis signo et subscriptione manualibus Et in maiorem rei testificationem prefatus Joannes Kennedy de Baltersane presenti copia manu sua propria subscripsit.

(Signed) JHON KENEDY off Balterssane.

Ita est Joannes Masoun nottarius publicus.



## ABSTRACT.

Notarial copy of Charter by Adam Stewart, provost, George Cochran and Robert Jameson, bailies, and the council and community of the burgh of Ayr; whereby, in implement of contract between them on the one part, and an honourable man, John Kennedy of Baltersane, now heritable possessor of the lands of Grenane, on the other part, of the same date; and for a certain sum of money specified in the said contract, paid to them for augmentation of the rental of the burgh, they gave, granted, and let at feuferme, to the said John Kennedy and his heirs-male and assignees, all and whole their fishings of coble salmon in the mouth of the water of Doon, within the shire of Ayr, as well in fresh as in salt water, where the said cobbles were formerly used in fishing, according to use and wont, and no further: Also all and whole the salmon and other fishings on both sides of the Doon, from the mouth or inlet thereof as far as to the whirlpool called the Craigweill of Grenane, inclusive, which is the march of the lands of Grenane, but not beyond: To hold of the granters and their successors in feuferme and heritage for ever, with free ingate and outgate, and with full power to fish in the said water of Doon within the bounds aforesaid, and in the mouth thereof, to catch and drag salmon and other fishes of whatever kind, and draw them to the shore according to use and wont, by means of nets and boats, and other vessels and instruments, and freely to dispose of them: With courts and their exits, to be held within the lands of Grenane, and with all other freedoms and advantages belonging to the said fishings: For the yearly payment of twenty merks in name of feuferme, the heirs of the said John Kennedy doubling the amount for the first year of their entry thereto: With the condition that the effect of the Charter should cease in the event of three terms running on to the fourth without payment of the feuferme, except in the case of minors so failing to pay over such a period, in which event this irritant condition should be suspended: Providing also that the right granted by this Charter should not in any way, or at any time in future, occasion any prejudice to the granters or their successors in regard to their grain mill of Alloway, the mill lands, steading, and lade thereof, nor to any other mills by them or their successors to be afterwards built upon the said water of Doon within the aforementioned bounds; nor in regard to their lands and barony of Alloway, or any other of the burgh



lands whatsoever adjacent to the said water : And also without prejudice of the inhabitants of the burgh of Ayr and their tenants and servants in washing their clothes at the said water, as freely as they were accustomed to do in time past : Dated at the said burgh, and sealed with the common seal thereof, before the witnesses therein named, on the 25th of April 1593.

66. *Renunciation by Janet Wallace to the Magistrates of Ayr of an Annuity of Six Bolls of Malt now redeemed by them.*—[18th May 1594.]

BE it kend till all men be thir present lettres me Jonet Wallace relict of umquhile David Craufurd burges of Air and conjunct fear with him of the annuelrent eftirspecifeit and David Craufurd sone and air at the leist apper- and air to the said umquhile David proprietar and fear thairof forsamekill as we haif presentlie ressavit fra the handis of George Jamesoun provest Adame Johnestoun and David Fergushill baillies of the burgh of Air for thameselffis and in name and behalf of the counsall and communitie of the samin the sowme of twa hundreth merkis money of this realme as for the lauchfull redemptioun fra ws and ather of ws our airis and assignais of all and haill ane yeirlie annuelrent of sex bollis malt quhilkis we had yeirlie to be upliftit furth of all and haill the corne milnis of the burgh of Air over and nethir miln landis mulcturis and suckin thairof and thair pertinentis lyand within the Burrowfeild thairof sauld annaliit and wodsett be the provest baillies counsall and communitie of the said burgh to the said umquhile David and to me the said Jonet than his spous and our airis and assignayis under reversioun contening the said sowme of twa hundreth markis Off the quhilk sowme in lauchfull redemptioun as said is and of all byrun fermes annuellis and proffettis of the said annuelrent of all yeris and termes bipast sen our infeftment to the dait heiroy I the said Jonet as conjunct fear foirsaid and the said David my sone for his entres as fear foirsaid haldis ws weill content satisfeit and payit And for ws our airis executouris and assignais exoneris quitclamis and discharges the saidis provest baillies consall and communitie of the said burgh and thair successouris of the samin forever And thairfoir we haif resignit renuncit frelie quitclamit dischargit and ourgevin and be the tennour heiroy resignis renuncis frelie quitclamis discharges and ourgevis all and haill the said yeirlie annuelrent of sex bollis



malt fra ws our airis and assignais to the saidis provest baillies counsall and communitie and thair successouris and in thair handis and favouris our ourlordis and superiouris thair of with all richt titill entres clame of richt propertie and possessioun quhatsumevir quhilkis we or ony of ws or our foirsaidis had hes or may haif thairto togidder with all charteris preceptis instrumentis of sasing and all uther evidentis maid and deliverit to ws and the said umquhile David thairupoun to remane with the saidis provest baillies and communitie and thair foirsaidis as lauchfullie redemit forever And grantis the said annuelrent lauchfullie redemit fra ws and aythir of ws and our foirsaidis and the said reversioun fulfillit to ws in all pointis conforme to the tennour thair of And bindis and oblissis ws and ayther of ws our airis and assignais to warrand this our present Renunciation to be gude valid and effectuell to the saidis provest baillies and communitie and thair forsaidis and to renew ratifie and appreif the samin sa oft as neid beis And consentis that the samin be registrat in the buikis of counsall or toun buikis of Air ad perpetuam rei memoriam with executoriallis to pas heiron as efferis In witnes quhairof to thir presentis subscrivit with our handis as followis our seillis ar heirto hungin at Air the xvijj day of May the yeir of God j<sup>m</sup> v<sup>c</sup> foirscoir fourtene yeris befor thir witnessis Quentene Craufurd of Drumlaucht William Knox William Fergushill David Bannatyne burgessis of Air Johnne Gardner and Johnne Masoun notaris publict in quhais handis instrumentis were tane conforme heirto.

(Signed) JONET WALLACE with my hand at the pen  
led be the notaris underwitten.

Ita est Joannes Masoun notarius publicus de mandato dicte Jonete scribere nescientis Ita est Joannes Gardner conotarius publicus de mandato dicte Jonete scribere nescientis David Craufurd Quenten Craufurd of Drumlaucht vitnes.

67. *Renunciation by Quintin Craufurd of Drumlaucht, in favour of the Burgh of Ayr, of the Lands of Friars Dankeith.*—[30th June 1599.]

BE it kend till all men be thir present lettres me Quentene Craufurd of Drumlaucht for divers plesouris gratitudes and gude deidis done to me be my weilbelovitis the provest bailleis counsale and communitie of the burgh of Air my ourlordis and superiouris of the landis eftirspecifeit and for divers



utheris gude caussis and considderationis moving me to haif resignit renuncit  
 frelie quitclamit dischargit and ourgevin lyk as be the tennour of thir pre-  
 sentis for me my airis and assignais I resigne renunce frelie quitclame dis-  
 charge and simpliciter ourgif to the saidis provest bailleis counsale and  
 communitie of the said burgh of Air and thair successouris and in thair  
 favouris as in the handis of my ourlordis and superiouris all and haill the  
 twa merkland of auld extent of Freiris Dalkeyth with the pertinentis lyand  
 within the baillere of Kyle Stewart and sherefdom of Ayr togidder with the  
 infeftment charter and sasing of few ferme and confirmatioun following  
 thairupone maid to me of the saidis landis be the saidis provest bailleis  
 counsale and communitie of the said burgh haill effect force and strenth  
 thair of with all that hes followit or may follow upone the samin and with  
 all richt titill entres clame of richt propertie and possessioun quhatsumevir  
 quhilkis I my airis or assignais had hes or may haif to the said twa merkland  
 of Freiris Dalkeyth with the pertinentis Renunceand the samin for me  
 and my foirsaidis in the favouris of the saidis provest bailleis counsale and  
 communitie of the said burgh of Air and thair successouris simpliciter to  
 remane with thame and thair foirsaidis in all tyme cuming ad perpetuam  
 remanentiam And bindis and oblissis me be thir presentis my airis succes-  
 souris and assignais to warrand this my present resignatioun and renuncea-  
 tioun to be gude valeid and effectuell of itself and to be unhurt be my deid  
 in ony sort And that becaus the saidis provest bailleis counsale and  
 communitie hes ressavit in rentell Williame Craufurd my lauchfull sone  
 during his lyf tyme in all and haill thir landis underwritin to witt in all and  
 haill the fourtene schilling twa pennieworth of land in Lytill Cortoun  
 sumtyme occupyit be umquhile Johnne Law and now occupyit be Johne  
 Hogeoun In all and haill the sextene schilling land in Mekill Cortoun  
 siclyk sumtyme occupyit be the said umquhile Johnne Law in Cortoun and  
 now occupyit be Adame Neill In all and haill the ane equall half of the  
 four merkland and aucht schilling four pennie worth of land in Careluy  
 sumtyme occupyit be Johnne Law sone of umquhile Thomas Law in Careluy  
 and now occupyit be Adame Laucheland and in all and haill the ane equall  
 half of the fyve schilling land in Careluy sumtyme occupyit be umquhile  
 William Law thair and now occupyit be the said Adam with thair perti-  
 nentis lyand within the baronie of Alloway Kingiskyle and sherefdom of  
 Air berand alwyis reservatioun of my awin lyfrent thair of and that in  
 satisfactioun and contentatioun of my heretabill richt and tytill of the said



two merkland of Freiris Dalkeyth as the rentell maid be the saidis provest bailleis counsale and communitie to my said sone thairupone of the dait the nyntene day of Junij the yeir of God j<sup>m</sup> v<sup>e</sup> fourscoir nyntene yeiris instant at lenth beiris And last for the mair securitie heirop I am content and consentis that thir presentis be actit and registrat in the buikis of counsale or toun buikis of the said burgh of Air ad perpetuam rei memoriam with executoriallis to pas heiron in forme as efferis And for registering heirop makis and constitutis Johnne Makgrane burges of Ayr my procuratouris promittens de rato etc. In witnes quhairof (thir presentis writtin be George Masoun sone lauchfull to Johnne Masoun commoun clerk of Air) I haif subseryvit the samin with my awin hand and hungin my seill heirto at Air the last day of Junii the yeir of God j<sup>m</sup> v<sup>e</sup> lxxx nyntene yeiris before thir witnessis William Campbell sone naturell to umquhile William Campbell younger of Skeldoun Andro Mure Johnne Ross marineris Johne Masoun William Renkene notar Joseph Smyth my servand and the said George Masoun writter heirop (Signed) QUENTIN CRAUFURD of Drumlaucht William Campbell vitnes Andro Mure vitnes Johne Ross witnes Williame Rankene noter vitnes Johnne Masoun witnes George Masoun witnes.



68. *Suspension at the instance of the Magistrates of Ayr, against the Collector-General, anent the Dues of the Chaplainry of the Rood Altar in the Kirk of Ayr.*—[20th June 1600.]

At Edinburgh the twenty day of Junii the yeir of God J<sup>m</sup> sax hundrith yeiris the Lordis off counsall wnderwritten thay ar to say Johnne erle of Montrose chancellar Alexander lord Fyvie president Alexander maister of



Elphinstoun thesaurar to oure soverane lord Sir James Elphinstoun of Berntoun knight his hienes secretar Mr. Thomas Hammiltoun of Drumcarne his hienes advocat Williame commendatar of Tungland Johnne commendatar of Halyrudhous Edward commendatar of Kinlos Archibald Dowglas of Quhittinghame Sir Johnne Cokburne of Ormestoun knight Justice clark Sir David Lindsay of Edzeall knight Sir Richart Cokburne younger of Clarkintoun lord privie seill Mr. Johnne Prestoun of Fentounbernis Mr. Johnne Skene clark of his hienes register Androw Weymes of Myrcarane Mr. Peter Rollok bischope of Dunkelden and Maister David Makgill off Cranstoun Riddell anent oure soverane lordis lettres purchest at the instance of David Fergus-hill provest Alexander Lockhart and Peter Cwnynghame bailleis of the burghe of Air aganis Sir George Home of Wedderburne knight collectour generall to our soverane lord for the tyme Makand mentioun that quhair the said defender hes causit charge the saidis compleneris be vertew of lettres direct in his favouris as collectour and comptroller foirsaid upon ane act of secreit counsill maid in his favouris for intromissioun of all restes of the saidis offices generallie aganes all and sindrie fewaris fermeraris tenentis takismen parochinaris and utheris addettit in payment of the mailles fermes teyndis and utheris dewteis of his hienes foirsaid collectorie and comptrollarie and sa chargeing the saidis provest and bailleis of the said burgh of Air in speciall to mak payment of the chaipplanrie of the Ruid alter in the kirk of Air extending to four pund aucht schillingis ten penneis twa pairt pennie yeirlie off the cropes and yeiris of God J<sup>m</sup> v<sup>c</sup> fourscoir fyve fourscoir sax lxxxvij lxxxviij lxxxix lxxxx lxxxxj lxxxij lxxxiiij lxxxiiij yeiris within certane space under the pane of horning lykas the saidis compleneris ar surelie informit Johnne Scherar messinger executour of the saidis lettres intendes of verie malice to caus put the saidis compleneris to the horne maist wranguslie and unjustlie considering it is of veritie that umquhile Marie Quene of Scotis his majesteis darrest mother of maist excellent memorie be hir grace charture and infeftment under the great seill off the dait the fourtene day of Aprile the yeir of God J<sup>m</sup> v<sup>c</sup> thriescoir sewin yeiris gave grantit and disponsit to the provest bailleis counsall and communitie of the said burghe of Air and thair successouris forever all and sindrie landis tenementis houssis kirkis chapallis ortchyaairdis yairdis aikeris croftis annuellerentis mylnes fischeingis fruitis dewteis proffeitis emolumentis fermes almoushoussis daill silver obeit silver and all uther yeirlie dewtie quhatsumever that pertinit to ony chaplanrie alterage or prebendarie foundit be



quhatsumever patrour within ony kirk chapell or college within the libertie and parochin of the said burgh of Air and that for the sustentatioun supplie mentinance and intertenement of the ministrie hospitalitie and pure et ad alios pios vsos as in the infestment grantit to thame and thair predicessouris thairupon schawin to the lordis of counsall at mair lenth is contenit Beiring also ane speceall discharge to all oure said soverane lordis comptrolleris present and to cum thair collectouris and factoures of all craveing ressaveing or uplifting of ony pairt of the dewteis foirsaidis of ony yeires and termes bygane Be vertew quhairoff the saidis compleneris and thair predicessouris has bene in continuall use and possessioun of the maillis fermes teyndis and dewteis of all the saidis alterages chaplanreis and prebendareis foundit and doittit be quhatsumever kirkis chapellis and colleges within the said burgh and parochin thairoff and speceallie of the said chaplanrie of the ruid for the intertenement of thair ministrie hospitall and pure but payment of ony thrid or dewtie thairfoir to oure soverane lordis comptrolleres collectoures and utheris his hienes officeris of estait In respect quhairoff the saidis generall lettres quhairwith the saidis compleneris ar chargeit to the effect foirsaid aucht and sould be simpliciter suspendit upon thame speceallie becaus thay haif fundin caution for payment to the said Sir George Home for payment of the thrid of the said chaplanrie of the croses and yeiris of God abon writtin gif the saidis lordis of counsall sall find that he aucht to do the samin And anent the charge gevin to the said defender to haif compeirit befor the lordis of counsall at ane certane day by past bringand with him the saidis pretendit generall lettres and act quhairupon the samin was grantit to have bene sene and considerat be the saidis lordis and to have hard and sene the samin effect thairoff and all panes contenit thairintill bene simpliciter suspendit upon the saidis compleneris in tyme cumming for the caussis foirsaid lykas at mair lenth is contenit in the saidis lettres The saidis compleneris compeirand be Maister Alexander King thair procuratour and oure said soverane lordis collectour compeirand be Maister Johnne Nicolsoun his procuratour the richtis ressounes and allegatiounes of the saidis pairteis hard sene and understand and thairwith being ryplie advyset the lordis of counsall suspendis the saidis lettres purchest be oure said soverane lordis collectour aganis the saidis compleneris in the said mater simpliciter and decernes the samin lettres effect thairoff and process of horning contenit thairintill to ceis in tyme cumming and that in respect of the ressoun and caus abonwrittin sufficientlie verifeit and provin in presens



of the saidis lordis and siklyk the saidis lordis ordanes the saidis provest bailleis counsall and communitie of the said burgh of Air to big up and repair thair hospitall betuix and the twentie day of Junii nixtocum in the yeir of God J<sup>m</sup> sax hundreth and ane yeiris and ordanes lettres to be direct to the effect foirsaid gif neid beis in forme as effeiris Extractum de libro actorum per me magistrum Johannem Skene clericum Rotulorum Registri ac consilii S. D. N. Regis sub meis signo et subscriptione manualibus.

(Signed) JOANNES SKENE,  
Cls. Regri, etc.

69. *Decreet in favour of the Burgh of Ayr anent the Account rendered by the Burgh to Exchequer.*—[16th July 1601.]

AT Edinburgh the fyifteyn day of July the yeir of God j<sup>m</sup> sex hundreth and ane yeiris the Lordis Auditouris of our soveran Lordis Cheakker underwritin thay ar to say Jhone erll of Montrois Lord Graham etc. chancellare Alexander Lord Fywie president of the Colledg of Justice Sir James Elphingstoun of Barntoun knycht his hienes secretar Sir Jhone Cokburne of Ormistoun knycht Justice Clerk Sir Richert Cokburne of Clerkyntoun younger Lord Privie Seall Maister Jhone Skein clerk of his hienes register Maister Georg Young archidiacone of Sanct Androis anent the supplicatioun gewin in befor the Lordis Auditoris of his hienes chekker be the provest baillies counsall and communitie of the burgh of Air makand mentioun that quhair conforme to the ordour yeirlie observit be the saidis Lordis and preceptis of chekker direct to the burrowis of this realme the saidis complenaris hes comperit befor the saidis Lordis and hes awaytit be the space of thir fyifteyn dayis bypast for making of the burrow compt of thair said burghe ut antea ffor payment to his majestie yeirlie in chekker conforme to the comptis maid be tham of befor be the rollis of the soume of Tuentie pundis money usuall of this realme as for the burrow maillis of the said burghe landis and baronie of Alua with pertinentis Nochttheles Maister Jhone Skein clark of his hienes register upoun ane pretext that he hes found out ane charter writtin upoun the back of ane of the Rollis gewin and grantit be King Robert the secund to the provest baillies and inhabitantis of the said burghe of all and haill the said burghe and landis of Alua with the pertinentis ffor payment yeirlie to him and his



successouris decem libras argenti Quhilk charter the saidis complenaris knawis nocht nathir yit hes acceptit the samyn nor yit bruik thay thair said burghe and landis foirsaidis be wertew thairof bot thay bruik and joys the samyn be wertew of wtheris thair rychtis and in speciall the rychtis charteris and infetmentis respective underwrittin gewin and grantit to the said burghe of Air be umquhill King William umquhill King Alexander and umquhill King Robert the third Kingis of Scotland of maist worthie memorie ffor payment yeirlie for the burrow maillis thairof landis and baronie of Alua with the pertinentis abonevrittin of the sowme of Tuentie pundis usuall money of this realme lang befor ony annexatioun maid of the burrow maillis of the burrowis of this realme to the crown and conforme thairto hes evir bein in use past memorie of man to mak the comptis of the said burghe for payment yeirlie of the said sowme of xx<sup>lb</sup> money forsaid thairfoir (as be the inspectioun of the comptis mair cleirlie will appeir) wrangouslie refuissis to mak the saidis complenaris compt conforme to the rollis preceding without ane command of the saidis Lordis to that effect desyryng thairfoir the saidis Lordis Auditouris of Chekker to haif consideratioun of the premissis and to gif command to the said clerk of register and his deputtis clarkis of the chekker to caus forme and mak the burrow compt of the said burghe of Air conforme to thair comptis maid be the rollis be the provest baillies and inhabitantis thairof preceding thay payand yeirlie for the burrow maillis thairof landis and baronie of Alua with the pertinentis the sowme of Tuentie pundis usuall money of this realme this present yeir and siclyk yeirlie in tymcuming conforme to thair evidentis and rychtis respective abonewrittin and comptis of chekker maid be tham be the rollis of befor as said is lyk as at mair lenth is contenit in the said supplicatioun The saidis provest baillies counsaill and communitie of the said burghe of Air comperand be Jhone Lokart thair preloquutour maister Thomas Hamiltoun of Drumcarne his hienes advocat being personalie present and Sir David Murray of Gospartie knyght his majesties comptrollar comperand be Robert Arnot of the Newtoun of Faukland his deputt The said Jhone Lokart preloquutour forsaid producit ane charter and infetment under the gryt seall maid gewin and grantit be wmquhill King William of worthie memorie to the saidis provest and baillies of the said burghe of Air landis and libertie thairof for payment yeirlie for ewerie toft and sex aikeris of land adjacent thairto of the sowme of xij<sup>d</sup> money of the dait at Laneren the tuentie ane day of May Ane wther infetment gewin and grantit to tham be King



Alexander of worthie memorie of thair said burghe landis of Aluay Corktoun and Garcloy with the pertinentis payand thairfoir yeirlie the sowme of ten pundis at martimes and vitsonday be equall portiounis of the dait at Air the tuentie day of Apryll and of his hienes regne the xxij yeir Ane wther charter gewin to tham be wmquhill Alexander lykwayis King of Scotland of all and haill the said burgh landis and libertie of the samen ffor payment yeirlie for ewerie toft and sex aikeris of land adjacent thairto of the said sowm of xij<sup>d</sup> of the dait at Air the nynt day of Maii and of his hienes reigne the nynt yeir Ane wther infestment gewin and grantit to the said burgh be wmquhill King Robert the third of the landis and liberties thairof payand thairfoir yeirlie to him and his successouris of the sowm of Ten pundis usuall money of this realme of the dait at Irving the tuelft day of September the yeir of God j<sup>m</sup> iiij<sup>e</sup> yeiris and of his hienes reigne the xj yeir as the foirsaidis charteris and infestmentis respective abonewrittin of the daittis respective abonespecifiet in thamselvis mair ampie proportis The pairties rychtis reasounis and allegatiounis being hard sein and understand and thairvithe being ryplie advysit The Lordis Auditouris of our soveran Lordis chekker ordanis the clark of register and his deputtis clarkis of chekker to caus forme and mak the said burrow compt of the said burghe of Air this present yeir and yeirlie in tymeuming thay payand for the burrow maillis thairof and landis of Alua abonewrittin withe the pertinentis pertening thairto the sowm of Tuentie poundis usuall money of this realme conforme to the burrow comptis of the said burghe maid be tham and thair predicesouris of befoir thir dyverss and syndrie yeiris bypast past memorie of man be the rollis of chekker and thair foirsaidis infestmentis maid gewin and grantit to tham be the saidis Kingis of Scotland befoir ony act of annexatioun of the burrow maillis of the burrowis of this realme to the crowne Nochtwithstanding the production of the said charter writtin vpoun the back of the roll maid and gewin to the said burghe be wmquhill King Robert the secund berand payment yeirlie for the burrow maillis of the said burghe decem libras argenti And ordanes lettres to be direct heirvpoun gif neid beis in forme as effeiris.

Extractum de libro actorum dominorum auditorum scaccarij per me  
Magistrum Joannem Skein clericum rotulorum registri ac consilij  
S. D. N. regis sub meis signo et subscriptione manualibus.

JOANNES SKENE,

*Ck. Regrj.*



70. *Disposition by Robert Wallace of Holmistoun and Jean Blair his Spouse, to the Burgh of Ayr, of an Acre of Land.*—[20th November 1602.]

BE it kend till all men be thir present lettres me Robert Wallace of Holmistoun and Jehan Blair my spous with ane consent and assent that forsamkill as we haif presentlie ressavit actuallie in numerit money to the intent of thir presentis fra Alane Osburne thesaurer of the burgh of Air in name and behalf of the provest bailleis counsale and communitie therof the sowme of twa hundreth merkis in gude and usuale numerit money of this realme quherof we hald ws weill content satisfeit and payit and for ws our airis successouris and assignais exoneris quitclamis and discharges the said Alane Osburne in name and behalf foirsaid and all utheris quhome it effeiris of the samin be thir presentis for now and evir Thairfore to haif sauld annaleit and disponit as be the tennour heirop with ane consent and assent we sell annalie and dispone to the provest bailleis counsale and communitie of the said burgh of Air and to thair successouris perpetuallie without reversioun redemptioun or regres quhatsumevir all and haill ane aikir of land of our twa merkland of Holmistoun upoun the eist pairt thairof nixt and contigue adiacent to the said burghis corne miln callit the Ovirmiln and quhilk is presentlie laid af designit merchit and meithit round about be me to thame lyand within the Burrowfeild of the said burgh and shirefdome thairof And to that effect sall resignne renunce and simpliciter overgif lykas be the tennour of thir presentis we with ane consent and assent resignne renunce and ourgif fra ws our airis and successouris perpetuallie all and haill the said aikir of land abone designit merchit and meithit as said is in the handis of the saidis provest bailleis counsale and communitie of the said burgh of Air our ovir-lordis and superiouris thairof with our haill rycht titill clame entres and possessioun of the samin to remane with thame and thair successouris and to be peceablie bruikit joysit usit and disponit upoun be thame as thair proper heretage heretable in all tyme cuming ad perpetuam rei remanentiam Thair entrie thairto to be instantlie at the dait heirop And siclyk we haif sauld and disponit and be the tennour heirop sellis and disponis to the saidis provest bailleis counsale and communitie and thair foirsaidis the teindis of



the said aikir of land during all the tyme and space sa lang as we our airis or successouris or ony in our name ceding to our utilitie and commoditie hes richt or titill to the teindis of the said twa merkland of Holmistoun be tak or utherwayis or sall happin to bruik and joyse the samin teindis ony maner of way in ony tyme cuming Quhilk aikir of land with the pertinentis and heretabill richt thairof heirin disponit resignatioun and alienatioun of the samin abone specefeit we oblise ws our airis successouris and assignayis to warrand to the saidis provest bailleis counsale and communitie and thair successouris in all tyme cuming aganis all dedlie And that thai sall haif sufficient richt and titill to the said aikir of land with the pertinentis alsweill thai nocht infest as infest sasit as nocht sasit heretablie and irredemabillie in all tyme cuming for evir And forder I the said Jeane Blair hes gevin my great bodelie aith in presens of the notaris and witnessis eftir specefeit that I am not compelled nor coactit heirto And gif neid beis sall compeir befor ony juge ordinar and gife my great bodelie aith of new that I am not compelled heirto na maner of way And last for the mair securitie we ar content and consentis that thir presentis be actit and registrat in the buikis of counsale or toun buikis of Air to haif the strenth of ane act and decreit of the lordis of counsale or provest and baillies of Air with lettres and executoriallis of horning upoun ane sempill charge of sex dayis poinding and warding the ane but preiudice of the uther to be direct heiron And for registring heirop makis and constitutis our procuratouris in uberiori constitutionis forma promittentes de rato etc. In witnes of the quhilk thing (thir presentis writtin be George Masoun sone to Johnne Masoun clerk of Air) we haif subscrivit the samin with our handis as followis Our seillis ar affixt At the burgh of Air the tuentie day of November the yeir of God j<sup>m</sup> sex hundreth twa yeiris befor thir witnesses Williame M<sup>c</sup>Kerell of Hilhous shireff clerk of Air James Blair burges of Air the saidis Johnne Masoun and George Masoun Provyding alwayis that we be nocht astricted in na wairandice of the teindis of the said aikir of land bot sa lang as our present richt thairof may wairand the self And gif we or our successouris sall obtene ony forder richt of the teindis of the said twa merkland nor we presentlie haif in that cais the saidis provest bailleis counsale and communitie sall haif the teind of the said aikir of land during the tyme of our richt swa procurit they payand thairfore pro rata efferand to the said aikir as we pay for the rest of the said land Befor the witnesses foirsaidis with William Stevein in Mayboill and George Cochren (Signed) ROBERT WALLACE off



Holmistoun JEINE BLAIRE W<sup>m</sup> M'Kerrell witnes James Blair witnes Johnne Masoun notar witnes G. Masoune witnes Williame Stevin witness George Cochranne witnes.



71. *Extract of Charter by the Burgh of Ayr to John Cunningham, his Wife, and Son, of the Roodland, etc.—[22d September 1607.]*

THE just extract of the Charter maid to the provest baillies and counsale of the burgh of Air superiouris of the landis underwrittin maid be tham thareof to John Cuningham of Rudeland Jonet M'Adam his spous and Mr. William Cuninghame thair sone insert and registrat in the toun buikis of this burgh quharof the tennour followis at Air the xxij day of September 1607 yeiris.

Omnibus hanc cartam visuris vel audituris prepositus ballivi consules et communitas burgi de Air superiores terrarum et prati subscripti eternam in Domino salutem Noveritis nos dedisse concessisse arrendasse locasse et ad feudifirmam seu emphiteosim hereditarie dimisisse et hac presenti carta confirmasse Necnon dare concedere arrendare locare et ad feudifirmam seu emphiteosim hereditarie dimittere et hac presenti carta nostra confirmare probo viro Joanni Cuninghame de Rudeland et Jonete Makadame sue sponse eorumque alteri diutius viventi in vitali redditu pro omnibus ipsorum vite diebus necnon magistro Willelmo Cuningham ipsorum filio legitimo primo genito suis heredibus et assignatis hereditarie totam et integram illam petiam terre vocatam Rudeland extendentem ad unam mercatam terre antiqui extentus vel ea circa per quondam Adamum Cuningham in Potterhill patrem dicti Joannis et nunc per prefatum Joannem et suos



subtenentes occupatam cum pertinentiis jacentem in territorio lie Burrowfeild dicti burgi inter has metas subscriptas videlicet inter terras de Carwilkin ex orientali terras de Lochfergus ex australi et terras de Knoksouel ex boreali et orientali partibus Necnon totam et integram illam petiam prati vocati Drummylismedow cum glebario ac terris arabilibus infra eundem quibus dictus quondam Adamus occupabat et nunc per dictum Joannem et suos subtenentes occupatam jacentem in territorio dicti burgi de Air inter has metas subscriptas videlicet inter terras de Holmishill ex boreali terras de Duphoilburne ex australi et terras de Gawblair ex orientali et occidentali partibus Quequidem terre de Rudeland cum prefato prato de Drummylismedow cum earundem pertinentiis perprius dicto Joanni Cuninghame hereditarie pertinuerunt et quas ille non vi aut metu ductus nec errore lapsus compulsus seu coactus sed sua mera pura libera et spontanea voluntate per fustem et baculum in manibus nostris tanquam in manibus domini sui superioris earundem apud dictum burgum de Air die instanti sursum reddidit pureque et simpliciter resignavit ac totum jus et clameum proprietatem et possessionem que et quas in et ad easdem habuit habet seu quovismodo habere poterit Renunciando eisdem pro se et heredibus suis imperpetuum in favorem ipsiusmet et prefate sue sponse necnon dicti magistri Willelmi sui filii suisque prescriptis Tenendam et habendam totam et integram prefatam petiam terre nuncupatam Rudland extendentem ut supra necnon dictam petiam prati vocatam Drummylismedow cum glebario ac terris arabilibus infra eiusdem solitis et consuetis memoratis Joanni Cunyngham et Jonete M'Adam sue sponse eorumque alteri diutius viventi in vitali reddito necnon prefato magistro Willelmo Cunyngham eorum filio suis heredibus et assignatis de nobis et successoribus nostris preposito ballivis consilio et communitati prefati burgi in feudifirma et hereditate seu emphiteosi hereditarie imperpetuum Per omnes rectas metas suas antiquas et divisas prout jacent in longitudine et latitudine in domibus edificiis bostis planis moris merresiis viis semitis aquis stagnis rivolis pratis pascuis et pasturis aucupationibus venationibus piscationibus petariis turbariis columbis columbariis silvis nemoribus et virgultis lignis lapicidiis lapide et calce cum communi pastura libero introitu et exitu ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis asiamentis ac iustis suis pertinentiis quibuscunque tam non nominatis quam nominatis tam subtus terra quam supra terram procul et prope ad dictas terras cum prato et glebario antedictis cum pertinentiis spectantibus seu juste spectare valentibus



quomodolibet in futurum libere quiete plenarie integre bene et in pace sicuti dictus quondam Adamus easdem terras cum prato predicto occupabat sine aliquo impedimento revocatione aut obstaculo quocunque Reddendo inde annuatim dicti Joannes Cunningham et Joneta M'Adame eius sponsa in vitali redditu necnon dictus Magister Willelmus Cuningham eorum filius heredes sui et assignati nobis et successoribus nostris summam quadraginta solidorum monete huius regni tanquam firmam antiquam pro dictis terris cum prato predicto prius solvi solitam et consuetam Necnon summam duodecim denariorum in augmentationem rentalis dicti burgi plusquam vnquam dicte terre cum prato antedicto prius nobis aut predicesoribus nostris soluerunt seu dederunt extendentes in integro ad quadraginta solidos et duodecim denarios usualis monete regni Scotie ad duos anni terminos festa fidelicet penthecostes et Sancti Martini in hieme per equales portiones nomine feudifirme unacum aliis servitiis et divoriis tenentium et possessorum dictarum terrarum et prati debitis et consuetis sicuti et eodem modo ut alteri tenentes et occupatores terrarum nostrarum dicti nostri Burrowfeild faciunt et facere tenentur Necnon heredes dicti magistri Willelmi duplicando dicte feudifirme summam primo anno eorum introitus ad dictas terras et pratum prout usus est feudifirme pro omni alio onere exactione questione demanda seu servitio seculari que de dictis terris cum prato per quoscunque iuste exigi poterint quomodolibet vel requiri Et nos vero prefati prepositus ballivi consules predicti burgi de Air et successores nostri totam et integram predictam petiam terre nuncupatam Rudeland extendentem ut supra Necnon dictam petiam prati vocatam Drummylismedow cum glebario ac terris arabilibus infra eundem solitis et consuetis memoratis Joanni Cuningham et Jonete M'Adam sue sponse eorumque alteri diutius viventi in vitali redditu necnon prefato magistro Willelmo Cuningham eorum filio suis heredibus et assignatis in omnibus et per omnia forma pariter et effectum ut premissum est contra omnes mortales warrantizabimus acquietabimus et imperpetuum defendemus Salvo jure cuiuslibet In cuius rei testimonium huic presenti carte nostre ex chyrographo Georgii Masoun notarii manibus nostris ut supra subscriptis sigillum commune dicti nostri burgi est appensum apud eundem burgum xxij<sup>o</sup> die mensis Septembris anno Domini millesimo sexcentesimo septimo coram his testibus Jacobo Wallace nuntio in Air Thoma Kirk Thoma Galloway seriandis ibidem et Joanne Masoun scriba communi eiusdem burgi ac notario publico sic subscribitur Adame Stewart George Masoun baillie Thomas Mirrie baillie William



Cuningham baillie Duncane M'Adam dene of gild Donnald Smyth thesaurar  
George Cochren John Osburne George Gibsoun Petir Hammiltoun Hew  
Kennedy John Jamesoun David Fergushill.

Extractum de libro actorum curie burgi de Air per me Joannem  
Masoun clericum communem eiusdem burgi sub meis signo et  
subscriptione manualibus. J. MASOUN.

[Sasine was given in terms of Charter.]

#### ABSTRACT.

Extract of Charter granted by the Magistrates and community of the burgh of Ayr, as superiors, in favour of an honest man, John Cuningham of Rudeland, and Janet M'Adam his wife, and the survivor of them, in life-rent, and Mr. William Cuningham their firstborn son, his heirs and assignees heritably, of that piece of land called Rudeland, extending to one mercate of land of old extent, or thereby, occupied by the deceased Adam Cuningham in Potterhill, father of the said John, and now by the latter and his sub-tenants, lying in the territory of the Burrowfield of the said burgh, between the lands of Carwilkin on the east, lands of Lochfergus on the south, and lands of Knocksoul on the north and east: Also of that piece of meadow called Drummylsmadow, with the glebe and arable land within the same, which the said deceased Adam used to occupy, and now occupied by the said John and his sub-tenants, lying in the territory of the burgh of Ayr, between the lands of Holmshill on the north, lands of Duphoilburne on the south, and lands of Galblare on the east and west: Proceeding on resignation thereof by the said John Cuningham, by staff and baton, in the hands of the granters, of whom they were to hold in feuferme, for the yearly rent of forty shillings, and twelve pence in augmentation of rental, with duplicand in the first year of their entry thereto. Dated at Ayr the 22d September 1607, and subscribed by Adam Stewart, provost, George Mason, Thomas Mirrie, and William Cuningham, bailies, Duncan M'Adam, dean of guild, Donald Smyth, treasurer, and others.



72. *Renunciation by Barbara Jameson, to the Burgh of Ayr, of Four Shops under the Tolbooth.*—[14th May 1611.]

BE it kend till all men be thir present lettres me Barbara Jamesoun dochter and air of umquhile Johnne Jamesoun burges of Air that fforsamekill as I and Johnne Lokhert of Barr my tutour testamentar for his enteres in my name and behalf hes presentlie ressavit in numerat money at the dait heirof fra the handis of George M'Calmont thesaurer of the burgh of Air in name and behalf of the provest baillies counsale and communitie thairof the sowme of thrie hundreth pundis gude and usuale money of this kingdome of Scotland as for the lauchfull redemptioun lowsing and outquitting fra me the said Barbara dochter and air foirsaid my airis and assigneis and my said tutour for his enteres of all and haill the said burghis four laych silleris and buithis under the tolbuyth thairof with thair pertinentis quhilkis wer heirtofoir annaliit and wodsett be the provest baillies counsale and communitie of the said burgh to umquhile Johnne Jamesoun my grandschir umquhile George Jamesoun his sone my gudschir umquhile Robert Jamesoun his brother germane and to my said umquhile fader be particuler actis and sasingis following thairupoun redemabill and under reversioun allwyis contening in haill the said sowme of thrie hundreth pundis videlicet ane hundreth merkis money upoun ilkane of thrie buithis of the four buithis foirsaidis and the sowme of ane hundreth pundis quhilk my said umquhile grandschir had lyand in wodsett upoun the fourt buith of the samin Off the quhilk sowme of thrie hundreth pundis money in lauchfull redemptioun of the samin four haill buithis and silleris as said is I as dochter and air foirsaid and my said tutour in my name and behalf for his enteres haldis us weill content satisfeit and payit and for us our airis successouris and assigneis exoneris quittelamis and simpliciter discharges the saidis provest baillies counsale and communitie of the said burgh and thair successouris of the samin be thir presentis for now and evir and grantis and declaris the saidis four silleris and buithis to be lauchfullie redemit lowsit and outquitt fra me the said Barbara as dochter and air foirsaid my airis and assigneis be payment to my said tutour of the sowme abonewrittin and the saidis reversiouis to be fulfillit to us in all pointis conforme to the tennour of the samin And thairfoir to haif resignit renuncit frelie quittelamit discharget deliverit and for evir ouergevin lyk as be the tennour heirof I and my said tutour in



my name and takand the burding in an upoun him for me for his enteres resignis renuncis frelie quittelamis dischargeis deliveris and for evir ourgevis fra me my airis and assigneis to the saidis provest baillies counsale and communitie of the said burgh of Ayr and to thair successouris and in thair favouris All and sindrie the foirnamit four laych silleris and buithis under the tolbuyth of the said burgh with thair pertinentis quhairintill my said umquhile fader and his predicessouris foirsaidis with my self wer infest and sasit in maner foirsaid togidder with all richt titill enteres kyndnes clame of richt properte and possessioun quhatsumevir quhilkis I as dochter and air foirsaid my airis or assigneis had hes or may haif thairto and with all charteris preceptis instrumentis of sasing actis contractis and all utheris evidentis maid and deliverit to me and my foirnamit predicessouris thairupoun to remane with the saidis provest baillies counsale and communitie and thair foirsaidis as lauchfullie redemit for evir Lyk as I the said Johnne Lokhert of Bar as tutour and cautioner for me the said Barbara be thir presentis bindis and oblissis me and her conjunctlie and severalie our airis successouris and assigneis to warrand this present Renunciatioun to be gude valeid and effectuell to the saidis provest baillies counsale and communitie and thair foirsaidis at the said Barbarais handis hir airis and all utheris quhom it efferis and to caus hir at hir majoritie and perfyte age to ratifie and appreif this present renunciatioun and gif neid be than to mak lauchfull and new renunciatioun of the saidis buithis in dew and sufficient forme and to renew reiterat ratifie and appreif the samin sa oft as neid beis ay and quhill the samin [be] siker and sure to the saidis provest and baillies and thair foirsaidis be advise of men of law And for the mair securitie I and my said tutour ar content and consentis that thir presentis be actit and registrat in the buikis of our soverane lordis counsale and sessioun or toun buikis of Air to haif the strenth of ony ane of thair actis and decreittis respective with lettres and executorialis of horning upoun our sempil charge of sex dayis pointing or warding the ane but prejudice of the uthir to be direct heiron And for registering heirof makis and constitutis

our procuratouris promitten de rato etc. In witnes of the quhilk thing thir presentis writtin be Jhonne Masoun toun clerk of Air subscrivit be me the said Johnne Lokhert tutour foirsaid for my self and in name of me the said Barbara as burdenar for me our seillis as affixit at Air the fourtene day of May the yeir of God j<sup>m</sup> vj<sup>e</sup> ellevin yeiris befor thir witnessis maister George Dunbar minister of Air George Masoun lait baillie thair of Adam Herbert



skipper burges thair Mathew Mortoun Thomas Kirk officiaris thair and the said Johnne Masoun etc. with George Masoun notar his sone etc. (Signed) JOHNNE LOKHARTT off Barr Mr. Geo : Dunbar witnes Johnne Masoun witnes George Mason witnes Adame Harbart witnes G. Masoun notar witnes.

73. *Act of Privy Council, empowering the Burghs on the West Coast to cure Herring.*—[31st July 1612.]

AT Edinburgh the last day of July the yeir of God j<sup>m</sup> vi<sup>c</sup> and twelf yeiris anent the supplicatioun presented to the Lordis of Secrete Counsell be the proveist baillies counsell and inhabitants of oure burrowis of Air Irrewing Glasgow Dunbartane and utheris frie burrowis upoun the west seyis of this realme makand mention that quhair thair is ane Act of Secrete Counsell maid and sett down that na hering sall be maid saltit packit or peillit be ony marchantis or uther personis for carying and transporting thair of furth of this realme at ony port burgh or uthar pairt upoun the west seyis of this realme befor the first day of October yeirlie under the paine of confiscatioun thair of as the Act maid thairanent at mair length proportis According to the quhilk Act thair hes bene certane searchouris and commissioneris appointit yeirlie thir sindrie yeiris bygane for searching and apprehending of all hering quhilk hes bene maid saltit peillit and packit befor the said first day of October yeirlie and for confiscatioun thair of be the quhilk searcheing and confiscatioun not only hes the taking and slaying of hering bene altogidder stayit and hinderit to the grate hurt of [his] Hienes haill lieges in quhais favouris the said Act wes thought to haif bene maid bot also the haill takeris and slayeris of the said hering ar thairby become sa altogiddar depauperated and poore in default of marchantis to buy and tak the same af thair handis in dew tyme that that traffecque and calling of the taking of hering and traffecqueing thairwith quhilk wes the speciall commoditie of the head burrowis of the west seas is altogider decayit and left of as is notour to the Lordis of Secrete Counsell quhilk hes broght grite skaith to the haill lieges of that pairt of the countrey sua that of all necessitie and for the weill of the saidis lieges the said Act to be dischargit abrogatit and rescindit and libertie grantit to the haill burrowis for making salting packing and peiling of hering as thay wer wount to do befor the making of the said Act but prejudice to the lieges of the countrey to mak and salt hering for furnessing



of thameselffis and for thair awne use in dew tyme as they best can and most commodiouslie may be had Humelie desyring thairfoir that thay may haif ane Act of Counsell past and exped in thair favour in manner and to the effect following lyk as at mair length is conteineit in the said supplicatioun quhilk being red hard and considerat be the saidis Lordis and they finding the desyre thairof to be ressounable Thairfoir the saidis Lordis hes given and grantit and be vertew of this Act gevis and grantis libertie and licence to the marchantis and friemen of the frie burrowis of the west seyis of this kingdome to mak salt pak and peill hering at sic tymes and seasonis as the same may be commodiouslie haid and tane at ony tyme befor the first day October in this present yeir of God j<sup>m</sup> vi<sup>c</sup> and twelf yeiris and yeirlie thaireftir ay and quhill they be dischairgit be new warrant to be gevin to that effect without pane cryme skaith or danger to be incurret be thame thairthrow in thair personis or goodis notwithstanding quhatsumevir act maid in the contrair quhairanent the saidis Lordis dispensss be thir presentis With conditioun and provisioun alwise that the lieges of the countrey be preferrit and first servit for thair awne necessar provisioun and useis.

Extractum de libris actorum Secreti Consilii S. D. N. regis per me  
Jacobum Prymrois clericum eiusdem sub meis signo et subscriptione  
manualibus. (Signed) JACOBUS PRYMROIS.

74. *Procuratory of Resignation by Mr. William Birny, Minister of Ayr, in favour of the Burgh, of Blackfriars Lands, etc.*—[29th January 1614.]

BE it kend till all men be thir present lettres me maister Williame Birnye minister at Air ffor the speciall luif and favour I haif and beir to my weilbelovit flok the provest baillies counsale and communitie of the burgh of Air and for divers utheris gratitudes plesouris and gude deidis done be thame to me to haif maid constitut and ordanit lykas be the tennour heiroy I mak constitut and ordane rycht honorabill and my weilbelovittis

and ilkane of thame coniunctlie and severallie my veray lauchfull undoubtit and irrevocabill procuratouris actouris factouris speciall and generall erand beraris and messingeris to the effect underwrittin gevand grantand and committand to thame and ilkane of thame coniunctlie and severallie as said is my veray full fre plane power speciall commandiment



expres bidding and charge for me and in my name and upoun my behalff to compeir befor our soverane lord the kingis majestie my immediat superiour of the landis mylnis fischingis tenementis annuelrentis and utheris eftirmentionat or befor his majesteis commissioneris havand his hienes power and commissioun at quhatsumevir day or dayis place or places convenient and thair with all condigne reverence humilitie and obedience to resignne surrander and be staff and bastoun purelie and simplie ouirgif All and sindrie the landis milnis fischingis tenementis annuelrentis and utheris underwrittin They ar to say all and haill the rowme place and stance of the Blak freir Kirk within the burgh of Air of auld wes situat and foundit with the tenementis of land houssis biggingis orcheardis and yardis auld and new foundit and biggit within the precink of the dykis wallis and merches thair of sumtyme occupiit and possessit be the saidis freris All and haill the Ovir and Nethir milnis of the said burgh of Air miln landis astrict multuris suckin and knaveschip of the samin houssis biggingis yardis and thair pertinentis All and haill the Twa cruiffis for taking of salmond situat upoun the dam of the said Nethir miln Item the landis of Castelhill the landis callit the Freirlandis now occupiit be Johnne Burnis the landis of Marielandis occupiit be Johnne Campbell the landis of Nevinsland the twenty four aikeris of arabill land or thairby callit the Freris aikeris occupiit be Alexander Craufurd of Kers George Angus of Brighous Johnne M'Martene burges of Air and thair subtennentis All and haill the landis of Rudelandis occupiit be Johnne Cunninghame and his subtennentis All and haill the landis callit the occupiit be Campbell in Gaitsyde togidder with all and sindrie annuelrentis males and dewities dotit and gevin to the saidis Blak freris and quhilkis pertenit to thame and that thair wer in use of auld to uptak and ressave furth of quhatsumevir tenementis or landis lyand within the burgh of Air all lyand within the libertie and fredome of the said burgh of Air and sheref dome of the samyn And als all and haill the landis callit the Freris Dalkeyth houssis biggingis yardis and all thair pertinentis lyand within the baillierie of Kylestewart and sheref dome of Air with all utheris landis tenementis annuelrentis and utheris quhatsumevir quhilkis appertenit to the saidis sumtyme Blackfreres predicatoris of Air or Grayfreris thair of competent unto me or quhairunto I haif richt in the handis of our said soverane lord as in the handis of my immediat superiour thair of or his hienes commissioneris abonewrittin having his hienes commissioun and power in speciall favouris and for new and heretabill



infetment to be maid gevin and granted of the samyn be our said soverane lord to the saidis provest baillies counsale and communitie of the burgh of Air and thair successouris in dew and competent forme as efferis Quhilkis all and sindrie the foirnamit landis milnis fischingis tenementis aikeris annuelrentis and utheris particulerlie befoir expremet with all and sindrie thair pairtis pendicles and pertinentis I the said maister Williame Birnye be thir my present lettres of procuratorie and resignatioun for me my airis and assignayis resignne surrander and be staff and bastoun simpliciter ovir-gif in the handis of our said soverane lord my immediat superiour of the samin and his hienes commissioneris in speciall favouris of the said provest baillies counsale and communitie of the said burgh and thair successouris heretabillie forever to the effect abonexpremit Farder for the caus foirsaid I haif gevin grantit assignit and disponit lyk as be the tennour of thir presentis for me my airis and assignayis I gif grant and dispone and frelie assigne to the saidis provest baillies counsale and communitie and thair successouris perpetuallie for evir all richt titill entres clame of rycht propertie and possessioun alsweill petitour as possessour actioun and instance quhilkis I or my foirsaidis had hes or ony wyis may haif clame or pretend to the foirsaidis landis milnis fischingis and utheris abonespecifeit with the pertinentis or ony pairt thairof males fermes proffetis and dewiteis of the samin be vertew of my gift and donatioun thairof of quhatsumevir yeiris and termes bygane or tocum be ressoun of nonentrie escheit forfaltour recognitioun disclamatioun bastardie purprestour alienatioun of the haill or maist pairt reducioun of infetmentis retouris and sasingis or be vertew of the act of annexatioun or for nocht lauchfull confirmatioun of the auld infetmentis thairof or for nocht registering of the samyn in the buikis of registrie of new augmentationis or be vertew of ony fault defect impediment or imperfectioun of the samin or be ressoun of the nullitie expyring diminisching of the rentell or be vertew of quhatsumevir actis of perliament utheris actis and constitutionis of this realme or be ony uther maner of titill or rycht for quhatsumevir caus or occasioun bygane preceding the dait heirop turneand disponand and transferrand the samyn my haill rycht actioun titill and instance thairof in the favouris of the saidis provest baillies counsale and communitie of Air and thair successouris simpliciter be thir presentis for now and evir And finallie surrogattis and substitutis thame and thair foirsaidis in my full rycht and place of my gift and donatioun of the saidis landis milnis annuelrentis and utheris abonespecifeit simpliciter forever



actis instrumentis and documentis thairupoun to ask lift and rais als oft as neid beis and generallie all and quhatsumevir uther thingis necessar in the premissis and quhilkis to the office of procuratorie be the lawis and practik of this realme is knawin to pertene to do exerce and use siclik and als frelie and largelie in all respectis as I mycht haif done myselff gif I wer personalie present haldand and promittand to hald all and quhatsumevir thingis my saidis procuratouris or ony of thame conjunctlie and severallie as said is in the premissis richteouslie sall leid to be done fferme and stabill etc. In witnes off the quhilk thing to thir my lettres of Resignatioun (writtin be Johnne Masoun toun clerk of Air) I haif subscrivit the samyn with my awin hand and hes thairto appendit my seill at the burgh of Air the twenty nyne day of Januar the yeir of God j<sup>m</sup> vj<sup>e</sup> fourtene yeris befor thir witnessis Williame Stewart brother to my Lord Uchiltrie Alexander Schaw of Clauchfyn and the said Johnne Masoun with Johnne M'Ara officer (Signed) W. BIRNIE M. Ayre William Stewart witnes Alex<sup>r</sup> Schaw witnes Johnne Masoun witnes.

75. *Extract of Assigation by Neil Montgomery of Langshaw, to Mr. William Birnie, Minister at Ayr, of Tack of the Teinds of the Kirk of Alloway.*—[10th November 1614; Registered 3d July 1615.]

AT Edinburgh the thrid day of Julij the year of God j<sup>m</sup> vj<sup>e</sup> and fyfteine yeiris in presens of the Lordis of Counsall compeirit Maister Johne Sandelandis procuratour for Neill Montgomrie of Langschaw and Neill Montgomrie his lauchfull sone and gaif in the assignatioun underwritten desyring the samen to be insert and registrat in the buikis of Counsall to haif the strenth of ane decreit of the Lordis thairof with lettres and executoriallis to be direct thairupoun in maner contenit thairintill. The quhilk desyre the saidis Lordis thocht ressonabill and thairfoir hes ordanit and ordanis the said assignatioun to be insert and registrat in thair saidis buikis of counsall decernis the samen to haif the strenth of thair decreit with lettres and executoriallis to be drect thairupoun in maner specifeit thairintill quhairof the tennour followis Be it kend till all men be thir present lettres me Neill Montgomrie of Langschaw ffor ane certane sowme of money payit and delyverit to me at the making heirof fra Maister Williame Birnie minister at Air quhairof I hald me weill contentit satisfiet and thank-



fullie payit renunceand the exceptioun of not numerat money and all otheris exceptionis and objectionis of the law that can or may be proponit or alledgit in the contrair to haif thairfoir sauld annaleit transferit assignit renuncit demittit and overgevin lykas be the tennour heirof I for my self and takand speciall burdeine in and upoun me for Neill Montgomrie my lauchfull sone and we baith with ane mynd consent and assent sellis annaleis transferis assignis renuncis demittis and forever overgivis fra us our airis executouris and assignayis to and in favouris of the said Maister Williame Birnie his airis and assignis quhatsumevir all richt tytle interes kyndnes clame of richt possessioun with tak and rentell quhatsumevir quhilkis ather I or my said sone or ony of us had hes or ony weyes may haif clame or pretend in and to the personage and viccarage teyndis of the Kirk of Alloway and parochine thairof ather be the Dispositioun and Assignatioun of Johne Gib servitour to our Soverane Lord the Kingis Majestie or utherweyes and the said Maister Williame Birnie and his foirsaidis to entir presentlie to the possessioun thairof collect ingadder uplift and resave the samen personage and viccarage teyndis of the Kirk of Alloway foirsaid fruites rentis and emoluments thairof baith for the crope and yeir of God j<sup>m</sup> vj<sup>c</sup> thretteine yeiris now and in tyme cuming use and dispoine thairupoun at thair pleasour as they all think expedient. And forder I for myself and takand burding in and upoun me for my said sone as said is and we baith with ane consent and assent hes maid constitute and ordanit and be thir presentis makis constitutis and ordanis the said Maister Williame Birnie and his abonewrittin our varie lauchfull undouttit and irrevocabil cessionaris assignayis procuratouris and donatouris in rem suam in and to the Lettre of Tak and Assedatioun of the said Kirk of Alloway maid to me and my said sone thairof be the said John Gib of the dait the                      day of the yeir of God j<sup>m</sup> vj<sup>c</sup> ane yeiris and in and to all lettres of inhibitioun and arreistment maid at our instances upon the samen And siclyk in and to all utheris takkis rentallis and utheris securaties quhatsumevir that ather I or my said sone or ather of us or our foirsaidis hes of the foirnamet Kirk of Alloway personage and viccarage teindis thairof ony maner of wey surrogatand and be thir presentis substitutand the said Maister Williame Birnie and his abonewritten in our haill richt title and place of the samen forever with full powre to the said Maister Williame and his foirsaidis to collect ingadder uplift and ressave the samen be vertew of the tak befor mentionat to his awin use utilitie



and commodatie and to gif discharges yeirlie upoun the ressait thairof and gif neid beis to call follow and persew yeirlie theirfoir as accordis of the law <sup>1</sup> and agrie thairanent at his pleasour siclyk and als frilie in all respectis as I or my said sone or ony of us or our foirsaidis micht haif done our selffis befoir the making of this present renunciatioun and assignatioun quhilk I the said Neill Montgomrie of Langschaw obleissis me my airis executouris and assignayis to warrand to the said Maister Williame Birnie and his foirsaidis at all handis quhat be my fact or deid or be the fact deid or occasioun of the said Neill Montgomrie my sone in ony sort that is to say that nathir I nor yit the said Neill my sone nor nane of us hes done nor sall do nathing to the hurt and prejudice thairof na maner of wey And forder I the said Neill Montgomrie elder of Langschaw obleissis me and my foirsaidis be the tennour heirof to warrand this present renunciatioun dispositioun and assignatioun to be guid valid and effectuell to the said Maister Williame Birnie and his foirsaidis at the handis of the said Neill Montgomrie my sone his airis and assignayis and to caus the said Neill Montgomrie my sone and his abonewrittin to ratifie appreif and subscrivye the samen quhenevir he or they beis desyrnit to that effect and to renew thir presentis gif neid beis ay and quhill the said Maister Williame Birnie and his foirsaidis find him self sickker and suir anent the premissis be advyse of men of law And last for the mair securatie I and my said sone are content and consentis that thir presentis be registrat in the buikis of counsall commissaris buiks of Glasgow or toun buikis of Air to haif the strenth of ane act and decret of ather of the judges thairof with lettres and executorialis of horning upoun ane semple charge of sex dayes allenarlie poynding and warding the ane but prejudice of the uther to be drect heiron and for registering heirof constitutis Maister Johne Sandelandis our lauchfull procuratouris Promitten de rato, etc. In witnes quhairof (wryttin be George Masoun notar) I and my said sone hes subscrivit the samen with our handis at Air the tent day of November anno j<sup>m</sup> vj<sup>e</sup> fourteine yeiris befoir thir witness to the subscriptione of the said Neill Montgomrie elder to witt Josias Stewart of Bonitoun Williame Stewart his brother Williame Montgomrie of Brigend and the said George Masoun attour I the said Williame Montgomrie elder obleissis me and my foirsaidis to delyver to the said Maister Williame Birnie and

<sup>1</sup> Original torn.



his foirsadis the foirsaid Lettre of Tak sett to me and my said sone be the said Johne Gib of the takis abonespecifeit undischargit or lacerat in ony sort and that betuix this and the twantie fyve day of December nixtocum to be useit and keipit be him as his proper evident in tyme cuming Subscrivit day yeir and place and befor the witnessis foirsaidis Sic subscribitur Langshaw N. Montgomery Josias Stewart of Bonytoun witnes William Stewart witnes G. Masoun notar witnes Johne Dunbar witnes Mr. Roger Melvine witnes.

Extractum de libro actorum per me dominum Alexandrum Hay de Quhitburgh militem clericum rotulorum registri ac consilii S. D. N. regis sub meis signo et subscriptione manualibus.

(Signed) ALEX<sup>R</sup>. HAY,  
Cls. Regrj.

76. *Disposition by John Birnie to John Kennedy of Balbeg, of the Teinds of the Kirk of Alloway.*—[27th March 1623.]

BE it kend till all men be thir present lettres me Johne Birnie sone and air lawfullie servit and retourit to umquhile Mr. William Birnie minister at Air that forsamekle as the said umquhile Mr. William my father wes (be vertew off the lettres of Renunciatioun dispositioun and assignatioun maid gevin and subscryvit to him be umquhile Neill Montgomerie off Langschaw elder for himself and takand speciall burdeine in and upon him for Neill Montgomerie his sone and thay bayth with ane advyse and consent) maid and constitute cessionar assignay donatour and procurator in rem suam in and to ane lettre of tak and assedatioun off the Kirk of Alloway personage and vicarage teyndis thairof and perochine of the samyn fruits rents emoluments and dewteis thairof sett to the said umquhile Neill Montgomerie of Langschaw elder and his said sone be Johne Gib servitour to our souveraine lords the Kingis Majestie off the dait the                      day of                      the yeir of God j<sup>m</sup> vi<sup>c</sup> and                      yeirs And in and to all lettres of inhibitioun and erreistment maid at the instances off the saids Neill Montgomerie elder and younger upon the samyn And sicklyke in and to all richts tacks rentalls and wther secureiteis quhatsumevir that they or ether of thame or thair predicessors had of the said Kirk of Alloway personage and vicarage teyndis thairof ony maner of way And not only wes my saids umquhile



father maid and constitute cessionar and assignay and procurator in rem suam in and to the said lettres off tack and wthers abone writtin thairinto contenit bot in lyke maner the said umquhile Neill Montgomerie of Langschaw elder and his said sone be the saids lettres off renunciatioune dispositioun and assignatioune sauld annaleit transferrit renunciit dimittit and for evir over gaiff fra thame thair airs executors and assignayes to and in favour of the said umquhile Mr. Williame Birnie my father his airs and assignayes all richt tytle entres clame off richt kyndnes possessioun with tack and rentall quhatsumevir quhilks they or ether of thame had hes or ony wayes may haif ask clame or pretend to in and to the foirnamit teynds of the said kirk and parochin thairof ether be the dispositioun off the said Johne Gib or ony wther maner of way quhatsumevir and speciallie the personage viccarage teynds of the said kirk and parochin fruits rents emoluments and dewties of the samyn of the cropt and yeir of God j<sup>m</sup> vj<sup>c</sup> threttene yeiris and in all tyme tharefter wse and dispone thairupone at his and his foirsaid pleisour as they suld think expedient and be the saids lettres surrogat and substitute my said umquhile father and his foirnamitts in thair full richt as the saids lettres of assignatioun renunciatioun and dispositioun maid to my said umquhile father heiving speciall and particular clauss of warrandice and wthers heids and articles thairin mentionat in the selff mair fullie proports and quhilks ar of the daitt at Air the tent day of November the yeir of God j<sup>m</sup> vj<sup>c</sup> fourtene yeirs and insert and registrat in the buiks of Counsell and Sessioun and ane decreit of the Lords thairof interponit thairto wpon the thrid day of July the yeir of God j<sup>m</sup> vj<sup>c</sup> fyftene yeiris be vertew of the quhilkis richts tytles and securities maid and grantit to my said umquhile father of the saids teynds and wthers abonespecifit and now competent to me as sone and air foirsaid lawfullie servit and retourit as said is and inhibitiouns and arreistment raisit thairupon I obtenit decreit againes the perochinars of the said Kirk of Alloway and perochin thairoff for spoliatioun off the teynds of the said perochin bayth personage and viccarage befor the comissar off Glasgow the cropts and yeirs off God mentionat in the samyn decreit as the decreit abonewryttin the sextene day of Marche the yeir of God j<sup>m</sup> vj<sup>c</sup> twentie twa yeirs in the selff mair fullie proports And now in considiratioun that Johne Kennedy in Ballbege hes presentlie peyit and actuallie delyverit to me ane certane sowme off money at the making heiroy to the performyng of my leasume effairs and bussines quhairoy I grant the resaitt and discharges him thairoff for ever And for wthers pleisours grati-



tudes and guid deids done and to be done be the said Johne to me Thairfor witt ye me as sone and air forsaid and haiffend undowted richt to the foirnamitt richts tytles and securiteis of the saids personage and viccarage teynds of the Kirk and perochine abonewryttin fruits rents emoluments and dewties thairof abonementionat to haiff dimittit transferrit and forever overgevin lykeas I be the tenour herof dimittis transferris and forever overgeves fra me my airs and assignayes to and in favours of the said Johne Kennedy his airs executors and assignayes the foirnamitt tack richt and tytle sett be the said John Gib to the said umquhile Neill Montgomerie off Langschaw elder and his sone and thair said renunciatioune dispositioun and assignatioun of the samyn maid in favors of my said umquhile father And the foirnamitt decretit obtenit at my said instance befor the comissar of Glasgow againes the peroschionars of the said Kirk and peroschine of Alloway as air to my said umquhile father and successor to him in the saids richts and securities together with all richt tytle entres clame off richt propertie and possessioun actioun or instance quhatsumever quhilk I ever had hes or may haif ask clame or pretend to haiff in and to the saids personage and viccarage teynds off the said Kirk and peroschine fruits rents and emoluments of the samyn and to the saids richts tytles and securiteis thairof abonewryttin Surrogating and substituting him and his foirsaid in my full richt tytle and place thairoff with power to the said Johne Kennedy and his abonewryttin to sett tacks and assedatiounes off the saids personage and viccarage teynds and wthers abone rehersit conforme to the saids richts and securiteis rais inhibitiounes and arreistments wpon the samyn call follow and persew thairfor befor quhatsumevir judge or judges competent within this realme sentences and decreits to obtene and recover thairwpon and the samyn with the decretit abonewryttin to caus be putt to dew executioun and to transact compone and aggrie with the peroschinaris and wthers addettit in peyment off the saids teynds and wtheris abone rehersit thairanent acquittances and discharges in his awin name to giff subscryve and delyver thairwpon quhilks sal be als effectuell and sufficient as giff I had gevin and subscryvit the saymen myselff And to do everie thing requisite in the premisses that I might haif done myselff befor the making hereoff and quhilk dispositioun and translatioun abonewryttin I bind and oblis me my airs executors and assignayes to warrand to the said Johne Kennedy and his foirsaid to be guid vallid and effectuell at all hands fra my awin proper fact and deid and fra the fact and deid of my said umquhile father that is to say



that he nor I nor ether of us hes done nor sall do nathing in hurt and prejudice hereof at na tyme bygane present or to cum And speciallie sall warrand the samyn at the hands of all wthers the airs and executors off my said umquhile father and binds and obleiss me and my foirsaidis that giff thir presents be not ane sufficient securitie to the said Johne Kennedy and his foirsaidis anent the premisses that I sall reiterat and renew the samyn to him and thame toties quoties wpon ten dayis warnyng ay and quhill he and his foirsaidis be sufficientlie securit thairintill be the advyse off men of law keipand the heids and substance abonewryttin And last for the mair securitie I am content and consents that thir presents be insert and registrat in the buiks of Counsell and Sessioun sherref or borrow court buiks off Air or commissar buiks off Glasgow and that lettres of poynding warding and hornying the ane but prejudice of the wther may be direct heirwpon wpon ane simple charge of sex dayes allenarlie and to that effect constituts

my procurators promittens de rato In witnessing quhairoff wrytin be Alexander Purveyance notar I haif subscryvit thir presents with my hands at the burche of Air the twentie sevint day off Marche the yeir of God j<sup>m</sup> vj<sup>c</sup> twentie thrie yeirs befor thir witnessis James Blair proveist of Air John Cunyngham off Milnequarter baillie thair of Patrick Davidsoune sone in law to the said proveist and the said Alexander Purveyance notar Attour it is speciallie aggreit and provydit be conditioun of thir presentis that the said Johne Kennedy releve me and my foirnamitts off the prebendarie dewteis addettit furth of the said Kirk off the yeirs of God j<sup>m</sup> vj<sup>c</sup> twentie j<sup>m</sup> vj<sup>c</sup> twentie ane and vj<sup>c</sup> twentie twa yeirs And sicklyke off the kings taxatioun addettit furth thair of the saids yeirs Befor the witnessis abonewryttin JOHNE BIRNIE with my hand James Blair witnes John Cuningham witnes Patrick Davidsone witnes Alex<sup>r</sup> Purveyance notar witnes.

77. *Disposition by John Kennedy of Balbeg to Mr. Andrew Millar, Minister of Ayr, of the Teinds of Alloway.*—[30th November 1630.]

BE it kend till all men be thir present letters me Johnne Kennedie of Balbeg that forsamekill as umquile Mr. William Birnie sumtyme minister at Air wes (be vertew of the letteres of renunceatioun dispositioun and assignatioun maid gevin and subscrivit to him be umquhile Neill Montgomerie



of Langshaw elder for himself and takand burdene in and upon him for Neill Montgomerie his sone and thai baith with ane advyse and consent) maid and constitute cessionar assignay donatour and possessor in rem suam in and to ane letter of tak and assedatioun of the Kirk of Alloway personage and viccarage teindis therof and perrocheoun of the samen fruitis rentis emoluments and dewiteis therof sett to the said umquhile Neill Montgomerie of Langshaw elder and his said sone be Johnne Gib servitour to our soverigane lord the kingis majestie of the dait the                      day of                      the yeir of God j<sup>m</sup> vi<sup>c</sup> and                      yeiris And in and to all lettres of inhibitioun and arreistment maid at the instance of the saids Neill Montgomerie elder and younger upoun the samen And sicklyk in and to all otheris takis rentellis and other securities whatsomever that thai or ather of thame or thair prediccursors had of the said kirk of Alloway personage and viccarage teindis therof any maner of way And nocht onlie was the said umquhile Mr. Williame Birnie maid and constitute cessionar and assignay in and to the said letter of tak and otheris above-written thairin contenit bot in lyk maner the said umquhile Neill Montgomerie of Langshaw elder and his said sone be the saids letteres of renunceatioun dispositioun and assignatioun sauld annaleit transferrit renunsit demittit and for evir overgaiff fra thame thair airis executors and assignayis to and in favours of the said umquhile Mr. Williame Birnie his airis and assignayis all right tytill entres claime of right kyndnes possessioun with tak and rentell whatsomevir quhilkis thai or ather of thame had hes or any wyis may have ask clame or pretend in and to the foirnamit teindis of the said kirk and perrocheoun therof ather be the dispositioun of the said Johnne Gib or ony other maner of way whatsomevir and speciallie the personage and viccarage teindis of the said kirk and perrocheoun fruitis rentis emolumentis and dewiteis of the samen of the crop and yeir of God j<sup>m</sup> vi<sup>c</sup> threttene yeiris and in all tyme thaireftir use and dispone thereupoun at his and his foresaids plesour as thai suld think expedient And be the saids lettres surrogat the said umquhile Mr. Williame Birnie and his foirnamittis in thair full right and place therof as the saids lettres of assignatioun renunciatioun and dispositioun maid to the said umquhile Williame bearing speciall and particular clauss of warrandice and otheris heidis and articles therein mentionat in the selff mair fullie proportis quhilkis are of the dait at Air the tent day of November the yeir of God j<sup>m</sup> vi<sup>c</sup> fourtene yeiris And insert and registrat in the buikis of Counsale



and Sessioun and ane Decreit of the Lordis therof interponit therto upoun the thrid day of July the yeir of God j<sup>m</sup> vi<sup>c</sup> fyiftene yeiris Be vertew of the whilkis rightis tytillis and securiteis maid and grantit to the said umquhile Mr. Williame Birnie of the saids teindis and otheris above specifeit Johnne Birnie sone and air lawfullie servit and retourit to the said umquhile Mr. William Birnie obtenit decreit aganis the perrochinaris of the said Kirk of Alloway for spoliation of thair teindis of the said perrocheoun personage and viccarage befoir the comissar of Glasgw the croppis and yeiris of God mentionat in the said decreit as the samen decreit the sextene day of Merche the yeir of God j<sup>m</sup> vi<sup>c</sup> twentie yeiris mair amplie proportis Lykas the said Johnne Birnie sone and air servit and retourit to his said umquhile father as said is be his lettres of translation in dew forme of the dait at Air the twentie sevin day of Merche the yeir of God j<sup>m</sup> vi<sup>c</sup> twentie thrie yeiris demittit and transferrit to and in favors of me the said Johnne Kennedy in Balbeg my airis executors and assignayis the foirnamit lettre of tak right and tytill of the saids teindis of the foirsaid perrocheoun of Alloway sett be the said Johnne Gib to the said umquhile Neill Montgomerie of Langshaw elder and his said sone togidder with the said renunceatioun dispositioun and assignatioun of the samen maid in favours of the said umquhile Mr. Williame Birnie his father and the foirnamit decreit pronuncit at his instance befoire the said comissioner of Glasgw aganis the perrochinaris of Alloway and surrogat me and my foirsaidis in his full right tytill and place of the saids personage and viccarage teindis of the said kirk and perocheoun fruitis rentis and emolumentis of the samen and of the rightis tytillis and securities therof above written as in the saids lettres of translation maid to me be the said Johnne Birnie off the dait above specifeit at mair length is contenit And now I the said Johnne Kennedy in Balbeg for diverss respectis certane gude causs and considerationis moving me my awin weill and utilitie sene and considerit Thairfoir witt ye me havand undoutit richt to the foirnamit tytillis richtis and securities of the saids personage and viccarage teinds of the Kirk and perrocheoun abovementionat to have transferrit disponit renuncit demittit and forever overgevin lykas be the tennour herof I with speciall advyse consent and assent of the richt honourabill James Kennedy of Blairquhan for all richt and tytill entres or claime of richt he hes or ony wyis may pretend to the personage and viccarage teindis of the said Kirk of Alloway transferris disponis renuncis



demittis and for evir overgevis fra us our airis and assignayis to and in favors of Mr. Andro Millar present minister at Alloway and to his successors ministeris at the Kirk of Alloway serving the cure therof the foirnamit lettre of tak richt and tytill of the foirsaidis personage and viccarage teindis of the said Kirk of Alloway sett be the said Johnne Gib to the said umquhile Neill Montgomerie of Langshaw elder and his said sone with thair said renunceatioun dispositioun and assignatioun of the samen maid in favours of the said umquhile Mr. William Birnie and with the translatioun therof above specifeit maid to me the said Johnne Kennedy in Balbeg be the said Johnne Birnie his sone and air above-written togidder with all richt tytill entres clame of richt propertie possessioun actioun and instance whatsomevir whilk I the said Johnne Kennedy or the said James Kennedy of Blairquhen or any of us evir had hes or may ony wyis clame or pretend to have in and to the saids personage and viccarage teindis of the foirsaid Kirk and parrocheoun of Alloway fruitis rentis and emolumentis of the samen and to the richtis tytillis and securiteis thereof abovementionat or to any other of the samen whatsomevir competent to us in ony sort Surrogatand and be thir presentis substituant the said Mr. Andro and his above written in my full richt tytill place and entres of the samen for evir with full power to the said Mr. Andro Millar swa lang as he servis the cure of the ministerie at the said Kirk of Alloway and to his successors Ministeris at Alloway serving the cure therof to intromet with uplift and ressave the saids personage and viccarage teindis and otheris above rehearsit of this instant crop and yeir of God j<sup>m</sup> vi<sup>c</sup> and threttie yeiris and yeirlie herefteir in all tyme coming use and dispone thairupoun at his and his foirsaidis plesour as thai sall think expedient and to sett takis and assedationis of the samen teindis personage and viccarage fruitis rentis and emolumentis of the foirsaid Kirk and parrocheoun of Alloway conforme to the richts and securiteis thairof abone rehearsit raiss inhibitions and arreistmentis upoun the samen call follow and persew thairfoir befor whatsomevir judge or judges competent within this realme decreittis and sentences thairupoun to obtene and recover and the samen to caus be put to dew executioun compone transact and aggrie with the parrochinaris and others adettit in payment of the saids teindis and otheris foirsaidis acquittances and discharges to gif subscryve and delyver thairupoun qwhilk salbe als effectuell and sufficient as gif I had gevin and subscryvit the samen myself and to do everie thing



anent the premiss requisit to be done or that I micht have done myself befor the making heirof qwhilk translatioun dispositioun and demissioun abone written I the said Johnne Kennedy in Balbeg and with me the said James Kennedy of Blairquhen and he and I baith with ane consent and assent bindis and obliss us our airis executors and assignayis conjunctlie and severallie to warrand to the said Mr. Andro Millar and his abone written fra our awin proper factis and deidis bygane present and to cum allanerlie and na forder that is to say that we or our foirsaid hes done nor sall do nathing to the hurt and prejudice therof na maner of way Lykas for his forder securitie we have presentlie delyverit to him the foirsaid tak sett be the said Johnne Gib to the said umquhile Neill Montgomerie as said is togidder with the remanent richts tyillis and securiteis thereof abone mentionat to be usit and keipit be the said Mr. Andro and his successors ministeris at Alloway as thair proper evidentis in all tyme coming And it is declairit and speciallie provydit be express conditioun of thir presentis that the said Mr. Andro Millar sall during his service of the cure at the Kirk foirsaid and his successors succeedand to him thairin releiff and warrand me the said Johnne Kennedy and my foirsaid anent the prebendarie dewitie and King's taxatioun gif anie beis and sielyk anent the ministeris stipend baith for this instant crop and yeir of God j<sup>m</sup> vi<sup>c</sup> and threttie yeiris and in tyme coming And last for the mair securitie we the saids John Kennedy and James Kennedy of Blairquhen ar content and consentis that thir presentis be insert and registrat in the buikis of Counsale and Sessioun comissar buikis of Glasgw or shireff court buikis of Air to have the strength of ane act and decreit of ather the juges therof with lettres and executorialis of horning upoun ane sempill charge of sex dayes poinding and warding the ane but prejudice of the other to be direct heiron And for registering heirof makis and constitutis

our procuratouris promittentes

de rato In witnes wherof thir presentis (written by George M'Calmount servitour to George Masoun toun clerk of Air) we have subscriyvit the samen with our hands at Cwnnyng park the last daye of November the yeir of God j<sup>m</sup> vi<sup>c</sup> threttie yeiris befor thir witnesses James Blair lait proveist of Air Johnne Osburne lait baillie therof Johnne M'Lure notar burges of the samen the saidis George Masoun and George M'Calmount JOHN KENNEDY Blairquhane James Blair witness Johnne Osburne witness Johnne M'Clure notar witness G. Masoune witness George M'Calmount witness.



78. *Sasine in favour of James Millar, Burgess of Ayr, of a Back Tenement of Land in the said Burgh.*—[20th December 1632.]

IN Dei nomine amen Per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo trigesimo secundo mensis vero Decembris die vigesimo anno-que regni supremi domini nostri Caroli Dei gratia magne Britannie Francie et Hibernie regis fideique defensoris octavo in mei notarii publici et testium subscriptorum presentia personaliter comparuit Johannes Lokhart naclerus burgensis burgi de Air existens in statu et sasina hereditaria tenementi posterioris subscripti cum domibus horto et pertinentiis eiusdem unacum Sibilla Boswell eius sponsa super fundum eiusdem Et ibidem pro observatione unius partis cuiusdam contractus initi et confecti inter eos ab una et Jacobum Myllar pellionem burgensem dicti burgi partibus ab altera de data presentium totum et integrum eorum posterius tenementum terre cum domibus horto et pertinentiis eiusdem cum libero introitu et exitu in et ad idem jacens infra dictum burgum inter antierius tenementum terre nunc Roberti Gordoun burgensis ac ballivi dicti burgi et orientali tenementum terre olim quondam Thome Kennedy de Bargeny ex australi et tenementum terre nunc Henrici Osburn burgensis dicti burgi ex boreali et communem viridam seu campos dicti burgi ex occidentali partibus ab una et altera in manibus honorabilis viri Donaldi Smith unius ballivorum dicti burgi pro tempore unanimi consensu et assensu per fustim et baculum ut moris est pure et simpliciter resignaverunt et extradonarunt et hoc in favorem prefati Jacobi Myllar heredum suorum et assignatorum ac pro nova sasina dicti Jacobi et suis predictis desuper tradenda et conferenda Qua resignatione sic facta idem ballivus virtute eiusdem ac vigore sui officii statum et sasinam hereditariam pariterque possessionem corporalem actualem et realem totius et integri posterioris tenementi terre predicti cum domibus horto et pertinentiis jacentis et bondati ut supra cum libero introitu et exitu prefato Jacobo Myllar ibidem personaliter presenti et acceptanti per terre et lapidis fundi eiusdem ut moris est traditionem secundum formam et tenorem predicti contractus in omnibus dedit contulit tradidit et deliberavit Salvo jure cuiuslibet Tenendum de supremo domino nostro rege in libero burgagio pro servitio burgi solito et consueto Super quibus omnibus et singulis premissis prefatus Jacobus Myllar a me notario publico subscripto sibi fieri petiit hoc



presens publicum instrumentum unum seu plura Acta erant hec super fundum dicti posterioris tenementi terre cum pertinentiis horam circiter primam a meridie sub anno die mensis et regis regno quibus supra presentibus ibidem Johanne Bosuall Johanne M'Calmount mercatoribus Jacobo Reid medico burgensi dicti burgi et Adamo M'Cubin serjando dicti burgi testibus ad premissa vocatis pariterque rogatis.

Et ego vero Alexander Purveyance, etc.

#### ABSTRACT.

Instrument of Sasine proceeding on contract between John Lokhart, shipmaster, burgess of Ayr, and Sibilla Boswell his spouse, on one part; and James Millar, skinner, burgess of the same burgh, on the other, in implement whereof the said John Lokhart and his spouse resigned their back tenement of land, with houses, yard, and pertinents, lying in the said burgh, between the fore tenement of land now belonging to Robert Gordon, burgess and bailie thereof, on the east, the tenement formerly belonging to the deceased Thomas Kennedy of Bargany on the south, and the tenement of Henry Osburn, burgess, on the north, and the common green of Ayr on the west, in the hands of an honourable man, Donald Smith, one of the bailies of the burgh, in favour of the said James Millar and his heirs: Whereupon the said bailie gave infeftment of the said back tenement to the said James Millar, by delivery to him of earth and stone of the ground thereof: To hold of the king in free burgage, for the usual burgh service: Done, in presence of the witnesses therein named, on the ground of the said back tenement, about one o'clock afternoon of the 20th of December 1632.

*79. Extract Act of the Town Council of Ayr, for infefting James Hunter and his Sons in Three Acres of the Dogland.—[29th December 1640.]*

APUD burgum de Air vigesimo nono die mensis Decembris anno Domini millesimo sexcentesimo quadragésimo being convenit in counsell Johne Osburne proveist Adam Ritchie baillie Gilbert Ritchert baillie John Kennedy deane of gild Robert Dook thesaurer John Stewart Donald Smith Johne Fergusson procurator fischall Williame Hunter Johne Crawford Gilbert M'Calmont James Miller.



The quhilk day the counsell ordaine ane of the baillies and thair clerk to go to the ground of the thrie aikeris of land callit the Dogland and thair upone Adame Ritchie baillie his resignatioun to infest and sease James Hunter in Cortoun in lyfrent for all the dayis of his lyftime and Johne and Robert Hunteris his sonnes thair airis and assigneyis heretable and irredemable thairintill under the reversioun provisioun and conditioun mentionat and contenit in the lettres of dispositioun made be the said Adam Ritchie to them thairupone The said James Hunter alwayis paying of compositioun to the thesaurer in name and behalff of the toune the sowme of fiftie merkis Scottis money.

Extractum de libro consilii dicti burgi per me Quintinum Kennedy clericum communem ejusdem sub hac mea subscriptione manuali.

(Signed) Q. KENNEDY, *Cls.*

80. *Assignment by John Kennedy of Balbeg to John Macadam, of the Teinds of the Parish of Ayr.*—[14th and 15th December 1647.]

BE it kend till all men be thir present lettres we Johne Kennedie of Balbeg cessioner and assignay lawfullie maid and constitute be Josias Stewart sumtyme styleit of Bonytoun Thomas Kennedy of Bargaie and James Kennedie of Blairquhen as takesmen of the teindis of the parochine of Air in and to the samyne and takis thair of eftermentionat Forsomekill as umquile Johne Gib ane of the groomis than of his Majesties bedchamber as haveing power and commissioun for his Majestie be his hienes gift of the datte the third day of July j<sup>m</sup> vi<sup>c</sup> twelf yeiris to sett takis of the teindis of the haill Kirk of the Chappell Royall of Sterling to and for the space and in maner mentionat in the said gift be his lettre of take subscrevit with his hand with consent of umquhill Alex<sup>r</sup> Erle of Dumfermeling Chancellar of Scotland Sir Thomas of Byreis Lord Secretar and Sir Williame Oliphant of Newtoun Lord Advocat of the daite the sext day of Julii j<sup>m</sup> vi<sup>c</sup> and thirtteene yeiris Set in tak and assiddatiouns to the said Josias Stewart his airis and assigneyes all and sundrie the teind sheaves and otheris teindis alsweill personage and vicarage fruitis rentis emolumentis dewties whatsumevir pertaining and belonging to the saide kirke and parochine of Air being ane of the kirkes of the saide Chappell Royall of Stirling for the spaice and yeiris of nyneteene yeiris thairin mentionat efter his entrie thairto



declarit thairby to be and begin at Lambmes in the said yeir of God j<sup>m</sup> vi<sup>c</sup> and thirteene yeiris for the yeirly payment of the sowme of ane hundreth pownds money of this reallme as the old accustomed dewtie payabbill for the saidis teindis with sex shillingis aught pennies in augmentatioun of the rentall therof precislie at Lambmes yeirly as the said take and assedatioun in itself at mair length proportis Lyik as upon the sext day of December j<sup>m</sup> vi<sup>c</sup> twentie twa yeiris the Commissionars of Parliament appoynted than for the setteling of the takis of teindis and provisioun of kirkis and ministeris serving the cure therat within the realme having decernit to be payit yeirly to the minister than present and to cum serveing the cure at the saide Kirk of Air furth of the saidis teindis of the parochin therof the sowme of fyve hundreth merkis of money yeirly by and attour the said yeirly take dewtie above written of ane hundreth pundis sex shillingis aught pennies money forsaid reservit to be payit to the prebendar of the said Chappell Royall of Stirling They in recompence and requyteall of the said burdin and augmentatioun imposed upoun the saidis teindis of the saide parochin of Air and takesmen therof above namitt mair nor the formerly take dewtie of the samyne above mentionat according to the power and warrand given to thame and containit in the act of Parliament bearing thair commissioun addit to the space and yeiris of the forsaid take the space of thrie lyferentis and thrie nynteen yeiris farther of the haill teindis personage and vicarage of the said parochin of Air and to take beginning at the ishe and expyryng of the yeiris of the take above specifeit And tharfor sett and in tak and assidatioun lett to the said Thomas Kennedie of Barganzie and James Kennedie of Blairquhen or aither of thame to whom the right of the forsaid take pertainit or to thair airis and assigneyis or to that persone or persones to whome the right of the said take should happin to pertaine the tyme of the expyryng therof and to thair airis and assigneyis all and sundrie the saidis teindis sheaves alswell personage as vicarage fruitis rentis emolumentis and dewties whatsumevir is pertaining and belonging to the said parochin and Kirk of Air whilk is ane of the Kirkis of the said Chappell Royall of Stirling during all the dayis space yeiris and termes of the saidis thrie lyferentis and thrie nynteen yeiris respective and successive efter otheris beginnand the enterie of the forsaid eiked take and eiked yeiris of prorogatioun thair of immediatlie efter the ishe and expyryng of the space and yeiris above written of the forsaid other tak above declarit and fra thyne furth to continue and endure ay and whill the forsaid eiked space and



prorogatioun of thrie lyferentis and thrie nynteen yeiris be fullie and compleitlie outrun successive and respective efter the expyreing of the space and yeiris of the other tak above declarit as said is Peyand thairfor yeirlie to the minister serveing the cure at the said Kirk of Air at the terme above mentionat the said sowme of fyve hundreth merkis of money forsaid And als payand yeirlie at the samyn terme to the prebendar of the said Chappell Royall of Stirling the said sowme of ane hundreth pundis sex shillingis aught pennies as take dewtie as the said decreit and take of prorogation of the daitte the said sext day of December j<sup>m</sup> vi<sup>c</sup> twentie twa yeiris in itself also at mair length proportis In and to the quhilkis takes of the saidis teindis baith personage and vicarage of the saidis parochine of Air and the samyne teindis alsweill personage as vicarage fruitis rentis emolumentis and dewteis whatsumevir is pertaining and belonging to the said parochine and Kirk of Air for the yeir of God <sup>1</sup>

takeing beginning and continuallie for all space and yeiris of the forsaidis takis thairefter The saidis Josias Stewart Thomas and James Kennedie or aither of thame to whome the right of the forsaidis takis and prorogatioun perteinit be thair lettre of assignatioun subscrivit with thar handis or aither of thame as said is of the daite the <sup>1</sup> day of <sup>1</sup> the yeir of God <sup>1</sup>

yeiris maide and constitute me my airis executors and assignayis thair very lawfull undowbtit and irrevocabill cessionaris assignayes donators and full procurators in rem suam veluti cum dispositione libera with full power to me and my forsaidis to aske crave uplift intromet with and receive the forsaidis teindis baith personage and vicarage of the said parochie Kirk and parochin of Air fruitis rentis emolumentis and dewties whatsoever pertaining and belonging thairto fra the heretoris fewaris lyferentaris fermeris tennentis takismen possessoris and occupiers and otheris addebttit and in use of payment thairto for the forsaid yeir of God <sup>1</sup>

beginning thairto And yeirlie and ilk yeir in all tyme thairefter dureing the space and yeiris containit in the take above declarit And to raise cawse serve and execute inhibitiounes ane or mae thairupoun yeirlie call follow and persew thairfor yeirlie as accordis of the law transact compone and agree thairanent And upoun my ressait of payment and satisfactioun of the samen to give and subscribe acquittances and discharges quhilk is declarit to be als sufficient to the receaveris as my saidis cedentis or aither of thame haveand right as saide is had given and

<sup>1</sup> Blank in original.



subscribed the samyne thameselfis Lykeas they thairby surrogatt and substitute me and my forsaidis in the full right and place thair of And of all actione instance and executioun competent or that may be competent to thame or aither of thame thairby forever with warrandice alwayis in maner mentionat in the said assignatioun as the samyne of the daitte forsaid containing diverss and sundrie otheris heidis articles clawss and conditiounes in itself mair fullie proportis And now sieing Johne M'Cadame notar induellare within the bruche of Air at making herof hes reallie and in effect contentit peyit and delyverit to me certaine greit sowmes of moneys to the doeing out redding and performeing of my onerous and leisum affairis Quharof I hald me weill contentit satisfyit and payit and for me my airis executors and successoris exoneris qwytelamis and simpliciter discharges the said Johne Makadame his airis executors successoris thair of forever renunce and be thir presents the exceptioun of non numerate money aith of pairtie and all other exceptioun of law that can be proponit or alledgit in the contrair Thairfor witt ye me with speciall advyse and consent of Anna Stewart relict of umquhill James Kennedie of Blairwhen for all right tittill entres kyndnes clame propertie and possessioun quhilk she had hes or ony wayis may have clame or pretend in and to the forsaidis teindis takis and rightis thair of above mentionat to have sauld assignit transferrit and disponit and be the tennor hei of with consent forsaid settis assignes transferris and disponis to and in favoures of the said Johne M'Kadame notar induellare in the bruche of Air as is befoire desingit his airis executoris assignayis and successoris all and sundrie the saidis teindis alsweill personage as vicarage of the said Kirk and parochin of Air fruitis rentis emolumentis and dewties whatsumevir pertaining or belonging thairto for the crope and yeir of God<sup>1</sup> yeiris tacking beginning and yeirlie and continuallie in all tyme thairefter dureing the space and yeiris of the takis and prorogatioun above mentionat As also all the saidis lettres of takis and prorogatiounes with the forsaid lettre of assignatioun maid and grantit to me thair of haill heidis articles clawss and conditiounes of the samen all action instance and executioun competent or that may be competent to me thairby with all that hes followit or may follow thairupoun With full power to the said Johne M'Kadam and his foresaidis to aske crave intromet with uplift and receave all and sundrie the saidis teindis alsweill personage as vicarage of the said parochie Kirke and parochin at Air fruitis rentis emolumentis

<sup>1</sup> Blank in original.



and dewties whatsumevir pertaining and belonging thairto of the said crope and yeir of God<sup>1</sup> yeiris and yeirlie in all tyme thereafter dureing the haill space and yeiris of the takis and prorogatiouns above rehersit fra the heretors fewars lyferentaris fermoreis tennentis tacksmen occupyeris possessoris and utheris addebtit and in use of payment thairof and to raise and cawse serve and execut inhibitiouns ane or mae thairupon yeirlie Call follow and persew thairfor as accordis of the law Transact com-pone and agrie thairanent And upoun his ressaitte of payment and satisfac-tioun thairof in haill or in pairt to give and subscribe acquittances and discharges quhilk shall be alls sufficient to the receivers as I had given and subscribed the samyne myself Surrogattand and substituand the said Johne M'Kadam and his forenamites in my full right tittill place propertie and possessioun thairof forever Quhilk translatioun abovewritten I bind and obliss me and my forsaidis to warrand to the said Johne M'Kadame and his fornarnites fra my awin proper fact and deid allanerlie To wit that I neither have done nor shall doe in hurt and prejudice thairof Provyding alwayis as it is heirby especiallie provydit that the said Johne M'Kadame and his for-saidis pay yeerlie to the Minister serveing the Cure at the said Kirk of Air at the terme above mentionat the said sowme of fyve hundreth merks money and alls to the said prebendar of the said Chappell Royall of Stirling the said sowme of ane hundreth pundis sex shillingis aught pennies money forsaid yeerlie at the said terme as auld tak dewtie and augmentatioun allotted to be payed to thame furth of the saidis teindis conforme to the takis and decreit of prorogatioun above mentionat and that they relieve me and my forenameits yeirlie efter the yeir<sup>1</sup> entering and beginning therto And sicklyke yeirlie in all tyme cuming sua long as he and his forsaidis bruikis enjoyis and possesses the rights and benefices of the saidis takis and teindis above declarit Upoun the quhilk provisioun thir presents ar grantit and na utherwayis And for the mair securitie I am content and consents that thir presentis be insert and registrat in the buikis of Cownsell and Sessioun to be containit thairin ad futuram rei memoriam And gif neid beis that executorialis lettres of horneing poynding and others necessar may pass upoun ane simple charge of sex dayis onlie And to that effect maikis and constitutes my procuratoris pro-mittere de rato In witnessing wherof I as also the said Anna Stewart in takin of her consent to the premissis have subscribed thir presents with our

<sup>1</sup> Blank in original.



handis Written be Robert Neilson in Edinburgh att Mayboolle the fowr-  
 tein day of December and at Staitoune the fyfteine day of the said December  
 the yeir of God j<sup>m</sup> vi<sup>c</sup> and fowrty sevine yeires befor thir witnesses William  
 Maxwell of Munreith Mr. Alex<sup>r</sup> Kennedy lawfull sonne of umquhill James  
 Kennedy of Blairquhainne and David Weir in Maybooll inserter of the dait  
 and witnesses and Thomas M<sup>c</sup>Walter in Mayboll and Georg Knadie mer-  
 chant in Stratoune (Signed) JOHNE KENNEDY ANNA STEWART David  
 Weir witnes W. Munreith witnes M. A. Kennedie witnes Tho: Mackwalter  
 witnes George Kennedy witnes.

81. *Extract Decreet of Reduction at the instance of Mr. William Adair,  
 against Kennedy of Blairquhan, etc., anent the Teinds of Ayr.*—[24th  
 February 1648.]

ATT Edinburgh the twentie fourt day of February the yeir of God  
 j<sup>m</sup> vi<sup>c</sup> fourtie eight yeiris the Lordis of Counsell underwrittin they are  
 to say Johne earle of Loudoun lord Talringzean and Mauchleine etc. high  
 Chancellar of Scotland Sir Andrew Fletcher of Innerpeffer knight president  
 of the College of Justice Sir Alexander Gibsone of Durie knight Clerk of  
 Register Sir James Leirmont of Balcomie knight Sir George Halyburton  
 of Fodderance knight Sir James M<sup>c</sup>Gill of Cranstoun-Riddell knight Sir  
 Johne Hope of Craighall knight Sir Johne Scott of Scottistarbet knight  
 director of our soveraigne lords Chancellarie Sir James Carmichaell of that  
 Ilk knight threasaureur deput Sir Johne Hamiltoun of Orbestoun knight  
 justice clerk Sir Johne Leslie of Newtoun knight Sir Archibald Johnnestoun  
 of Warriestoun knight advocate to our soverane lord Sir Adame Hepburne  
 of Humbie knight Sir Alexander Falconer of Halkertoun knight Sir James  
 Lockhart of Lea knight Sir Alexander Belschis of Toftis knight Archibald  
 marquis of Argyle and Johne earle of Crawfuird and Lindsay lord Parbroith  
 and thesaurer principall of Scotland Archibald lord Angus and Johne lord  
 Balmirinoch In the actioun and caus of reductioun and improbatioun  
 persewit at the instance of Sir Archibald Johnnestoun of Warriestoun knight  
 advocat to our soveraine lord for his hienes entres in the mater efter  
 specifeit als at the instance of master Williame Adair minister and persone  
 at the Kirk of Air quhairunto the teinds great and small personage and  
 viccarage are now mortified and dispoed as also as haveing right be progres



to the saidis teinds personage and viccarage from maister Williame Sempill prebender of the prebendrie callit Air primo quhilk is ane of the prebendries of his majesties Chappell Royall of Stirling quhairunto the saids teinds great and small personage and viccarage and othair teinds fruits rentis emolumentis and dewties of the said kirk and parochine of Air lyand within the dyocie of Glasgow and schirreffdome of Air pertieit of old and are now mortified and disposed to the said kirk and ministeris serveing the cure thairat in all tyme cuming in maner at length specifeit in the mortificatioun and uthair rightis grantit to the said maister Williame Adair persewer thairupone and thairby haveing sufficient good and undoubtit right in and to the haill teinds great and small personage and viccarage of the said kirk and parochine of Air and consequentlie right and entres to remowe all impedimentis whilkis may anywayis stope trouble or molest the said Mr. Williame Adair and his successouris ministers at the said kirk of Air in the peaceable useing bruiking and joyseing of the saids teindis and uplifting thair of and useing and disponeing thairupon at thair pleasure in tyme cuming againes Josias Stewart sometyme of Bonytoun now of Remistoun pretendit taksman of the teinds great and small of the said kirk and parochine of Air Johne Kennedie of Balbeg his cessioner and assignay or othairwayis haveing right thairto David M<sup>r</sup> Alexander of Drumochre James Kennedie eldest sone and air of the first marriage to umquhile James Kennedie of Blaquhen John Kennedie now of Blaquhen eldest sone and appeirand air of the second marriage to the said umquhile James Kennedie of Blaquhen Anna Stewart his relict and mother to the said Johne pretendit taksman thair of Thomas Kennedie eldest sone to umquhile Thomas Kennedie sometyme of Barganie James Gibb of Carriber sone and air to umquhile Sir John Gibb ane of his Majesties bedchalmer and the tutors and curators of sua many of them as are minors iff they any have for thair entress and all utheris haveand or pretendand to have entres in the mater underwritten tutching the bringing with them exhibiting and produceing befor the saidis Lordis of Counsell and Sessioun of ane pretendit commissioun alledged grantit be his Majesties umquhile darest father of blessed memorie to umquhile Johne Gibb ane of the groomes of his Majesties bedchalmer under his hienes privie seall of the dait at the Manor of Oattlands the thrid day of Julii j<sup>m</sup> vi<sup>c</sup> and twelf yeiris granting power and comissioun to the said umquhile Johne Gibb to set takis of the teinds personage and viccarage and haill fruits rentis and emolumentis of the haill kirks of the Chappell Royall of Stirling Provyding



alwayis the saidis takis were set with expres advyse and consent of umquhile Alexander earle of Dumfermeling lord Fyvie high Chancellare of Scotland for the tyme umquhile Sir Thomas Hamiltoun of Byres knight secreater and umquhile Sir Williame Oliphant of Newtoun knight his Majesties umquhile darest fatheris advocat for the tyme And als with this speciall provisioun that the saids taks wer set bot onlie for the space of nyneteine yeiris and no longer and without diminutioun of the old rentall in maner at length specifeit in the said pretendit comissioun with ane pretendit tak and assedatioun following thairupone alledgeit grantit be the said umquhile Johne Gibb with consent foirsaid to the said Josias Stewart and to his airis and assignayis quhatsoever of all and sundrie the teind scheaves and uthairis teindis alsweill personage as viccarage fruits rents emolumentis and dewties whatsomever perteing and belonging to the said Kirk and parochine of Air for the space of nynteine yeiris efter his entrie quhilk was at Lambmes j<sup>m</sup> vi<sup>c</sup> and eighteine yeiris for payment yeirlie of ane hundreth punds money as the alledged accustomed old dewtie with sex shillings eight pennyes in augmentatioun of the rentall of the said Kirk preciselie at Lambmes everie yeir And releivand the said umquhile Johne Gibb of all taxatiounes and uthair impositiones imposit or that sould be imposit upon the saids teinds in maner specifeit in the said pretendit tak and assedatioun quhilk is of the dait att Ayr the sevint day of July j<sup>m</sup> vi<sup>c</sup> thretteine yeiris quhairunto the comon seall of the Chappell Royall of Stirling is appendit togidder with the pretendit assignatioun grantit be the said Josias Stewart to the said John Kennedie of Balbeg of the said tak daitit the tent day of Junii j<sup>m</sup> vi<sup>c</sup> twentie one yeiris Togidder also with the pretendit translatioun of the said pretendit tak and assignatioun alledgeit grantit to the said Johne Kennedie of Balbeg with consent of the said umquhile James Kennedie of Blairquhan to the said umquhile Andrew M'Alexander of Drummochren daitit the twentie tua day of Junii j<sup>m</sup> vi<sup>c</sup> twentie nyne yeiris with the pretendit decreit and act of prorogatioun alledgeit maid and givin be the Commissioneris appoyntit for plantatioun of kirks daitit the sext day of December j<sup>m</sup> vi<sup>c</sup> twentie tua yeiris prorogating the foirsaid pretendit tak and assedatioun for the space of thrie lyferentis and thrie nyneteine yeiris efter the expyreing of the yeiris conteinit in the said tak togidder with all and sundrie uthair pretendit taks assedatiouns and prorogatiouns thair of and uthair rights whatsomever alledgeit grantit be the prebendar or taksman of the said prebendarie of Air primo be whatsomever othair persone or per-



sones to the saids defenderis or any of them or thair prediccursors and authors to whom they have succedit or may succed jure sanguinis or uthairwayis whatsomever aither mediatlie or imediatlie and introduceit or conceaveit in thair or any of thair favors directlie or indirectlie in any soirt off and concerneing the foirsaidis teinds great and small personage and viccarage and uthair teinds fruitts rentis emolumentis and dewties of the said kirk and parochine of Air or prebendarie foirsaid off whatsomever dait or daitis tenors or contentis the samyn be of to be seine and considerit be the saids Lords of Counsell and Sessioun and to hear and sie the samyn reduced retreatit rescindit cassit annullit decerned and declaired to have beine from the beginning to be now and in all tyme comeing null and of nane awaill strength force nor effect with all that hes followit or may follow thairupon And to make no faith in judgment nor out of the same in tyme comeing And als to hear and sie the samyn civillie and lawfullie improven per testes insertos et omni alio modo quo de jure and decerned to be improven and being sua improved the saidis defenderis falsefieris fengyeiris and devyseris of the saids writts useris and produceris thairof as lawfull and trew writts and evidentis aught and sould be punischt in thair persones and goods to the terror of uthairs to eschew the comitting of the lyk in tyme comeing And sicklyk to hear and sie it fund and declaired that the saids teinds great and small personage prebendarie and viccarage and uthairis fruitts rentis emolumentis and dewties of the said kirk and parochine of Air perteines to the said persewer and his successors ministeris at the said kirk To be intrometit with upliftit used and disposed upon be them of the cropt and yeir of God j<sup>m</sup> vi<sup>c</sup> fourtie four yeiris and of all yeiris and termes sensyne and yeirlie and termelie in tyme comeing for the reassones and causes following In the first becaus all taks maid and set be persones wha hade na right to set the same are null and aught and sould be reduced And lykwayis all comissiounes grantit to any persone or persones for seting of takis of teinds by these who had no power to grant any such comissioun are null and aught and sould be reduced And trew it is that his Majesties said umquhile father hade no power or right to grant the said pretendit comissioun to the said umquhile Johne Gib to set takis of the foirsaid teinds of the said kirk of Air and uthairis thairin mentionat Becaus the saids teinds of the said kirk of Air being ane of the kirks of the Chappell Royall of Stirling belongit to the prebendaries of Air and be the lawis and practique of this kingdome no persone hes right to teindis belonging to anie



benefice or right or power to set taks of the same bot the titular and benefited persone And his Majesties said umquhile father being only patrone could nather set taks of the teinds of the said kirk nor grant ane comissioun to that effect Bot the titular and incumbent for the tyme iff any was hade onlie right to the teinds and power to set takis And if the said benefice wes vaikand his Majestie as patrone had onlie right to present ane titular and no right aither to the teinds or to set taks of the samen or to grant ane comissioun for that effect And thairfoir the said comissioun being grantit be his Majesties said umquhile father haveing noe power to grant the samen as said is and consequentlie the said takis set be the said umquhile Johne Gibb be vertew thairof the said Johne nather being titular nor haveing power to set the said tak is null and ought to be reduceit Secondlie all takis set be vertew of ane comissioun bearing ane expres provisioun and limitatioun that the taks set be vertew thairof sould be without diminutioun of the rentall iff the said tak be set contrair to the said provisioun with diminutioun of the rentall the samen are null and aught to be reduced And true it is that the said pretendit comissioun grantit be his Majesties said umquhile father to the said umquhile Johne Gibb gives onlie power to the said Johne Gibb to set taks without diminutioun of the rentall And nevertheless the said pretendit tak set be the said umquhile Johne to the said Josias Stewart is set with diminutioun of the rentall in sua far as the same is set for the sowme of ane hundreth pundis sex shillings eight pennyes quhairby the rentall of the said kirk of Air and teindis personage and viccarage thairof exceidit the said dewtie and extendit to the sowme of sevine scoir thretteine merkis being the old dewtie for which the saids teinds wes set lang before the said comissioun and tak And thairfoir the said tak aught to be reduced with all that hes followit thairupon Thirdlie all decreits of prorogatioun are null and aught to be reduceit when all parties haveing necessarie intrest to be callit to hear and sie the samen grantit are not callit And true it is that the said pretendit decret of prorogatioun wes givin without calling the prebendar and titular of the said teinds for the tyme viz. Andrew Couper wha being titular thair could be no tak or prorogatioun grantit of the saids teinds unles he hade beine callit And lykwayis the said prorogatioun wes grantit without calling of his Majesties said umquhile father his thesaurer and advocat for the tyme wha behoveit to have bene callit for his Majesties intrest being patrone and haveing grantit the said comissioun for seting of the fairsaid tak Nather wes the said umquhile



Johne Gibb callit to hear and sie the said prorogatioun albeit he hade ane necessarie intrest to be cited haveing both ane right to the saids teinds dureing his lyftyme and haveing set the said tak conforme to the foirsaid comissioun And thairfoir the said decreit with all that hes followit thairupon is null and aught to be reduced Fourthlie all prorogatiounes maid of anie taks of teinds in favors of any persone not haveing right to the saids takis the tyme of the prorogatioun are null and voyde And true it is that the said pretendit prorogatioun is grantit in favors of umquhile Thomas Kennedie of Barganie and James Kennedie of Blairquhan or aither of them haveing right to the said tak And true it is that nather of the saidis persones hade right to the saidis takis for the tyme And thairfoir the said prorogatioun with all that hes followit thairupone is null and aught to be reduced And lastlie all and sundrie the foirsaid pretendit taks assedatiounes prorogatiounes thairof and uthair rights whatsoever particularlie and generallie above specifeit callit for to be produceit as said is and reduced and improven alledged maid and granted to the saids defenderis or thair prediccursors or any of them or conceaved or used in thair or any of thair favouris off and concerneing the foirsaid teinds great and small personage and viccarage and uthair fruits rentis emolumentis and dewties of the said kirk and parochine of Air and prebendarie foirsaid are altogedder fals and fengzied in themselfis falslie forgeit simulat and devysed be the saids defenderis or thair prediccursors or be some uthairis of thair causeing and comanding Lykas the said persewer with concurrence of our soveraigne lordis advocat for his hienes entres offeris them to improve the same or ane or uthair of them per testes insertos et omni alio modo quo de jure And thairfoir the saids defenderis and the tutors and curators of sua many of them as are minors iff they any have for thair entres and all uthairis haveing or pretending to have entres in the said mater to have compeirit befor the saids Lordis of Counsell and Sessioun at ane certane day bygane to have heard and seine the saids pretendit takis assedatiounes and prorogatiounes thairof and uthair rights particularlie and generallie abone specifeit callit for to be produceit as said is reduceit retreatit rescindit cassit annulit decerned and declaired to have beine from the beginning to be now and in all tyme comeing null and of nane awaill strength force nor effect with all that hes followit or may follow thairupone And als to have beine civillie and lawfullie improven per testes insertos et omni alio modo quo de jure And decerneit to mak no faith in judgement nor outwith in



tyme cuming And to have heard and seine it fund and declaired that the saids teinds great and small personage prebendarie and viccarage and uthair fruits rents emolumentis and dewties of the said kirk and parochine of Air pertienes to the said maister Williame Adair persewer and his successouris ministeris at the said kirk to be intrometit with upliftit useit and dispoenit upon be them of the cropt and yeir of God j<sup>m</sup> vi<sup>c</sup> fourtie four yeiris and of all yeiris and cropts sensyne and yeirlie in tyme comeing at thair pleasure for the reassones and causes abone writtin as at mair length is conteinit in the principall summondis raisit in the said mater actis lettres and haill remanent<sup>l</sup> process led and deduced thairintill of before The said Sir Archibald Johnestoun of Warriestoun knight his majesties advocat for his hienes entres in the said mater compeirand personallie And the said maister Williame Adair the uthair persewer forsaid compeirand be maister Johne Nisbet his procurator quha for instructing the poyntis of the said summondis produceit ane Charter of mortificatioun grantit be our souveraine lord in favors of the ministeris presentlie serveing the cure at the said Kirk of Air quhairby his Majestie for the causes thairin conteinit hes givin grantit and dispoenit foundit mortified and confirmed to the saids ministeris serveing the cure at the said kirk and thair successouris ministeris thairat all and haill the teinds personage and viccarage of the said parochie kirk and parochine of Air with the haill fruits rents provents emoluments proffaits and dewties whatsoever with the manse and gleib thairof and that in als full and ample forme and maner as the samyne pertieinit to the deanes and prebenderis of the said Chappell Royall of Stirling or uthair persones serveing the cure at the said kirk befor or efter the erectioun of the said Chappell Royall or annexatioun of the said kirk to the same whither under the distinctiones of primo or secundo or of the office of prebenderie or be whatsoever uthair way right or title as the samyne under his hienes great seall of the dait att Hamptoun Court the thrid day of November j<sup>m</sup> vi<sup>c</sup> fourtie sevine yeiris at mair length bearis Item the precept of saising following thairupone under the testimoniall of his hienes great seall of the samen dait Item the instrument of saising following thairupone bearing the said Mr. Williame Adair present minister at the said Kirk of Air for himself and his successouris serveing the cure at the said kirk in all tyme cuming to have beine upon the eight day of December j<sup>m</sup> vi<sup>c</sup> fourtie sevine yeiris foirsaid dewlie and lawfullie infest and saisit be vertew of the said Chartour of mortificatioun and precept of saising



following thairupone in all and sundrie the saids personage and viccarage teinds of the said parochie kirk and parochine of Air with the haill fruitts rentis provents emolumentis proffaits and dewties thairof with the manse and gleib of the samyn as the said instrument of saising under the signe and subscription manuell of Williame Mitchell notar publict registrat in the generall register of saisings by Mr. Francis Hay keiper deput thairof upoun the threttene day of the said moneth and yeir with the decreit conforme obtainit at the instance of the said maister Williame Adair thairupone befor the Lords of Counsell upon the first day of Januar last bypast j<sup>m</sup> vi<sup>c</sup> and fourtie eight yeiris at mair lenth bearis Item ane presentation grantit be our said souveraine lord for himself and as father tutor guyder and lawfull administrator to his darest sone the Prince to and in favours of maister Williame Sempill ane of the regents of the college of Glasgow quhairby he nominats and presents the said Mr. Williame to all and haill that prebenderie callit Air primo quhilk is ane of the prebenderies of the Chappell Royall of Stirling and to the teinds great and small alsweill personage as viccarage thairof and uthair fruits teinds rents emoluments and dewties of the said kirk and parochine of Air lyand within the dyocie of Glasgow and shreffdome of Air vacand in his Majesties hands for himself and as administrator to his said darest sone and at his Majesties gift and presentation be deceis of umquhile Robert Colquhoun last prebender or any uthair way And als makand and constitutand the said Maister Williame Sempill undoubtit prebender of the said prebenderie giveand grantand and disponeand to him the samyn prebenderie with the saids haill teinds great and small both personage and viccarage and uthair fruits rents emoluments and dewties whatsoever belonging thairto and that of the cropt and yeir of God j<sup>m</sup> vi<sup>c</sup> fourtie four yeiris and yeirlie and termelie thairefter dureing all the dayis of his lyfytyme as the samyn of the dait the twenty eight day of Apryll j<sup>m</sup> vi<sup>c</sup> fourtie sex yeiris under his hienes privie seill with the decreit conforme obtenit at the instance of the said Maister Williame thairupon extract furth the books of Counsell upon the fourteine day of December j<sup>m</sup> vi<sup>c</sup> fourtie sevine yeiris also at mair length bearis And sicklyk produced ane assignatioun maid and granted be the said Maister Williame Sempill to and in favouris of maister James Sempill minister at Carmichael quhairby he hes maid and constitute the said maister James his airis and donatours his undoubtit cessioneris and assignayis in and to the foirsaid gift of prebenderie haill tenour and contents thairof and all that hes followit or



may follow thairupon as the samyn of the dait the sevintene day of July j<sup>m</sup> vi<sup>c</sup> fourtie sex yeiris extract furth of the buiks of Counsell upon the last day of July j<sup>m</sup> vi<sup>c</sup> fourtie sevine yeiris lykwayis at mair length bearis Item ane translatioun maid and granted be the said maister James Sempill to and in favours of the said maister Williame Adair of the fairsaid gift of prebendrie and assignatioun fairsaid maid to him thairof be the said maister Williame Sempill and all that hes followit or may follow thairupon daitit the nynteine day of August j<sup>m</sup> vi<sup>c</sup> fourtie sevine yeiris Item ane dimissioun maid and granted be the said maister Williame Sempill quhairby he maks constituts and ordaines maister Johne Henderson and Johne Douglas maiseris befor the Lords of Exchequer or any ane of them his undoubtit procurators to compeir befor our said souveraine lord the kings majestie or befor the saids Lords of Exchequer his majesties comissioneris whatsomever day and place convenient and thair to resigne renunce surrander dimit overgive and delyver fra him all and hail the fairsaid prebenderie hail teinds great and small personage and viccarage and uthairis fruits rentis emoluments and dewties thairof in the hands of our said souveraine lord as undoubtit patrone of the samyne ad perpetuam remanentiam to be useit and disposed upon be his majestie as he sould think expedient Whilk dimissioun is daitit the last day of July j<sup>m</sup> vi<sup>c</sup> fourtie sex yeiris registrat in the buikis of Counsell the fourteine day of December j<sup>m</sup> vi<sup>c</sup> fourtie sevine yeiris Item the instrument of dimissioun following thairupon quhairby the said maister Johne Henrysone procurator fairsaid resigned renounced surrandered dimited overgave and delyverit the fairsaid prebenderie teinds fruitts and rentis thairof to the handis of the saids Lordis of Exchequer his hienes comissioneris as in the handis of our said souveraine lord undoubtit patrone thairof ad perpetuam remanentiam or uthairwayis to be disposed upon be his majestie as he sould think expedient as the same under the signe and subscription manuell of Johne Sempill notar publict in lyk maner at mair length bearis And thairefter declaired that he past pro loco et tempore from improbatioun of the writts and evidents above and eftermentonat produceit be the saids defenderis procurators efter nameit in maner eftermentonat and insisted onlie at this tyme for reduction of the saids writts and evidents produceit in maner underwritten and that he insisted for improbatioun of the hail remanent writts and evidentis particularlie and generallie above writtin callit for to be produceit and whilkis are not produced in maner efter specifit And for verifieing of the first reassone



of reducioun abone writtin repeatit the said maister Williame Adair persewer his chartour of mortificatioun above mentionat grantit to him be our said souveraine lord under his hienes great seall And als repeatit the said Comissioun and tak abone mentionat produceit be the saidis defenderis procuratoris in maner underwrittin All bearing the said Kirk of Air to be ane of the kirks of the said Chappell Royall of Stirling and the saids teinds personage and viccarage of the said kirk to pertaine to the saids prebenderis thair of as thair patrimonie Item for verifieing of the second reassone repeatit the fairsaid Comissioun grantit be his hienes umquhile darest father to the said umquhile Johne Gib bearing the said exprest limitatioun and provisioun that the taks set be vertew thair of sould be without diminution of the rentall And als repeated the said tak set be the said umquile Johne Gib to the said Josias Stewart conteining the said yeirlie tak dewtie of ane hundredreth pundis with sex shillings eight pennyes in augmentatioun of the rentall And sicklyk produceit ane extract furth of the books of assumptioun bearing the old rentall dewtie of the said kirk and teinds befor the granting of the said comissioun and setting of the said tak to have beine sevine scoir thretteine merkis And sua the old rentall is diminisheit in the sowme of threttie thrie schillings four pennyes yeirlie Item for verifieing of the said third reassone of reducioun repeated the fairsaid decretit of prorogatioun bearing that nather the said umquhile Andrew Couper wha wes prebendar and titular for the tyme nor his hienes umquhile darest fatheris thesaurer nor advocat for the tyme nor the said umquhile Johne Gib comissioner fairsaid was cited nor called to the giveing thair of And als produceit ane gift of prebenderie grantit be his majesties said umquhile darest father under his hienes privie seall of the dait the twentie nynt day of Januar j<sup>m</sup> vj<sup>c</sup> nynteine yeires in favour of the said umquhile Andrew nominatand and appoyntand the said umquhile Andrew Couper prebender and presentand him to all and haill the said prebenderie callit Air primo quhilk is ane of the prebendaries of the said Chappell Royall of Striviling and to the saidis teinds great and small personage and viccarage thair of haill fruits and rents of the samen togidder with ane uthair gift of prebenderie grantit be his majesties said umquhile darest father of the samyne prebenderie callit Air primo and of the saidis teinds great and small personage and viccarage fruits and rentis thair of under his hienes privie seall of the dait the sevinteine day of November j<sup>m</sup> vi<sup>c</sup> threttie yeiris to Robert Colquhoun as vacand in his majesties handis be deceis of the said umquhile Andrew Couper then last prebender



Quhairby it is evident and cleir that the said umquhile Andrew wes prebender at the said prebenderie fra the said twentie nynt day of Januar j<sup>m</sup> vi<sup>c</sup> nyneteine yeiris to the tyme of the said gift grantit to the said Robert Colquhoun as vacand in his majesties handis throw deceis of the said umquhile Andrew Couper as said is And for verifeing of the said fourt reassone of reductioun repeatit the foirsaid decreit and act of prorogatioun grantit be the Comissiouneris of Parliament for plantatioun of Kirkis in favours of the saids umquhile Thomas Kennedie of Barganie and James Kennedie of Blairquhan quhairby the foirsaid tak of the saids teinds set be the said umquhile Johnne Gib to the said Josias Stewart is prorogat for the space of thrie lyfrents and thrie nyneteine yeiris efter the expyreing and outruning of the saids yeiris conteinit in the said tak in maner at length mentionat in the said prorogatioun of the dait the sext day of December j<sup>m</sup> vi<sup>c</sup> twentie tua yeiris albeit the said Thomas Kennedie of Barganie and James Kennedie of Blairquhan nather hade nor produceit any right in thair persones to the foirsaid tak of the saids teindis And the saids defenderis compearand be maister David Heriot thair procuratour quha for satisfieing of the productioun craveit be the said principall summondis in ane pairt produced the foirsaid comissioun maid and grantit be his hienes said umquhile father of blissed memorie to the said umquhile Johnne Gibb one of the groomes of his hienes bedchalmer under his majesties privie seall of the dait tenour and contentis abovewritten Bearing provisioun that the saidis takes and assedatiounes to have beine set be him sould be with advyse of the saids umquhile earle of Dumfermeling chancellor umquhile sir Thomas Hamiltoun of Byres knight clerk of register and umquhile maister Williame Oliphant of Newtoun his Majesties advocat for the tyme and not to endure above nynteine yeiris and to be without diminitoun of the rentall as the same extract furth of the register of his hienes privie seall under the signe and subscription manuel of maister Johnne Drumond deput to sir Adame Hepburne of Humbie knight ane of the senatours of the College of Justice Keiper of the said register at mair length bearis. Item the foirsaid tak and assedatioun maid and grantit be the said umquhile Johnne Gib comissiouner foirsaid with consent foirsaid to the said Josias Stewart his airis and assignayis whatsomever off all and sundrie the saids teind sheaves and uthairis teinds alsweill personage as viccarage fruits rentis emolumentis and dewties whatsomever perteing and belonging to the said kirk and parochine of Air for the space of nyneteine yeiris ether his entrie quilk was



at Lambmes j<sup>m</sup> vi<sup>c</sup> eighteine yeiris for payment yeirlie of the said sowme of ane hundreth pundis as the old accustomat dewtie used to have beine payit for the said kirk with sex shilling eight pennyes in augmentatioun of the rentall of the said kirk preciselie at Lambmes everie yeir and releiveand the said umquhile Johne Gibb of all taxatiounes and uther impositiounes imposed or that might be imposed upon the said teinds as the said tak of the dait att Ayr the said sevint day of July j<sup>m</sup> vi<sup>c</sup> thretteine yeiris quhairunto the comon seall of the said Chappell Royall of Stirling is appendit at mair length bearis Item the fairsaid decret and act of prorogatioun maid and givin be the saids comissiouneris appoyntit for plantatioun of kirks of the dait the said sext day of December j<sup>m</sup> vi<sup>c</sup> twentie tua yeiris prorogating the fairsaid tak and assedatioun for the space of thrie lyfrentis and thrie nyneteine yeiris after the expyreing and outruning of the yeiris above writtine thairin conteinit And upon the productioun of the fairsaid writtis the said defenderis procuratours askit instrumentis and opponed the saids writtis produceit as said is to the haill reassones of reducioun above writtin quhairupon lykwayis the said perseweris procuratours askit instrumentis and thairby granted the productioun craveit be the said principall sumondis to be satisfied pro tanto Quhairupon the saidis pairties compeirand thair rights reassones and allegatiounes togidder with the writtis and evidents abone and efter mentionat produceit for verifieng of the saids reassones of reducioun being at length heard seine and considerit be the saids Lords and they thairwith being rypelie advysed The Lordis of Counsall reduces retreatis rescinds casis and annullis the fairsaid pretendit commissioun alledged granted be his hienes umquhile darest father of blissed memorie to the said umquhile John Gibb togidder with the fairsaid tak set be the said umquhile Johne Gibb to the said Josias Stewart with the decret and act of prorogatioun thair of above mentionat of the daits tenours contentis abone written Decerns and declaires the same to have beine from the begining to be now and in all tyme cuming null and of nane awaill strength force nor effect with all that hes followit or may follow thairupon. And als decreitis decernes and delyveris all and sundrie the remanent writtis and evidentis particularlie and generallie above mentionat callit for to be produceit in maner fairsaid and not produceit as said is to mak na faith in judgement nor outwith the same in tyme comeing And findis and declairis that the saidis teinds great and small personage prebenderie and viccarage and uthairis fruits rentis emolumentis and dewties



of the said kirk and parochine of Air perteines to the said persewer and his successors ministeris at the said kirk to be intrametit with upliftit useit and dispoineit upon be them of the cropt and yeir of God j<sup>m</sup> vi<sup>c</sup> fourtie four yeiris and of all yeiris and termes sensyne and yeirle and termelie in tyme cuming at thair pleasure for the reassones and causs abovewrittin Becaus the poyntis of the said sumonds and reassones of reducioun abovewrittin being fund relevant to the saids Lords and admitit to the said perseweris probatioun efter that the saids defenderis wer all lawfullie sumond to have compeirit befor the saids Lordis to have heard and seine decret givin in the said mater in maner abonewrittin and hade compeirit be thair said procuratour. The said persewer than instantlie verified the poyntis of the said sumonds and first second and third reassones of reducioun abovewrittin be production of the writts and evidents above mentionat thairin exprest of the daits tenours and contentis abovewrittin repeated and produceit as said is. And the said fourth reassone being negative proveit the self sufficientlie in respect thair wes nothing produceit be the saidis defenderis procuratour foirsaid to verifie that thair wes any right of the said tak standing in the persones of the saidis umquhile Thomas Kennedie of Barganie or James Kennedie of Blairquhan the tyme of the granting of the said prorogatioun And thairfoir as also becaus the saidis defenderis compeirand and be thair said procuratour as said is failzeit to exhibit and produce any of the remanent writts and evidents particularlie and generallie callit for to be produceit as said is (except the saids Comissioun tak of the saids teinds set to the said Josias Stewart and decret of prorogatioun thairof fra improbatioun quhairof the said perseweris procuratour past as said is) as wes cleirleie understand to the saids Lordis they gave thair decret and sentence in the said mater in maner foirsaid.

Extractum de libro actorum, etc.

82. *Tack by Mr. William Adair, Minister at Ayr, to the Magistrates thereof, of the Superplus of the Teinds, etc.*—[26th February 1648.]

BE it kend till all men be thir present lettres me maister Williame Adair minister at Air and prebendar of the prebendarie of Air primo and thairby having right to the teinds persounage and viccarage of the said parochine of Air fforsameikle as the commissioners of Parliament appointit ffor



valuatione of teinds and plantatione of Kirks hes be thair decret of the daitt the tuentie fyft day of Februarie j<sup>m</sup> vj<sup>e</sup> ffourtie aught yeiris givin in foro contradictorio converted the soume of ffyve hundreth merks quhilk was payable to me out of the teinds of the parochine of Air as ane pairt of my stipend ffor serving the cuir thairat in fyve chalders victuall and hes added and eiked thairto thrie chalders and aught bolls victuall and aught bolls victuall ffor the comunione elements of the qualite contenit in the valuatione and hes decernit and ordanit the saidis aught chalders victuall and ane half and half ane chalder victuall ffor the comunione elements to be the constant stipend of the said Kirk of Air and be in full contentatione and sattisfactione to me and my successours of any farder provisiene or augmentatione we or any of ws sould have out of the teinds of the said parochine be the mortificatione mentionat in the said decret or utherwayes and the superplus of the teinds to redound and acres to the proveist ballies and counsell of the said toune of Air Lykas the saidis comissioners hes be thair said decret decernit and ordanit me and my successours titulars of the teinds persounage and viccarage of the said parochine of Air to sett taks ane or mae to the proveist ballies and counsell of the said burgh of Air of the superplus of the saidis persounage teinds and of the haill viccarage and small teinds of the said paroche as sall be most expedient ffor securing of the said toune thairintill and that ffor caussis at lenthe mentionat and sett doune in the said decret in the self mair amplie proportis and I being maist willing to obtemper and obey the foirsaid decret and ordinans Thairfor witt ye me the said maister Williame Adair minister at the said Kirk of Air and titular of the teinds thair of persounage and viccarage baith great and small to have sett and in tak and assedatione lettin lykas I be the tennor hei of sett and in tak and assedatione ffor the maill and dewtie underwrittin let to the present proveist ballies counsell and comunitie of the said burgh of Air and thair successours ffrom tyme to tyme all and haill the superplus of the persounage and teind scheaves of the said paroche and parochine of Air and valued teind bolls thair of quhilk is over and above the saidis aught chalders and ane half chalder victuall appointit ffor my stipend and half chalder victuall ffor the comunione elements according to the locallite thair of aggried upone betuixt thame and me togither with the haill viccarage and small teinds of the said parochine of Air and that during all the dayes tyme yeiris and space of thrie yeiris nixt and imediatlie ffollowing thair entrie thairto quhilk is



and begins to the said superplus persounage teinds at Michaelmas nixtocum or sooner quhen the cornes and cropt sall be separat ffrom the grund or at the termis appointit ffor payment of the saidis valued teind bolls and to the said viccarage and small teinds at Lambes nixtocum and swa ffurth to enduir and to be peacablie bruiked joysit collected ingathered usit and disponit upone be the saidis proveist ballies and counsell of the said burght of Air present and wha sall happin to be ffor the tyme during the haill yeiris tyme and space of the saidis thrie yeiris with all proffite and comodite quhatsumevir pertining and belonging thairto with ffrie ische and entrie ffriellie quietlie weill and in peace but ony revocatione or againe calling quhatsumevir The quhilk tak and assedatione abovewritten of the said superplus teind scheaves and valued teind bolls abovewrittin mair nor the saidis nyne chalders victuall appointit to me ffor my stipend and comunione elements according to the locallitie foirsaid and of the haill viccarage and small teinds abovewrittin I bind and obleis me to warrand aquiet and defend to the saidis proveist ballies counsell and comunitie of the said burght of Air present and wha sall happin to be ffor the tyme guid valid and sufficient in all and be all things as is befoir rehearsit ffra my awin proper fact and deid allenerlie that is to say I have done nor sall doe nothing that may be hurtfull or preiudiciall heirunto With power to thame to teind leid collect ingather mell and intromett with the foirsaid superplus teind scheaves and valued teind bolls abovewrittin (mair nor the foirsaid nyne chalders victuall) and haill viccarage and small teindis abovewrittin ffra the heritours liferenters tenents possessors and occupyers of the lands within the said parochin of Air and uthers subject and addebtit in payment of the saidis teinds persounage and viccarage and to serve inhibitiones if neid beis yeirlie thairupone call ffollow and persew thairfor as accords befoir quhatsumevir judgis competent ather spirituall or temporall within this realme and to insist in the persuit thairof unto the finall end and decision of the samen and obtining of decreitis thairintill and being obtenit the samen to lawfull executione caus be put compone transact and aggrie thairanent aquitances and dischairges to grant give subscribe and delyver quhilks I will be thir presents be all sufficient to the receavers as if I had subscrivit and delyverit the samen myself and with libertie to obtine the said tak prorogat be the saidis commissioners of Parliament and generallie all and sundrie uthers things doe use hant and exerce siclyk and alsfrillie in all respects and conditiones as I might have done myself befoir the making



heirof etc. Payand thairfor yeirlie the saidis proveist ballies counsell and comunite of the said burght of Air to me and my successours titulars of the teinds of the said parochine and ministers serving the cuir at the said kirk the soume of sex schillings aught pennies money yeirlie at the feist of

beginand the first yeiris payment thairof at the feist and terme of and swa ffurth yeirlie thairefter during the yeiris of the said tak and relivand me and my successours of all taxatiounes annuities and uthers dewties quhatsumevir imposit or to be imposit upone the said superplus teind scheaves and viccarage teinds abovewritin be quhatsumevir persone or personis And ffor the mair securitie I am content and consents thir presents be insert and registrat in the buikis of Counsell and Sessioun to have the strenthe of ane decreit of the lordis thairof that lettres of horning and uthiris neidfull upone ane chairge of ten dayes may be direct and constituts

my procuratouris etc. In witnes quhairrof (writin be Johne Masoun servitour to Harie Osburn wretter to his majesties signet) I have subscrivit thir presentis with my hand at Edinburgh the tuentie sext day of Februar j<sup>m</sup> vj<sup>c</sup> ffourtie aught yeiris befor thir witnessis Alexander Fergusone of Kilkerane Hew Kennedie sone to umquhill James Kennedie of Blairquhan the saids Harie Osburne and Johne Masoun with maister David Watsone also servitour to the said Harie Osburne (Signed) WILLIAM ADAIR Hew Kennedie witnes H. Osburne witnes Jo. Masoun witnes Mr. Da. Watsone witnes.

83. *Assignment by John Kennedy of Blairquhan to Anna Stewart his Mother, of a Decreet against the Town of Ayr.*—[11th July 1648.]

BE it kend till all men be thir present lettres me Johne Kennedy of Blairquhan foirsamekle as I obteanet ane decreit befor the Lords of Counsaill and Sessioun upon the day of j<sup>m</sup> vi<sup>c</sup> ffourtie sevin yeiris againes the toun of Air for payment to me of the sowme of twa thousand merkes money of this realme as for the teyndis dew to me furth of the aikeris of lands lyand within the liberties of the said toun togethir also with certane byroun dewties dew for the saids teyndis furth of the saids lands and aikeris as in my decreit granted to me thairupon of the dait foirsaid at length is containett And foirsamekle as the said action and richt altho it wes persewit at my instance againes the persounes specifeit in



the said decreit yet I considder and acknowledge that Anna Stewart Lady Blairquhan my mother had guid and undoubtit richt in lyfrent to the saids teyndis conform to hir richts made to hir thairof be my umquhile father hir husband And considering that I am now of purpose to go out upon this present service and expeditoun thairfoir wit ye me to have made constitut and ordainet and be thir presentis maks constitutes and ordaines the said Anna Stewart my mother hir airis executors and assignayis my verie lawfull undowted and irrevocable cessionaris asssignayis donatours and procuratours in rem suam cum dispositione libera in and to the foirsaid contract and in and to the annual rent of the said sowme of two thousand markes money thairin conteinett And in and to all uthir sowmes of money thairin conteinett as for the byroun dewties restand awchtand unpeyit for the saids teyndes Substituteand and surrogattand the said Anna and hir foirsaidis in my full richt place and power of the said decreitt and all sowmes of money quhatsomevir thairin conteinett with all actioun instance persuit proffit benefit or commoditie competent to me thairby veluti cum dispositione libera And with full power to the said Anna my mother and hir foirsaidis to uplift reseive and intromett with the annuel rent of the said sowme of tua thousand merkes money and the propertie of the hail sowmes of money conteinett in the said decreit fra the persounes obleist for payment thairof And if neid beis to put the said decreit to all dew execution againes thame aither personallie or reallie compone transact and aggre thairanents acquitances and discharges to give and grant thairupon quhilks I declair sal be als sufficient as I had grantit the samyn myself befoir the making heirof and I have delyverit to hir the foirsaid decreit to be vsett be hir as hir awin evident in all tyme cuming And consents that thir presentis be insert and registrat in the buiks of Counsall and Sessioun thairin to remane ad futuram rei memoriam And constitutes my procurators In witness quhairof (wryttin be Johne Shaw notar in Meyboill) I have subscriyvet the samyn with my hand att Meyboill the ellevint of July the yeir of God j<sup>m</sup> vi<sup>c</sup> fourtie aucht yeiris befoir thir witnesses Mr. James Gibsoun Schoolmaister at Meyboill and the said Johne Schaw

JOHNE KENNEDY Mr. Ja : Gibsone witness J. Schaw witness.



84. *Disposition by John Kennedy, Son of James Kennedy of Blairquhan, in favour of Mr. William Adair, of the Teinds of the Parish of Ayr.*  
—[2d January 1649.]

BE it kend till all men be thir present lettres we Johne Kennedy lawful sone to umquhile James Kennedy of Blairquhan and Agnes Stewart relict of the said umquhile James my mother for our severall richtis and entresis and baithe with ane consent and assent and als with the expres advyse and consent of Johne M'Adam notar in Air as haveand richt be translatioun proceidand fra Johne Kennedy of Balbeg in maner eftermentonat and sua I the said Johne M'Adame for myself and my richt tytill and interest Forsamekill as the said Johne Kennedy of Balbeg be his lettres of translatioun subscryvit with his hand of the daittis upon the fourteine and fyfteine dayis of December the yeir of God j<sup>m</sup> vi<sup>c</sup> fourtie sevin yeiris grantit be him in favouris of the said Johne M'Adame makand mentioun that quhair umquhile Johne Gib ane of the gromes than of his majesties bed-chalmer as haveand power and comissioun from his majestie be his hienes gift of the dait the third day of Julij j<sup>m</sup> vi<sup>c</sup> twelff yeiris to set takis of the teindis of the haill kirkis of the Chappell royall of Stirveling for the space and in maner mentionat in the said gift be his lettre of tak subscryvit with his hand with consent of umquhile Alexander earle of Dumfermling chancellor of Scotland and utheris of the dait the sext day of Julij j<sup>m</sup> vi<sup>c</sup> thretteine yeiris sett in tak and assedatioun to Josias Stewart sumtyme stylit of Bonytoun his airis and assignayis all and sindrie the teind schaves and utheris teindis alsweill persounage as vicarage fruitis rentis emolumentis and dewtyis quhatsumever perteineing and belonging to the parochie kirk and parochin of Air beand ane of the kirkis of the said Chappell royall of Stirling for the space and yeiris of nynteine yeiris thairin mentionat eftir his entrie thairto declairit thairby to be and begin at Lambas in the yeiris of God j<sup>m</sup> vi<sup>c</sup> thretteine yeiris for the yeirlie payment of the sowme of ane hundreth pundis money of Scotland as the old accustomed dewtie payabill for the saidis teindis with sex schillingis aucht penneyies in augmentatioun of the rentall thairof preceislie at the Lambas yeirlie as the said tak and assedatioun in the self at mair lenth proportis Lykas upoun the sext day of December j<sup>m</sup> vi<sup>c</sup> twentie tua yeiris the Comissionaris of Parliament appoyntit for settling of the takis of teyndis and provisioun of kirkis and ministeris



serveing cuir thairat within this realm haveing decernit to be payit yeirlie to the minister than present and to cum serveing the cuir at the said Kirk of Air furth of the saidis teyndis of the paroch tharof the sowme of fyve hundrethe merkis monie yeirlie by and attour the said yeirlie tak dewtie abone written of ane hundrethe pundis sex schillingis aucht penneyis money fairsaid reservit to be payit to the prebendar of the said Chappell royall of Stirling They in recompence and requytall of the said burding and augmentatione imposit upoun the saids teyndis of the pareochin of Air and takismen thairof abone mentionit mair nor the former tak dewtie of the samyn according to the powar and warrand givein to them and contened in the act of Parliament beirand thair comissioun added to the space and yeiris of the said tak the space of thrie lyfrentis and thrie nynteine yeiris farder of the haill teyndis persouneag and vicarage of the said parochin of Air ane tak beginning at the isch and expyreing of the yeiris of the tak abone specifeit And thairfoir sett and in tak and assedatioun latt to Thomas Kennedy of Bargany and James Kennedy of Blarquhen or ather of thame to quhom the right of the said tak pertained or to thair airis or assignayes or to that persoune or persounes to whom the right of the said tak sould happin to perteine the tyme of the expyreing tharof and to thair airis and assignayis all and sindrie the saids teind scheaves alsweill persouneage as vicarage fruitis rentis emolumentis and dewties quhatsumever pertening and belonging to the said parochin and kirk of Air quhilk was ane of the kirkis of the Chappell royall of Stirling dureing all the dayis space yeiris and termis of the saids thrie lyfrentis and thrie nynteine yeiris respective and successive eftir utheris beginand the entrie of the fairsaid eikit tak and eikit yeiris of prorogatioun immedaitlie eftir the isch and expyreing of the space and yeiris of the fairsaid uthir tak abone declairit And fra thyn furthe to continew and indure ay and quhill the fairsaid eikit space and prorogatioun of thrie lyfrentis and thrie ninteine yeiris be fullie and complitlie out-run successive and respective eftir the expyreing of the space of the uther tak befoir declaired Payand thairfoir yeirlie to the minister serveing the cuir at the said Kirk of Air at the terme abone mentionat the sowme of fyve hundrethe merkis money fairsaid And als payand at the fairsaid terme yeirlie to the prebendar of the said Chappell royall of Stirling the said sowme of ane hundrethe pundis sex shillingis aucht penneyis of tak dewtie as the said decreit and tak of prorogatioun of the dait fairsaid in the self also at mair lenth bearis In and to the quhilkis takis of the saidis teyndis



baith persouneag and vicarage of the said parochin of Air and the samyn teyndis alsweill persouneag as vicarage fruitis rentis and dewtyis whatsoever pertaining and belonging to the said parochin and kirk of Air for the cropt and yeir of God j<sup>m</sup> vi<sup>c</sup> yeir taking begining and continewallie for all space and yeiris of the saidis takis thaireftir The said Josias Stewart Thomas and James Kennedyis or ather of tham to whom the richt of the foirsaidis takis and prorogatioune pertained be thair lettres of assignatioune subscriyvit with thair handis of the dait the day of j<sup>m</sup> vi<sup>c</sup> yeiris maid and constitute the said John Kennedy of Balbeg his airis executouris and assignayis thair verie lawfull cessiounaris procurators and donatours in rem suam cum dispositione libera with ampill powar and surrogat and substitute the said Johne Kennedy of Balbeg and his foirsaidis in thair full right and tytill thair of in maner at length deducit in the narrative pairt of the saidis lettres of translatioun of the dait foirsaid quhairby for sowmes of money and uthairis causis specifeit thairin the said Johne Kennedy of Balbeg with consent of me the said Anna Stewart sauld assignit transferit and dispouned to and in favouris of me the said Johne M'Adame my airis assignayis and successouris all and sindrie the saidis teyndis persouneage as vicarage of the said kirk and parochin of Air fruitis rentis emolumentis and dewtyes quhatsumever perteineing and belonging tharto for the cropt and yeir of God j<sup>m</sup> vi<sup>c</sup> yeiris taking the begining and yeirlie and continewallie in all tyme cuming dureing the space and yeiris of the takis and prorogatioune abone mentionat As also all the saidis takis and prorogatiounes with the foirsaidis lettres of assignatioune maid and grantit to the said Johne Kennedy of Balbeg thair of with ampill powar and warrandyce fra his awin proper fact and deid as in the saids lettres of translatioun of the dait foirsaid maid and grantit be the said Johne Kennedy of Balbeg in favouris of me the saids contineand diverse uthiris heidis and clausses at mair length is contained And siclyk forsamekill as thair was ane decreit obtained at Edinburgh the twentie fyft day of Februar the yeir of God j<sup>m</sup> vi<sup>c</sup> fourtie aucht yeiris last bypast in presens of his Majesties comissioners of Parliament appoyntit for valuatioun of teyndis and plantatioun of Kirkis at the instance of Mr. William Adair abone namit persoune and minister of the said burgh of Air within the presbeterie thar of aganis us the saidis Johne Kennedy Anna Stewart and Johne Kennedy of Balbeg and utheris nominat thairintill anent the settilling of ane competent augmentatioun of the



stipend of the said Kirk in a dispositioun grantit be the said Mr. Williame Adair and his successouris serveing the cuir at the said Kirk of Air and parochie thair of (with ane sufficient modificatioun for furnischeing the comunioun elementis to the said minister and his successouris to be imployet for that use) and ane constant localitie settilld and designed thairanent Be vertew quhair of the saidis judgis comissiounaris haveing decerned and ordayned ane constant locall stipend with the modificatioun for furnischeing of the comunioun elementis to the said minister and his successouris serving cuir at the said burgh Kirk and parochie thair of payabill be the severall heritors lyfrentaris takismen and utheris expreslie designit thairin respective furth of the teindis great and small of the landis aikeris of land and utheris designit therein And ordayned ane stipend and provisioun of aucht chalderis and ane half of victuall and half ane chalder of victuall for the comunioun elementis to be yeirlie locallie payit be the heritors and utheris conteined in the said decret and thair successouris ilk ane of thame respective for thair awn partis as is particularlie devydit thairin And the said quantitie of nyne chalderis victuall to stand and continew as ane constant stipend and provisioun of the said Kirk of Air in maner at length deducit and sett doune in the said decret Lykas the saidis comissiounaris to the effect the toune of Air might be the moir abill to beir the burding of ane colleague minister and of ane thousand merkis money foirsaid of yeirlie stipend ordayned us the takismen haveing right to the teindis of the said parochin to denud ourselves of our right of our takis in favouris of the said Mr. William Adair persewar And in recompens thair of the saidis comissiounaris ordayned the proveist baillies and counsall of the said toune of Air to content and pay to me the said John Kennedy sone lawfull to the said umquhile James Kennedy of Blairquhan the sowme of tua thousand merkis money of Scotland in satisfactioun to me and utheris of our right of the takis of the teindis thair of And decerned the takisman and all utheris haveand or pretendand to have entres to the teindis great and small of the said parochin to rest fullie satisfied in regaird of the said sowme of tua thousand merkis And ordayned the said Mr. Williame Adair persewar to grant takis ane or ma of the superplus of the saidis persounes teindis and also the haill vicarag teyndis of the said paroch to the proveist baillies and counsall of Air and thair successouris for payment yeirlie of sex schillingis aucht penneyis of tak dewtie and ordayned prorogatioun of the said tak to be grantit at the productioun



thairof as in the said decreit of the comissiounaris for valuatioune of teyndis and plantatioune of Kirkis of the dait foirsaid conteineand diverse and sindrie uther heidis articles and ordinances at mair length is conteined And now becaus the present proveist and baillies of the said burghe of Air for themselves and in name and behalf of the counsall thairof and for tham and thair successouris proveistis baillies and counsall of the samyn hes contentit and payit to me the said Johne Kennedy in whais favouris that ordinance of the said decreit is conceavit all and haill the said sowme of tua thousand merkis money foirsaid ordayned to be payit to me in maner and for the causses specifeit thairin and that with the advyse and consent of the said Anna Stewart my mother and of the said Johne M'Adame for any richt and entres be translatioun flowand fra the said Johne Kennedy of Balbeg quhairof I grant the resait Lykas we and ilk ane of us for us our airis executoris and assignayis exoner quytclame and simpliciter dischairge the saidis proveist baillies and Counsall of the said burghe of Air and thair successouris proveist baillies and Counsall of the samyn be thir presentis for now and ever renunceand the exceptioun of non remunerat money and all uther exceptiounes and objectiounes can be propouned or alledgit in the contraire Thairfoir witt ye me the said Johne Kennedy for myself with the expres advyse and consent of the said Anna Stewart my mother and us baith with ane consent and assent and als with consent of the said Johne M'Adame haveand rycht be translatioun proceidand fra Johne Kennedy of Balbeg abone namit in maner befor repettit and I for myself and my richt and entres in that respect to have dimittit renuned dischargit and simpliciter overgivein and be the tenor heiroyf (in speciall corroboratioun of the said decreit in obedience and for fortificatioun of the samyn and of the takis of the super plus of the teinds persouneage and vicarage of the said parochin of Air and decreit of prorogatioun followand thairupoun over and above the localities designit to the ministeris serveing cuir at the Kirk of the said burghe of Air and paroche thairof and thair successouris ministeris serveing cuir thairat and for furnishing of the comunioun elementis eikand richt to richt) dimittis renunes dischargis and simpliciter ovirgives fra us and ilk ane of us and our foirsaidis for our severall richtis and entres to and in favouris of the said Mr. Williame Adair and his successouris ministeris serveing cuir at the Kirk of Air all and haill the super plus of the teindis persouneag and vicarag of the said parochin of Air dew and payabill be the heritouris and utheris lyabill in



payment thair of, and that of all croptis and yeiris of God since the dait foirsaid of the said decreit of the said comissionaris for valuatoun of teindis and plantatioun of Kirkis and yeirlie and ilk yeir in all tyme cuming heireftir with all richt takis tytill and possessioun that we or any of us or our foirsaidis had have or may have or clame to the teindis persouneag and vicarage of the said paroch of Air so far as concerned the super plus thair of over and above the ministeris localities and for furnishing the Comunioun elementis as is abone exprest designit and appoyntit to that end be vertew of the said decreit efter the forme and tenor thair of To the effect the samyn super plus of teinds persouneag and vicarage over and abone the said localities designit be decreit for plantatioun of the said Kirk of Air being once consolidat and establisched in the persoune of the said Mr. Williame Adair and his successouris serving cuir thairat the takis tytill and richt maid and grantit promittit or provydit to be maid and grantit be him or thame in favouris of the proviest baillies and counsall of the said burghe of Air and thair successouris proveist baillies and counsall thair of and decreit of prorogatioun followand thairupoun may stand gud valid and effectual to them for bruiking and using the samyn super plus fruitis rentis emolumentis and dewties since the dait of the said decreit and yeirlie and ilk yeir in all tyme thareftir Quhilkis we for us and ilk ane of us and our foirsaidis according to our severall interests hes ratifiet and approvein and heirby ratifies and approves eftir the forme and tenour thair of in all poyntis admittand the generalitie thar of to be als sufficient as the particularis war insert heirintill Quhairanent we for us and our foirsaidis dispenses for evir Quhilk dimissioun exoneratioun renunciatoun and ratificatioun abone written we bind and oblis us and ilk ane of us respective and our foirsaidis to warrand acquyet and defend to the said Mr. William Adair present minister and his successouris serveing cuir at the said kirk and paroch thar of and to the saids magistrats and counsall present and to cum for thair exoneratioun of the said sowme of tua thousand merkis gud valid and sufficient in all and be all thingis as is abone exprest to the effect abone written conforme to the said decreit takis granted be him and prorogatioun followand thairupoun And that for all factis and deids done or to be done be us or any of us or our foirsaidis in any tyme bygane or to cum allanarlie That is to say that we nor nane of us nor ours abone writtin hes not maid nor sall not mak na uther dimissioun renunciatoun assignatioun tytill or richt in favouris of



na uthers persoune nor persounes that can be hurtful or prejudiciall tharto in any sort And finallie we bind and oblise ws respective and our forsaides to reiterat renew and mak ovir againe thir presentis to thaise in whais favouris the samyn is conceaved als oft and how oft as neid beis be advyse of men of law keipand the effect and substance abone writtin And for the mair securitie we ar content and consent thir presentis be insert and registrat in the buikis of Counsall and Sessioune to have the strength of ane act and decret that letters and executoriallis of horning be ane simpill chairg of sex dayis warding or poynding but prejudice of uthers may pas heirupoun And thairin to remayn ad futuram rei memoriam And that executoriallis neidfull may direct in dew forme as effeirs And to that effect constitutis our procurators promittentes de rato, etc. In witnes quharof (writtin be Williame Mitchell toun clerk of Air) we have subscriyvit thir presentis with our handis as followis att the said burghe of Air the secound day of Januar and elevint day tharof the yeir of God j<sup>m</sup> vi<sup>c</sup> fourtie nyne yeiris befor thir witnesses respective viz. to the subscriptione of me the said Johne Kennedy subscriyvit be me at Air the said secound day of Januar and yeir of God foirsaid before Johne Schaw sone to Quentein Schaw of Grimett and the said Wm. Mitchell wrytar heirop And to the subscriptione of us the said Anna Stewart and John M'Adam subscriyvit be us at Air the said elevint day of Januar and yeir of God foirsaid befor Williame Montgomerie of Brigend Francis Muir of Penyglen and the said William Mitchell (Signed) JOHNE KENNEDY ANNA STEWART JOHN M'ADAME W. Montgomery witnes Johne Schaw witnes Francis Muir witnes Williame Mitchell witnes.

85. *Sasine in favour of the Burgh of Ayr, of the Yards belonging to the Kirk of St. Katherine in Ayr.*—[25th March 1653.]

IN the name of God be this present publict instrument to everie man be it knowin that in the year of God j<sup>m</sup> vi<sup>c</sup> fyftie thrie yearis upoun the twentie fyve day of the monethe of March in presence of me notar publict and witnesses underwrittin compeared Johne Fergusson lait baillie burges of Air as procurator and actorney speciallie constitute for Johne Lockhart only lawfull sone and air at the least appearand air to deceast Alexander Lockhart younger merchand burges of Air procreat betwixt him and



Katharine M'Calmont his spous being upoun the ground of the peices of land or yairdis particularlie underwrytin And thair schew and produced ane lettir of Dispositioun and Resignatioun ad remanentiam maid granted and subscryved be him the [said] Johne Lockhart younger with consent of his mother and of Alexander Lockhart elder his guid sire and thay for thame selffis and thair respective richtis of lyfrent in favours of the magistratis counsall and comonunitie of the toun of Air for the comoun use thair of of the dait the twentie tua day of March instant wharby and for the sowme of tua hundreth pundis money Scottis payed and delyvered to tham be William Fergusson present thesaurer and collector of the tounes comoun rent be thair order furth of the samyn whair of they grantit the receipt in maner thairin exprest they sauld and dispouned in favouris of the magistratis and counsall present or to cum succeding magistratis and counsall representing the body and comunitie of the toun for the comoun use thair of but reversioun all and haill these said yairdis with the priviledgis and pertinentis formerlie belonging thair to formerlie designed and boundit as followis To wit ane peice of land lyand on the east pairt of the kirk of auld callit sanct Kathrenis Kirk the virgin within the burghe of Air betwixt the kirkyaird thair of of auld thaireftir being the landis of Johne Blair now of Thomas Daviesoun on the northe and ane pairt and the comoun way that tendis to the watter of Air by the well on the southe and uther pairtis As also that uther yard and peice of land lyand abone the said well betwixt the landis sumtyme of Johne Wallace of Cragy thairefter of George Angus and last of Edward Wallace of Sewaltoun decessat on the southe and uther pairt and the said comoun way that goeth by the well to the watter of Air on the northe and utheris pairtis quhair intill the decessat Alexander Lockhart younger died last vest and sased as of fie And that the samyn Johne Lockhart is nerrest and lawfull air to his decessat father thair intill and that he is of lawfull aige And that the samyn be the former richtis wes haldin of the magistratis counsall and communitie of the said burghe superiors thair of for ane certain yearlie few dewtie being in haill nyne schillingis sex penneyis money Scottis for the mekil yard and thrie schillingis for the littill yard as ane instrument of saseing givein to the said umquhile Alexander Lockhart his father of the dait the eleveint day of November j<sup>m</sup> vi<sup>c</sup> threttie four yeiris under the signe and subscriptioun of decessat George Massoun toun clerk for the tyme hes testified being schawin and produced as said is Thairfoir James



Campbell in Air baillie in that pairt speciallie constitute for the bettir establischeing of the possessioun of the sam and according to the befoir repeitted richt gave and delyvered to the said John Lockhart youngar as sone and air to his deceast father stat saseing and possessioun corporall actuall and reall of all and haill the said tua peicis of land or yairdis with the priviledgis and pentinentis boundit and lyand as said is in the handis of the said Johne Fergusson as actorney to the said Johne (whais power was cleirly knowin to me notar publict and witness undirwrytin) be delyverance of eard and staine thair of as use is eftir the forme and tenor of his umquhile father his infetment and saseing and former infetmentis and saseingis of the samyn Quha being sua reallie infet the befoirnamed Johne Fergusson procurator and actorney respectivlie befoirnamed be vertew of the letter of procuratorie and resignatioun contained in the saidis letteres of Dispositioun of the dait foirsaid with all humilitie and condigne reverence resigned surrendered upgave and overgave all and haill the saidis tua peicis of land and yairdis with the priviledgis and pertinentis used and wount designed boundit and lyand as said is in the handis of the counsall and comunitie of the said burgh representing the sam to be applyed be thame to the most pious and convenient use they sall appoynt for the benefite of the said burgh And entered to for that effect be delyverance of stalf and bastoun as the maner is in the handis of the befoirnamed William Fergusson thesaurer in thair name and behalf And to abyd and remain for ever consolidat and establisched with thame and thair successouris magistratis and counsall of the said burgh present and to cum representing the samyn communitie and whole body thair of to the effect abonewrytin Upoun the which all and sindrie the premisses the saidis Johne Fergusson as actorney and procurator as als the said Williame Fergusson as thesaurer and in name and behalf of the Toune asked and requyred instrumentis ane or ma in the handis of me notar publict undersubscrivand Thir thingis wer done upoun the ground of the saidis peicis of land at ten houris befoir non or thairby day moneth and year of God foirsaid befoir thir witnesses William Campbell merchand George Masoun cowpar Johne Reid flescher and Ninian Lawrie smith burgesis of the said burgh called and requyred to the premisis And I for sowth Johne M'Adame clerk within the dyosie of Glasgow and notar publict etc.



86. *Commission to the Sheriffs of Ayr to grant Heritable Rights within the Burgh until Magistrates should be appointed.*—[2d March 1654.]

AT Edinburgh the second day of Marche j<sup>m</sup> vj<sup>c</sup> fiftie four yeares The quhilk day anent the supplicatioun givin in and presentit befor the Commissioners appoyntit for administratioun of justice to the people in Scotland be the burgessis and inhabitantes within the burghe of Air and utheres heretouris within the tennendrie theroff mentioneing that throw the want of magistrates as formerlie wount to be within the burghe of Air the saidis petitioneres ar greatlie prejudgit in passeing of infeftmentes of resignatioun and confirmatioun and by entering of airis be cognitioun upon the ground hesp and staple and utherwayes accordeing to the forme used within the burghe quhich in ane short tyme will bring the saidis petitioneres to ane great confusioun in not haveing ane formall rightis to ther landis and houssis within the libertie and territorie of the said burghe Beseekand therfore the saidis commissioners to tak the premissis to ther serious consideratioun and to give ordour and warrand to the shereff of Air and his deputtis present and who shall happen to be for the tyme to give infeftmentes and saisinges to all pairtis haveand interes be receaveing of resignationes granteing of confirmationes entering of aires by precepts of clare constat cognitioun upon the ground hesp and staple and utherwayes as is in use within the burghe and that unto such tyme and ay and quhill the burghe of Air be settled in ther magistracie with Proveist and Bailies and they in ane capacitie to doe the samyn as heirtfoir they wer in use as the said supplicatioun beares Quhilk supplicatioun being hard red seine and considerit by the saidis commissioners and they being therwith weell and ryplie advysed the saidis Commissioners thought the samyn reasonable and thairfore they have givin and grantit and be thir presentis the saidis Commissioners gives and grantes full power warrand and commissioun to the shereffes of Air principallis or ther deputtes and who shall happen to be for the tyme to give infeftmentes and saisingis to all pairties haveing interes within the burghe of Air and to all heretouris within the territorie theroff be receaveing of resignationes granteing of confirmationes entering of airis by precepts of clare constatt cognitioun upon the ground be hespe and staple and utherwayes as was in use formerlie within the said burghe of Air and that unto such tyme and ay and quhill the said burghe of Air



be settled in ther said magistracie with Proveist and Bailies as they wer formerlie and they in ane capacitie to doe the samyn as heirtofoir they wer in use to doe And als the saidis Commissioneres declaires that such infementes and seasinges swa to be givin and grantit be the saidis shereffes principallis or deputtes and thair clerk shall be als valeid and sufficient to the receaveris thairoff as if they had beine givin and grantit be the Proveist and Bailies of the said burghe of Air in any tyme befoir And to the effect foirsaid the saidis Commissioneres declaires thir presentis to be ane sufficient warrand unto the tyme foirsaid.

Registrat and extracted by me being within a sheit of paper.

(Signed) Jo. SPREULE.

87. *Act of the Town Council of Ayr, in favour of John Neil, etc., for infesting him in the Lands of Carrickstoun.*—[22d January 1656.]

AIR the twentie tua day of Januarij the year of God j<sup>m</sup> vj<sup>c</sup> fyftie sex yearis Quhilk day in presence of the Proveist Baillies and Counsall of this burghe being ordinarily conveyined in Counsall within the tolbuith of this burghe anent ane supplication presentit befoir them be John Neill in Nethertoun of Alloway desyring that they wold enter receive and confirme him in all and haill the landis of Carrickstoun extending to ane fourtie penny land of auld extent with housses biggings yards and pertinents theirow extending to sevin aikers of land or thereby And all and haill the portioun of the lands of Sandiefurd which pertained sumtyme to umquhile John M'Clure with the pertinents designed and lyand in maner mentionat in the rightes and securities of the same and that upon the resignation of James Montgomerie of Clonayes with consent of Marie Craufurd his spous and upon his awin resignatioun in favoris of himself his airis and assignayes and of Elizabeth Cunyngham his present spous in lyfrent during all the dayes of her lyfetye in als farre as concernes the yeirlye rent of ten bolles beir peyabill furth of the saids lands and in favoris of John Neill younger his sone his airis and assigneyes under the reservatiounes reversiouns provisiones and conditiones mentionat in ane lettre of donation maid and grantit be the said John Neill elder in favoris of his wyfe and sone with the lettre of dispositioun grantit be the said James Montgomerie as the samyn beires In the quhilk supplicatioun the said John Neill offerit such resonabill composi-



tion as the Magistrats and Counsell sould modifie The desyre quhairof being read sein and considerit be the Magistrats and Counsell and they therewith well advysit they ordain and appoynt ane of the baillies of this burgh furth with all convenience to passe to the ground of the saids landis and to receive the said resignatioun or resignationes of the saids lands and to give infetment and saseing thairupon efter the forme and tenor of the saids rightes and dispositiounes and uther securities concerning the premisses past theiranent The said John Neill payand ane hundreth merks of composition to the tounes thesaurer for the use of the toun Whairunto the said John Neill condischendit as ane act maid thairupon of the daitt of thir presentis will testifie.

Extract furth of the Counsell buikes of the said burgh be me William Mitchell notar publicat and comoun clerk of the same under my signe and subscription manuall. W. MITCHELL.

88. *Allotment of Seats in the Parish Church of Ayr.*—[10th March 1656.]

At Air the Tent day of Merche 1656 the persons underwrittin wer convenit by ane act of the Toun Counsell off the dait the nynteine of Februar last for placing and devyding the pewis among the persons following in the severall places off the church as is eftir devydit.

Conveined

William Cuninghame provest  
 Jhone Crawford Deane of Gild  
 Jhone Fergusson and Gilbert M'Calmont baillies  
 Jhone Osborne Hew Kennedy lait provestis  
 Thomas Blair  
 Matthew Crawford deacon conveyiner  
 George Cochrane Master of Work and  
 Theophilus Rankine

Followis the persons names who ar to have the pewis

On the eist syd off the pulpitt nearest the watter



- |   |                     |
|---|---------------------|
| 1. Mr. William Adair minister and<br>successour minister vpon the first | 5. James Kelso      |
| 2. Jhone Fergusson baillie  | 6. Elisabeth Mirrie |
| 3. Mergret Bannatyne  | 7. Jhone M'Cletchie |
| 4. Relict Adam Mitchell   | 8. Matthew Reed     |
|   | 9. George Watt      |

On the west end of the kirk befor the craftis loft the first ouster pew

- |                     |                      |
|---------------------|----------------------|
| 1. Jhon Osborne     | 4. Alexander Osborne |
| 2. Robert Kelso     | 5. Holmstoun         |
| 3. Mathew Crafort   | 6. John M'Callan     |
| 7. John M'Alexander |                      |

On the left syd of the yle nearest the watter

- |                               |                             |
|-------------------------------|-----------------------------|
| 1. William Cuninghame provest | 6. Jhon Cuninghame tresurer |
| 2. Gilbert M'Calmont baillie  | 7. George Cochrane          |
| 3. Thomas Blair               | 8. Robert Cuninghame        |
| 4. Jhon Hunter                | 9. Abr. Ros                 |
| 5. Jhon Blakwood              | 10. Archibald Anderson      |
| 11. David M'Walter            |                             |

On the west syd of the pulpitt

- |  |                           |
|--|---------------------------|
| 1. Mr. William Eccles minister and<br>successor to enter at the foir-<br>breist of the portell dor | 4. Jhone Kennedy Barleiff |
| 2. Hew Kennedy to enter at the<br>gavill of the portell to the west-<br>wardis                     | 5. Theophilus Rankine     |
| 3. James Cochrane  | 6. Mr. William Cambell    |
|  | 7. Mr. Thomas Winzett     |
|  | 8. Mergret Cochrane       |
|  | 9. Hew Wallace            |
|  | 10. John Mason mason      |

On the richt syd of the yle nearest the Toun

- |                   |                       |
|-------------------|-----------------------|
| 1. Robert Gordone | 6. William Cambell    |
| 2. Jhon Crafort   | 7. James Cargill      |
| 3. George Angous  | 8. John Paterson      |
| 4. Jhone Leslie   | 9. George Morton      |
| 5. Adam Livinston | 10. William Fergusson |
| 11. Ma: Drups     |                       |



Under the magistratis loft the ouster pewes

- |                  |                   |
|------------------|-------------------|
| 1. Adam Masson   | 4. Thomas Garven  |
| 2. John Masson   | 5. Andro Cochrane |
| 3. Richard Sloce | 6. George Greir   |

Conforme to the afoirsaid ordour eache partie hes acceptit conforme to the foirsaid division and that willinglie and the samen to be recordit in the Tounis buikis and every man to build with expedition and who failles his seatt is to be givin to another Witnes our handis day and dait foirsaid (Sic subscribitur) Williame Cwnynghame provest Hew Kennedy Johne Osborne Johne Fergusson Thomas Blair Theophilus Rankine G. M'Calmont George . . . (*torn off*)

Air the ellevint day of Merche 1656 beeng convened the pairties underwrittin To witt:—

William Cuninghame provest  
 Jhone Fergusson baillie  
 Gilbert M'Calmont baillie  
 Jhone Osborne lait provest  
 Hew Kennedy lait provest  
 George Cochrane  
 Thomas Blair  
 Mathew Crawford

1. The foirnamit pairties considdering that the rest of the church is requisit to be pewit hes thairfor ordanit that any frieman within this burgh shall have libertie to build a pew of the same wood as the rest of the pewis provyding alwyse that no man be admittit who dois not mak vp his contribution to the church to be Twelf pundis Scottis and dois pay the thrie pund of flewring and buildis the pew in maner foirsaid with this declaration that whosoevir contributis farder or hes contribute shal be preferrit according to his contributing And ordanis Thomas Blair to take up the contribution and George Cochrane the thrie lbs for flewring

2. They appoint the provest Jhone Osborne Thomas Blair and George Cochrane to aggree with workmen for building the pewis in the best maner and that they be each 4 foot high and two foot four insh wyd and all to be alyk in heicht and breid without respect of persons and all the foirfrontis



and gavellis of wanscott and all of on work and to begin at the provest to be a paterne and that no person presume to naill wpon the frontis or gavillis thair stules or chyres under the pane of ten pundis besyd the brekking of thair chyres (Sic subscribitur) Williame Cwnynghame provest Hew Kennedy Johne Fergusson Gilbert M'Calmont George Cochrane Thomas Blair Johne Osborne.

Air the 12 March 1656 within the Kirk being conveyed

William Cuninghame proveist  
 Johne Fergusson baillie  
 Johne Crawford deane of gild  
 Johne Osborne  
 James Cochrane

The magistratis and counsell conveyed with theise wha hes the saittes appoynted to thame by former order did meit this present day in the Kirk and they have unanimouslie condiscendid and choysit Johne Osburne Johne Crawford Johne Fergusson Gilbert M'Calmont Thomas Blaire Theophilus Rankein and Georg Cochrane master of werk to settill and aggrie uniformelie with Johne Hunter and Johne Merchell wrichtis or any utheris for building of all the pewis and saittis within the Kirk and what they conclud and aggrie uponne everie persoune oblidges tham to pey the sam at the foundatione laying thair of (Sic subscribitur) Williame Cwnynghame Johne Fergusson Gilbert M'Calmont Johne Osburne Johne Crawford Thomas Blair.

89. *Precept from Chancery for infesting William Lin as heir to his father, Fergus Lin of Large.*—[4th March 1659.]

RICHARD Lord Protector of the Commonwealth of England Scotland and Ireland and dominions thairto belonging to Andro M'Dowell of Leffnollis superiour of the lands underwritin etc. and his baillies greeting Forasmuch as be ane Inquisitioun made befor Captane Edward Harman shirreff deput of the shirrefdome of Wigtoun at our fathers command and retoured to our chancellarie it is fund and made knowne that the deceist Fergus Lin of Large father to William Lin now of Large beirer heirop died last vest and seased as of fie in peace in all and haill the ane merk land of Ashindarroch



otherwayes called Boyesmark of auld extent with the pertinents thair of lyand within the parochin of Insh and shirrefdome of Wigtoun and that the said William Lin now of Large is neirest and lawfull air to the said deceist Fergus Lin his father of the lands abonewrittin with the pertinents lyand as said is and that hee is of lawfull age and that the samen are holden of yow and your successors immediatlíe in cheeff And the said William Lin now of Large having raised precepts furth of our chancellarie in our said deceist fathers lyfityme whairupoun no diligence wes used be him the tyme of our said deceist father lyffe Thairfoir wee be vertew of ane ordour and warrand of our counsell in Scotland command and strictlie charge yow that (the said William Lyn now of Large doing to yow what hee is justlie bund to doe of the law) yee give to him or his certane actorney beirer heiroyf seasine of the lands abonwrittin with the pertinents lyand as said is without delay Reserving everie persouns just right thair of as accords and this onnawayes yee leave undone Givin at Edinburgh the twintie fourth day of March 1659 Be warrand of the ordour of the Councell in Scotland.

90. *Instrument of Sasine in favour of John Neill, of a Rood of Land in the Burgh of Ayr.*—[9th October 1667.]

IN Dei nomine amen Per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis Dominice millesimo sexcentesimo sexagesimo septimo mensis vero Octobris die nono regnique supremi domini nostri Caroli secundi Dei gratia Magne Brittanie Francie et Hibernie regis fideique defensoris anno decimo nono in mei notarij publici subscribentis et testium subscriptorum presentia personaliter comparuit Joannes Masoun scriba communis burgi de Air mediatís superior rode terre horrei et horti subscriptorum existentium super fundo ejusdem aliorumque subscriptorum et ibidem quia sibi clare constabat et evidenter notum erat per authentica documenta et instrumenta coram illi palam producta visa et perlecta quod quondam David Neill burgensis dicti burgi pater Joannis Neill latoris presentium obiit ultimo vestitus et sasitus ut de feodo ad fidem et pacem quondam charissimi S. D. N. regis beate memorie in tota et integra ista roda terre horreo et horto ejusdem cum suis pertinentiis jacentibus in predicto burgo in (lie fauld) sive crofta terre quondam



Georgij Masoun scribe communis dicti burgi in illa venella ejusdem vulgo vocata lie Foull vennell inter rodam terre et horreum quondam Roberti Boill aurigie nunc Joannis Boill aurigie sui filij ex australi ab una et horreum et rodam terre perprius Thome Kilpatrick de Carrickfergus deinde heredum quondam Willielmi M'Quhaill pellionis nunc Andree Broun textoris dicti burgi spectantem ex boriali partibus ab una et alijs Et quod dictus Joannes Neill est legitimus ac propinquior heres prefati quondam Davidis Neill sui patris Et quod est legitime etatis Ideoque prefatus Joannes Masoun tanquam dominus ac superior rode terre horei et horti aliorumque prescriptorum statum sasinam hereditariam pariter et possessionem corporalem actualem et realem totius et integre prefate rode terre cum horto horreo et suis pertinentiis limitate et jacentis ut supra memorato Joanni Neill tanquam filio legitimo ac propinquiori heredi dicti quondam Davidis Neill sui patris personaliter presenti et acceptanti per terre et lapidis fundi ejusdem ut moris est traditionem secundum formam et tenorem antiquorum infeofamentorum in omnibus punctis suis propriis manibus tradidit contulit pariter et deliberavit salvo iure cujuslibet Tenenda de dicto Joanne Masoun superiore ejusdem heredibus suis et assignatis in feudi firma et hereditate pro solutione eis inde annuatim summe quatuor mercarum monete hujus regni Scotie ad duos anni terminos festa viz. penthecostes et sancti Martini in hyeme per equales portiones una cum gallina annuatim in mense Januarij nomine feudifirme Necnon heredes assignati et successores dicti Joannis Neill solventibus dicto superiori et suis prescriptis duplicandum predicti feudifirme pro predicta roda primo anno eorum introitus ad dictam rodam terre prout usus est feudifirme hac cum provisione tamen quod si contigerit dictum Joannem Neill vell suos prescriptos in grata solutione annuatim prefate feudifirme deficere sic quod duo termini in tertium current non soluti tunc et in eo casu presens infeofamentum et sasina immediate postea expirabit annullabit et nullius erit roboris nec effectus deinceps si nunquam datum vell concessum fuisset absque ullo legis processu vell declaratura quacunque et si ulla declaratura necesse fuerit desuper habenda prepositus et balivi dicti burgi de Air pro tempore existentes conjunctim et divisim judices erunt competentes ad huiusmodi declaraturam predictae partes et hoc nunc admissi non obstante quarumque legis actae vell statutorum regni in contrarium proponendarum secundum tenorem prioris infeofamenti ejusdem Super quibus omnibus et singulis premissis prenominatus Joannes Neill a me notario publico subscribente instrumentum seu instrumenta unum sive



plura sibi fieri petiit Acta erant hec super fundo dicte rode terre horas inter secundam et tertiam post meridiem sub anno die mense regnique S. D. N. regis annis quibus supra presentibus ibidem magistro Joanne Mitchell studente divinitatis Willielmo Ferguson Joanne Dinsheith et Willielmo Galloway textoribus ac conburgensibus dicti burghi testibus ad premissa vocatis pariterque rogatis.

Et ego vero Patricius Murdoch clericus Glasguensis diocesis notarius publicus, etc.

## ABSTRACT.

Instrument of Sasine, given by John Mason, common clerk of the burgh of Ayr, with his own hands, to John Neill, as heir to his father, the deceased David Neill, burgess of Ayr, in one rood of land, with barn and yard thereof, lying in the said burgh, in the fauld or croft of land which belonged to the deceased George Mason, common clerk of Ayr, in that vennel commonly called the Foull vennel, between the rood of land and barn of the deceased Robert Boyle, carter, now of John Boyle, carter, his son, on the south, and the barn and rood of land formerly belonging to Thomas Kilpatrick of Carrickfergus, afterwards to the heirs of the deceased William M'Quhaill, skinner, and now to Andrew Broun, weaver, of the said burgh, on the north: To hold of the said John Mason, superior, and his heirs, in feu-ferme and heritage, for payment of four merks yearly at Whitsunday and Martinmas, in equal portions, together with a hen in the month of January, in name of feu-ferme, doubling the payment in the first year of the entry of each heir: Providing also, that if the feu-ferme was not paid for two terms, running on to the third, the infestment should be null: And if any necessity arose for declarator thereupon, the provost and bailies of Ayr should be competent judges. Done on the ground of the said rood between two and three o'clock afternoon on 9th October 1667.

91. *Extract of the Armorial Bearings of the Burgh of Air.*—

[5th September 1673.]

To all and sundrie whom it effeirs I Sir Charles Araskine of Cambo knight baronet Lyon King of Armes considering that be severall acts of parliament alseweill of our dread soveraigne lord Charles the Second be the grace of



God king of Scotland England France and Ireland defender of the faith as of his majesties royall prediccursors especiallie be the tuentie one act of the third session of this current parliament I am impowered to visit the wholl armes and bearings within this kingdome and to distinguish them and matriculat the same in my books and registers and to give extracts of all armes expressing the blazoning of the armes under my hand and seall of office and which Register is be the for-cited act ordained to be respected as the true and unrepealable rule of all armes and bearings in Scotland to remaine with the Lyons office as a publict Register of the kingdome Therefore conforme to the power given to me be his sacred Majestie and according to the tenors of the saids acts of Parliament I testifie and make knownen that the armes of old belonging to the Royall Burgh of Air and now confirmed be me are matriculat in my said publict Register upon the day and dait of thir presents and are thus blazoned videlicet The said Royall Burgh of Air gives for ensignes armoriall gules a castle triple towred argent betuixt ane holy lamb staff cross and banner of St. Andrew in the dexter fesse and in the sinister the head of John the Baptist in a charger proper under all in the base the sea azure Which armes above blazoned I declare to have been and to be the true and unrepealable signes armoriall of the Burgh Royall abovenamed In testimonie wherof I have subscriyved this extract with my hand and have caused append my seall of office therto Given at Edinburgh the fyft day of September and of our said soveraigne Lords reigne the tuentie fyft year 1673.

(Signed) CH. ARASKINE *Lyon.*

92. *Tack by the Magistrates of Ayr to John Ferguson and Joseph Smith, of the Duties on Ale and Wine.—[4th November 1687.]*

ATT the Burgh of Air the fourth day of November j<sup>m</sup> vj<sup>c</sup> and fourscoire seven yeirs It is appointed aggried and finally contracted and ended betwixt the parties following to witt Williame Cunynghame of Brown Hill present provest of the said burgh of Air William Craufurd and Adame Osburne present baillies William Reid dein of gild and Robert Leslie theasorer of the said burgh with consent of the Toune Councill therof undersubscryve- and on the ane pairt and John Fergusson merchand burges of the said burgh and Joseph Smith lait baillie there on the uthere pairt in maner



forme and effect as eftir followes That is to say Forsuameikle as his Majestie by his letter of gift past under his great seall of this kingdom of the dait the fyfteinth day of January last bypast hes (for the reasones and causs therin contined) given granted and disposed to the proveist baillies and councill of the said burgh of Air in name of the committie therof ane impositione of four pennies Scots money upon everie pynt of aile and drinking beir with power to the saids magistrats to exact the saide impositione upon eall and drinking beir aither as is before mentioned or at the raite of twintie shilling Scots upon ilk boll of malt broune within the said burgh or liberties therof or imported within the same for breuing As also with power to the saids magistrats to impose and exact twinty fyve pounds money forsaide upon every tunn of French wyne and the like soume of twinty fyve pounds upon every butt of Spanish wyne imported sold vented and retailed within the said burgh and liberties therof and that for the space of nyntine yeirs commencing from Candlemas last j<sup>m</sup> vj<sup>e</sup> and eighty seven yeirs with full power to the saids provest baillies and councill to ferme the saids impositiones or to appoint collectors for whom they shall be answerable for uplifting and exacting the impositiones abovementioned and if neid beis to poynd and destreinzie for the samen and generallie to doe all uthere things for effectuall inbringing therof sicklike and also freilie in all respects as the magistrats and councill of anie uthere burgh royall within this kingdome does or may lawfullie doe be vertew of gifts or letters of the like nature granted to them be his majestie or his royall brother king Charles the Second of ever blessed memorie as the said letter of gift of the dait foresaid more fully beirs Likeas the saids magistrats and counsell by there act and obleisment of the dait the twinty eight day of June last bypast having taken to there consideratione that they had procured the gift abovementioned from his Majesty and that the said William Cunyngham provest had borrowed the soume of fyve hundreth pounds sterling money upon his oune private credit for payment of the said gift and which accordingly he hes payed for the said gift and for defraying the necessar charges and expenss therof And the saids magistrats and counsell being most willing that the said William Cunynghame should be relived of the said soume sua payed be him in procuring the said gift in maner above specified therefore the saids magistrats and counsell haith fullie band and obleist them and there successors in office to pay to the said William Cunynghame his airs executors or assignies the said soume of



fyve hundreth pounds sterling money forsaid and that at the terme of Mertimes next to come with annual rent therefore from the terme of Whitsunday last bypast with the soume of ane hundreth pounds money forsaid of liquidat expenss in caise of failzie and annual rent for the said principall soume during the not payment therof efter the said terme of payment as the said Act and obleisment of the dait forsaid also more fullie proports And in like maner the saids magistrats and counsell there uther act and obleisment daited the seventh day of October last bypast having taken to there consideratione the said act made be them in favours of the said William Cunynghame for payment of the forsaid soume of fyve hundreth pounds sterling money and annual rents therof and that at there airnest desyre the said Robert Leslie thesaurer had made payment to the said William Cunynghame of the samene And they being most willing and desyreous that the said Robert Leslie should be reimbursed of the forsaid soume so necessarlie expended for the good and utility of the said burgh thairfore the saids magistrats and counsell faithfullie band and obleist them and there successors in office to pay to the said Robert Leslie the forsaid soume extending to the soume of sex thousand pound Scots money at the said terme of Mertimes nextocome with the annual rent therof fra the said term of Witsunday last bypast to the terme of payment above-written and thereafter during the not payment therof and consented that all executione necessar might pass thereupon in maner therein mentioned as the said act and obleisment in itselife more at length beirs And sicklike the said magistrats and counsell by there uther act daited the twinty fyfth day of October last bypast having again taken to there considerationes that the said Robert Leslie had advanced and payed the forsaid soume of fyve hundreth pound sterling money expended in procuring the forsaid gift with the annual rent therof fra Witsunday last bypast and the said Robert Leslie having intimat to the magistrats and counsell that he would have his forsaid money debursed be him in maner forsaid and that at the said terme of Mertimes nextocome precislie and being most willing and desyreous that the said Robert Leslie should be satisfied and repayed of the samene so necessarlie expended for the weill utilitie and advantage of the said burgh and having no uther way for speidie advancing of the samen but by making the roping efter specified did think expedient for his more speidie and sure payment therof that the foresaids impositiones should have been roped upon Frayday next thereafter being the twinty eight day of the said



moneth of October last for so many yeirs as should be thought fit for payment of the said principall soume and annual rent therof and of the soume of ane thousand merks yeirly for repairing and upholding the kie and harborie of Air and mantaining uther publick works of the said burgh and therefore ordained the forsaid impositiones to be roped accordingly within the Tolbooth of Air upon the said twintie eight day of October last at ten hours in the foirnoon and ordained the same roping to be publicklye intimat through the said burgh be edict and tuke of drum And for the better incuradgment of the ropers of the same the magistrats and counsell were to assigne to them the tack diuty of the saids impositiones contined in the tack past betwixt the saids magistrats and counsell and Hendry Smith William Hunter James Kennedy and Andrew Hannay dated the threttie day of May last and that fra the first of October last to the first of Aprile nextcome as the said Act also more fully proports According to the whilk act and ordinance the said roping wes seaverall tymes be edict and tuke of drum publicklye intimat through the said burgh of Air And accordingly upon the said twinty eight day of October last bypast the magistrats counsell and comunitie of the said burgh being convined within the Tolbooth therof for expeading and effectuating the saide roping att the earnest requist and desyre of the comunity of the saide burgh the saide roping wes by the magistrats and counsell therof continued untill the second day of November instant whilk wes likwayes sevearell tymes publictlye intimat through the saide burgh be edict and tuke of drum upon the whilk second day of November instant the saids magistrats counsell and comunity being again convined within the Tolbooth of the saide burgh for roping of the saide impositiones for payment of the forsaid principall soume of fyve hundreth pound sterling money with the annual rent therof fra the saide terme of Witsunday last bypast and of the soume of three hundreth pounds Scots money of debt contracted be the magistrats and counsell of the saide burgh there predicessors for the tyme for the vse of the comon affairs of the saide burgh with                    yeirs annual rent therof dew to the seamans box of the saide burgh and of the soume of tuo hundreth pounds Scots money funder necessarlie expended be the saide Robert Leslie upon the affairs of the saide burgh and for the weill and utilitie therof extending in haill to the soume of Ten thousand and four hundreth merks Scots money and also for the payment of the soume of ane thousand merks Scots money yeirlye in maner efterspecified for reparatione and upholding of the kie and harborie



of the saide burgh of Air and uther publict works therof And efter dew lawfull and publict roping of the saids impositiones the saide impositione of twinty shilling Scots money exacted and uplifted and to be exacted and uplifted out of ilk boll of malt broune and to be broune sold vented and retailed within the saide burgh of Air and liberties therof and barronie of Alloway and liberties therof (all malt to be broune be privat persones for their oun uses allenerlie and not to be retailed in haill or in part being excepted furth herof) And also the forsaide impositione of twinty fyve pounds Scots money forsaide imposed upon and to be exacted out of ilk tunn of French wyne and the like soume of twinty fyve pounds money forsaide imposed upon and to be exacted out of ilk butt of Spanish wyne and that for the space of three yeirs fra the first of October last at sex hours in the morning to the first of October j<sup>m</sup> vj<sup>c</sup> and fourscoire ten yeirs exclusive at sex hours in the morning wes by act of the saids magistrats counsell and comunitie then present roped and in ferme sett to the saids John Fergusone and Joseph Smith equallie betwixt them for payment and satisfacione to the said Robert Leslie of the forsaide extended soume of Ten thousand and four hundreth merks money forsaide advanced and payed be him in maner and for the use behove and utilitie forsaide and of the forsaide soume of ane thousand merks yeirly for reparacione of the said kie and harborie of Air and uthers the touns works as the said act in itselfe more fullie proports And seing the saids John Fergusone and Joseph Smith hath contented satisfied and payed the said Robert Leslie off the forsaide extended soume of Ten thousand and four hundreth merks money abovewritten wherewith he holds him weill content satisfied and pleased with full exoneratione therof for ever renunceand be these presents all exceptiones and objectiones of the law whatsomever that can be proponed or alleadged in the contrair any maner of way Thairfore the saids provest baillies dein of gild and theasorer with consent of the said toune counsell of the said burgh undersubscryvand hes sett and in ferme lettin and be thir presents for them and there successors in office setts and in ferme letts to the saids John Ferguson and Joseph Smith equallie betwixt them there airs and executors all and haill the twinty shilling Scots money imposed upon and to be exacted out of ilk [boll] of malt broune and to be broune vented and sold within the said burgh and liberties therof comprehending the barronie of Alloway and liberties of the same being parts and pertinents of the said burgh of Air or imported or to be imported within the same for brouing (all malt to be brewed be privat



persones for there own uses allenerly being excepted and reserved furth of this present tack) as also the soume of twinty fyve pounds Scots imposed upon and to be exacted out of ilk tunn of French wyne and sicklike the like soume of twinty fyve pounds money forsaid imposed and to be exacted out of ilk butt of Spanish wyne imported and to be imported vented sold and retailed within the said burgh priviledges and liberties therof and that for all the dayes yeirs termes tyme and space off three yeirs next and immediatlie following there entrie therto whilk is hereby declared to have bein and beginne upon the said first day off October last bypast at six hours in the morning and from thencefurth to continew and endure untill the first day of October in anno j<sup>m</sup> vj<sup>c</sup> and fourscore ten yeirs exclusive at six hours in the morning with full pouer to the saids John Fergusone and Joseph Smith and there forsaid there substituts collectors and deputs in there names not only to uplift the forsaid twinty shilling Scots money out of ilk boll of malt broun and to be broune vented sold and retailed within the said burgh liberties and priviledges therof abovewritten (malt to be broune be privat persones for there own uses as said is being excepted) att the milnes of Air and Alloway or utherwayes as they shall think most expedient the ane but prejudice of the uthere And likwayes out of the multure malt itselfe during the forsaid space And that the multurers and milners belonging to the saids milnes of Air and Alloway take noe malt out of the multure chist but when the saids taksmen or ane or aither of them shall be present at the outgiving and measuring therof that payment may be made of the said twinty shilling out of ilk boll therof to be broune vented and retailed in maner forsaid accordingly and that the saids multurers milners and there servants shall dewlie and trewlie put in the multure and bannock malt to be uplifted be them in there multure shifts and that upon oath when they shall be requyred therto and theirby requyring and ordining the milners and servants at the saids milnes reddilie to answeare and obey the saids taks-men and give them access and entrance to the saids milnes whenever they shall be called and requyred thereto and to fix locks vpon the saids multure chists if it shall be found requisite and necessar And the multurers milners and there servants to give there oathes that they shall nowayes suffere anie malt ground at the forsaid milnes to goe out by nyht or by day efter six of the clock at night or before six of the clock in the morning without consent of the saids taksmen had and obtined thereto during the forsaid space and that before the ouners or anie in there names receive the malt out of



the saids milnes And if the saids tacksmen or any of them or there forsaid shall seize upon anie malt coming in to the said burgh or liberties therof ground at anie uthere milnes then the forsaid milnes of Air and Alloway they are hereby authorised to seise upon the same and to exact the forsaid twinty shilling and to detein the malt quhill the ordinar multure be payed and the remander of the said malt is heirby declared to belong to the saids tacksmen equallie betwixt them and to be disposed off be them accordingly they paying the multure therof to the multurers and the ouners and importers of the said ground malt to be punished to the sight and at the discreatione of the magistrats being for the time But also with power to the saids tacksmen and their forsaid to uplift the said twinty fyve pound out of ilk tunn of French wyne and twinty fyve pounds out of ilk butt of Spanish wyne imported or to be imported vented sold and retailed within the said burgh and liberties therof during the space forsaid And sicklike with power to them and there forsaid to ask crave uplift and receave the same fra the persones lyable in payment therof and if neid beis to take . . . (*torn*) upon what quantities of wyne they shall hapen to vent sell or retaille during the space forsaid of this present tack poynd and destreinsie for the same And generallie all and sundrie uthere things to doe for the effectual collecting and ingathering therof sicklike and alse freilie in all respects as the saids magistrats and counsell of the said burgh or there successors in office for the time may or can lawfullie doe themselves be vertew of the said gift And for there furder and better securitie anent the premiss the saids magistrats and counsell be thir presents for them and there successors in officio sells assignes and dispones from them and there forsaid to and in favours of the saids John Fergusone and Joseph Smith equallie betwixt them and there abovementioned the forsaid letter of gift and haille benefite of the same together with all right benefite and intrest they or there successors in office have or may pretend therto during the said space of three yeirs fra there entrie forsaid and surrogats and substituts them and there forsaid in the full right title and place therof in uberiori dispositionis et assignationis forma (reserved and exceptand allwayes all malt to be breued be private persones for there oun use alenerly during the said space in maner above reserved) Quhill Tack and dispositione above writen the magistrats and counsell binds and obliss them and there successors in officio to warrand acquyte and defend the samen to be good valeide effectuall and sufficient to the saids John Fergusone and Joseph Smith and there forsaid for there collecting of the



said twinty shilling out of ilk boll of malt ground and to be ground at the saids milnes and to be vented and retailed in maner forsaid and for collecting and uplifting the said twinty fyve pound out of ilk tunn of French wyne and the like soume of twinty fyve pounds out of ilk butt of Spanish wyne imported and to be imported vented sold and retailed within the said burgh and liberties therof during the space above mentioned and for using and disposing upon the said gift for that effect during the said space at all hands and against all deidlie as law will and that under the penaltie of three thousand merks Scots money to be payed be the saids magistrats and counsell and there successors in office to the saids John Ferguson and Joseph Smith equallie betwixt them and there forsaid in case of failzie and that by and attour performance of the haill premiss And hes instantlie delivered to them the forsaid gift to be keiped and used be them for there securitie anent the premiss during the space forsaid And furder in regarde the forsaid tack of the saids impositiones past betwixt the saids magistrats and counsell on the ane pairt and the saids Andrew Smith Wm. Hunter James Kennedy and Andrew Hannay on the uther pairt of the dait the said thretty day of May last doeth not expyre untill the first day of Aprile nextocome and to the effect the saids John Fergusone and Joseph Smith may the better receave the benefite therof during the standing of the said tack the saids magistrats and counsell conform to the forsaid act dated the said twinty fyfth of October last be thir presents for them and there successors in officio maks constituts and ordaines the saids John Fergusone and Joseph Smith equallie betwixt them and there forsaid there very lawfull cessioners and assignees in and to the soume of ane thousand eight hundreth and ten merks Scots money and that as the thrid termes payment of the soume of seiven thousand tuo hundreth and fourty merks money forsaid being the tack dewty contined in the forsaid tack past betwixt the saids magistrats and counsell and the saids Hendry Smith Wm. Hunter James Kennedy and Andrew Hannay and whilk thrid termes payment is payable upon the first day of Januarij nextocome And also in and to the soume of uther ane thousand eight hundreth and ten merks money forsaid as the fourt termes payment of the said tack dewty payable upon the first day of Aprile also nextocome and in and to the soume of  
of liquidat penalty for ilk ane of the saids tuo termes failyre contined in the said tack haill effect and tenor therof with all that hes followed or may follow thereupon for now and ever And that in sua far allenerlie as



concernes or may be extendit to the tuo termes moyeties above assigned yet restand of the said tack dewty and liquidat penalties above specified in case of failyie (And also excepting and reserving furth of the said tua termes tack dewty the twinty shilling out of ilk boll of malt to be brewed be privat persones for there oun use allenerlie whilk is to be allowed be the saids John Fergusone and Joseph Smith as payable in the first end of the saids tuo termes duetie conforme to the bills to be given in be them under the hands of the privat brewers quhilke they are to depone to have bein applyed for there oun use and non therof to have bein vented nor retailed if neid beis) Surrogateand and substitueand the saids John Fergusone and Joseph Smith and there forsaid (under the reservatione forsaid) in there full right title and place of the premisses with power to them and there forsaid to ask crave uplift and receave the tuo termes tack diwty (under the reservatione forsaid) and termlye failyies above assignit and if neid beis to call charge and pursew therefore as accords in law decreits and sentances ane or moe before whatsomever judge or judges competent to obtene and the same with the said tack to all maner of dew executione cause be putt compon transact and agree thereanent acquittances and discharges to give grant subscrivve and deliver and generallie to doe everie othere thing necessar for recoverie therof sicklike and also freilie in all respects as the saids Magistrates and Counsell or there successors in office might have done themselves or may or can doe Quhilke assignatione abovewritten the saids magistrats and counsell binds and obleiss them and there successors in office to warrand acquyt and defend the same to be good valeid and sufficient to the saids John Fergusone and Joseph Smith and there forsaid fra there oun proper facts and dieds allenerlie That is to say they have not done nor sall doe ane fact or deed that may anie wayes be hurtful or prejudicial heirunto in any sort and hes instantlie delivered to them the forsaid tack to be keiped and used be them for there recoverie of the forsaid tuo termes tack diwtie (under the reservatione forsaid) and liquidat penalties in caise of failyie as there oun proper warrants and evidents at there pleisure For the whilk cause and tack abovewritten the saids John Fergusone and Joseph Smith binds and obliss them conjunctlie and severallie there airs executors successors and intro-metters with there goods and geir whatsomever thankfullie to content pay and delyvere to the saids magistrats and counsell and there successors in office or to there theasorer in there names yeirly to be applyed for



reparatione and upholding the Kie and Harborie of Air and uther publict works of the said burgh all and hail the soume of ane thousand merks Scots money and that yeirlie during the space of the said tack at tuo termes in the yeir on the first day of February and the first day of June be equale portiones beginnand the first termes payment theroff upon the first day of February nextocome and sua furth termlic thereafter during the space forsaid of this present tack But langer delay with the soume of ane hundreth pounds Scots money forsaid of liquidat penaltie for ilk termes failie And also the saids John Fergusone and Joseph Smith binds and obleiss them conjunctlie and severallie and there forsaid to deliver the forsaid letter of gift unvitiat uncancellt and undestroyed to the saids magistrats and counsell or there successors in office being for the tyme and that at the expyrie of the said tack to be thereafter ust and disposed upon be them and there successors in office as they shall think expedient for ingathering of the saids impositiones during the space of the said gift that shall be thereafter to runn And lastlie the saids John Fergusone and Joseph Smith obliss them and there forsaid to relieve uthers pro rata of the hail premisses and of all coast skaith dammadge intrest and expenss aither of them or there forsaid shall hapen to sustine or incurr throw default of uthers And for the more securitie both parties are content and consents thir presents be insert and registrat in the books of Counsell and Sessione or anie uthers competent to have the strength of ane act and decreet that letters of horning and uther executorialis necessar on ane charge of sax days only may pass heirupon And constituts there procurators In witness quherof (writen be Robert Glasgow wryter in Air) both parties have subscribed thir presents with there hands place day moneth and yeir of God abovewritten before thir witness Alexander M'Dermite toun clerk deput of Air and the said Robert Glasgow (Signed) Will. Cunynghame Proveist William Craufurd baillie William Reid D. G. Robert Leslie thres<sup>r</sup> Thomas Cathcart Adam Coutert Henry Smith William Hunter William Robin John Clark Andrew M'Clelland Ralph Holland James Kennedy dicken convener Thomas Inglis John Fergusone Joseph Smith A. M'Dermeit witnes Robert Glasgow witnes.

(Dorso) We Joseph Smith lait bailly of Air and John Fergusson merchand there considering that Sir William Wallace of Craigy knight barronet present proveist Adam Osburn and Thomas Millikin baillies



Patrick Blaire dein of gild and George Andersone threasaurer and remanent councellers of the said burgh have made payment and satisfaction to Robert Leslie late threasaurer therof of the within written soume of ten thousand and four hundreth merks obleist to have been paid be us to him in manner mentioned in the within written Tack therefore and for ane certain soume of money presently payed and delivered to us be the saids magistrats and counsell quherwith (renouncing all exceptiones in the contrare) we rest well satisfied and pleisit and discharge them therof and for certaine uther onerous causs moveing us theirowit ye us to have renuned simpliciter upgiven overgiven and delivered lykeas be thir presents we renunce simpliciter upgive overgive and delyver from us our airs executors and all uthers our assigneys to and in speciall favours of Sir William Wallace of Craigy knight barronet present proveist Adam Osburne and Thomas Millikine baillies Patrick Blaire dein of gild and George Andersone threasaurer of the said burgh and remanent councellers therof and their successors in office all right title interest claime of right propertie and possessione alsweill petitor as possessor which we or either of us or our forsaid had hes or any wayes may have ask crave claime or pretend to the within written impositiones imposed by his Majesty upon malt French and Spanish wyne imported broun vented sold and retailed within the said burgh of Air and liberties therof be vertew of the within written Tack set us be the late Magistrats and Counsell of the said burgh and doe heirby for us our airs executors and successors exoner quyteclaime and simpliciter discharge the saids present Magistrats and their successors in office and all uthers whom it effeirs of the haill obleissments clauss and conditiones conceaved be the late magistrats and counsell in our favours be vertew of the within written Tack and of all action instance and persuite and executione competent or that may be competent to us or aither of us or our forsaid against them or their forsaid be vertew of the said Tack any manner of way be thir presents forever Whilk renunciatione and discharge abovewritten we faithfullie bind and obleidge us and our forsaid to warrand to be good valid effectuell and sufficient to the saids present magistrats and their successors in office in all and be all things as is above written att all hands and against all deadlie as law will consenting to the registratione heirof in the books of Councill and Sessione or in any uther register competent therein to remaine ad futuram rei memoriam and constitutes our procurators

In witnes wherof written be John Reid servitor to Mr. John Cockburn



shirreff clerk of Air we have subscribed thir presents with our hands at Air the twenty seventh day of March j<sup>m</sup> vj<sup>c</sup> fourscore eight years before thir witness Alexander M'Dermeit town clerk deput of the said burgh of Air and Robert Hunter ane of the ordinar officers therof and John Hunter officer there (Signed) JOSEPH SMITH JOHN FERGUSONE Al. M'Dermeit witnes John Hunter witnes.

93. *Decreet at the instance of the Magistrates of Ayr, against the Salmon Fishers on the Water of Ayr, for the Rent thereof.*—[17th June 1715.]

At the burgh of Ayr the seventeenth day of June j<sup>m</sup> vii<sup>c</sup> and fifteen years anent the Summonds and action raised and pursued before William Ferguson of Auchinblaine sheriff deput of the sheriffdome of Ayr and James Dalrymple sheriff substitute of the said sheriffdome at the instance of John M'Clerie present thesaurer of the burgh of Ayr for himself and as assigney aftermentioned against Robert Wilson in Newtoun upon Ayr James Wilson his son Alexander Walker fisher in Newtoun John Gemmill fisher there John Reid late baylie in Newtoun James Wight fisher there David Kerr and John Nisbit fishers there William Hunter late baylie there Mathew Hunter Henry Wylie and William Leggat fishers there mentioning That where the magistrates and councill of the said burgh have undoubted right and privilege of Salmond fishing at the mouth of the water of Ayr and have been in immemorial possession thereof by setting the same to the persons aftermentioned and others in Newtoun upon Ayr and uplifting by their thesaurers twelve pounds Scots money yearly out of each Salmon Coble with which Coble rents the saids thesaurers are yearly charged in their equees And true it is and of verity that the persons underwritten owners and proprietors of salmond cobles and fishers therein have by allowance of the saids magistrates and councill and as having right from them employed their cobles in fishing of salmond at the mouth of the said water the years aftermentioned and have acknowledged the saids magistrates and councill their right of Salmond fishing and have been in use of payment of rent to their thesaurers for former years vizt. Robert Wilson in Newtoun upon Ayr and James Wilson there his son owners of one coble the years j<sup>m</sup> vii<sup>c</sup> and ten eleven and j<sup>m</sup> vii<sup>c</sup> and twelve to twelve pound money forsaid as the rent of the said coble the saids years The complainer has right by three assignations



granted by William Smith John Kennedy and Thomas Richart late thesaurers of the said burgh all dated the seventh of January last Alexander Walker and John Gemmill fishers in Newtoun and the saids Robert and James Wilsons owners of the said coble at least fishers therein the years j<sup>m</sup> vii<sup>c</sup> and thretteen and this current year j<sup>m</sup> vii<sup>c</sup> and fourteen John Reid late baylie in Newtoun James Wight David Kerr and John Nisbit fishers there have employed another coble in the said salmond fishing the year j<sup>m</sup> vii<sup>c</sup> and thirteen and this current year j<sup>m</sup> vii<sup>c</sup> and fourteen William Hunter late baylie in Newtoun Mathew Hunter Henry Wylie and William Leggat fishers there have employed a third coble the said year j<sup>m</sup> vii<sup>c</sup> and thirteen and this current j<sup>m</sup> vii<sup>c</sup> and fourteen and that twelve pound as the rent payable by the forenamed persons furth of each of the said cobles yearly the years above mentioned is yet resting and no part thereof payed and therefore in all law equity and reason the saids Robert and James Wilsons ought and should severally and conjunctlie make payment to the complainer as having right by assignation in manner foresaid of the said twelve pound as the rent of the said coble yearly the years j<sup>m</sup> vii<sup>c</sup> and ten eleven and j<sup>m</sup> vii<sup>c</sup> and twelve foresaid and they and the other persons above named ought and should each sett of partners and owners severally and conjunctly make payment to the complainer as thesaurer of the said burgh for the year j<sup>m</sup> vii<sup>c</sup> and thirteen and this current j<sup>m</sup> vii<sup>c</sup> and fourteen of their respective rents being twelve pounds out of each coble for the said year j<sup>m</sup> vii<sup>c</sup> and thirteen and j<sup>m</sup> vii<sup>c</sup> and fourteen the termes of payment of the same being always first come and bygone which they refuse to do And anent the charge given to the saids defenders to have compeared before the sheriff of Ayr and his deputs to have heard and seen decreet and sentence given and pronounced against them in the said matter conforme to the desire of the saids summonses or then to have alleadged ane reasonable cause in the contrair why the same should not be done with certification as effeired as in the said persewers lybelled summonses at more length is contained The said persewer compearing by John Hunter wryter in Ayr his procurator who for instructing of the saids lybelled summonses produced the three principall assignations above mentioned of the dates tenors and contents above specified and the saids defenders compearing by James Hunter wryter in Ayr his procurator the rights reasons and allegations of the said persewer and defenders being at lenth heard seen and considered by the said sheriff deput and he therewith with the debate underwritten of both parties prosecutors circum-



duction aftermentioned against the said William Hunter Mathew Hunter Henry Wylie and William Leggat being well and ripely advised decerned and ordained and hereby decerns and ordaines the saids William Hunter Mathew Hunter Henry Wylie and William Leggat severally and conjunctly to make payment to the persewer as thesaurer of the said burgh of the said soume of twelve pounds Scots money yearly the saids years j<sup>m</sup> vii<sup>c</sup> and thirteen and j<sup>m</sup> vii<sup>c</sup> and fourteen conforme to the laws and daily practique of this kingdome observed in the like caices in all points and that because the time of the first disput of the said action quhich was upon the tenth day of August last the said James Hunter procurator foresaid for the defenders alleadged there could be no proces there being no active title in the person of the magistrates or of the persewers produced and there was nothing of sett lybelled To quhich it was answered by the said persewers procurator that it consists with the defenders knowledge that the magistrates of Ayr have undoubted right to the fishing of the water of Ayr and are in constant possession of uplifting twelve pounds Scots out of each coble yearly and that the defenders have been in use of payment of twelve pounds yearly for severall years bygone and also have promised payment to the magistrates or theasaurers all which is offered to be proven by the defenders oaths and that the defenders have fished with their cobles in the water of Ayr the years lybelled To which it was replied by the said defenders procurator that the defenders were not obliged to depone upon the alleadgiance of the persewers and the magistrates right but the same ought to be aliter instructed and albeit the defenders have fished with their cobles as is alleadged yet seeing there is no right or title produced there could be no proces unless it be alleadged that their so fishing was by a sett from the magistrates or the persewer To which it was duplyed by the said persewers procurator that he opponed his former answer and further added that the defenders have so far owned the magistrates their right that they have supplicat them for freedom and immunity for payment of twelve pound the first year that any new coble is built and put in the water and obleist themselves for making payment of twelve pound yearly thereafter and offered to prove the same by the defenders oaths and by Robert Wilson's oath that he had taken obligation from his partners John Love and Robert M'Ilhage to relieve him of their proportions of the said twelve pound payable out of their coble to the town of Ayr To which it was triplyed by the said defenders procurator that esto the alleadged petition to the magistrates and councill were true



and that Robert Wilson had gotten the obligation alleadged upon yet these are no evidence or instruction of the magistrates or persewers title to the fishing lybelled and though they were yet the defenders are not oblidge to depone thereupon being wrytes in record Quhich lybel and debate being upon the thirteenth day of the said moneth of August considered by the said sheriff deput he found it relevant for the defenders to depone whether or not it consists with their knowledge that the magistrates of Ayr and their thesaurer have right to the fishing lybelled and are in the possession of uplifting twelve pounds Scots out of each coble yearly and that they have been in use of payment thereof and that they have promised payment to the magistrates or thesaurer and that they have so far owned the magistrates right that they have supplicat them for freedome and immunity from payment of the twelve pounds Scots the first year a new boat was put in the water and oblidge themselves for the twelve pounds yearly thereafter And found it relevant likeways to be proven by Robert Wilson's oath that he has taken obligatione from his partners to relieve him of their proportions of the said twelve pound payable out of their coble to the toun of Ayr and assigned the twenty day of the said moneth of August for the defenders to depone And the said action being again the said day called in presence of the said sheriff deput the persewer passed from Robert Wilson's oath as to his having taken obligatione from the partners for relief And the said Robert Wilson being put upon oath and interrogat deponed that the magistrates of Ayr have been in use of uplifting twelve pounds Scots out of severall of the cobbles (as he hath heard the owners of the cobbles say) and deponed they were never in use of uplifting any out of his boat nor obliged to pay more than twenty shillings Scots yearly furth of the same and deponed he never promised payment of more than the twenty shillings Scots yearly furth of the same nor did he ever supplicat the magistrates for freedome and immunity the first year he put his boat in the water which was the truth as he should answer to God Alexander Walker defender being put upon oath and interrogat deponed that he has a part of Robert Wilson's boat which he bought from said Robert and that he never supplicat the magistrates for freedome and immunity the first year of putting the coble in the water nor did he ever promise payment of any rent to the magistrates or thesaurers of Ayr for the said boat but that he doubts not but the magistrates may have right to the fishing which was the truth as he should answer to God John Reid



defender being put upon oath and interrogat deponed that he knows not what right the magistrates of Ayr hath to the fishing lybelled but he and James Wight and David Kerr and John Nisbit their servants have a boat on the water of Ayr the years lybelled and that their servants payed the twelve pounds Scots of rent to the toun till the year j<sup>m</sup> vii<sup>c</sup> and thirteen and acknowledged that he supplicat the toun for freedome and immunity at his putting down his boat after it was repaired which was the truth as he should answer to God James Wight defender being put upon oath and interrogat deponed he knows not what right the magistrates of Ayr has to the fishing lybelled and that he hath a part of baylie Reid's boat but knows not what is payable yearly out of the said boat to the toun of Ayr and that he never supplicat the magistrates of Ayr for freedome and immunity from a year's rent which was the truth as he should answer to God David Ker defender being put upon oath and interrogat deponed that he is not proprietor of any boat and negative to the haill other interrogators except that the owners of the boat he served in kept off him his proportion of the dues of the boat but knows not whether or not any of it was payed to the toun of Ayr which was the truth as he should answer to God As their oaths and depositions extant in process bears And the saids William and Mathew Hunters Henry Wylie and William Leggat being afterwards called by ane officer of court at the barr to have compeared and given their oaths of verity in manner foresaid they failzied therein as was clearly understood to the said sheriff substitute who therefore circumduced against them And the said action being again called upon the fourth day of February last in presence of the said sheriff deput the same was continued until the twenty second day of the said moneth of February at which time the said action being again called in presence of the said sheriff deput the saids personess procurator continued Robert Wilson and his partners and craved sentence against baylie John Reid who upon oath has acknowledged he supplicat the magistrates of Ayr for freedome and immunity from paying twelve pounds for his coble the first year his boat was put down after it was repaired (which imports necessarily his acknowledging the magistrates right) and the paying the quantity of rent lybelled by his partners and servants and against William Hunter and his partners who are circumduced against To quhich it was answered by the said defenders procurator upon the first day of March last that the several points in the Interlocutor being sustained complexly if proven to make the defenders lyable in payment of the rent lybelled the



failzieing to prove any of them gives ground of absolvitor to the defenders But so it is that the persewer failzies to prove the magistrates right to the fishing lybelled or their being in possession of uplifting of twelve pounds Scots out of each coble yearly or that the defenders have been in use of payment thereof or promised payment or oblidge themselves for the same all that is acknowledged by the said John Reid is that there was twelve pound payed out of his boat and that he applyed to the magistrates for freedome the first year after reparatione but not proven from what that freedome was and all that Robert Wilson acknowledges is the payment of twenty shillings Scots The rest depone negative and therefore craved absolvitor for even that payment from John Reid's boat and his supplicating for freedome does not constitute a right in the magistrates to the fishing lybelled and use of doing wrong or paying what is not due will not warrand or be ground for continueing therein without some other title especially where the use of payment or possession is not proven to be immemorial or past fourty years And in Mongo Campbell's process before this same court against the representatives of Agnes Boswal for the rent of her possession of ane tenement in Ayr proces was refused till he should produce his right thereto albeit it was expressly lybelled that she had made part payment to the persewer and had his receipt thereof which was offered to be proven to be in the defenders hands and that certainly is more convincing and probative than all that is acknowledged in this process Quhich depositions of the said John Reid being upon the fifteenth day of the said moneth of March considered by the said sheriff deput he found that he has acknowledged that he and his servants have been in use of payment to the toun of Ayr of twelve pounds Scots yearly Thereafter the said James Hunter procurator foresaid for the saids defenders produced our Sovereign Lords Letters of advocacione raist at the instance of the saids John Reid James Wight David Kerr and John Nisbit which are dated and signet at Edinburgh the seventh day of March j<sup>m</sup> vii<sup>c</sup> and fifteen years advocating the foresaid action and cause from the said sheriff of Ayr and his deput to the Lords of Councill and Session as only judges competent thereto and that for the reasons and causes therein contained Quhich advocacione being considered by the said sheriff deput he admitted the same Thereafter the said James Hunter alleadged payment of the soumes lybelled for William Hunter and craved absolvitor for Robert Wilson except for the twenty shillings Scots and craved a day might be assigned to him to condescend on his manner of



probatione and to prove accordingly To quhom the said sheriff deput assigned the first current day of June instant for that effect And the said action being again called upon the tenth day of the said moneth of June in presence of the said sheriff deput the said William and Mathew Hunters Henry Wylie and William Leggat failzied to prove payment of the saids soumes Wherefore the said persewers procurator craved sentence against them Against which it was objected by the said defenders procurator that there could be no sentence against them in regard of their being hindered and precluded of their benefite of fishing in the water because of stones and other things laid therein conforme to ane instrument of protest produced bearing the said John Reid and John Love sheriff officer and fisher in Newtoun to have compeared at Ayr the first day of August j<sup>m</sup> vii<sup>c</sup> and thirteen years in presence of the said James Hunter nottar and two witnesses and past to the personal presence of Mongo Campbell present baylie of Ayr and there protested that they and partners fishers in the said burgh of Newtoun might not only be free from paying ane coble rent for the salmont fishing in the water of Ayr this season to the magistrates and town councill of Ayr but also that the saids magistrates might be liable to them for damages sustained by them in the loss of their fishing the said year in the said water occasioned through laying ane considerable quantity of large stones in several heaps and places in the said water opposite to the Key which were laid there in Aprile then last and have continued there since and are yet there by the magistrates order and allowance at least connivance by which the saids fishers are deprived and hindered of their fishing Upon which the saids John Reid and John Love asked and took instruments for themselves and partners in the hands of the said James Hunter wryter in Air nottar to the said instrument as the same signed by him and two witnesses bears To which it was answered by the said persewers procurator that the defenders having failzied to instruct payment nothing could hinder sentence and seperatim alleadged that the instrument produced could not be respected not being taken by William Hunter and the partners in his boat To which it was replied by the said defenders procurator that he opponed the instrument bearing that John Reid and John Love for themselves and partners fishers of the burgh of Newtoun made the protest to one of the magistrates and offered to prove by the persewers oath who was present that the water of Ayr was incommoded and thereby the defenders precluded the fishing by



which the defenders were prejudged of the benefite of the fishing they had not only from the toun of Ayr but from other masters Quhich protest and debate thereon being considered by the said sheriff deput he repelled the instrument and alleadgiance thereon for exeeming the defenders from payment of rent in so far as it is not taken by the defenders neither is the protest taken till the fishing is whole over And in regard of the defenders failzing to prove payment circumduced against them and gave his decreet and sentence against them in the said matter in manner forsaid Attour decernes the saids William and Mathew Hunters Henry Wylie and William Leggat to make payment to the said persewer of the soume of four pound sixteen shilling Scots money of expenses of plea and ordains all executione necessar to pass hereupon after a charge of fifteen days only (hereby warranted to be given) is given and duely expired and in the meantime to arriest in communi forma.

Extracted by me.

Jo : GAIRDNER,  
*Clerk Deput.*

