

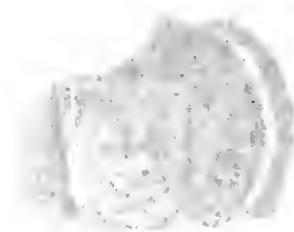
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CHARTERS
OF THE
ROYAL BURGH OF AYR

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P R E F A C E.

IT must be satisfactory to the Municipality of Ayr, as well as to the Members of this Association, that the valuable series of charters and other muniments belonging to the Royal Burgh are now transcribed in a way which will render them more permanent and useful.

It was at one time intended to include in the present volume some of the earlier of the Town Records, but space did not permit, and these records must therefore be added to the rapidly-accumulating amount of work yet to be overtaken.

The thanks of the Association are very specially due to Mr. R. D. MURDOCH of Ayr, who has spent much time in tracing the boundaries of the lands granted to the burgh by King William the Lion, and the result of his investigations is incorporated in the Introduction.

Two old views of Ayr (at pp. xxxiv and 74) have been reproduced by photo-lithography from Slezer's *Theatrum Scotiae* (first ed., 1693). The plate of the Burgh Arms has already been used in the *Charters of the Friars Preachers*, but its appropriateness to the subject-matter of the present volume suggested its use again.

W. S. COOPER.

FAILFORD, TARBOLTON, *May* 1883.

INTRODUCTION.

IN 1197 A.D., a new town was built between the rivers Doon and Ayr (factum est novum opidum inter Don et Ar).¹ This new town was doubtless founded on the site of an old town or hamlet which had flourished from very ancient times under the protection of an old fortress. That there was an old town and an old castle is abundantly evident from the words of the *Chronicle of Melrose*, and from the charter of King William the Lion, erecting the town into a royal burgh, in which he speaks of “my new castle at Ayr” (novum castellum meum super Are).²

This charter is dated the 21st day of May, but the year is not given; Chalmers, however, fixes it as between 1202 and 1207, from the fact that Florence,³ the Elect of Glasgow, is mentioned as one of the witnesses.

The lands granted to the burgh of Ayr by King William the Lion included the whole, or almost the whole, parish of

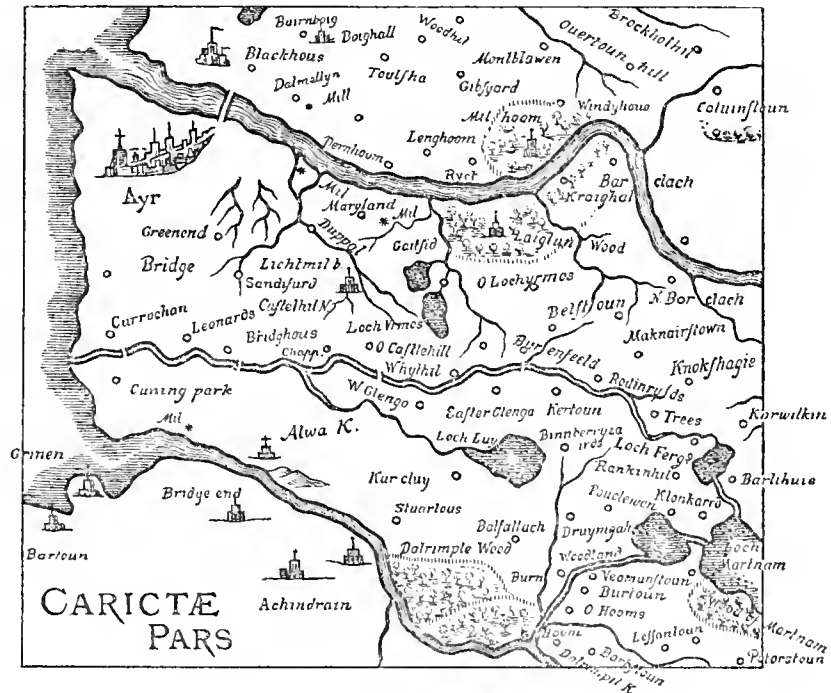
¹ *Chronica de Mailros*.

² Lord Hailes says this castle was probably intended for a barrier against the men of Galloway. Hailes' *Annals of Scotland*, vol. i. 162.

³ Florence, son of the Earl of Holland,

and by his mother a relation of the Scottish king, was elected the successor of Malvoisin in 1202. He seems never to have been consecrated, but settled quietly in his diocese, which he resigned in 1207; and, going to Rome in 1211, died there in 1212.—Chalmers' *Caledonia*, vol. iii. p. 616.

Ayr, known as the Burrowfield, and distinguished as such from the Barony and Parish of Alloway immediately to the south. In opposition to the usual practice of following the course of the sun, which is adopted afterwards in naming the places at which toll was to be taken, the description of the boundaries runs from west to east. The first four places mentioned are



From BLEAU'S Map of Kyle, 1654.

easily identified. The boundary runs "from Inverdon"—that is the mouth of the Doon, which in those days we assume to have entered the sea not far from the mouth of the Ayr, "as far as to Inverpoleurtecan," or the mouth of the Curtecan Burn, now known as the Belleisle or Slaphouse Burn, and which must then have been a tributary of the Doon, joining it at or about Belleisle bridge, on the road from Ayr to Low Bridge of Doon.

That the Doon has changed its original channel to the sea is highly probable, although it is a curious circumstance that there is no conclusive evidence on the point; and it is only fair to add that Mr. Murray Lyon, a well-known authority on "Auld Ayr," does not believe that any change took place. The charter we are considering makes it quite certain that the Doon and Curtecan had not separate mouths as at present; and it is worthy of notice that the boundary of the burgh lands begins at the mouth of the Doon, proceeds inland, and ends at the mouth of the Ayr, without mentioning, as one would expect, that the sea was the boundary between the Ayr and the Doon. Take, in connection with this, the fact that the *Chronicle of Melrose* speaks of the new town being built, not upon the Ayr, but "between the Doon and Ayr;" and the inference is not unreasonable that the town itself occupied the space between the two rivers. Perhaps the most significant piece of evidence is to be found in the fact that though the Doon is the natural march between the parishes of Ayr and Maybole, yet to this day certain lands to the north of the Doon are attached to the parish of Maybole.¹

Assuming that the channel of the Doon has changed; how or when this took place is not known, but it must have occurred after the division of the country into parishes, in the twelfth and thirteenth centuries,² and prior to 1610, about which time the survey of Ayrshire by Timothy Pont was made;³ as, in the map founded thereon, and published in Bleau's *Atlas* in

¹ To wit, the lands of Cumming Park. See also *New Statistical Account of Ayrshire*, p. 9.

² *Origines Parochiales Scotiæ*, vol. i. Preface, p. xx. note.

³ *Dobie's Pont's Cuninghame*, Preface, p. xv.

1654, the Doon and Curtecan are shown falling into the sea as at present.

The boundary is then said to run "as far as to Crottun," which is, by a simple transposition of letters, the modern Corton. Then "by Curtecan to the head of Curtecan," that is to say, near to the point where the Ayr and Dalmellington road passes, on the line of the Roman road from Ayr to Kirkcudbright. It is then said to ascend "by Boghesken as far as to Monedamdereg." The former of these places is translated as a tract of rising ground with a bowlike bend, bearing some resemblance to a man's hough.¹ Just beyond Curtecanhead, the Ordnance Survey map shows the parish boundary making a bend such as that described, and the contour lines show a rise of seventy-nine feet. Monedamdereg, which signifies the moor of the red ox or hart, is possibly identical with Mosshill, the name of a farm at this point. Monemethonac, which next occurs, is translated as Middlemoor, and may be the same as Mossend, another farm on the route. The boundary proceeds "to Pollecleuan, and so by Pollecleuan to Lochfergus." Pollecleuan is no doubt the Pouclewen, which will be observed on Bleau's map of Kyle, and it is probable that the rivulet which falls into Lochfergus was so called. Lochfergus has retained its name unchanged to the present day. The boundary line goes "down to Dufhat," a place of which there is no record beyond what

¹ Dr. Donald Smith communicated an interesting article on the topography of this charter, with a glossary of the names mentioned, to the *Scots Magazine* for October 1807, to which the editor appended a note,

to the effect that Dr. Smith was the best Celtic scholar of his time. From this source the translations given are taken. See also *Scots Magazine* for 1808, p. 333.

may be gathered from the meaning, viz. a black mossy surface fit for cutting into divot or fire turf. It then goes “to the rivulet to the east of Drummesael,” probably the same as Knocksoul, a farm which extends to the boundary of Ayr parish. “And so by Polleclonecrangali to Dufloch, and thence to Pollemulin.” Polleclonecrangali is translated as the lake or pond of Reginald’s grandchildren, and has no modern equivalent. Dufloch means the black loch, of which there is now no trace. Pollemulin is translated the mill pond; or, possibly, it might be the mill burn; certainly a burn does rise here, flowing in old days perhaps from Dufloch, and falls into the River Ayr not far above the Overmills. From this point the boundary is along the River Ayr to the sea, a distance of about two miles.

Having thus endeavoured to trace the boundaries of the lands granted by William the Lion, it now remains to consider the identity of the places at which toll was to be taken. These places were Mach, Karnebuth, Loudoun, Crosenecon, and Lachtalpin. It will be observed that while in the former case the enumeration of the places proceeds in the contrary direction to the course of the sun, in this instance the localities are named in the usual order following the sun’s course. It will, however, be more convenient to consider them in the opposite order.

Lacht or Laicht Alpin, the stone or grave of Alpin,¹

¹ In 836 A.D., Alpin, king of the Scoto-Irish in Kintyre, landed in the Bay of Ayr and laid waste the country towards Dalmelington. He was defeated and slain near the site of Laicht Castle, which appears,

from the *Chronicle of Dunblane*, to have been at that time within the extensive boundaries of Galloway.—Chalmers’ *Caledonia*, vol. iii. pp. 455-6. See also *Chronicles of the Picts and Scots*, Preface, p. clxxxv.

appears in Bleau's map as the Castle of Laicht, and is still to be seen in the maps of Ayrshire as the site of a ruined castle (though no ruins now remain), not far from the farm of Laight. Lachtalpin commanded the River Doon and the Roman road leading from Ayr to Kirkcudbright, being the principal and probably the only road from Ayrshire into Galloway.

Crosenecon is undoubtedly Corsencon, in the parish of New Cumnock. There is a hill at this point, which is on the borders of Ayrshire, marked in Bleau's map as Cossinkon Hill. Between this hill and the River Nith is also found the great Roman road leading from Carlisle and Dumfries up the valley of the Nith to Ayr.

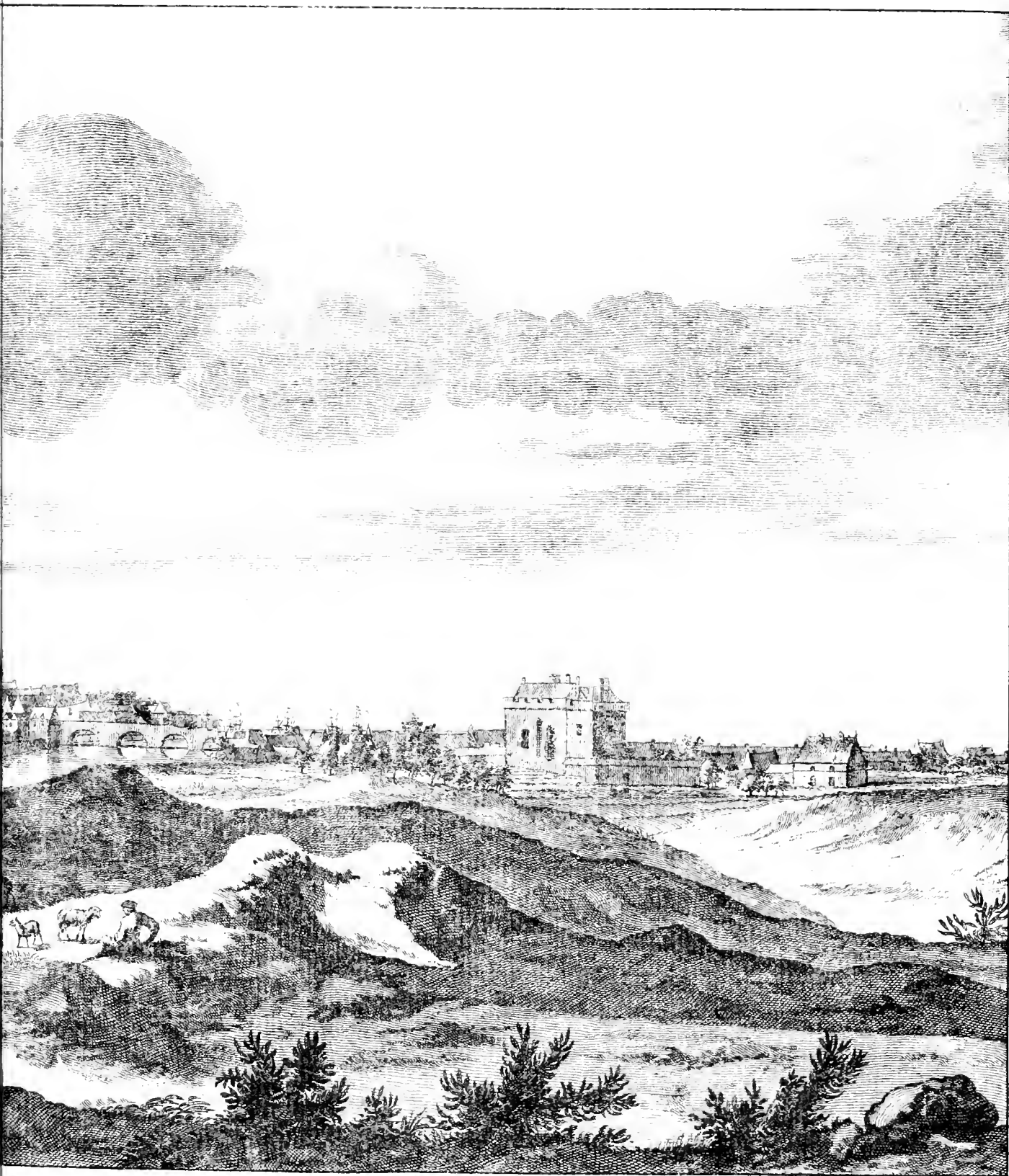
Loudoun presents no difficulties ; it must either have been Loudoun Hill, or a castle, fort, or village close to it. Such a situation on the Roman road from Carstairs to Loudoun Hill, a route which must always have been the chief, if not the only communication between Lanarkshire and Ayrshire, is just that which might be expected to have been chosen as a point for collecting duties.

Karnebuth is not so easily identified. Chalmers says:—
“ It appears that the privileged territory of the burgh of Ayr, for buying and selling, bounded with the limits of Rutherglen, at Carnbuth, on the eastern extremity of Kyle, and in the south-east bounds of Cunninghame.”¹ As, however, the position assigned by Chalmers to Karnebuth would place it close to Loudoun, it seems unlikely that he should be right. We should expect to find the different

¹ *Caledonia*, vol. iii. p. 481.



Prospectus Civitatis AERÆ a Domo de Newton.



The Town of AIRE, from y^e House of Newtonne.

stations for payment of toll at a somewhat equal distance from each other. Now there is a place, bearing the name of Cairn, which fulfils this condition, on the borders of Ayrshire and Renfrewshire, where the great road from Ayr to Glasgow, by Stewarton and Mearns Moor, crosses. This may possibly be the sole remaining trace of Karnebuth, which signifies the cairn where fair stalls were erected.

The last place mentioned is Mach. Some writers, assuming that the liberties of Ayr extended only over Kyle, have supposed Mach to be the same as Mauchline.¹ This is evidently a mistake; Mach in the original has no sign of contraction, and Mauchline is never written Mach.² It is suggested that the place referred to may have been the Maich Burn, which forms the northern boundary of Ayrshire, and is crossed by the great road from Ardrossan, by Dalry and Kilbirnie, to Paisley and Glasgow. It may be added that, in former times, Maich was at least occasionally written Mach.³ This position would complete the chain of posts, on the assumption that these toll-places were fixed on the boundaries of Ayrshire, as nearly as possible equidistant from each other, and commanding the principal roads by which merchandise could be taken to and from Ayr.

It may be objected to the positions now assigned to Karnebuth and Mach that they are inconsistent with the liberties of Irvine, which are popularly supposed to have extended over the whole of Cuninghame. It is certain,

¹ Mach is translated Mauchline in the *National Manuscripts of Scotland*, Part I. No. xl. is written Mauhhelin.—*Ayr and Wigton Collections*, Vol. II. p. 142.

² In an early charter (1177), Mauchline

³ For an instance see *Origines Parochiales Scotiæ*, vol. i. p. 95.

however, that at an early date Irvine was in the habit of paying toll to the burgh of Ayr. In a charter to the burgh of Irvine, by Robert I., in confirmation of a charter by Alexander II., not now extant, the burgesses of Irvine are freed from the toll which they were wont to pay in the burgh of Ayr (a tolneo quod solvere solebant in burgo nostro de Are ante presentem concessionem nostram liberi sint omnino et in perpetuum quieti).¹ This same charter, the date of which is 1322, declares that the burgesses of Irvine are to be free from payment of all toll and custom on their chattels carried through the whole kingdom. Again, in a charter granted by Robert II. in 1373, as is supposed, it is stated, in reference to a dispute as to the boundaries, limits, and liberties of the burghs of Ayr and Irvine, that the said burgesses of Irvine were from thirty, forty, fifty, and sixty years, and beyond the memory of man, in possession of the whole baronies of Cuninghame and Largs, annexed to the liberties of the said burgh of Irvine, for freely exercising their traffic and merchandise only.² On the whole, it seems probable that the liberties of the burgh of Ayr originally extended over Cuninghame, and that the charter of Alexander II. encroached upon these rights.

The possessions of the burgh of Ayr were largely increased in 1236, when Alexander II. granted a charter of the lands of Alloway, Corton, and Carluie.³ It is worthy of remark that the condition is attached to this grant that the burgesses shall neither burn, nor give away, sell, nor in any way destroy the green wood on the said lands, but shall only

¹ Irvine Charters.

² Irvine Charters.

³ P. 9.

take what is necessary for their own buildings of Ayr, and for making their own boats of Ayr. By the charter of erection, each burghess had a right to clear six acres of wood which he held along with his toft for a small yearly payment, and, from the restriction now referred to, it may be conjectured that the work of clearing had been prosecuted with perhaps too great vigour.

In virtue of these grants the burghesses of Ayr were proprietors of all the land which is now represented by the parishes of Ayr and Alloway; and judging from the many valuable privileges which were from time to time conferred, it would appear that the burgh was specially favoured by the Kings of Scotland.

By a charter of Alexander II., dated 7th December 1236, there is a grant to the burgh of Ayr of the fishings in the rivers Ayr and Doon for the uphold of the bridge (*ad sustentationem pontis*), and for improving the harbour, and promoting other common affairs of the town.¹ This raises a rather interesting question as to whether the bridge existing in 1236 is the present old bridge. There is, unfortunately, no authentic information as to the date of the building of the bridge, but the architecture is similar to that of bridges known to have been built in the thirteenth century, and it is quite probable that its date is prior to 1236. Tradition has it that the bridge was built in the reign of Alexander III. by two ladies, the bas-reliefs of whose heads are still to be seen on a stone in the parapet, for the purpose of saving life in crossing the ford. As we know there was a bridge in

¹ P. 14.

existence in 1236, it is unlikely that loss of life occurred after that date; the tradition, however, may very well refer to the reign of Alexander II. The first notice of the bridge in the Burgh Court Book is in 1440. We hear of it again, in 1491, when James IV. went on pilgrimage to St. Ninian's of Whitherne; and, travelling by way of Ayr, was ferried across the river at St. John's Kirk, as the bridge was then under repair.¹

It is interesting to observe, that for centuries after the date of the grant of Alexander II., the fishings were disposed to parties undertaking to uphold the bridge; and when the fishings of the Doon were granted to John Kennedy of Baltersane in 1593,² it was in consequence of the refusal of the then lessees to advance money on loan for the repair of the bridge.³ In the charter last referred to there is a reservation of the right of the inhabitants of the burgh of Ayr to wash their clothes at the water of Doon—a right which was exercised till about the close of last century.

In 1588 James VI. gifted certain imposts to the burgh for the maintenance of the “harbry hevin and brig,” which are stated to be “presentlie rwynous” and “decayit and fallin down.”⁴ We find, however, from other sources, that “nochtwithstanding thair present povirtie,” the community were able to lend the king the sum of 1000 merks in 1587;⁵ and again, in 1588, they rendered a special service, insomuch as they “riggit furth and sett to the sey upoun thair awne expenssis

¹ *Accounts of the Lord High Treasurer of Scotland*, 1473-98, Preface cx. 183.

² P. 122.

³ Mr. Murray Lyon's unpublished notes.

⁴ P. 55.

⁵ *Register of the Privy Council*, vol. iv. p. 222.

(amounting to £1000), and sufficient weiryke ship, furnist with a sufficient nowmer of men, viveris, munition, pulder, bullattis, and all other necessaris, under the charge and command of Schir Williame Stewart, quha, within few dayis thaireftir, tuke, apprehendit, and brocht to his Hienes the personis for quhome the foirsaid ship wes thocht necessair to be sett furth.”¹ In 1687 James VII. grants certain duties on ale and wine, upon the narrative that the rents and customs of the community were insufficient for their debts; and that by the ruin of their seaport and the sandheaps arising in their river, and the great expense of removing the mud and refuse cast up by the sea, the burgh was reduced to great straits, and was rendered incapable, among other things, of maintaining the bridge, the church, the streets, and the harbour.² A somewhat curious light is thrown upon this grant by one of the muniments of the burgh, which informs us that “William Cunyngham, provest, had borrowed the soume of fyve hundreth pounds sterling money, upon his oun 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 thereof.”³

A few years later, viz. in 1695, there is an Act of Parliament empowering the burgh to levy a tax for the repair of the harbour, “considering that the harbour of the toun of Aire is ruined and lyes in rubbish and that thereby the trade of the foresaid toun is quite decayed.”⁴

There is no doubt that from an early date Ayr was noted for its trade, particularly for its imports of French and

¹ *Register of the Privy Council*, vol. iv. pp. 309-10. ² P. 66. ³ P. 202. ⁴ P. 73.

Spanish wines, and it remained, probably for a long time, the principal seaport of the west of Scotland. In 1237 it appears that a ship and goods, the property of the burgesses of Ayr, was arrested at Drogheda on account of a robbery at sea;¹ and, in 1264, we find that ships were being built at Ayr.²

The town of Ayr suffered greatly from the blowing of the sand. In the reign of Robert II. this annoyance had reached such a height that the bones in the cemetery were uncovered and the burgh was like to be destroyed. In order to stimulate the invention of the ingenious, the king granted a charter, in 1380, whereby he gave the right of property in the reclaimed land to whoever should prevent the blowing of the sand.³ In 1425 there is a warrant by the Duke of Albany⁴ to the community of Ayr to straiten the Sandgate; which shows that the said Duke, with other nobles, at the request of the community, visited the Sandgate and carefully observed that the daily overflow of sand (*flatus arenae*) in the said street wholly destroyed it; the Duke, therefore, gave command to the inhabitants to make the street narrower, so as to exclude the blasts of sand, by building up to a certain stake, which he with his own hand fixed in the ground.⁵ The narrowing of the Sandgate does not seem to have cured the evil, for we find that on 19th September 1573 there is complaint made to the Privy Council by "the maist part" of the inhabitants, and specially by the "indwellaris of the

¹ *Calendar of Documents relating to Scotland*, vol. i. p. 249.

² *The Exchequer Rolls of Scotland*, vol. i. p. 6.

³ App. p. xxxv.

⁴ Who was then Regent.

⁵ P. 79.

Sand Gait," that "the said Sand Gait with the hail venallis of the said toun, except the brig," are "overblawin and almaist wrakit" with sand. They proceed to allege that "the speciall caus thairof is be the negligence and ovirsicht of the magistrattis of the said burgh, quha having respect to thair particular proffeitt hes takin na regard of the commonwelth thairof, bot speciallie be occasioun of ane civile dissention betuix thame thir diverse yeiris bigane, the samyn hes bene altogidder neglectit ; quhairas the commoun gude of the said burgh, quhilk of auld in rentall extendit to the sowme of thre hundreth and vii markis and fyftie-fyve bollis of malt and meill yeirlie and utheris proffeittis . . . was sufficient to have stoppit the said inconvenient."¹

The burgesses of Ayr have always clung to their rights with singular tenacity, and have generally been successful in vindicating them. A long-continued struggle took place between the burgh and the Sheriff of Ayr in reference to the right of the latter to call the burgesses and their tenants in Alloway to his courts. In this dispute the sheriff was worsted at all points. In 1459 there is a charter by James II. exempting the tenants of the barony of Alloway from being called as witnesses in courts beyond the burgh of Ayr,² and this is confirmed, in 1471, by letters under the signet of James III.³ From letters of Queen Mary in 1547-8 to the Sheriff of Ayr it appears that the burgesses had not been wont to answer before any judge but the provost and bailies of Ayr; the sheriff is therefore discharged from citing any of the said burgesses to his court.⁴ In 1557 there is a

¹ *Register of the Privy Council*, vol. ii. p. 278. ² P. 32. ³ P. 36. ⁴ P. 40.

confirmation by Queen Mary of a bond by the Sheriff of Ayr and his son, in which they admit and agree to respect the jurisdiction of the magistrates of the burgh in cases of slaughter, mutilation, theft, etc.¹ We find in 1555 that the burgesses so far departed from their contention as to compear in Edinburgh to bear witness in a cause, but at the same time they guarded themselves by protesting that their said compearance should not prejudice their privilege in time coming.² There is another protest, in 1580, in respect "divers and sindrye of the burgessis and inhabitantis of the same burght ar summond to this day and place (Edinburgh) to pas upoun the assys."³ Seven years later it again became necessary for John Lockhart, "burgess and auld provest of the burgh of Air," to take another protest at Edinburgh for a similar reason.⁴

By the charter of erection King William appointed a weekly market to be held every Saturday,⁵ and this was confirmed by Alexander II.⁶ and David II.⁷ A yearly market was afterwards granted by Alexander III. at the feast of the Nativity of St. John the Baptist, to last for the fifteen following days.⁸ In 1458 James II. granted an additional yearly fair on the feast of St. Michael and four days immediately following, at the same time ordaining that the burgesses are to hold and possess their other public fair on the Nativity of St. John.⁹ The Sheriff of Ayr appears to have interfered with this new fair, and in 1459 he is charged by the king to desist.¹⁰ In 1701 there is an Act of Parliament

¹ P. 42.² P. 105.³ P. 111.⁴ P. 115.⁵ P. 1.⁶ P. 6.⁷ P. 8.⁸ P. 18.⁹ P. 29.¹⁰ P. 31.

appointing a public yearly fair to be held upon the first Tuesday of January and four next days.¹

Among the Miscellaneous Muniments of the town will be found a charter by the burgh to the convent of the Friars Preachers,² which, had it been discovered in time, would have found a place among the charters of the Friars Preachers in the volume presented to the Association by the Marquess of Bute.

There is also an interesting document containing the allotment of seats in the parish church, of date 10th March 1656.³

¹ P. 74.

² P. 102.

³ P. 195.

APPENDIX.

*Copy of Charter by King Robert (II.), granting the reclaimed lands to those who should preserve the burgh and church of Ayr from being destroyed with sand.—[10th December 1380.]*¹

ROBERTUS Dei gratia Rex Scotorum, omnibus probis hominibus totius terrae, seu clericis vel laicis salutem: Dum burgus noster de Air, per motionem et agitationem arenae sit quasi totaliter annihilatus et destructus, et . . . similiter per brevis processum temporis ad finalem destructionem redege videbitur, nisi citius per discretorum virorum solertia et diligentia remedium apponitur; nos igitur desiderantes de aliquo . . . competente in hac parte futuro providere, et precipue causa ecclesiae Johannis Baptisti quam in honore reverentia et devotione semper intendebam et intendam mantenere, protegere et fovere, ejus caemeterium per violentiam motionis arenae ut predicatur fere usque ad fundamentum ipsius ecclesiae adeo est denudata et destructa quod multorum ossa defunctorum ibidem humata videntur per ventorum violentiam de terra evulsa penitus et circa concessimus de gratia nostra speciali illis quicumque fuerint, qui in hac parte defensionem apposuerint, et ipsam villam, ecclesiam et caemeterium a destructione dicta arenae liberaverint, omnes pacatas vastas infra dictum burgum quas meditantibus illorum laboribus et impensis a destructione praefata arena liberaverint et fuerint habitabiles, tenendas et habendas eisdem dictarum pacatarum praenominatis conquestoribus et haeredibus suis de nobis et haeredibus nostris in feudo et hereditate in libero burgagio, libere et quiete plenarie integre et honorifice, reddendo inde annuatim de qualibet pacata predicta, postquam effecte fuerint habitabiles aut habitabilis, unum denarium

¹ This charter, which is printed by Grose, burgh. It has not, however, been found.— is said by him to be among the archives of the Grose's *Antiquities*, ii. 195.

sterlinense ad festum Pentecostis, tantum pro omni ferma inde exigenda aut solvenda. In cujus rei testimonium praesenti chartae nostrae, nostrum praecipimus apponi sigillum, testibus venerabilibus in Christo patribus Willelmo et Joanne cancellariis nostris St. Andree et Dunkeldensis ecclesiarum episcopis, Joanne primogenito nostro de Carrick senescallo Scotiae, Roberto de Fyffe et de Menteith, filio nostro dilecto, domino Willielmo de Douglas et de Marr consanguineo nostro, comitibus, Jacobo de Lindesay nepote nostro, Kentigerno et Alexandro de Lindesay consanguineis nostris, militibus: apud Edinburgum decimo die Decembris anno regni nostri anno decimo.

Et de gra Rex Edward. Regis. Albar. Comul. baron. Justic. Incom. Propriet. quilibet. & omnib. j. lib. hominib.
vobis de sue. Cleric. & laicis. Salu. Et crā ffentes & futi. me ad nouum castellū meū sup. Reg. Burg. feci
se. & ad Burgo & Burgenfild' meis in eo manentib. omes liberes & omes liberas consuetudines concessi
Brg' mei & mei Brgensib' in ei manentes p. regnū meū habeo. Pp'edi & in eo gl'ibz die sabb. die sabb. die sabb. Con
cessi & Brgensib' q' illuc uenerint ad Brg' meū thabiamd. & ibi sedentes & manentes erūt ut jeri sunt de
Colneis & de alia consuetudine p. totam terram meam de dicitis cavallis suis. Phitico reags firmat. Et p. regno
mō ab aliq' illoz Colneis uel aliqum alia consuetudine de dicitis cavallis suis exigat. sup. meam plenaria
fractura. Concessi & ad Brg' mō & Brgensib' meis q' in Brg' illo sedentes & manentes erūt. Inque numerā
ere q' panent ad uilla de Reg. p. diuisas inferi septas. Scilicet de Inuiddon. surfa usqz in inuipolceccay. & de
Inuipolceccay. surfa usqz ad Croccay. & sic p. Curccay. usqz ad capd. Curccay. & sic a capite Curccay. ascen
dendo p. Bogheshobay. usqz ad monedamderg. & a monedamderg. p. ficiā usqz in monemethonac. & a mone
methonac. p. ficiū usqz in pollederay & sic p. pollederay. usqz in lochfery. & a lochfery. descendendo usqz in
dusfhar & a dusfhar. descendendo p. ficiā usqz ad riuulū ex orientali pte Brunnesfauel. & a riuulo Brun
nesfauel. descendendo usqz in ficiū ex occidentali pte riuule illi. & p. ficiā illi usqz in polledonecraugale
& p. polledonecraugale usqz in busloch. & inde. usqz in pollemuliy. & p. pollemuliy. descendendo usqz
in Reg. & p. Reg. descendendo usqz in mare. Concessi & Brgensib' meis ibid' manentib. ut cum gl'ibz plenarie
bosco suo habeant sex. acras terre. q's de boscho exarauerint inf. p'dcas. v. numeras terre ad faciend
unde comodū fuit. Reddendo annuatim in p. gl'ibz tota & sex acras terre ille adiacentib. xij. denar
quando waq. & firmat p'cipio. ut oēs hoies q' erūt incharis suis ad uendend & emend ad illū p'dem Brg' meū
meū uenerint. firma pace meā habeant. & forū excreant. & in bene & pace redeant. P'cipio & fir
mitud. ut apd. gach. & barneburth. & loldun. & Croseneoy. & lachralpuy. Colnony & alie consuetudines
q' Brg' debent. denar & recipiant. Phitico waq. firmat. ut q's colneis aut aliq' alia consuetudine qm
p'dem Brg' mō de barne face debet. uel p'dcas diuisas asportare p'sumat. sup. meā plenaria fruct
tura. & i' q's nō erūt in uel aliqum alia consuetudine p'dem Burge mei uel p'dcas diuisas as
portare p'supperit. p'cipio firmat. ut omes hoies inf. p'dcas diuisas manentes sine auxiliantib' s'
uenab' meis ad adgred' usqz ven. & ad caprend' & detrahend' illū. q' colneis aut aliqum alia consue
tudine ad p'dem Burge meū p'uenit uel p'dcas diuisas asportauerit uel asportare contenderit
Hob' flog. Clecto Glass. Canellio mō. Walter. & Wilto. Capitani mei. Philiy de Valoy Cam. mō.
Robt. de lardoy. fit. mō. Wilto de bosch. & Huger. clerici mei. Wilto de Valoy. Thom de Coloull
begin de Crausford. Apud Lanue. xxj. die. m. m.

MUNIMENTS

OF

THE BURGH OF AYR.

I.—ROYAL CHARTERS.

1. *Charter by King William the Lion, erecting the Town of Ayr into a Free Burgh.*—[21st May 1202-1207.¹]

WILLELMUS Dei gracia rex Scottorum episcopis abbatibus comitibus baronibus justiciariis vicecomitibus prepositis ministris et omnibus probis hominibus tocius terre sue clericis et laicis salutem Sciatis presentes et futuri me ad novum castellum meum super Are burgum fecisse et eidem burgo et burgensibus meis in eo manentibus omnes libertates et omnes liberas consuetudines concessisse quas alii burgi mei et mei burgenses in eis manentes per regnum meum habent Assedi etiam in eo quolibet die Sabbati diem fori Concessi ut burgensibus qui illuc venient ad burgum meum inhabitandum et ibi sedentes et manentes erunt ut quieti sint a tolneio et omni alia consuetudine per totam terram meam de dominicis catallis suis Prohibeo itaque firmiter ne quis in regno meo ab aliquo illorum tolneium aut aliquam aliam consuetudinem de dominicis catallis suis exigat super meam plenariam forisfacturam Concessi etiam eidem burgo meo et burgensibus meis qui in burgo illo sedentes et manentes erunt quinque nummatas terre que pertinent ad villam de Are per divisas inferius scriptas scilicet de Inverdon sursum usque in Inverpoleurtecan et de Inverpoleurtecan sursum usque ad Crottun et sic per Curtecan usque ad caput Curtecan et

¹ The year is not given, but Chalmers (*Caledonia*, iii. p. 499) fixes the date, from the witnesses, as between 1202 and 1207.

sic a capite Curtecan ascendendo per Boghesken usque ad Monedamdereg et sic a Monedamdereg per sicum usque in Monemethonac et a Monemethonac per sicum usque in Polleclevan et sic per Polleclevan usque in Lochfergus et a Lochfergus descendendo usque in Dufhat et a Dufhat descendendo per sicum usque ad rivulum ex orientali parte Drumnesauel et a rivulo Drumnesauel descendendo usque in sicum ex occidentali parte rivuli illius et sic per sicum illum usque in Polleclonecrangali et sic per Polleclonecrangali usque in Duffloch et inde usque in Pollemulin et sic per Pollemulin descendendo usque in Are et sic per Are descendendo usque in mare Concessi etiam burgensibus meis ibidem manentibus ut cum quolibet plenario tofto suo habeant sex acras terre quas de boscho extirpaverint infra predictas nummatas terre ad faciendum inde commodum suum reddendo annuatim mihi pro quolibet tofto et sex acris illi adjacentibus duodecim denarios Mando itaque et firmiter precipio ut omnes homines qui cum merchaturis suis ad vendendum et emendum ad illum predictum burgum meum venerint firmam pacem meam habeant et forum exerceant et in bene et pace redeant Precipio etiam firmiter ut apud Mach et Karnebuth et Lowdun et Croseneton et Lachtalpin tolneium et alie consuetudines que burgo debentur dentur et recipiantur Prohibeo itaque firmiter ne quis tolneium aut aliquam aliam consuetudinem quam predicto burgo meo de ratione facere debet ultra predictas divisas asportare presumat super meam plenariam forisfacturam. Si quis vero tolneium vel aliquam aliam consuetudinem predicti burgi mei ultra predictas divisas asportare presumpserit precipio firmiter ut omnes homines infra predictas divisas manentes sint auxiliantes servientibus meis ad adquirendum jus meum et ad capiendum et attachiandum illum qui tolneia aut aliquam aliam consuetudinem ad predictum burgum meum pertinentem ultra predictas divisas asportaverit vel asportare contenderit Testibus Florentio electo Glasguensi¹ cancellario meo Waltero et Willemo capellanis meis Philippo de Valoniis camerario meo² Roberto de Londoniis filio meo³ Willemo de Boscho et Hugone clericis meis Willemo de Valoniis⁴ Thoma de Colevill⁵ Reginaldo de Crauford Apud Lanare vigesimo primo die Maii.

¹ Florence, Elect of Glasgow, was succeeded in 1207 by Walter, who was consecrated in 1208 (Keith, p. 237).

² Philip de Valoniis died in 1215 (*Chron. de Mailros*, p. 121).

³ A natural son of William the Lion.

⁴ He died in 1218 (*Chron. de Mailros*, p. 135).

⁵ He died in 1218 (*Chron. de Mailros*, p. 134).

TRANSLATION.

William, by the grace of God King of Scots, to bishops, abbots, earls, barons, justiciars, sheriffs, provosts, officers, and all good men of his whole land, clerics and laymen, greeting : Be it known to those present and to come, that I have made a burgh at my new castle upon Ayr, and to the said burgh, and to my burgesses dwelling in it, have granted all the free customs which my other burghs and my burgesses dwelling in them throughout my kingdom have. I have appointed in it also a market day every Saturday : Moreover, I have granted to the burgesses who shall come thither to inhabit my burgh, and shall there remain and dwell, to be quit of toll and all other custom through all my land for the goods pertaining to them as burgesses. Therefore I straitly forbid any one in my kingdom to exact from any one of them toll or any other custom for their said burgh goods, on pain of my full forfeit : Also I have granted to that same burgh of mine, and to my burgesses who in that burgh shall remain and dwell, the five penny lands which belong to the town of Ayr, by the boundaries afterwritten : To wit, from Inverdon as far as to Inverpoleurtecan, and from Inverpoleurtecan as far as to Corton ; and so by Curtecan to the head of Curtecan ; and so from the head of Curtecan going up by Boghesken as far as to Monedamderreg ; and so from Monedamderreg by the ditch as far as to Monemethonac ; and from Monemethonac by the ditch as far as to Polleclevan ; and so by Polleclevan to Lochfergus ; and from Lochfergus going down to Dufhat ; and from Dufhat going down by the ditch as far as to the rivulet on the east of Drumnesauel ; and from the rivulet of Drumnesauel going down as far as to the ditch on the west of the same rivulet ; and so by that ditch as far as to Polleclonecrangali ; and so by Polleclonecrangali to Duffloch, and thence to Pollemulin ; and so by Pollemulin going down to Ayr, and so by Ayr going down even to the sea. Also I have granted to my burgesses there dwelling that with each complete toft of theirs they shall have six acres of land, which they shall reclaim out of the wood within the foresaid five penny lands, to make their own profit thereof ; paying yearly to me for each toft and six acres adjoining it, twelve pennies. I command, therefore, and straitly enjoin, that all men who with their merchandise to sell and to buy, to that said burgh of mine shall come, have my firm peace, and use the market, and in safety and peace return. I command also, straitly, that at Mach, Karnebuth, and Loudoun, and Croseneton and Lach-

talpin, toll and other customs which are payable to the burgh be given and received. I prohibit also strictly that no one presume to carry away beyond the said bounds toll or any other custom which to my said burgh he ought of reason to give, on pain of my full forfeiture. But if any one presume to carry away beyond the said bounds toll or any other custom of my said burgh, I strictly command that all men dwelling within the said bounds be helpful to my servants to recover my right, and to take and attach him who shall endeavour to carry off beyond the said bounds tolls or any other custom pertaining to the said burgh. Before these witnesses, Florence, bishop elect of Glasgow, my chancellor, Walter and William, my chaplains, Philip of Valonis, my chamberlain, Robert of London, my son, William de Boscho and Hugh, my clerks, William of Valonis, Thomas of Colevill, Reginald of Crauford. At Lanark the 21st day of May.

2. *Transumpt by the Lords of Council of the Charter granted by King William to the Burgh of Ayr.—[16th November 1599.]*

AT Edinburgh the saxtene day of November the yeir of God j^m v^c fourescoir nyctene yeiris The Lordis of Counsale underwrittin thai ar to say ane noble and mychtie lord Johne erle of Montroiss lord Grahame etc. chancellor Alexander lord of Fyvie president Williame commendatare of Tungland Johne commendatare of Halyrudehous Edward commendatare of Kynlos schir James Elphingstoun of Barnetoun knyght secretar to our soverane lord schir David Lindesay of Edzell knyght schir Johne Cokburne of Ormestoun knyght justice clerk schir Richard Cokburne younger of Clerkingtoun lord privie seill Mr. John Prestoun of Fentounbarnes Mr. Johne Skene clerk of his hienes register Mr. David Makgill of Cranstoun Riddell Archibald Douglas of Quhittinghame Andro Wemeys of Myrecairny Mark lord of Newbottle schir Robert Melville of Murdocairny knyght and Mr. Peter Rollok bischop of Dunkeld—anent the summondis raisit at the instance of the provest bailleis counsale and communitie of the burgh of Air aganis schir David Murray of Gospertie knyght comptroller Alexander maister of Elphingstoun thesaurar and Mr. Thomas Hamilton of Drumcarne advocat to our soverane lord and all utheris haveand or pretendand to haif interes in the mater underwrittin makand mentioun that quhair unquhile Williame be the grace of God king of this realme for the tyme of worthie

memorie be his chartour and infetment under his gritt seill gair and con-fermit to the said burgh of Air and to the burgessis thairin remaneand all liberteis and frie consuetudis that utheris burgessis duelland within this realme haid and that thai sould haif in the said burgh of Air every Setterday and mercatt day to the burgessis thairof inhabitantis dwelland and remaneand within the samyn And als gaive and disponit to the said burgh burgessis and inhabitantis thairof all and haill the fyve pennyland quhilk pertenet to the toune of Air and dyvers utheris landis lyand and boundit as is contenit in the said charter as in the samyn of the dait the twentyane day of Maij in the selff at mair lenth testifeis Quhilk charter and infetment be reassoun of the antiquitie thairof and intervall of the tyme is now becum mutit dym and and difficill to be red and understand as alsua the seill thairof is brokin and wayis the register of the samyn efter sa lang tyme is nocht extant Quhairfoire necessar it is the said charter be transsumit befor the lordis of counsale to the effect the samyn may remane in register and be extant at all tymes And anent the charge gevin to the saidis persones defenderis to haif compeirit befor the lordis of counsale at ane certaine day of lang tyme bypast to haif hard and sene the said charter and infetment copyit and transsumit in auttentik and dew forme in maner underwrittin or to haif allegit ane reasonable caus quhy the samyn sould nocht bene done lykeas at mair lenth is contenit in the saidis summondis The saidis complenaris compeir- and be Johne Haliday thair procuratour and the saids comptrollar thesaurar and advocat defenderis abonewrittin and all utheris haveand or pretendand to haif interes as said is being lauchfullie summond to this action oftymes callit and nocht compeirit the lordis of counsale hes transumit and transumis the said charter and infetment to the effect the samyn may remane in register and be extant at all tymes and decernes and ordanes the extract and transumpt thairof subseryvit be the clerk of register to be deliverit to the saidis complenaris upoun thair reasonable expensses to be bruikit joyisit and usit be thame as thair awin propir evident at thair pleasour in tyme cuming And als the saidis lordis decernes and declairis the samyn transumpt and copy of the charter and infetment abonewritten to mak als gritt fayth in jugement and outwith as the principall in all tyme cuming Becaus the saidis persones and all utheris haveand or pretendand to haif interes in the said matter wer lauchfullie summond to haif compeirit befor the saidis lordis of counsale at ane certane day of lang tyme bypast to haif hard and sene the said charter and infetment transumit in maner abonewrittin or

els to haif allegit ane reassonable caus quhy the samyn sould nocht bene done with certificatioun to thame and thai failleit the saidis lordis wald transume and decerne the samyn to be delyverit to the said complenaris and to mak als gritt fayth as the principall in maner abonewrittin And thai being lauchfullie summond to that effect compeirit nocht to schaw ony reassonable caus in the contrair bot failleit thairintill lykeas wes cleirly understand to the saidis lordis and thairfoire thay transumit and decernit in maner abonewrittin and ordanes lettres to be direct heirupoun yf neid beis in forme as effeiris Of the quhilk charter and infeftment the tennour followes: Willelmus Dei gratia Rex Scottorum (etc., *vide* No. 1, *supra*).

Extractum de libro actorum per me magistrum Joannem Skene clericum rotulorum registri ac consilii supremi domini nostri regis sub meis signo et subscriptione manualibus.

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

3. *Charter by King Alexander the Second, granting to the Burgh of Ayr the privilege of a Weekly Market.*¹—[9th May 1223.]

ALEXANDER Dei gracia rex Scottorum omnibus probis hominibus tocius terre sue clericis et laicis salutem Sciant presentes et futuri me concessisse et hac carta mea confirmasse burgo meo super Are et burgensibus meis in eodem burgo manentibus omnes libertates et omnes liberas consuetudines quas alii burgi mei et burgenses mei in eis manentes per regnum meum habent Et ut habeant in eodem burgo meo super Are quolibet die Sabbati diem fori Concessi etiam burgensibus qui illuc venient ad burgum meum inhabitandum et ibi sedentes et manentes erunt ut quieti sint de tolneio et omni alia consuetudine per totam terram meam de dominicis catallis suis Prohibeo itaque firmiter ne quis in regno meo ab aliquo illorum tolneium aut aliquam aliam consuetudinem de dominicis catallis suis exigat super meam plenariam forisfacturam Concessi etiam eidem burgo meo et burgensibus meis qui in burgo illo sedentes et manentes erunt quinque nummatas terre que pertinent ad villam de Are per divisas inferius scriptas scilicet de Inverdone sursum usque in Inverpolcurtecane et de Inverpolcurtecane sursum usque ad Crottune et sic per Curtecane usque ad caput Curtecane et sic a capite Curtecane ascendendo per Bogheskene usque ad Monedam-

¹ This is a thin vellum charter, about ten inches square: seal wanting.

dereg et sic a Monedamdereg per sicum usque in Monemethonae et a Monemethonae per sicum usque in Pollecelevane et sic per Pollecelevane usque in Lochfergus et sic a Lochfergus descendendo usque in Duffhate et a Duffhate descendendo per sicum usque ad rivulum ex orientali parte Drummesauel et a rivulo Drummesauel descendendo in sicum ex occidentali parte illius rivuli et sic per sicum illum usque in Polleclonecrangali et sic per Polleclonecrangali usque in Duffloch et inde usque in Pollemuline et sic per Pollemuline descendendo usque in Are et sic per Are descendendo usque in mare Concessi etiam burgensibus meis ibidem manentibus ut cum quolibet plenario tofto suo habeant sex acras terre quas de boscho extirpaverint infra predictas quinque nummatas terre ad faciendum inde commodum suum Reddendo annuatim michi pro quolibet tofto et sex acris terre illi adjacentibus duodecim denarios Mando itaque et firmiter precipio ut omnes homines qui cum mercaturis suis ad vendendum et emendum ad illum predictum burgum meum venerint firmam pacem meam habeant et forum exerceant et in bene et in pace releant Precipio etiam firmiter ut apud Mach et Karnebuth et Lowdoune et Crossenetone et Lachtalpine tolneium et alie consuetudines que burgo debentur dentur et recipiantur Prohibeo itaque firmiter ne quis tolneium aut aliquam aliam consuetudinem quam predicto burgo meo de racione facere debet ultra divisas predictas asportare presumat super meam plenariam forisfacturam Si quis vero tolneium aut aliquam aliam consuetudinem predicti burgi mei ultra predictas divisas asportare presumpserit precipio firmiter ut omnes homines infra predictas divisas manentes sint auxiliantes servientibus meis ad adquirendum ius meum et ad capiendum et attachiandum illum qui tolneia aut aliquam aliam consuetudinem ad predictum burgum meum pertinentem ultra predictas divisas asportaverit vel asportare contenderit sicut carta domini regis Willelmi patris mei testatur Testibus Waltero filio Alani senescalli Waltero Olifard¹ justiciario Laodonie Ingebramo de Balliol² Henrico de Balliol³ camerario Henrico de Strivelin filio comitis David Dunecano filio Gilleberti Johanne de Maccuswele⁴ D. Crauford vicecomite de Are Waltero Biset Apud Are nono die Maij anno regni nostri nono.

¹ Died in 1242. *Chron. of Mailros*, p. 155.

³ He died in 1246. *Crawford's Officers of State*, p. 260.

² Successively Sheriff of Berwick and Sheriff of Fife under Alexander II. *Chalmers's Caledonia*, i. p. 567.

⁴ Died in 1241. *Douglas's Peerage*, by Wood, vol. ii. p. 312.

ABSTRACT.

Charter by Alexander the Second, King of Scots, granting and confirming to the Burgh of Ayr all liberties and free customs common to the burghs of the kingdom, with right to hold a market every Saturday, and exemption from toll and custom for their burgess goods; granting also to the same, five pennyworths of land belonging to the town of Ayr, and bounded as therein described, together with all other benefits and privileges conferred by his father King William, and specified in his charter. Dated at Ayr, 9th May [1223].

4. *Notarial Transumpt of Confirmation by King David the Second of Charter by King Alexander the Second to the Burgh of Ayr.—[24th February 1415.]*

IN DEI nomine amen Per presens publicum instrumentum cunctis pateat manifeste quod anno a nativitate eiusdem millesimo quadringentesimo quinto decimo indicione nona mensis Februarij die vicesima quarta pontificatu sanctissimi in Christo patris ac domini nostri domini Benedicti divina providencia pape tercii decimi anno vicesimo tercio in mei notarij publici et testium subscriptorum presencia personaliter constitutus probus vir Nicholaus de Fynwyke prepositus burgi de Are quandam cartam bone memorie quondam David Dei gracia regis Scotorum illustris sigillo suo magno sigillatam cum circumferencia et armis suis non rasam non abolitam nec in aliqua parte viciatam michi publice demonstravit et cum debita instancia per me notarium infrascriptum nomine et ex parte burgensium et communitatis burgi de Are perlegi requisivit cuiusquidem carte tenor sequitur et est talis DAVID Dei gracia rex Scotorum omnibus probis hominibus tocius terre sue clericis et laicis salutem Sciatis nos quasdam cartas bone memorie quondam Willelmi et Alexandri regum Scocie predecessorum nostrorum non rasas non abolitas nec in aliqua sui parte viciatas vidisse diligenter et intellexisse tenorem qui sequitur continentes Alexander Dei gracia rex Scottorum (etc., *vide* No. 3, *supra*) Quasquidem cartas donacionemque et concessionem in eisdem contentas in omnibus punctis suis et articulis condicionibus et modis ac circumstanciis suis quibuscunque forma pariter et effectu in omnibus et per omnia approbamus ratificamus et pro nobis et heredibus nostris in perpetuum confirmamus Salvo servicio nostro In cuius rei testimonium presenti

carte nostre confirmacionis sigillum nostrum precepimus apponi testibus venerabilibus in Christo patribus Willelmo episcopo Sancti Andree et Patricio episcopo Brechinensi cancellario nostro Roberto senescallo Seocie comite de Stratherne nepote nostro Patricio comite Marchie et Moravie Willelmo comite de Douglas Roberto de Erskyn Waltero de Halyburton et David de Anand militibus Apud Edynburgh decimo die mensis Maii anno regni nostri tricesimo septimo. Quam vero cartam sic monstratam et perlectam predictus Nicholaus a me notario sub signo publico peciit copiarum sumptibus suis et expensis. Acta fuerunt hec in vico communi burgi de Are anno indicione mense die et pontificatu premissis presentibus tunc ibidem reverendis et discretis viris magistro Duncano Petite prebendario ecclesie de Are Rogero de Lawader vicario eiusdem et decano de Kyle Roberto Adyson vicario de Colmonell Michaele Multrer Henrico Stephani capellanis Hugone Sellatore ac Patricio Ahayre ballivis dicti burgi Adam de Bowr Patricio Dowgall Johanne Chery Gilberto Askryke Johanne Fabro Johanne Broune Willelmo de Blencanhop burgensibus de Are et multis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Willelmus Nigelli clericus Glasguensis dyocesis publicus imperiali auctoritate notarius premissae carte monstracioni et perleccioni unacum prenomminatis testibus presens interfui (etc., in forma communi).

ABSTRACT.

Notarial Transumpt, at the instance of Nicholas of Fenwick, provost of Ayr, of a confirmation by David the Second, King of Scots, under the great seal, of a Charter granted by King Alexander the Second to the burgh of Ayr, of date at Ayr 9th May, and ninth year of his reign. The Confirmation is dated at Edinburgh 10th May (1366); and the Transumpt was made on the common street of Ayr on 24th February 1415, William Neilson being notary.

5. *Charter by King Alexander the Second to the Burgh of Ayr, of Alloway, Corton, and Carcluie.*—[20th April 1236.]

ALEXANDER Dei gracia rex Scottorum omnibus probis hominibus tocius terre sue salutem. Sciatis presentes et futuri nos tradidisse ad feodofirmam burgensibus nostris de Are quinque nummatas terre in Kyle scilicet Aulwey

et Crottun et Gorteloy Tenendas et habendas eisdem burgensibus inperpetuum de nobis et heredibus nostris libere quiete plenarie Reddendo annuatim decem libras medietatem ad festum Sancti Martini et medietatem ad Pentecosten et faciendo forinsecum servitium quod pertinet ad dictas terras Ita quod de vivo boscho in dictis terris non ardebunt nec dabunt nec vendent nec aliquo modo destruent set solummodo capient quod necessarium est ad propria edificia sua de Are et ad proprias naves suas de Are faciendas Testibus Waltero filio Alani Senescalli justiciario Scoecie Waltero Olifard justiciario Laodonie Johanne Byset David de Lyndeseia Waltero Byset Archibaldo de Duueglas Adam de Logan Apud Are vicesimo die Aprilis anno regni domini regis vicesimo secundo.

TRANSLATION.

Alexander, by the grace of God King of Scots, to all good men of his whole land, greeting : Be it known to you, present and future, that we have given in fee farm to our burgesses of Ayr five pennyworths of land in Kyle ; to wit, Alloway and Corton and Carluie : To be held and possessed by the same burgesses in perpetuity, of us and our heirs, freely, quietly, fully : Paying ten pounds yearly, one half at the feast of Saint Martin, and one half at Whitsunday, and performing the forinsec service which pertains to the said lands, so that they shall neither burn, nor give away, sell, nor in any wise destroy, green wood on the said lands, but shall only take what is necessary for their own buildings of Ayr, and for making their own boats of Ayr. Witnesses, Walter son of Alan the Steward, justiciary of Scotland, Walter Olifard, justiciary of Lothian, John Byset, David of Lyndesay, Walter Byset, Archibald of Douglas, Adam of Logan. At Ayr the 20th day of April, the twenty-second year of the reign of the lord the king.

6. *Notarial Transumpt of Charter by King Alexander the Second to the Burgh of Ayr.*—[24th February 1415.]

IN Dei nomine amen per presens publicum instrumentum cunctis pateat evidenter quod anno a nativitate eiusdem millesimo quadringentesimo quinto decimo indicione nona mensis Februarii die vicesima quarta pontificatu sanctissimi in Christo patris ac domini nostri Benedicti divina providencia pape terciidecimi anno vicesimo tercio in mei notarii publici et

Alex^{us} Vi^{centinus} Rex fecit: omnibus probris hominibus tã terre sue salutem. Sicut p̄terit̄ et fugi uos tradidisse
ad fedofirmam burgensibus nris de Ar^{chiepiscopi} quinq; nuntiatas tãre in Byle. scilicet Aulshoy. et Croccam et Corceloy
Tenend. et habend. et tãem burgensibus nre de nobis et Fredibus nris. libere. quiete. plenarie. reddend
annuatim decem libras. medietate ad festum sancti martini. et medietatem ad pentecosten. et faciend. formam
seruicium quod pertinet ad dictas terras. Ita qd de uno boscho in dictis tãis nō ardebunt. nec dabunt. nec
uidentur. nec aliq; mod. destruant. set solimmod. capiēt qd necessarium est ad ipsa edificia sua de Ar^{chiepiscopi}. et ad
ipsas naves suas de Ar^{chiepiscopi}. facienda. Test. W. filio Alani senescalli Justic. Sec. Walteri Wilsford. Justic.
Radon Johanni. Hysc David de Lyndesera. Walteri Hysc. Archibald. de Dingglas. Adam de
Logan. apud Ar^{chiepiscopi} vicesimo die April. Ann. Regni. Dni Regis vicesimo secundo.

testium subscriptorum presencia personaliter constitutus probus vir Nicholaus de Fynwyk prepositus burgi de Are quandam cartam bone memorie quondam Alexandri Dei gracia regis Scottorum illustris sub magno sigillo suo sigillatam cum circumferencia et armis suis non rasam non abolitam nec in aliqua parte viciatam michi publice demonstravit et cum debita instancia per me notarium infrascriptum nomine et ex parte burgensium et communitatis burgi de Are perlegi requisivit eujusquidem carte sequitur tenor et est talis Alexander Dei gracia rex Scottorum (*etc., vide No. 5, supra*) Quam vero cartam sic monstratam et perlectam predictus Nicholaus a me notario sub signo publico peccit copiarum sumptibus suis et expensis Acta fuerunt hec in vico fori burgi de Are sub anno indictione mense die et pontificatu premissis presentibus ibidem discretis viris magistro Duncano Petyt prebendario ecclesie de Are Rogero de Laweder vicario de Are Roberto Adeson vicario de Colmanell Michael Multrer Henrico Stephani capellanis Hugone Saddeler patricio Ahayr ballivis burgi de Are Adam de Bowre patricio Dougall Johanne Chery Gilberto Askyrk Johanne Broume Wilhelmo de Blencanhop Thoma Haket burgensibus de Are et multis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Wilhelmus Nigelli clericus Glasguensis dyocesis publicus notarius,
etc.

ABSTRACT.

Notarial Transumpt at the instance and expense of Nicholas of Fenwick, provost of Ayr, of a Charter by King Alexander Second, under the Great Seal, in favour of the burgh of Ayr, dated at Ayr, 20th April, twenty-second year of reign (1236). The Transumpt was made in the market-place of Ayr on 24th February 1415.

7. *Transumpt by the Lords of Council of Charter by Alexander the Second to the Burgh of Ayr.—[14th March 1593-4.]*

At Edinburgh the fourtein day of Merche the yeir of God j^m v^e fourseoir threttein yeiris the Lordis of Counsall underwrittin they ar to say Johnne lord Thirlistane chancellare Alexander lord Urquhart president maister Johnne Lindsay persoun of Menmure maister Williame Melvill commendatar of Tunglund maister Thomas Hammiltoun of Drumcairnie maister James Elphingstoun of Innernachtie Sir Richard Cowburne younger of

Clerkingtoun secretare Walker pryour of Blantyre Siris Thomas Lyoun of Auldbar thesaurar Johnne Cowburne of Ormestoun Justice Clerk Alexander Hay of Eister Kennett Clerk of Register Archibald Dowgles apperand of Quhittinghame and Andro Weymes of Myrecairnie Anent oure soverane lordis lettres purchest at the instance of the provest baillies counsall and communitie of the burgh of Air aganis David Seytoun of Parbroth comptrollare to our soverane lord Sir Thomas Lyoun of Auldbar knyecht his hienes thesaurer Sir Robert Melvill of Murdocairnie knyecht his deput maisteris David M'Gill of Cranstoun-Riddell and Johnne Skene his hienes advocattis and all utheris haiffand or pretendand to have entres in the mater underwrittin makand mentioun that quhair umquhile Alexander be the grace of God king of this realme for the tyme of worthie memorie be his chartour and infeftment under his greit seill gave and dispoit in feuferme to the burgessis of the burgh of Air the fyve penny land in Kyle videlicet Alloway Cortoun and Cairtelowy to be haldin be the saidis burgessis of him and his airis for evir ffor payment yeirlic of ten pundis the ane half thairof at the feist of Mairtemes and the uther half at Witsunday as the said chartour and infeftment of the dait the twentie day of Aprile and of his majesteis regune the twentie twa yeir at mair lenth proportis And siklike the said Alexander be the grace of God king of this realme for the tyme be his uther chartour and infeftment under his greit seill gave and confirmit to the said burgh of Air and to the burgessis thairin remanend all liberteis and frie consuetudis that uther burgessis duelland in uther burghis within this realme hade and that they suld have in the said burgh of Air everie Settirday ane mercat day to the burgessis thairof and inhabitantis dwelland and remanand within the samyn And als gave and dispoit to the said burgh burgessis and inhabitantis thairof all and hail the fyve penny land quhilk pertent to the toun of Air and divers utheris landis lyand and boundit as is contenit in the said chartour as the samin of the dait the nynt day of Maij and of his majesteis regune the nynt yeir in the self at mair lenth testifeis Quhilkis twa chartouris and infeftmentis respective be ressoun of the antiquitie thairof and intervall of the tyme ar now becum mutit dym auld and difficill to be red and understand As alsua the seillis thairof ar brokin and likewyis the register of the samyn now eftir sa lang tyme ar nocht extant Quhairfore necesser it is the saidis twa chartouris to be transumit befor the lordis of Counsall to the effect the samin may remane in register and be extant at all tymes And anent the charge gevin to the

foirsaid haill speciall persones defenderis and all vtheris haiffand or pretend- and to have entres in the said mater to have compeirit befor the saidis lordis at ane certane day bygane to have herd and sene the saidis twa chartouris and infeftmentis respective copyit and transsumit in autentik and dew forme befor the saidis lordis to the effect the samin may remane in register and be extant at all tymes in maner underwrittin or ellis to have allegit ane ressonabill caus quhy the samin suld not have bene done as at mair lenth is contenit in the saidis lettres The saidis proveist bailleis counsall and communitie of the said burgh of Air compeirand be Johnne Halieday thair procuratour And the said Mr. Johnne Skene advocate to our soverane lord for himself and the said Mr. David McGill his college being personalie present quha lykewyis compeirit as procuratour for the saidis comptrollar and thesaurar and all utheris haiffand or pretendand to have entres in this said mater being lauchfullie summond to this actioun oft tymes callit and nocht compeirit the foirsaidis pairteis compeirand richtis ressones allegationes herd sene and understand and the saidis lordis thairwith being rypelie avysit the Lordis of Counsall hes transsumit and transsumis the saidis twa chartouris and infeftmentis in autentik and dew forme to the effect the samin may remane in register and be extant at all tymes ad futuram rei memoriam And decernis and ordanis the extract and transsumpt thair of subserivit be the clerk of register to be deliverit to the saidis perseweris upone thair ressonabill expenssis to be bruikit joysit and usit be thame as thair awin proper evidentis at thair plesour in tymes cuming And als decernis and declairis the samin transsumptis to mak als greit faith in judgement and outwith jugement as the principallis in all tyme cuming Off the quhilkis chartouris and infeftmentis the tennouris followis Alexander Dei gracia rex Scottorum (etc., *vide* Nos. 5 and 3, *supra*). Becaus the saidis defenderis and all utheris haiffand or pretendand to have entres in the said mater wer all lauffullie summond to have compeirit befor the saidis lordis at ane certane day bygane to have herd and sene the foirsaidis twa chartouris and infeftmentis autentiklie transsumit in maner foirsaid and decernit to have faith in maner abone mentionat Or ellis to have allegit ane ressonable caus quhy the samyn suld not have bene done with certification to thame and they failyeit thairin the saidis lordis walde transsum and decerne in maner foirsaid And they beand lauffullie summond to that effect and compeirand be the said Mr. Johnne Skene thair procuratour schew na ressonable caus in the contrair likeas wes cleirlye understand to the

saidis lordis And thaireftir the saidis lordis haiffing sichtit sene and considerit the foirsaidis twa chartouris to be sufficient in the self without ony kynde of suspitioun and haiffing the said King Alexanderis greit seillis appendit thairto quha wes the gevar and grantar of the saidis twa chartouris The saidis lordis of counsall fand the samyn twa chartouris sa famous and ancient that they decernit the samyn to be transsumit in maner foirsaid and ordanit lettres to be direct heirupone gif neid beis in forme as effeiris.

Extractum de libro actorum per me Alexandrum Hay de Eister Kennet clericum rotulorum registri ac consilii supremi domini nostri regis sub meis signo et subscriptione manualibus.

(Signed) ALEXANDER HAY.

8. *Charter by King Alexander the Second in favour of the Burgh of Ayr, of the Fishings of Ayr and Doon.*—[7th December 1236.]

ALEXANDER Dei gracia rex Scottorum omnibus probis hominibus tocius terre sue salutem Sciatis nos dedisse et concessisse et hac carta nostra confirmasse burgensibus nostris de Air ad sustentationem pontis et ad emendationem portus de Air et ad alia communia negotia ville de Air sustinendum omnes piscarias nostras de Air et Dun quas habuimus tempore hujus collationis apud Air Tenendas et habendas burgensibus de Air de nobis et heredibus nostris imperpetuum ita libere quiete plenarie honorifice sicut aliquae piscarie ab aliquibus burgensibus in regno Scotie plenius et liberius tenentur et possidentur Testibus W. Oliphard justiciario Laudonie W. Cumine camerario de Menteith Rogero filio Glennay Roberto Cumine Davide de Lindsay Apud Roxburgh septimo die Decembris anno regni domini regis vicesimo secundo.

TRANSLATION.

Alexander, by the grace of God King of Scots, to all good men of his whole land, greeting: Wit ye us to have given and granted, and by this our charter to have confirmed, to our burgesses of Ayr, for sustaining the bridge and improving the harbour of Ayr, and for promoting other common affairs of the toun of Ayr, all our fishings of Ayr and Doon which we had at the time of this grant at Ayr. To be held and possessed by the burgesses of Ayr, of us and our heirs for ever, as freely, quietly, fully, and honourably

as any fishings are held and possessed by any burgesses in the kingdom of Scotland. Witnesses, W. Olifard, justiciar of Lothian, W. Cumine, chamberlain of Menteith, Roger son of Glenmay, Robert Cumine, David of Lindsay. At Roxburgh, 7th December, twenty-second year of the king's reign.

9. *Notarial Transumpt of Charter granted by King Alexander the Second to the Burgh of Ayr of the Fishing of the Waters of Ayr and Doon.*—
[10th March 1454.]

IX Dei nomine amen Per hoc presens publicum instrumentum seu transumptum cunctis pateat evidenter quod anno incarnationis dominice millesimo cccc^o quinquagesimo quarto mensis vero Marcii die decimo indictione tercia pontificatus sanctissimi in Christo patris ac domini nostri domini Nicholai pape quinti anno octavo in mei notarii publici et testium subscriptorum presencia personaliter constituti honorabiles ac providi viri Johannes Petyt aldermannus burgi de Are Thomas Chepman et Jacobus Brown ballivi simul pars maxima meliorum atque digniorum burgensium eiusdem quandam cartam in pergamine scriptam excellentissimi principis Alexandri Dei gracia quondam Scotorum regis factam communitati tocius antedicti burgi de piscaria aquarum de Are et de Done per prefatum regem Alexandrum ac sigillo ipsius magno in alba cera pendente sigillatam sanam et integram non cancellatam non abolitam non rasam nec in aliqua ipsius parte suspectam sed ut michi notario publico prima facie hanc cartam aperuit intuenti omni prorsus vicio et suspectione carentem michi notario publico infrascripto tradiderunt perlegendam copiandam seu transsumendam et in hanc publicam formam redigendam Cuiusquidem carte tenor de verbo in verbum in latinis sequitur et est talis Alexander dei gracia rex Scotorum (etc., as in No. 8, *supra*). Post cuius vero carte lecturam pecierunt dicti aldermannus et ballivi nomine et ex parte tocius communitatis burgi supradicti sibi fieri presens publicum instrumentum seu transumptum de predicta carta per me notarium publicum infrascriptum Acta sunt hec in burgo de Are hora quasi decima ante meridiem sub anno mense die indictione et pontificatu quibus supra presentibus ibidem providis viris et discretis dominis Eduino More Thoma Kenneyde et Jacobo Wode capellanis Alexandro More Jacobo More de Sanqwhar Georgio Cambell Johanne Dalrympl Constantino Dunlop Alano Cunyngnam Johanne Multerer de Crag Alexandro

Otterburn Thoma Wilyamsone Willelmo More Willelmo Brysbane et Willelmo Chere burgensibus dicti burgi cum multis aliis testibus ad premissa vocatis specialiter et rogatus.

Et ego vero Robertus Kerd presbiter Glasguensis dyocesis (etc., in communi forma).

ABSTRACT.

Notarial Instrument, made at the request of the honourable and prudent men, John Petyt, alderman of Ayr, Thomas Chepman and James Brown bailies, together with the greater part of the best and worthiest of the burghesses of Ayr, transuming a charter written on parchment, granted by the most excellent prince Alexander, sometime King of Scots, under his Great Seal, in white wax, to the community of the burgh of Ayr, of the fishings of the waters of Ayr and Doon : the said charter having been examined by Robert Kerd, notary public, and found to be sound and whole, and free from all suspicion, was copied by him in form of public instrument. Done in the burgh of Ayr about ten o'clock before noon of the 10th of March 1454.

10. *Decreet of Transumpt of Charter by King Alexander the Second to the Burgh of Ayr of the Fishings of Ayr and Doon.*—[30th July 1540.]

AT Edinburgh the penult day of Julij the zeir of God j^m v^e and fourty yeris in presens of the lordis of counsale underwritin thai ar to say venerabil faderis in God Alexander abbot of Cambuskynmeth Robert abbot of Kinlos maister Johne Sinclar dene of Restalrig maister Robert Galbraith persoun of Spott maister William Lamb persoun of Conveth maister Johnne Lethame persoun of Kirkerist maister James Fowlis of Colintoun clerk of Register maister Thomas Ballenden of Auchnoule justice clerk and maister Henry Lawder advocat to our soverane lord comperit Alexander Lokart burges of Air and producit ane charter maid be King Alexander of gud mynd quhome God assolze to the burgessis and commuinite thairof gevand to thame his fischingis of the watteris of Air and Done for sustentatioun [of the bri]ggis and portis thairof and uther commoun werkis of the samyn And becaus the said charter be lang proces and evill keping wes sumpart auld and failyeit and nicht nocht be esalie turst usit nor occupijt be thame in

sielik besynes as thai had ado thairwith desyrand thairfor the saidis lordis to gif command to the clerkis and scribes of court to make ane edict and putt the samyn upoun the tolboith dure for transsuming of the said charter as use is The quhilk desyre the saidis lordis thocht reasonabill and ordanit ane edict to be maid to the effect forsaid as at mair lenth is contenit in ane supplicatioun and deliverance gevin be the saidis lordis thairupoun For the quhilkis the xij day of Junij last bipast with continewatioun of dais wes be the saidis lordis assignit for transsuming of the said charter and ordanit all parteis haifand or pretendand to haif entres to the said mater to compeir the said day with continewatioun of dais in the tolboith of Edinburgh to heir and se the said charter transsumit actentiklie or ellis to allege ane reasonabill caus quhy the samyn suld nocht be done with certificatioun to thame and thai comperit nocht the saidis lordis wald transsume the said charter and deliver the copy thairof to the provest baillies and communitie of the said burgh and decerne the samyn to be of als greit strenth force vigour faith and effect as the said principale charter in jugement or utwith as in ane edict put upoun the said tolboith dure is at mair lenth contenit At the quhilk day the personis abone writtin with thair foirspekar forsaid comperit and producit the said edict of the dait at Edinburgh the first day of Maij the yeir of God ane thousand five hundreth and fourty yeris quhilk had remanit upoun the said tolboith dure quhill the said xij day of Junij last bipast togidder with the said charter Quhairfor the lordis ordanit ane maissour to pas to the tolboith dur and wyndo of the samyn to call all parteis haifand or pretendand to haif entres in the said mater to compeir and heir and se the said charter transsumit or ellis to allege ane reasonabill caus quhy the samyn suld nocht be done with certificatioun to thame as is abone writtin And becaus nane comperit to say in the contrair the saidis lordis being avisit with the said charter seing the samyn hail uncancelat rasit or ony uthir wais suspect outhir in writting or in seill hes transsumit and transsumis the said charter and ordanis the samyn to be registrat in the bukis of counsale and to haif the strenth of thair act and decret and decernis the actentik copy thairof to be drawin furth of the saidis bukis subscrivit with the clerk of registris hand or his deputis to be deliverit to the personis forsaidis upoun thair expenss and the samyn to be of als greit faith strenth vigour and effect as the said principall charter for the caussis forsaidis Off the quhilk the temour followis:—Alexander Dei gracia rex Scottorum (etc., as in No. 8, *supra*).

Extractum de libro actorum per me Magistrum Thomam Marioribankis de Ratho, clericum rotulorum registri ac consilii supreme domine nostre regine sub meis signo et subscriptione manualibus.

(Signed) THOMAS MARIORIBANKIS.

ABSTRACT.

Decreet of the Lords of Council for transuming Charter by Alexander the Second, King of Scots, in favour of the burgh of Ayr, of all the royal fishings in the waters of Ayr and Doon, to be held of the crown for the sustentation of the Bridge and the repair of the Port of Ayr, and other common works of the burgh, dated at Roxburgh 7th December, 22d year of reign. The decret is dated 30th July 1540.

11. *Charter by King Alexander the Third granting to the Burgh of Ayr a Yearly Market, etc.*—[12th December 1261.]

ALEXANDER Dei gracia rex Scotorum omnibus probis hominibus tocius terre sue salutem Sciant presentes et futuri nos concessisse et hac carta nostra confirmasse burgensibus nostris de Are ut ipsi ad melioracionem burgi nostri de Are habeant quolibet anno apud Are nundinas ad festum nativitatissancti Johannis Baptiste durantes per quindecim dies sequentes Tenendas et habendas eisdem burgensibus cum omnibus libertatibus et consuetudinibus nundinarum adeo libere et quiete sicut alii burgenses regni nostri in aliis burgis nostris libertates et consuetudines nundinarum liberius et quiecius habent et possident Volumus eciam et concedimus eisdem burgensibus ut ipsi liberi sint ab omnimodis capcionibus et prisis per quecunque tam extra villam de Are quam infra capiendis exceptis nostris propriis capcionibus et prisis et Regine sponse nostre Et firmiter prohibemus ne quis eos contra hanc concessionem nostram injuste vexare presumat super nostram plenariam forisfacturam decem librarum Testibus Alexandro Cummyne comite de Buchane¹ justiciario Seocie Patricio comite de Dunbar Eymero de Maccuswell² camerario Hugone de Abbirnythyn et Waltero senescallo. Apud Trauequere duodecimo die Decembris anno regni nostri duodecimo.

¹ He was Justiciary of Scotland 1251-1289. Chalmers's *Caledonia*, i. p. 565.

² See Douglas's *Peerage* by Wood, vol. ii. p. 312.

TRANSLATION.

Alexander, by the grace of God King of Scots, to all good men of his whole land, greeting: Let those present and to come know that we have granted, and by this our charter have confirmed, to our burgesses of Ayr, that for the benefit of our said Burgh they do hold markets at Ayr each year at the feast of the nativity of Saint John the Baptist, lasting for fifteen following days: to be held and possessed by the said burgesses, with all liberties and customs of markets, as freely and quietly as other burgesses of our kingdom in our other burghs hold and possess freedoms and customs of markets: We also will and grant to the same burgesses that they be free from all manner of captions and apprisings, taken by whomsoever, as well without as within the town of Ayr, except our own proper captions and those of the Queen our spouse: And we straitly prohibit that no one presume to vex them unjustly, contrary to this our grant, upon pain of our full forfeiture of ten pounds. Witnesses, Alexander Cumyne, Earl of Buchan, justiciar of Scotland, Patrick, Earl of Dunbar, Eymmer of Maccuswell, chamberlain, Hugh of Abbernythyn, and Walter the Steward. At Traquair, the 12th day of December, in the twelfth year of our reign.

12. *Notarial Transumpt of Mandate by King Robert the Bruce concerning certain privileges granted to the Royal Burghs.*—[24th February 1415–16.]

IN Dei nomine amen Per hoc presens publicum instrumentum eunctis pateat manifeste quod anno a nativitate eiusdem millesimo quadringentesimo quinto decimo indiccione nona mensis Februarii die vicesima quarta pontificatus sanctissimi in Christo patris ac domini nostri domini Benedicti divina providencia pape tercii decimi anno vicesimo tercio in mei notarii publici et testium subscriptorum presencia personaliter constitutus probus vir Nicholaus de Fynwyk prepositus burgi de Are quamdam cartam bone memorie quondam Roberti Dei gracia regis Scottorum illustris sigillo suo sigillatam cum circumferencia et armis suis non rasam non abolitam nec in aliqua parte viciatam michi publice monstravit et cum debita instancia per me notarium infrascriptum nomine et ex parte burgensium et communitatis

burgi de Are perlegi requisivit cuiusquidem carte tenor sequitur et est talis Robertus Dei gracia rex Scottorum justiciariis vicecomitibus prepositis et eorum ballivis ac ceteris ministris et fidelibus suis quibuscunque ad quos presentes littere pervenerint salutem Quia in ultimo parlamento nostro tento apud Inchethor per nos et consilium nostrum extitit ordinatum quod burgi nostri seu quicunque burgenses nostri de regno nostro non tractentur per aliquem seu aliquos nisi per camerarium nostrum et ministros suos ad hoc deputatos et quod ad exercitum nostrum venire seu ad aliquos talliagia vel contribuciones aliquas faciendas per alium seu alios quam dictum cameraarium et ministros suos ut dictum est non cogantur Vobis mandamus et precipimus quatenus vos de dictis burgis aut burgensibus nostris contra hanc ordinacionem nostram nullatenus intromittatis In cuius rei testimonium has literas nostras sibi fieri fecimus patentes Datum apud Dunde duodecimo die Aprilis anno regni nostri septimo Quam vero cartam sic monstratam et perlectam predictus Nicholaus a me notario sub signo publico peciit copiari sumptibus suis et expensis Acta fuerunt hec in vico communi burgi de Are anno indicione mense die et pontificatu premissis presentibus tunc ibidem reverendis et discretis viris magistro Duncano Petyt prebendario ecclesie de Are Rogero de Laweder vicario eiusdem et decano de Kyle Roberto Adysoun vicario de Colmanell Michaele Multrer Henrico Stephani capellaniis Hugone Sellatore ac Patricio Ahayre ballivis dicti burgi Adam de Bowr Patricio Dougall Johanne Chery Gilberto Askyrk Johanne Fabro Johanne Broune Waltero de Blencanhop burgensibus de Are et multis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Willelmus Nigelli clericus Glasguensis dyocesis etc.

ABSTRACT.

Notarial Transumpt, made at the instance and expense of a prudent man, Nicholas of Fenwick, provost of the burgh of Ayr, of a mandate by King Robert the Bruce for the observance of an ordinance passed in his parliament held at Inchtore, exempting the royal burghs and burgesses thereof from being compelled to come to the army, or to make any contributions, except by the authority of the lord chamberlain or his ministers. The mandate is dated at Dundee, 12th April, seventh year of the King's reign (1313); and the Transumpt was made on the common street of Ayr on the 24th of February 1415-16.

13. *Charter by King Robert the Bruce to Adam called Hakenay of all that belonged to Henry called Cyser, Burgess of Ayr.*—[23d March 1316-17.]

ROBERTUS Dei gracia rex Scottorum omnibus probis hominibus tocius terre sue salutem Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse Ade dicto Hakenay omnes terras redditus et burgagia que fuerunt Henrici dicti Cyser burgensis de Are tam infra dictum burgum de Are quam extra cum pertinenciis Tenendas et habendas predicto Ade et heredibus suis de nobis et heredibus nostris in feodo et hereditate libere quiete plenarie et honorifice cum omnibus libertatibus commoditatibus asiamentis et justis pertinenciis suis Reddendo inde nobis et heredibus nostris dictus Adam et heredes sui firmam burgi et faciendo alia servicia inde debita et consueta In cujus rei testimonium presenti carte nostra sigillum nostrum precipimus apponi Testibus Bernardo abbate de Aberbrothoc cancellario nostro Gilberto de Haia Hugone de Erth David de Berclay et Alexandro de S¹ m militibus Apud Strathurd xxiiij^o die Marcii anno regni nostri decimo.

ABSTRACT.

Charter by Robert King of Scots, granting to Adam called Hakenay all lands, rents, and burgages, which belonged to Henry called Cyser, burgess of Ayr, as well within as without the said burgh of Ayr, with the pertinents; to hold of the King and his heirs, the said Adam and his heirs rendering therefor the ferme of the burgh, and doing other services due and wont. At Strathurd, 23d March, tenth year of reign (1316-17).

14. *Charter by King Robert the Bruce to the Burgh of Ayr, of the lands of Alloway, Corton, and Carcluic.*—[20th January 1324-5.]

ROBERTUS Dei gracia rex Scottorum omnibus probis hominibus tocius terre sue clericis et laicis salutem Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse burgensibus burgi nostri de Are quinque denariatas terre nostri de Auleway Cortoun et Gortloy Tenendas et habendas eisdem burgensibus et eorum successoribus de nobis et heredibus nostris in feodo

¹ Original torn.

et hereditate per omnes rectas metas et divisas suas libere quiete plenarie et honorifice in unam liberam baroniam cum omnimodis libertatibus comoditatibus aisiamentis et iustis pertinenciis in omnibus et per omnia ad liberam baroniam spectantibus seu de iure spectare valentibus in futurum quoquo modo et per easdem metas et divisas per quas burgenses de Are predictas terras cum pertinenciis tenere solebant tempore bone memorie domini Alexandri Dei gracia regis Scottorum illustris predecessoris nostri ultimo defuncti Reddendo inde nobis et heredibus nostris dicti burgenses et eorum successores decem libras argenti per annum videlicet centum solidos ad festum Pentecostes et centum solidos ad festum Sancti Martini in hyeme Et faciendo sectam curie coram vicecomite nostro de Are qui pro tempore fuerit ad singula placita tenenda ibidem debitam et consuetam Et inveniando nobis et heredibus nostris per vices in adventibus nostris et heredum nostrorum apud Are per tres dies et noctes literium pro aula nostra et camera et focale pro aula nostra camera et coquina sumptibus suis pro omni alio servicio consuetudine seculari exaccione seu demanda Concessimus eciam eisdem burgensibus et eorum successoribus quod homines sui predictas terras inhabitantes liberi sint et quieti inperpetuum de omnimodis prisis talliagiis cariagiis et contribucionibus quibuscunque et quod non solvant nisi cum predictis burgensibus quando ipsi vel eorum successores per nos vel heredes nostros cum aliis burgensibus regni nostri ad huiusmodi prisas talliagia carriagia et contribuciones fuerint onerati Et quod non transeant ad aliquem exercitum nostrum vel heredum nostrorum nisi cum dicti burgenses cum aliis burgensibus regni nostri ad exercitum transaturi per nos vel heredes nostros fuerint summoniti Preterea concedimus et hac presenti carta nostra confirmamus dominicis burgensibus nostris predicti burgi de Are quod ipsi et eorum successores habeant teneant et possideant gildam suam mercatoriam cum omnimodis libertatibus comoditatibus et articulis ad gildam de iure pertinentibus adeo libere et quiete plenarie et honeste sicut aliqui burgenses infra regnum nostrum gildam suam liberius plenius aut honestius habent tenent seu possident In cuius rei testimonium presenti carte nostre sigillum nostrum fecimus apponi Testibus Bernardo abbate de Aberbrothoc cancellario nostro Duncano comite de Fyfe Patricio de Dunbar comite Marchie Waltero senescallo Scocie Jacobo domino de Duglas et Gilberto de Haia constabulario nostro militibus apud Dunfermelyn vicesimo die Januarii anno regni nostri octavo decimo.

ABSTRACT.

Charter granted by King Robert the Bruce, under the Great Seal, in favour of the burgesses of Ayr, of five pennyworth of the King's land of Alloway, Corton, and Carluic. To hold to them and their successors, of the King and his heirs, in fee and heritage, in one free barony, and by the same boundaries as the burgesses of Ayr were wont to hold the aforesaid lands in the time of Alexander, King of Scots, of good memory, the King's illustrious predecessor last deceased. Paying therefor to the King and his heirs ten pounds of silver yearly: that is to say, one hundred shillings at the feast of Pentecost, and another hundred shillings at the feast of St. Martin in winter; and performing one suit of court before the Sheriff of Ayr at every plea to be heard there; and finding to the King and his heirs, on their coming to Ayr, for three days and nights, litter for the King's hall and chamber, and fuel for his hall, chamber, and kitchen, in place of all other service, custom, secular exaction, or demand. Granting also to the said burgesses and their successors that their men inhabiting the aforesaid lands shall be free from all sorts of impressments, imposts, carriage service, and contributions whatsoever, unless when charged therewith by the King and his heirs along with the other burgesses of the kingdom. And that they shall not be called to serve with the army, except when summoned thereto, with other burgesses, by the King. And further, granting and confirming to the master burgesses of the said burgh the right of possessing their merchant guildry with all manner of freedoms which by law belong thereto. Dated at Dunfermline 20th January, the eighteenth year of the King's reign (1324-25).

15. *Notarial Transumpt of Charter by King Robert the Bruce to the Burgh of Ayr of the lands of Alloway, Corton, and Carluic.*—[24th February 1415-16.]

IN DEI NOMINE AMEN Per presens publicum instrumentum cunctis pateat evidenter quod anno a nativitate eiusdem millesimo quadringentesimo quinto decimo indicione nona mensis Februarii die vicesima quarta pontificatus sanctissimi in Christo patris ac domini nostri domini Benedicti divina providencia pape tercii decimi anno vicesimo tercio in mei notarii publici

et testium subscriptorum presentia personaliter constitutus probus vir Nicholaus de Fynwyk prepositus burgi de Are quamdam cartam bone memorie quondam Roberti Dei gracia regis Scottorum illustris sub magno sigillo suo sigillatam cum circumferencia et armis suis non rasam non abolitam nec in aliqua parte viciatam michi publice demonstravit et cum debita instancia per me notarium infrascriptum nomine et ex parte burgensium et communitatis burgi de Are perlegi requisivit cuiusquidem carte tenor sequitur et est talis Robertus Dei gracia rex Scottorum (*etc. vide* No. 14, *supra*). Quam vero cartam sic monstratam et perlectam predictus Nicholaus a me notario sub signo publico peccit copiarum sumptibus suis et expensis Acta fuerunt hec in communi vico burgi de Are anno indicione mense die et pontificatu premissis presentibus ibidem discretis viris magistro Duncano Petyt prebendario ecclesie de Are Rogero de Laweder vicario ecclesie de Are Roberto Adysoun vicario de Colmanell Michaele Multrer Heurico Stephani capellanis Adam de Bowr Patricio Dougall Johanne Chery Gilberto Askekyrk Patricio Ahayr Hugone Sellatore ballivis dicti burgi Johanne Fabro Willelmo de Blécanhop burgensibus de Are et multis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Willelmus Nigelli *etc.*

ABSTRACT.

Notarial Transumpt, at the instance and expense of Nicholas of Fenwick, provost of Ayr, of Charter by King Robert the Bruce, in favour of the burgh of Ayr, of five pennyworth of the King's laud of Alloway, Corton, and Carluie, as in No. 14, *supra*. Dated 20th January (1324-5), and transumed on the common street of Ayr 24th February 1415-16.

16. *Protection by King David the Second to the Burgesses of Ayr.—* [28th March 1330.]

DAVID Dei gracia rex Scottorum omnibus probis hominibus tocius terre sue salutem Sciatis nos burgenses burgi nostri de Are terras suas homines suos et universas eorundem possessiones ac omnia bona sua mobilia et immobilia sub firma paca et proteccione nostra iuste suscepisse Quare firmiter prohibemus ne quis eis malum molestiam iniuriam seu gravamen aliquod

inferre presumat iniuste super nostram plenariam forisfacturam Concessimus eciam eisdem ut nullus namos suos aut hominum suorum capiat pro aliquibus debito plegiagio vel forisfacto nisi pro eorundem proprio debito plegiagio vel forisfacto salvis burgis nostris firmiter inhibentes ne quis contra hanc concessionem nostram ipsos vexare presumat iniuste super eandem nostram plenariam forisfacturam Mandamus insuper et firmiter precipimus justiciariis vicecomitibus prepositis et eorum ballivis ad quos presentes litere pervenerint ut omnes illos in eorum balliis seu burgis qui debita debent prefatis burgensibus ad eadem debita eis vel eorum certo attornato latori presencium iuste et sine dilacione reddenda secundum quoad ijdem burgenses vel dietus eorum attornatus dicta debita sibi deberi ab eisdem racionaliter probare poterunt vel poterit coram eis prout iustum fuerit compellant ita quod pro eorundem defectu amplius inde iustam querimoniam non audiamus In cuius rei testimonium has literas nostras perpetuo duraturas sibi fieri fecimus patentes apud Perth vicesimo octavo die Marci anno regni nostri primo.

ABSTRACT.

Grant by David the Second, King of Scots, in favour of the burgesses of Ayr, of his firm protection and peace to them, their men, and all their possessions and goods, movable and immovable, forbidding any one to injure them upon the pain of plenary forfeiture: Granting also that neither they nor their men shall be distrained for any debt, pledge, or forfeit, but for their own; saving the King's burgh dues: Commanding therefore justiciars, sheriffs, provosts, and their bailies, that all in their jurisdictions who owe debts to the foresaid burgesses be compelled to pay the same to them or their attorney without delay, according as the said burgesses shall be able to prove such debts to be owing by the said persons. Dated at Perth 28th March 1330.

17. *Charter by King Robert the Third to the Burgesses of Ayr of the Burgh, Harbour, Fishings, and Mills of Ayr.*—[12th September 1400.]

ROBERTUS Dei gracia Rex Scotorum omnibus probis hominibus totius terre sue clericis et laicis salutem Sciatis nos dedisse concessisse et hac presenti carta nostra ad feodifirmam dimisisse ac pro nobis et heredibus nostris

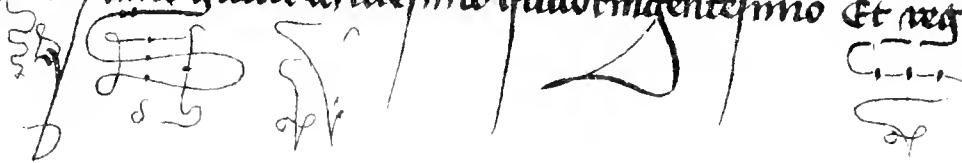
imperpetuum confirmasse dilectis et fidelibus nostris burgensibus ac communitati burgi nostri de Are et eorum successoribus ipsum burgum de Are inhabitantibus burgum nostrum predictum cum omnibus et singulis terris pertinentibus dicto burgo et burgensibus supradictis una cum portu burgi supradicti et piscariis eiusdem firmis burgi parvis eustomis ac tolloneis molendinis multuris et eorum sequelis cum curiis et curiarum exitibus ac ceteris pertinentiis quibuscunque baronia de Alway tantum excepta ut in carta super hoc dictis burgensibus de predecessoribus nostris confecta plenius continetur Tenendum et habendum eisdem burgensibus et communitati ac eorum successoribus de nobis et heredibus nostris in feodo et hereditate imperpetuum per omnes rectas metas suas antiquas et divisas cum omnibus et singulis libertatibus commoditatibus et aysiamendis ac iustis pertinenciis quibuscunque ad dictum burgum spectantibus seu iuste spectare valentibus quomodolibet in futurum adeo libere quiete plenarie integre honorifice bene et in pace in omnibus et per omnia sicut aliqui burgenses regni nostri burgum suum in feodo et hereditate liberius quietius integrius et honorificentius tenent vel possident Reddendo inde et solvendo annuatim nobis et heredibus nostris predicti burgenses et communitas ac eorum successores apud Are decem libras usualis monete regni nostri ad duos anni terminos videlicet ad festa penthecostes et Sancti Martini in hieme per portiones equales tantum pro omni alio servicio seculari exactione seu demanda que per nos vel heredes nostros de dicto burgo cum pertinenciis prescriptis exigi poterunt vel requiri salvo tamen et excepto servicio nostro debito et consueto In cuius rei testimonium presenti carte nostre nostrum precepimus apponi sigillum Testibus venerabilibus in Christo patribus Waltero episcopo Sanctiandree Gilberto episcopo Aberdonensi cancellario nostro carissimo primo genito nostro David duce Rothsaye comite de Carrik et Atholie senescallo Scotie Roberto duce Albanie comite de Fiff et de Menteth fratre nostro germano Archibaldo comite de Douglas domino Galwidie Jacobo de Douglas domino de Dalketh et Thoma de Erskyn militibus consanguineis nostris dilectis Apud Irwyne duodecimo die mensis Septembris anno gracie millesimo quadringentesimo et regni nostri undecimo.

ABSTRACT.

Charter by King Robert the Third, granting to the burgesses and community of Ayr, and their successors, the said burgh, with all and sundry

Robertus dei gratia rex Scotoꝝ. **O**mnibus probis hominibus totius terre sue. Nos
nostri ad feodum firmam dimisisse ac pro nobis et heredibus nostris in perpetuum
burgi nostri de Iux et eorum successoribus ipsum burgum de Iux inhabitantibus
natis dicto burgo et burgensibus supradictis una cum portu burgi supradicti
molendinis muluris et eorum sequelis cum curis et curiarum exitibus
carta super hoc dictis burgensibus de predecessoribus nostris confecta plenarie
ac eorum successoribus de nobis et heredibus nostris in feodo et hereditate
in omnibus et singulis libertatibus commoditatibus et assisamentis ac iustis pre
re habentibus quomodo libet in futurum adeo libere quiete plenarie integre
genes regni nostri burgum suum in feodo et hereditate liberius quietum
uenio annuatim nobis et heredibus nostris predicti burgenses et communitas
regni nostri ad duos anni terminos videlicet ad festa Penthecostes et
circumseculari exactione seu demanda que per nos uel heredes nostros debetur
saluo tamen et excepto seruicio nostro debito et consueto. In cuius rei
testimonium. Testibus venerabilibus in xpo patribus Waltero episcopo Sancti
geminio nostro Dauid duce Rothfayre comite de Carrila et Nicholie senescalli
germano. Archibaldo comite de Douglas domino Galvidie. Jacobo
singulare nostro dilectis. Apud Perthone Duodecimo die mensis Septem
vndecimo.

as et laicos Salu
Datus nos dedisse concessisse et hac presenti carta
confirmasse dilectis et fidelibus nostris Burgenfibus ac communitati
burgum nostrum predictum cum omnibus et singulis terris perti
diti et piscarijs eiusdem firmis burgi paruis customis ac tolloneis
et ceteris pertinentijs quibuscunq. **Baronia de Alday** tñ excepta ut i
us continetur. Tenend et habend eisdem Burgenfibus et communitati
perpetuum per omnes rectas metas suas antiquas et diuisas cum om
ninentijs quibuscunq. ad dictum burgum spectantibus seu iuste specta
honorifice bene et in pace In omnibus et per omnia fiat aliqui bur
integrius et honorificentius tenent uel possident. **Redondo** inde et sol
as ac eorum successores apud **Arc.** Decem libras vsualis monete re
cti **Martini** in hieme per portiones equales tñ pro omn' alio serui
dicto burgo cum pertinentijs prescriptis exigi poterunt uel requeri
timonium presenti carte nostre nostrum precepimus apponi sigil
dree. **Silberto** episcopo **Abredonē** cancellario nro. Carissimo primo
ro **scocie.** **Roberto** duce **Illume** comite de **fliff** et de **genteth** fratre nro
e **Douglas** domino de **alketh** et **Thoma** de **esflin** militibz con
embis Anno gratie millesimo quadringentesimo Et regni nri



lands thereto belonging, and to the burgesses aforesaid, together with the harbour of the burgh and fishings thereof, fermes of the burgh, petty customs, and tolls, mills, multures, and their sequels, with courts and exits of court, and other pertinents whatsoever, excepting only the Barony of Alloway; as in the charter granted thereof by the king's predecessors: To hold in fee and heritage for ever, of the king and his heirs, for the yearly payment at Ayr of ten pounds usual money of the kingdom, at the terms of Whitsunday and Martinmas, by equal portions, for all secular service; saving the king's service due and wont. Dated and sealed at Irvine 12th September 1400: the witnesses being Walter Bishop of St. Andrews, Gilbert Bishop of Aberdeen, chancellor, the king's firstborn David duke of Rothesay, earl of Carrick and Athole, Steward of Scotland, Robert duke of Albany, earl of Fife and Menteith, the king's brother-german, Archibald earl of Douglas lord of Galloway, James of Douglas lord of Dalkeith, and Thomas of Erskyn, knights.

18. *Confirmation by King James the Second of Decree regarding Claim of the Burgh of Irvine for certain Privileges in the Burgh of Ayr.—*
 [27th May 1450.]

JACOBUS Dei gracia rex Scotorum omnibus probis hominibus suis ad quos presentes litere pervenerint salutem Sciatis nos quasdam literas nostras alias in nostra tenera etate factas et concessas de et super quodam decreto alias dato in nostro concilio generali apud Striveline tento pro burgensibus et communitate burgi nostri de Are intellexisse sub hac forma Jacobus Dei gracia rex Scotorum omnibus probis hominibus suis ad quos presentes litere pervenerint salutem Sciatis quod comparentibus in concilio nostro generali tento apud Striveline Hugone Clere et Alexandro de Houstoune burgi nostri de Irwine commissariis ex una ac Johanne Multrare et Andrea Farchare burgi nostri de Are commissariis ex altera partibus et super dictorum burgorum libertatibus et nonnullorum bonorum arrestacionibus per ministros dicti burgi de Are arrestatorum coram tribus regni nostri statibus inibi congregatis altercantibus et aliquamdiu litigantibus tandem prefati burgorum de Are et de Irwine commissarii ex ordinacione trium statuum et ipsorum mutuo consensu super eorum alteracionibus et questionibus ac punctis gilde burgi de Are omnes et singulos aliorum burgorum

nostrorum commissarios in iudices elegerunt ac se et burgos predictos de Are et de Irwine ad standum ordinacioni determinacioni conclusioni et decreto dictorum commissariorum fideliter et absque fraude hinc inde sponte et voluntarie submiserunt Qui siquidem burgorum commissarii in causis per prefatos burgorum de Irwine et de Are commissarios coram eis propositis auditis parcium predictarum rationibus dictarumque causarum meritis cognitis examinatis et attentis et ad plenum discussis pro cedenda inter partes predictas discordia ac quiete et pace inter eas reformanda et nutrienda avisarunt determinaverunt concluserunt et finaliter in modum qui sequitur decreverunt Cuius decreti tenor de verbo ad verbum sequitur et est talis : The sewynt day of the moneth of Februare the yere of oure Lorde a thousand foure hundreth fourty and three in the generale counsell than haldin at Striveline before the commissaris of the burghis that is to say of Edinburgh Johne of Dalrympill of Perth Johne of Hadingtoun of Striveline John Darraugh ande Johne Richardson Paton Lokart and Malcolme Clereson of Lanark Straty of Mediltoun of Muntros Henry Robertsons of Dundee Wil of Farle of Coupir John of Benyn and Thomas of Meldrum of Inverkeithing Andro Nicolson of Aberdene ande als of Edinburgh forsaide ande Perth Williame of Libertoun ande Robert Mersare comperit the commissaris of Are ande Irwin that is to say of Are John Multrare alderman and Andro Ferchare ande of Irwyn Huchoun Clerc ande Alexander of Houstoun ostendande certane articlis and clamys debatabil of thaire fredomys schawand commissioun on athir party oblisand thame to hald ferme ande stabill perpetuale tymis to cum quhat the saide commissaris of the lafe of the burghis thare present sal decree in that mater In the first as to the clame put furth be the saide commissaris of Irwine clamand fredome in the toun of Are upoun the merkate day to stand in the merkate to tap bradeclaith ande narrow walx wyne and irne ter and lynt claith and al uthir smal gudis and merchandise thir forsaide commissaris thare present has concludit in this maner that is to say that the saide merchandis of Irwine na of nane uthir toune aucht to cum within the toun of Are nouthir on the merkate day na yit nane uthir day of the wolk to tap na gudis of merchandise belangand to the gild that is to say brade claith ande narrow walx wyne ter and irne lint claith na yit to by woll hidis na skinnis na yit nane uthir gudis belangand the gild sauffand anerly on the fare day ande the tyme of it continewand eftir auld privelegis The quhilke decree thir commissaris ordanis to remayne perpetuale tyme to cum to baith the partijs and thaire successours the

quhillk aet is autorisit before the hale generale conseil with hale consent and assent the time forsaide to endure: Quibusquidem conclusione et decreto per Hugonem Ker de Dene notarium publicum die septimo mensis Februarii anno Domini millesimo quodringentesimo quodragesimo tercio in concilio nostro generali predicto tento in pretorio burgi nostri de Striveline coram tribus regni nostri statibus inibi congregatis perlectis et auditis prefati tres regni nostri status ad predictorum burgi de Are commissariorum supplicationes et instancias conclusionem et decretum suprascriptum tanquam actum gestum et factum concilii generalis reputandum auctorizarunt Nosque predictorum commissariorum decretum cum tribus regni nostri statibus ratum habentes in omnibus conformiter approbamus et hoc omnibus quorum interest notum esse volumus per presentes Datum sub testimonio magni sigilli nostri apud Striveline septimo die mensis Februarii anno Domini millesimo quodringentesimo quodragesimo tercio et regni nostri septimo Quodquidem decretum suprascriptum ac omnia et singula in eo contenta nunc in nostra etate legitima approbamus ratificamus et pro nobis heredibus et successoribus nostris ut premissum est pro perpetuo confirmamus Datum sub magno sigillo nostro apud Irwyne vicesimo septimo die mensis Maij anno Domini millesimo quodringentesimo quodragesimo octavo et regni nostri vicesimo secundo.

ABSTRACT.

Confirmation by King James the Second, under the Great Seal, of a Decree delivered by the Commissioners of Burghs, in a general council held at Stirling on 7th February 1443, rejecting a claim preferred by the Commissioners of the Burgh of Irvine for freedom to sell certain articles in the market of the Burgh of Ayr; which Decree was confirmed by the king on the same day, under testimony of the Great Seal; but as he was then in his minority this new confirmation is added. Dated at Irvine, 27th May 1458.

19. *Confirmation by King James the Second of former Royal Grants to the Burgh of Ayr, and conferring the Privilege of a Yearly Public Fair on St. Michael's Day.*—[28th May 1458.]

JACOBUS Dei gracia rex Scotorum omnibus probis hominibus tocius terre sue clericis et laicis salutem Sciatis nos approbasse ratificasse et hac presenti

carta nostra confirmasse omnes et singulas infeodaciones donaciones et concessiones factas et concessas per quoscunque predecessores nostros dilectis et fidelibus nostris preposito ballivis et communitate burgi nostri de Are et eorum successoribus eiusdem burgi burgensibus de quibuscunque terris redditibus molendinis piscariis sive aliis redditibus quibuscunque dictis burgensibus temporibus retroactis ut premittitur factis et concessis Insuper pro singulari favore quem gerimus erga dictos burgenses et communitatem dedimus et concessimus ac presentis carte nostre tenore damus et concedimus eisdem burgensibus et communitati facultatem et plenariam potestatem ut habeant teneant et possideant annuatim pro perpetuo nundinas publicas in festo beati Michaelis archangeli et per quatuor dies immediate sequentes ipsum festum cum libertatibus et privilegiis ad nundinas publicas spectantibus Et volumus nichilominus quod habeant teneant et possideant eciam suas alias publicas nundinas in festo nativitatis beati Johannis baptiste et per octavas eiusdem alias eis concessas cum libertatibus et privilegiis ad ipsas nundinas spectantibus Tenendas et habendas totas et integras predictas terras redditus molendina et piscarias cum pertinenciis ac alios redditus quoscunque per dictos nostros predecessores dicto burgo alias concessas juxta suas rectas limites et bondas dictis burgensibus et communitati et eorum successoribus dicti burgi burgensibus unacum dictis nundinis tam tenendis in dicto festo nativitatis beati Johannis baptiste et per octavas eiusdem quam in dicto festo beati Michaelis archangeli et per quatuor dies ipsum festum immediate sequentes cum libertatibus privilegiis et consuetudinibus ad nundinas publicas burgi nostri spectantibus adeo libere quiete plenarie integre honorifice bene et in pace sicut dicti burgenses et communitas de dictis suis terris piscacionibus molendinis redditibus aut possessionibus commoditatibus libertatibus aut privilegiis suis quibuscunque liberius infeodati sunt et sicut carte litere et evidencie eis desuper confecte plenius proportant et testantur Salvis nobis et successoribus nostris juribus et serviciis ante presentem confirmationem nobis debitis et consuetis Quare universis et singulis nostris ligiis et subditis quorum interest vel interesse poterit striete precipiendo mandamus ne quis in contrarium dicte confirmationis nostre aut libertatis seu privilegiorum nundinarum predictarum quicunque attemptare presumat temporibus profuturis sub omni pena quam erga regiam incurrere poterit maiestatem In cuius rei testimonium presenti carte nostre confirmationis magnum sigillum nostrum apponi precepimus Testibus reverendo in Christo patre Georgeo episcopo Brechinensi cancellario nostro

dilectis consanguineis nostris Jacobo domino Livingstoun magno camerario nostro Andrea domino Avandale justiciario nostro Alexandro domino Montgomerre Roberto domino Flemyng magistro Thoma Vaus decano Glasguensi secretario nostro et Niniano Spot nostrorum compotorum rotulatore Apud Irwin vicesimo octavo die mensis Maij anno Domini millesimo quadringentesimo quinquagesimo octavo et regni nostri vicesimo secundo.

ABSTRACT.

Charter by King James the Second, confirming to the burgh of Ayr all and sundry infeftments, donations, and grants made to them by any of his predecessors, of whatsoever lands, rents, mills, fishings, or other rents whatsoever: And of his singular favour towards the burgesses and community of the said burgh, giving and granting to them the power of holding and possessing for ever a public yearly fair on the feast of St. Michael the archangel, and during four days immediately following the said feast, with all privileges and freedoms belonging to public fairs: Willing nevertheless that they should also hold and possess their other public fair, formerly granted to them on the feast of the Nativity of John the Baptist, and during the octaves thereof. Dated at Irvine 28th May 1458.

20. *Charge by King James the Second to the Sheriff of Ayr, to desist from interfering with the Michaelmas Fair held at the Burgh of Ayr.—*
[7th July 1459.]

JAMES be the grace of God king of Scottis til oure schiref of Ayr and his deputis greting Forsamekle as we have grantit til oure lovidis the alderman bailyeis and communitie of oure burgh of Ayr and til oure saide burgh a fare to be haldin yerli at the fest of Sanct Michaell with al privelegis and dewteis pertening thareto nochtwithstanding thare alde privelege of thare fare at the fest of sant Johnne the baptist yerli And as we ar informit ye mak you til excers and use the keping of the said new fare with wrangwis customis and distressis in breking and lessing of the saide fare hurt and preiudice to oure said burgh and skath to the cuntre Oure will is herefor and we charge yow and stratli commandis that yhe cese and decist and intromit nocht with the keping of the saide new fare nor that ye tak na

distressis na custumis in the saide fare the keping of the quhilk we have committit to the aldirman balyeis and comunitie of oure burgh forsaide and the said fare thai have undirtakin uppoune thare awnne expensis and ar bundin til ws thareuppoune to kepe yerli as efferis And this ye do undir al panne and charge that eftir may folow Delivering thir oure letres be you sene and undirstandin agane to the berare Gevin undir oure signet at Perth the vij dai of Julij and of oure regnne the xxiiij yere.

21. *Charter by King James the Second exempting the Tenants of Alloway from being called as Witnesses in Courts beyond the Burgh of Ayr.—*
[9th July 1459.]

JACOBUS Dei gracia rex Scotorum omnibus probis hominibus tocius terre sue clericis et laicis salutem Quia relatione dilectorum comburgensium nostrorum burgi nostri de Are informamur quod tenentes et inhabitantes terras baronie de Alva cum pertinenciis communitati dicti burgi nostri spectantes temporibus retroactis quam maxime gravati inquietati et dampnificati fuerunt per deductionem eorum tenencium in testimonium in curiis nostris itinerum nostrorum justiciarie et camerarie curiis vicecomitum aliisque curiis et locis in testificacionibus factis penes sumoniciones arrestas attachiamenta et alia per officarios nostros facta et eciam per cohertacionem ipsorum tenencium ad eundem infra terras de Carric et alubi in diversis dominiis baroniis et locis extra limites dicti burgi nostri de Are contra libertates et privilegia dicti nostri burgi et burgensium et inhabitancium ipsum nostrum burgum et tenencium et servitorum suorum in eorum maximum dampnum et gravamen Nos igitur in observacionem infeodacionis dicti burgi et libertatum et privilegiorum eiusdem considerantes premissa et dicta dampna hactenus dictis burgensibus et communitati eorumque tenentibus illata concessimus et tenore presencium concedimus pro nobis et successoribus nostris dictis burgensibus et communitati dicti burgi nostri de Are et eorum successoribus qui pro tempore fuerint quod dicti sui tenentes et inhabitantes dictam baroniam suam de Alva per quoscunque officarios aut ligeos nostros minime cohercentur aut distringentur in futurum ad comparandum tanquam testes in quibuscunque curiis itinerum nostrorum justiciarie camerarie vicecomitum aut quibuscunque locis extra limites et bondas dicti burgi vel in quibuscunque curiis preterquam in curiis dicti nostri burgi de Are set quod alii nostri

ligii inhabitantes vicecomitatum nostrum de Are capientur et vocentur temporibus profuturis ad perhibendum testimonium circa summoniciones arrestas vel huiusmodi facienda juxta usum et consuetudinem in aliis vicecomitatibus regni nostri usitatum De quibusquidem laboribus et iniustis vexacionibus ut premissum est usitatis contra libertates et privilegia dicti burgi burgenses et incolas eiusdem burgi et eorum tenentes de Alva pro nobis et successoribus nostris exoneramus pro perpetuo Quare universis et singulis justiciariis camerariis vicecomitibus aliisque officariis ligiis et subditis nostris quorum interest vel interesse poterit stricte precipiendo mandamus ne quis dictos nostros burgenses aut tenentes vel servientes suos dicte baronie contra tenorem presencium aliquatenus vexare perturbare seu inquietare presumat sub omni pena quem competere poterit in hac parte Datum sub magno sigillo nostro apud Perth nono die mensis Julij anno domini millesimo quadringentesimo quinquagesimo nono et regni nostri vicesimo tercio.

ABSTRACT.

Charter by King James the Second, whereby, on the information by his lovite fellow-burgesses of Ayr, that the tenants and inhabitants of the barony of Alloway, belonging to the community of the said burgh, were very much aggrieved, disturbed, and put to damage by the taking away of the said tenants for the purpose of giving testimony in the courts of the itineraries of justiciary, chamberlain, sheriff, and other courts and places, in regard to summonings, arrestments, attachments, and others, made by the king's officers, and also by forcing the tenants for the same purpose to the lands of Carrick and elsewhere in divers lordships, baronies, and places beyond the bounds of the said burgh of Ayr, against the liberties and privileges of the burgesses and inhabitants thereof, and of their tenants and servants, and to their great loss and injury—the king therefore, and for observance of the infeftment of the said burgh, and freedoms and privileges thereof, grants to the said burgesses and community, and their successors, that their said tenants and inhabitants of the barony of Alloway shall be for ever exempt from being forced to compear as witnesses in the courts before mentioned, in any places beyond the bounds of the said burgh, or in any courts whatever, except those of the burgh of Ayr: But that the other inhabitants of the sheriffdom of Ayr might in future be taken and called to

give testimony concerning summonings, arrestments, or such like, according to the use and wont in other sheriffdoms of the kingdom. Given under the great seal, at Perth, 9th July 1459.

22. *Instrument on Delivery of the King's Letter forbidding the Sheriff to interfere with the Fair of St. Michael, belonging to the Burgh of Ayr.—*
 [28th September 1460.]

IN Dei nomine amen Per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno ab incarnatione Domini m^o cccc^o sexagesimo die vero mensis Septembris xxvii^o indictione ix^a pontificatus sanctissimi in Christo patris ac domini domini Pii divina providencia pape secundi anno tercio in mei notarii publici et testium subscriptorum presencia personaliter constituti honorabiles viri Johannes Multrar prepositus burgi de Ar et ballivi eiusdem cum consensu communitatis eiusdem burgi quandam literam papiram signeto excellentissimi principis Jacobi regis Scotorum sigillatam ac ipsius manu subscriptam honorabili ac potenti domino domino Georgio Cambell militi ac vicecomiti presentabant ac eiusdem litere copiam de verbo in verbum sibi ministrabant Cuiusquidem litere tenor sequitur in hec verba James be the grace of God Kyng of Scottis till our shiraff off Ar and hys deputis gretyng for als mykill as we haff grantit till our lovidis the alderman bailyeis and communitie of our burch off Ayr and tyll our sayd burche a fayr to be haldyn yerli at the fest of Sant Michael with all privilegis and dewteis pertenyng thareto nochtwithstanding thare ald privilegis of thare fayr at the fest of Sant Jon the Baptyst yerli And as we ar informit ye mak you till excerse and oysse the keypyng of the said new fayr with wrangwyss customis and distress in brekyn and lessyng of the said fayr hurt and preiudice till our said burche and scatht to the contre Our wyll is herfor and we charge yow and stratly commande that ye sesse and decist and intromit nocht wyth the keypyng of the sayd new fayr nor that ye tak na distress na customis in the sayd fayr the keypyng of the qwlk we haff committit to the alderman balyeis and communitie of our burche forsaid And the said fayr thai haff wndertakyn wpon thare awyn expensis and ar bondyn till ws tharwpon to kep yerli as afferis and this ye do wnder all payn and charge that efter may folow deliveryng thir our letres be you seyn

and vnderstandyn agayn to the berer Gefyn vnder our signet at Perth the sewynt day of July and of our regne the xxiiij yer Et consequenter post presentationem litere regie vicecomiti et copie tradicionem predictus prepositus ballivi et communitas antedicti burgi ad crucem accedentes et in publico proclamantes predictam literam regiam in presencia populi perlegi faciebant et exonerabant omnes et singulos regis subditos de omni custuma tholonio et cyrothecis ballivorum tantum modo minori custuma regia excepta et inhibuerunt ex parte regis nequis se amplius intrmitteret ultra preceptum regis et mandatum Super quibus omnibus et singulis sic actis factis dictis et eloctis predictus prepositus et eiusdem burgi ballivi pecierunt a me notario publico exinde sibi fieri hoc presens publicum instrumentum Acta fuerunt hec apud crucem eiusdem burgi hora quasi tertia post meridiem anno mense die indicione et pontificatu quibus supra presentibus nobilibus et discretis viris Thoma Sprewl de Coldoun Johanne Mvr de Enerothyll Alexandro Mvr ballivo de Irwyn Johanne Blar clerico studenti Roberto Hadowy burgensi de Lychteow Henrico Gyll burgensi Edynburgi Nigello Wod Roberto Craford burgensi Edinburgi et domino Johanne Holmys capellano cum multis aliis.

Et ego Willelmus Snelle presbyter Glasguensis diocesis publicus auctoritate imperiali notarius, etc.

ABSTRACT.

Instrument on the presentation by John Multrar, provost of Ayr, and the bailies thereof, with consent of the community, to Sir George Campbell, knight and sheriff, of a letter granted by King James the Second, under his signet, of date at Perth 7th July 1460, charging the said sheriff not to interfere with the fair of St. Michael which the King had granted to the burgh of Ayr, by wrongously exacting custom, and otherwise troubling the people: Of which letter a copy was formally delivered to the sheriff: And thereafter the provost and bailies, going to the cross, made public proclamation of the said royal letter, and caused it to be read in presence of the people, and discharged all and sundry the King's subjects of all custom, toll, and bailies' gloves, the petty royal custom alone excepted. Done at the cross of the burgh at three o'clock afternoon of 28th September 1460.

23. *Letters under the Signet of King James Third in favour of the Burgh of Ayr and their Tenants of the Barony of Alloway.—[5th September (1471).]*

JAMES be the grace of God King of Scottis to all and sindry our justicis chalmerlanis shireffis and thair deputis and all utheris our officiaris and shireffis in that parte liegis and subditis quham it efferis quhais knowlege thir present letres sall cum greting Forsamekill as umquhile our maist noble progenitour King James the Secound of gude mynd quham God assoilye for resonable causis and considerationis moving him grantit for him and his successouris to the burgessis and communitie of our burecht of Are and thair successouris being for the tyme that thair tenentis and inhabitantis thair barony of Alva suld nocht be coercheit or compellit in ony tyme cuming to compeir as witnessis in quhatsumevir justice airis chalmerlane airis shireff courtis or uther placis outwith the boundis and fredome of oure said burecht in quhatsumevir courtis bot in the courtis of our said burecht and dischargeit the burgessis and induellaris of oure said burecht and thair tenentis of Alva of all sic laubirris chargeis and vexacionis for his hienes and his successouris for ever as his letres undir his grete sele maid to thame thairupone proportis Nevertheles it is now humblie menit and complenit to ws be our lovittis the alderman bailyeis counsale and communitie of oure said burecht of Air that thair thair servandis and tenentis of the said barony of Alva ar daylie summond be oure letres and officiaris to compeir in Edinburcht and uther placis to pas upone assisis and ar compellit be oure shiref of Air and his deputis to pas upone inquestis and assisis in our shireff courtis of Air in contrar the privilege of our said burecht and privilege forsaid with inhibitioun grantit to thair predecessouris and thame be our said maist noble progenitour and aganis iustice if sa be Oure will is heirfor and we charge you straitlie and commandis you all and sindry oure justicis chalmerlanis shireffis and your deputis and all uther oure officiaris and shireffis in that parte present and to cum liegis and subditis forsaidis that nane of you tak upone hand to summond arrest or compell the saidis alderman bailyeis burgessis and communitie of oure said burecht of Air thair servandis or tenentis of thair said barony of Alva to compeir or pas upone inquestis or assisis befor you in our justice airis chalmerlane airis shireff courtis or ony uther placis outwith the boundis and fredome of our said

bureht or uther wais bot in oure said burrow courtis according to the said privilege grantit to thame thairupone or to do or attempt ony thing in contrar thair of be ony maner of way in tyme cuning as ye and ilk ane of you will ansuer to ws thairupone and undir hiest pane and charge that efter may folow Thir our letres be you and ilkane of you sene and understand deliveris thame agane to the berare Gevin undir oure signet at Edinburgh the fift day of September and of our regne the xj yere Ex deliberatione dominorum consilii.

CHEPMAN.

24. *Sasine, upon Precept from Chancery, in favour of the Burgh of Ayr, of the Lands and Mills of the Burrowfield.*—[6th March 1507–8.]

IN DEI nomine amen Per hoc preens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo quingentesimo septimo mensis vero Martii die sexto indicione undecima pontificatus sanctissimi in Christo patris ac domini domini nostri Julij divina providencia pape secundi anno quinto ac regni excellentissimi principis Jacobi quarti Scotorum regis illustrissimi anno vicesimo in nostrorum notariorum publicorum ac testium subscriptorum presenciis personaliter constituti honorabiles et providi viri Matheus Walles de Crago aldermannus burgi de Are Georgus Nesbyte ac Thomas Nele eiusdem burgi ballivi pro tempore maecum magna confluencia conburgensium ac communitatis prefati burgi quoddam sasine preceptum prefati supremi domini nostri regis sub testimonio magni sigilli eiusdem more cancellarie regie presentarunt ad manus honorabilis viri David Craufurd de Kerse vicecomitis de Are in hac parte specialiter constituti Cuiusquidem precepti tenor de verbo in verbum sequitur et est talis JACOBUS Dei gracia rex Scotorum dilectis nostris consanguineo Johanni domino Cathkert David Craufurd de Kerse Thome Cony de Kelwod et Johanni Schaw de Haly ac eorum cuilibet coniunctim et divisim vicecomitibus nostris de Are in hac parte salutem Quia pro speciali favore quem gerimus erga dilectos nostros aldermannum ballivos burgenses et communitatem burgi nostri de Are et pro utilitate et commodo eiusdem dedimus concessimus et ad feudifirmam dimisimus hereditarie eisdem totas et integras terras de Burrowfeld jacentes prope burgum nostrum antedictum et molendina earundem cum suis pertinenciis jacentes infra libertatem dicti burgi nostri de Are et infra vicecomitatum nostrum de Are Quequidem

terre cum pertinenciis fuerunt dictorum aldermanni ballivorum burgensium et communitatis dicti burgi nostri hereditarie in libero burgagio et feodifirma et ob alienacionem earundem in manibus nostris recognite fuerunt et lapsis anno et die post dictam recognicionem prefatisque terris ad plagium minime dimissis Et dictis aldermanno ballivis et communitate prefati nostri burgi ceterisque omnibus ad prefatas terras interesse habentibus seu habere presumentibus ad instanciam nostram legitime citatis ad audiendum et videndum se ipsos suas proprietatem et possessionem earundem amisisse et easdem nobis ob prefatam alienacionis causam in proprietate pertinere decerni decretum fuit et deliberatum per consilii nostri dominos quod prefati aldermannus ballivi et communitas dicti nostri burgi ceterique omnes ad dictas terras de Burrowfeld cum molendinis earundem et suis pertinenciis interesse habentes seu habere presumentes suas proprietatem et possessionem earundem amiserunt nosque manus nostras ad easdem terras et molendina apponere nobiscum in proprietate permansuras et ad nostre libitum voluntatis disponendas fore in futurum idem domini decreverunt ex et pro eo quod prefate terre totaliter alienate fuerunt et nichil inde reservatum ad persolvendum nobis feudifirmam nobis de eisdem debitam extendentem in integro annuatim ad summam decem librarum usualis monete regni nostri veluti dicti aldermannus et ballivi pro se ipsis et tanquam procuratores pro dicta communitate fatebantur in presenciis dictorum dominorum ac prout eis clare constabat contra naturam et condicionem donacionis facte burgensibus inhabitantibus et remanentibus infra dictam villam de Are continentis in effectum quod dicte terre eis date fuerunt prout in cartis et evidenciis eis desuper confectis coram prefatis dominis productis et ostensis latius continetur veluti ipsorum decretum desuper latum in se plenius proportat ut carta nostra dictis preposito ballivis burgensibus et communitati desuper confecta in se latius continet et testatur Vobis precipimus et mandamus quatenus dictis preposito ballivis burgensibus et communitati vel suis certis attornatis latoribus presencium sasinam predictarum terrarum et molendinorum cum suis pertinenciis secundum tenorem dicte carte nostre quam de nobis inde habent juste haberi faciatis et sine dilacione Et hoc nullo modo omittatis Ad quod faciendum vobis et vestrum cuilibet coniunctim et divisim vicecomitibus nostris de Are in hac parte committimus potestatem Datum sub testimonio magni sigilli nostri apud Edinburghe decimo sexto die mensis Februarii anno domini millesimo quingentesimo septimo et regni nostri vicesimo Qui quidem David Craufurd antedictus vicecomes de Are per

predictas literas in hac parte specialiter constitutus precepto ac mandato regio tanquam obediencie filius volens parere et obedire vigore predicti regii precepti hereditariam contulit sasinam per deliberacionem terre et lapidis ut moris est omnium et singularum predictarum terrarum et molendinorum de Burrowfeld cum suis pertinenciis jacencium prope burgum de Are infra libertatem dicti burgi de Are et vicecomitatum eiusdem antedictis Matheo aldermanno Georgio et Thome ballivis dicti burgi pro tempore nomine et ex parte omnium conburgensium et totius communitatis predicti burgi de Are secundum formam et tenorem carte regie illis desuper confecte tenendarum et possidendarum Salvo jure cuiuslibet imperpetuum Super quibus omnibus et singulis peccit dictus Matheus aldermannus pro se ac dictis ballivis conburgensibus et communitati dicti burgi unum et plura instrumentum ac instrumenta publicum et publica a nobis notariis publicis subscriptis sibi fieri Acta erant hec super solum dictarum terrarum de Burrowfeld burgi predicti juxta duas cruces lapideas hora quasi decima ante meridiem aut eo circa sub anno mense die indictione pontificatu et regis regno quibus supra Presentibus ibidem nobilibus ac providis viris videlicet Jacobo Chawmyr de Gaitgyrthe Willelmo Wallece filio et herede apparenti Mathei Wallece de Crago Roberto Campbel de Kilmanache Johanne Chawmyr filio prefati Jacobi Chawmyr Michaeli Wallece Jacobi Craufurd fratre prefati David Craufurd de Kerse et Johanne Gilmene mercatore cum aliis multis ac diversis testibus ad premissa vocatis pariter et rogatis.

Et ego Patricius Law, etc.

Et ego vero Johannes Fair, etc.

ABSTRACT.

Instrument of Sasine, proceeding on Precept by King James the Fourth, under the testimonial of the great seal, addressed to John lord Cathcart, David Craufurd of Kerse, Thomas Corry of Kelwod, and John Shaw of Haly, sheriffs in that part, and narrating that the king, for the especial favour which he bore towards the alderman, bailies, burgesses, and community of Ayr, and for the utility and advantage of the burgh, gave, granted, and set in feu-ferme to them heritably, all and whole the lands of the Burrowfield, mills and pertinents thereof, lying within the freedom of the said burgh : Which lands formerly belonged to the burgh in free burgage and feu-ferme, and were recognised in the king's hands, on account of the alienation thereof :

And a year and day having passed since the recognition without the demission of the lands at pledge, the Lords of Council decerned the property and possession thereof to be lost by the burgh, and to be in the king's hands, to be disposed of at his pleasure: Because, contrary to the condition of their gift, and to the tenor of the charters granted to them of the said lands, as they themselves acknowledged, they had wholly alienated them, reserving nothing for payment of the feu-ferme due therefrom to the king, which extended in whole to the yearly rent of ten pounds usual money of the kingdom: The royal precept directed the aforesaid sheriffs to give sasine to the said provost, bailies, burgesses, and community, of the said lands and mills, according to the tenor of the charter granted to them by the king: Which was done in due form by the aforesaid David Craufurd delivering o earth and stone of the said lands to Mathew Wallace of Crago, alderman, George Nesbit and Thomas Nele, bailies of the said burgh, in name of the burgesses and community thereof, before these witnesses, James Chalmers of Gaitgirth, William Wallace, son and apparent heir of Mathew Wallace of Crago, Robert Campbell of Kilmanach, John Chalmers, son of the foresaid James, Michael Wallace, James Craufurd, brother of the foresaid David Craufurd of Kerse, and John Gilmene, merchant, with many others. The Precept is dated at Edinburgh 16th February, and the sasine given on 6th March 1507-8.

25. *Letters by Queen Mary discharging the Sheriff of Ayr from citing Burgesses of Ayr to his Court.*—[16th March 1547-8.]

MARIE be the grace of God quene of Scottis to our lovittis Hewe Montfoyd Robert Lawe our shireffis in that part coniunctlie and severalie specialie constitute greting Forsamekle as our uther letres purchest at the instance of the provist ballies counsale and communitie of our burgh of Air aganis Hew Campble of Loudoun our shireff principale of Air George Campble of Bryntwod and Jhone Laing his deputis makand mentioun quhare that the saidlis provest ballies counsale and communitie ar infett of fre borrowaige be our umquhile predicessouris als frelie as ony uther burgh within our realme and hes bene in use in all tymes bigane to sitt upoun all actionis concernyng ony nychtbour of our said burgh and personis dwelland within the

boundis fredome and jurisdictione thareof And thai nor none of the burgessis of our said burgh compellit to answer before ony juge undir the lordis of our counsale bot befor the saidis provest and ballies allanerlie Nochttheles Leonard Clerk ane of the burgessis of the said burgh hes [cited] Alexander Lokbert ane uthir of the burgessis of the samin befor our said shireff of Air and his deputis for the wranguis eiection of him furth of the landis of Maryland lyand within the fredome and jurisdiction of our said burgh And swa wald hurt the saidis provest ballies counsale and communitie of thair privilege expres aganis thair fredome and lovable use of our burgh And anent the charge gevin to our said shireff and his deputis to compeir befor the lordes of counsale to heir our letres direct discharging thaim of all calling or proceeding upoun ony burgessis of our said burgh indwellaris within the fredome and landis thair of Or ellis to allegit ane ressonable cause quby the samyn suld nocht be done with certification to thame and thai falzeit our uther letres wald be direct in maner forsaid as at mair lenth is contenit in our saidis uther letres quhilkis ar be the lordis of our counsale with consent of William Hamiltoun of Sanchar knyecht provest of our said burgh and maister James M'Gill pröcuratour for our said shireff and his deputis continewit in the samyn forme force and effect as it is now but preiudice of party unto the xv day of Junii nixt to cum with continuatioun of dayis as at mair lenth is contenit in ane act made be the saidis lordis thairupoun Oure will is heirfor and we charge straitlie and commandis that incontinent thir our letres sene ye pas and in our name and autorite discharge our said shireff of Air and his deputis of all forthir proceeding or calling of ony of the saidis burgessis of our said burgh of Air or indwellaris within the fredome and landis thair of befor thame Discharging thame thair of and of thair offices in that part for the caussis aboun writtin quhill the said xv day of Junii forsaid eftir the form and tenour of the said act as ye will answer to ws thairupoun The quhilk to do we committ to you coniunctlie and severalie our full power be thir our letres delivering thame be you dewlie execute and indorsate agane to the berar Gevin under our signet at Edinburgh the xvj day of Merche and of our regne the fift yeir.

Per actum dominorum consilii, etc.

(Signed) J. SCOTT.

26. *Confirmation by Queen Mary of an Act for the Registration of a Bond by Sir Hew Campbell of Loudoun respecting the Jurisdiction of the Magistrates of Ayr.*—[6th April 1557.]

MARIA Dei gracia regina Scotorum omnibus probis hominibus suis ad quos presentes litere pervenerint salutem Sciatis nos quoddam actum sive decretum per dominos consilii nostri inferius descriptos datum et promulgatum utique intellexisse sub hac forma At Edinburgh the thrid day of Aprile the yeir of God j^m v^c fiftie sevin yeiris in presens of the lordis of counsale under writtin that is to say ane reverend fader in God Robert bischop of Orknay maister Henrie Sinclare dene of Glasgow maister Johne Sinclare dene of Restalrig maister Abraham Creichtoun provest of Dunglas maister Johne Stevinstoun chantour of Glasgow maister William Baillie lord Provand maister James Scot provest of Corstorplin maister James M'Gill of Rankelour Nethir clerk of register schir Johne Bellenden of Auchnoule knyght justice clerk maister Henrie Lauder advocat to oure soverane lady maister Thomas Marioribankis of Ratho Richart Maitland of Lethingtoun knyght and maister Johne Gledstanes licenciante in the lawis comperit Hew Campbell of Lowdoun knyght schiref principale of the schirefdome of Air and Matho Campbell of Terringzeane his son and appeirand air and gaif in this band and obligatioun underwrittin subscrivit with thair handis and desyrit the samyn to be insert and registrat in the buikis of counsale to have the strenth force and effect of thair act and decreit in tyme to cum and that leteres be direct upone thame and athir of thame for fulfilling thairof in all poinctis efter the forme and tennour of the samyn in maner specifit thairintill The quhilk desyre the saidis lordis thocht ressonabill and thairfor hes ordanit and ordanis the said band and obligatioun to be insert and registrat in the saidis buikis to have the strenth force and effect of thair act and decreit in tyme to cum and hes interponit and interponis thair autoritie thairto and decernis and ordanis letres to be direct upone athir of the saidis personis for fulfilling thairof in all poinctis in maner thairin contenit Of the quhilk obligatioun the tennour followis Be it kend till all men be thir present letres ws Schir Hew Campbell of Loudoun knyght schiref principale of the schirefdome of Air and Matho Campbell my son and apperand air forsamekill as I the said Schir Hew belevand that the punischement of slauchteris mutilationis bluidis thiftis spulzeis and uthiris violentis and crymis committit

within the burgh of Air burrowruidis burrofeild and barony of Alloway perteneng thairto had belangit and pertentit to my office of schirefschip quhairthrow debait and contraversy is movit and yit dependis betuix me and the provest baillies counsall and communitie of the said burgh befor the lordis of counsale anent the usurping and using of the samyn Bot now efter lang and perfect avisement and consultatioun of divers cunning men had thairintill hes fundin and perfitlie understandis that the provest baillies and communitie of the said burgh of Air is als frelie infest in burrowage with all liberteis and privilegiis belangand thairto as ony uthir burgh within this realme and hes usit and executit the ordinar iurisdiction thairof in punischement of slauchteris mutilationis bluidis thiftis spulzeis and uthairis crymes quhatsumevir committit within thair fredome and boundis foirsaidis in all tymes bygane past memor of man Thairfoir we the said schir Hew and Matho for oure selffis oure airis and successouris schireffis of the said schirefdome be thir presentis renuncis actioun and caus presentlie dependand befor the saidis lordis of counsale betuix me the said schir Hew and the saidis provest baillies and communitie anent the iurisdiction abone specificit and all rycht and tytill that we have or may ask or clame thairto fratlyne furth for evir And mairattour we bind and oblissis ws and oure successouris nevir to molest truble vex nor inquiete the saidis provest baillies and communitie nor thair successouris in nane tyme tocum in the pecciable josing and using of thair said ordinar iurisdiction sitting upone slauchteris mutilationis bluidis thiftis spulzeis violentis and uthir crymes or caussis quhatsumevir nor sall pretend richt or titile thairto in tyme cuming nor in using of ony utheris thair privilegiis and putting of the samyn to executioun within the boundis of thair said burgh Burrowfeild Burrorudis and barony of Alloway and fredome thairof nowther in the law nor by the law nor sall nocht be ourselffis nor na uthir myd persoun in our name procure solist nor obtene be commissioun infestment or be ony uthir way at oure soverane ladyis handis hir grace successouris thair justice chalmerlanis or utheris ministeris of the lawis quhatsumevir haveand hir graces autoritie and power present and tocum ony iurisdiction introumissioun or meddling in ony sort be the way of iustice owther civilie or criminallie with the saidis provest baillies counsall and communitie and thair boundis and iurisdiction abone expremitt thair personis and gudis Nor yit sall mak thame stoip lat hinder or impediment in purchessing of ony new privilegiis liberteis and fredomes power autoritie or iurisdiction that thai may obtene at oure said soverane ladyis

handis or hir graces successouris thair chalmerlanis or ony uthiris thair graces officiaris havand power as said is Bot sall help furthir assist and supplie thame thairintill at oure gudlie poweris Providing alwyse that it salbe lessum to me and my said sone our airis and successouris schireffis principale of the said schirefdome and oure deputis haveand the use of the keiping of the heid faris of the said burgh halding yeirlie at the feistis of midsomer and Michaelmes bigane past memor of man to keip the samin siclike in tyme cuming and to hald courtis for administratioun of iustice That is to say ane court efter ilkane of the saidis twa faris upone sic faillis and complantis as salhappin to be committit in the saidis faris like as we have bene in use of bygane but dirogatioun of the saidis provest baillies and communitieis allegit ground rycht infetment and title quhilk thai have to the saidis faris keiping quhen it sall pleis thame and thair successouris to persew for the samin as law will The saidis provest baillies counsall and communitie present and to cum with thair subiectis befor specifit merchandis and uthiris strangeris seymen and marinaris resortand to thair port and watteris with thair servandis and gudis in the menetye fra the saidis court and all calling per-sewing attecheing or unlawing thairinto be ws and oure successouris or deputis aluterlie exemit thairfra Providing alsua that geif it salhappin (as God forbid it do) ws our airis successouris freindis servandis or uthiris landwert men dwelland in the schirefdome of Air being na fremen nor indwellaris within the said burgh burrorudis Burrowfeildis and barony of Alloway with thair pertinentis befor rehersit to commit slauchter or mutilatioun amangis oure selfis within the said burgh or boundis thair of in ony tyme to cum in that cause it salbe lesum to the saidis provest baillies to use and exerce thair autoritie and iurisdiction thairanent conforme to thair auld use and possessioun That is to say the saidis provest baillies and communitie and thair successouris sall intronet with sic landward personis as salhappin to commit the saidis crymes in maner following videlicet to tak thame to the tolbuith cognosche and decerne upone the wrang and distribulance of the burgh and to tak up sic unlawis as concernes thame thairthrow and to tak cautioun for forthir distribulance of the said burgh in tyme cuming as efferis And geif the said cryme beis ane bluid but danger of slauchter or mutilatioun thay sall suffer the committaris thair of beand landwart men as said is to depart but forder payment of ony bluidwed bot payand alanerlie ane unlaue for the wrang and findand cautioun for distribulance in tyme cuming as said is And geif the cryme be slauchter or

mutilatioun the saidis provest baillies and thair successouris efter thai have apprehendit the landwertmen committaris thair of and eognosche upone the wrang and distribulance of the burgh and taikin thair unlawis and caution thairupone as efferis We oure airis or successouris or our deputis having the power and iurisdiction thairto sall plesandlie ressave furth of the handis of the saidis provest and baillies for the tyme all sic landwart personis as sallhappin to commit the saidis crymes of slauchter or mutilatioun within xlvij howris nixt efter the saidis provest and baillies hes eognoschit upone the saidis distribulance and put ordour thairto and thairefter we sall warrand the saidis provest and baillies present and to cum at the handis of oure said soverane ladie hir graces successouris iustices chahmerlanis and all utheris ministeris of law quham it efferis anent the deliverance to ws of the saidis faltouris for quhome frathyne furth we salbe haldin to ansuer And geif we or our successouris schirreffis of the said schirrefdome of Air or our deputis beis necligent in ressaving of sic landwart personis committaris of the saidis crymes of slauchter or mutilatioun in maner abone writtin furth of the handis of the said provest and baillies the saidis faltouris being apprehendit and tane be thame and cognitioun taikin of the distribulance of the toum in maner foirsaid we or our deputis ane or ma being requirit to tak deliverance of the saidis faltouris the said space of xlvij houris being bipast in that cause the saidis provest and baillies to puneis the saidis crymes of slauchter or mutilatioun according to thair iurisdiction and power as thai will ansuer to the autoritie or to present the committaris thair of to my lord iustice or his deputis as be thame salbe thocht maist expedient for the tyme And this ordour to stand amangis ws tueching the crymes of slauchter and mutilatioun that sallhappin to be committit within the said burgh and boundis thair of be landwart men in sic maner that we oure airis successouris and deputis being present within the said burgh and boundis thair of is contentit to assist and concour with the saidis provest and baillies to the talking of sic landwart personis as sallhappin to commit the saidis crymes thairinto And the samin being tane be the saidis provest and baillies we nor our successouris nor deputis sall have na intromissioun with the saidis personis unto the tyme the saidis provest and baillies have decernit upone the wrangis and distribulance of the burgh and tane caution thairupone in maner abone writtin And it sall nocht be lesun to ws oure airis successouris nor deputis be na way to sereche seik or ripe ony hous within the said burgh and pairtis thair of abone writtin for ony persone or personis committaris of

the saidis crymes landwart personis or utheris Bot geif the said provest ony of the baillies counsale or communitie thair tennentis indwellaris within the boundis of the said burgh Burrofeild Burrorudis barony of Alloway or uthiris merchandis alsweill be sey as land strangiaris seymen marinaris fischearis or uthiris quhatsumevir resorting be sey towart the said burgh and thair servandis or ony ane of thame salhappin to be party to the said landwart personis in committing of the saidis crimes of slauchter mutilatioun or bluid into the quhilk cause the said provest and baillies sall have the full iurisdiction and punischement of sic landwart personis alsweill as of ony uthir persoun or personis dwelland within the fredome and iurisdiction of the said burgh And the said provest and baillies sall nocht be haldin to deliver to ws nor our successouris sic landwart men as salhappin to be partie to ony persone or personis dwelland within the said burgh and boundis thairof foirsaid or thair adherentis befoir expremit And geif we or ony of ws our airis or successouris failzeis in the premissis or cummis in the contrar of ony poinet thairof be stoping prevenyng trubling or impediment making to the saidis provest baillies counsale communitie and thair successouris in using brouiking joising or executing of thair said iurisdiction autoritie and privilegiis abone specifit in maner befoir reheirsit owthir be way of deid or be persewing of thame be the law anent ony thing concerning thair ordinar iurisdiction foirsaid owthir be oure selffis or ony interponit persoun of oure causing command or procuring ony maner of way in sitting upone slauchter mutilatioun bluid thift spulzeis violentis or uthir crymes or caussis quhatsumevir that may rynd to the hurt of the saidis provest baillies counsale and communitie and thair successouris of thair fredomes and privilegiis in maner abone writtin In that cause we bind and obleis ws oure airis and successouris foirsaidis to refund content and pay to the saidis provest baillies and communitie present and to cum the sowme of tua thowsand pund guid and usuale money of Scotland or evir we be hard in jugement Quhilk sowme of tua thowsand pundis we be the tennour heirop grantis ws to have ressavit fra thame at the making heirop in numerat money And attoure we for oure selffis oure airis and successouris will and grantis that this oure obligatioun nor na clause contenit thairintill salbe preiudiciale to the saidis provest baillies and communitie nor thair successouris anent thair ground richt infeftment iurisdiction and autoritie ony maner of way contenit in thair infeftmentis maid to thame of befoir And for the mair sure fulfilling of all and syndrie the premissis we the saidis Hew and Matho my said sone for ws

and our successouris ar content and consentis that this obligatioun be insert and registrat in the buikis of oure soverane ladyis counsale and to have the forme strenth and effect of ane decreit of the lordis of counsale and executoriallis to be direct geif neid be thairupone in forme as efferis for keiping of all the premissis under the pane of rebellium and putting of ws to the horne and gif we failze to be put to the horne In witnes of the quhilk thing we have subscrivit this obligatioun with oure handis at Edinburgh the secund day of Aprile the yeir of God j^m v^c fiftie and sevin yeiris Befoir thir witnes George Cranfurde of Lesnoreis Thomas Stewart of Galstoun James Lokart youngar of Bar James Bannatyne burges of Air schir Thomas Raith chaiplane and James Millair writtar in Edinburgh and notaris publict with uthiris divers Sic subscribitur Hew Campbell of Loudoun knyecht Matho Campbell of Terrinzeane with my hand Extractum de libro actorum per me magistrum Jacobum M^cGill de Rankelour Nether clericum rotulorum registri ac consilii supreme domine nostre regine sub meis signo et subscriptione manualibus Quodquidem actum sive decretum ac omnia et singula in eodem contenta approbamus ratificamus ac pro nobis et nostris successoribus ut premissum est confirmamus Datum sub testimonio nostri magni sigilli apud Edinburgh sexto die mensis Aprilis anno domini millesimo quingentesimo quinquagesimo septimo et regni nostri decimo quinto.

ABSTRACT.

Confirmation by Mary Queen of Scots, in favour of the burgh of Ayr, of an Act of the Lords of Council for the registration in their books of a Bond by Sir Hew Campbell of Loudoun, sheriff of Ayr, and Mathew Campbell of Terrinzean his son, to respect the rights of the magistrates of the burgh in adjudicating on the crimes of slaughter, mutilation, theft, and others, when committed within their jurisdiction. The Bond is dated 2d, the Act of Council 3d, and the Confirmation given under the testimonial of the great seal 6th April 1557.

27. *Letters under the Signet of King James the Sixth confirming to the Burgh of Ayr the Privilege of Exemption from Attendance on Courts outside the Burgh.*—[2d November 1574.]

JAMES be the grace of God king of Scottis to all and syndre our justices chalmerlandis oure shireffis and thair deputtis and all utheris oure officiaris and shireffis quhatsumevir in that pairt liegis and subditis quhome it efferis quhais knowlege thir oure letres sall to cum greting Forsamekill as it is humelic menit and schawine to ws be our lovittis the provest baillies counsale and communitie of oure burgh of Air now present that quhair unquhile our maist nobill progenitour King James the Secund of gude memorie for ressonabill causes and considerationis moving his hienes for the tyme grantit for him and his successouris to the saidis complenaris predecessouris alderman provest baillies counsale and communitie of oure said burgh of Air to thame thair successouris and to thair tennentis and inhabitantis of our barronie of Allova being for the tyme that thai suld nocht be coerchit nor compellit in ony tyme cuming to compeir as witnessis in quhatsumevir justice aires chalmerlane airis shireff courtis or justice courtis outwith the boundis and fredome of oure said burgh in quhatsumevir courtis bot in the courtis of the samyn burgh and dischargit the burgessis and indwellaris within the samin and thair tennentis of Allva of all sic laubouris chargis and vexationis for his hienes and his successouris for evir as the letres grantit undir oure grete sele to the saidis complenaris prediessouris and thame schawin to the lordis of our counsale beris According to the quhilk charter past under the grete seill thair predecessouris and thair tennentis and servandis of the said barronye of Allva nochtwithstanding the samin war daylie summonit be letres be deliverance of the lordis of sessioun for the tyme and officeres to compeir in Edinburgh and utheris places to pas upoun assissis and inqueistis and war compellit be our shiref of Air and his deputtis to pas upoun the samin in contrare the privilege of our said burgh and inhibitioun grantit in the saidis letres under the grete sele Quhairupoun thai menit thame to the lordis of sessioun for the tyme and obtenit letres be thair deliverance direct to all and syndrie justices chalmerlanis schireffis and thair deputtis and all utheris officiaris and schireffis in that pairt liegis and subdittis quhom it efferit quhais

knaulege the letres suld to cum that nane of thame tuik upoun hand to summond arreist or compell the saidis alderman baillies burgessis and communitie of oure said burgh of Air thair tennentis and servandis of the said barronie of Allova quhilkis war the saidis complenaris predecissoris to compeir or pas upoun inqueistis or assissis befor the justice in justice airis chalmerland airis schiref courtis or ony utheris places outwith the boundis and fredome of our said burgh of Air or utherwayis bot in the said burrow courtis according to the said privilege grantit to the saidis complenaris predecissoris thairupoun or to do or attempt ony thing in contrare thair of be ony maner of way in tyme cuming as thai and ilk ane of thame wald answer thairupoun and under all hiest pane and charge that efter mycht follow As the saidis letres grantit of auld in oure maist nobill progenitouris tyme King James the secund schawin alsua to the saidis lordis of our counsale beris According to the quhilk gift under the gret sele and letres forsaidis grantit thairupoun to the saidis complenaris predecissoris and thame thair successouris and thair tennentis and servandis of the said barronie of Allova thai thairfoir on nawayis aucht nor suld be summonit nor callit to compeir or pas upoun ony inqueistis or assissis befor oure justice in oure justice airis chalmerlane airis schiref courtis or ony uther places outwith the boundis and fredome of oure said burgh of Air or utherwayis bot in oure burrow courtis according to the said privilege grantit to thair predecissoris thame thair successouris use and possessioun thair of observit be thame and the saidis complenaris in all tymes of befor Nevirtheles the lordis of oure counsale hes laitlie grantit oure utheris letres be the quhilkis oure officiaris thairin contenit hes summond the saidis complenaris to compeir in Edinburgh and utheris places to pas upoun assissis and ar compellit be our schiref of Air and his deputtis to pas upoun inqueistis and assissis in our schiref courtis of Air albeit that the merchandis of oure said burgh of Air ar to pas to saill and sua thairby ar hinderit and stoppit in contrare the privilege specifeit and contenit in the said gift and utheris letres with inhibitioun thairin contenit grantit to the saidis complenaris predecissoris and thame be oure maist nobill progenitour as said is aganis all justice and to thair hevye dampnage and skaith without we and the lordis of our counsale provide remeid heirto giff sua be Oure will is heirfoir and we charge yow straitlie and commandis yow all and syndre oure justices chalmerlandis schireffis and your deputtis and all uthiris oure officiaris and schireffis quhatsumevir in that pairt present and to cum liegis and subditis

foirsaidis that nane of yow tak upoun hand to summond arreist or compell the saidis provest baillies counsale and communitie of oure said burgh of Air or ony ane of thame thair tennentis or servandis of thair said barronie of Allva to compeir or pas upoun inqueistis or assissis befor yow in youre justice airis chalmerland airis schiref courtis or justice courtis or outwith the boundis and fredome of oure said burgh or utherwayis bot in oure said burrow courtis according to the said privilege grantit to the saidis complenaris predecessouris and thame thairupoun or to do or attempt ony thing in contrare thair of be ony maner of way in tyme cuming as ye and ilkane of yow will ansuer to ws thairupoun and under all hiest pane charge and punishment that efter may follow Becaus the lordis of our counsale hes sene the infestment abone writtin and auld letres grantit to the effect abone expremit of befor according to justice thir oure letres be yow and ilkane of yow sene and understand delivering thame agane to the berare Gevin under oure signet at Edinburgh the secund day of November and of oure regne the aucht yeir 1574.

Ex deliberatione dominorum consilii. (Signed) W. LAYNG.

In curia iusticiarie supremi domini nostri regis tenta et inchoata in pretorio burgi de Edinburgh vicesimo sexto die mensis Aprilis anno domini millesimo quingentesimo septuagesimo quinto per honorabilem et discretum virum magistrum Thomam Bannatyne iusticiarium deputatum iusticiarii regni generalis specialiter constitutum sectis vocatis et curia affirmata.

Visis et admissis per dictum iusticiarium deputatum.

(Signed) JOANNES BELLENDEN,
Clericus Iusticiarie.

In curia iusticiarie supremi domini nostri regis tenta et inchoata in pretorio burgi de Edinburgh vicesimo secundo die mensis Novembris anno domini millesimo quingentesimo octuagesimo per discretum virum magistrum Henricum Makcalzane iusticiarium deputatum iusticiarii regni generalis specialiter constitutum sectis vocatis et curia affirmata, etc.

(Signed) LUDOVICUS BELLENDEN,
Clericus Iusticiarie.

28. *Act of Registration of Exemption granted by King James the Sixth to the Burgh of Ayr from attending on Courts other than those of the Burgh.*—[26th April 1575.]

CURIA justiciarie supremi domini nostri regis tenta et inchoata in pretorio burgi de Edinburgh vicesimo sexto die mensis Aprilis anno domini millesimo quingentesimo septuagesimo quinto per honorabilem et discretum virum Magistrum Thomam Bannatyne justiciarium deputatum justiciarii regni generalis specialiter constitutum sectis vocatis et curia affirmata.

The quhilk day comperit Johnne Lokart provest of the burght of Air and Johnne Stewart baillie thair of and desyrit the said justice to admitt ane exemption grantit to the burgessis and inhabitantis of the said burgh conforme to thair auld privelege of the samin burgh quhilk thair produceit in jugement to that effect and the said justice eftir reding of the samin exemption thinkand the desyre foirsaid reasonabill admittit the samin and ordanit the contentis thair of to be registrat and insert in the buikis of adjornale quhair of the tennour followis JAMES be the grace of God king of Scottis (etc., as in No. 27, *supra*).

(Signed) JOANNES BELLENDEN,
Clericus Justiciarie.

29. *Letters under the Signet of King James the Sixth, enforcing the Exemption of the Burgh of Ayr from attendance on Courts outside the Burgh.*—[10th June 1580.]

REX.—We understanding divers and sundrie messingeris officiaris of armes and utheris our schireffis in the execution of our letres baith criminale and civile throughout our realme daylie to trubill and molest the inhabitantis of our burgh of Air and barony of Alloway in summoning thame to compeir befor our justice and his deputis at Edinburgh and uther judges of our realme outwith thair awin iurisdiction boundis and fredome of our said burgh and barony foirsaid to pas upoun assyissis and inqueistis in our iustice airis chalmerlane and schireff courtis Notwithstanding the privilege and exemption thairfra grantit to thame be our maist nobill progenitouris of

worthie memorie ratifiit and confermit be us in our lait parliament haldin at Striviling the xxv day of Julij the yeir of God j^m v^c lxxviiij yeris to the manifest violatioun thair of and heich contempt of our auctoritie interponit thairto Thairfoir with avise and consent of our secreit counsale inhibitis and dischargis all and sindrie our officiaris of armes messingeris and schireffis quhatsumevir executouris of our letres in tyme to cum That nane of thame in any tyme heirefter tak upoun hand to summound ony inhabitant of our said burgh or barony of Alloway to pas upoun ony inqueistis or assyssis in quhatsumevir justice or chalmerlane airis schireff or iustice courtis outwith the boundis and fredome of our said burgh and barony foirsaid under the pane of deprivation of thame of thair offices incais they contemptuously efter the sicht heirof proceed in the contrair of this our will and plesour And utherways to incur our further indignatioun and heich displeour be thir presentis Gevin under our signett and subscrivit with our hand at Dundie the tent day of Junii and of our regne the threttene yeir 1580.

(Signed) JAMES R.

(Countersigned) ROTHES.

R. DUNFERMLING.

(*Endorsed*) Apud Dunde decimo Junii anno etc. lxxx^o sederunt Levenax Angus Rothes Maxwell Lindesay Dunfermling provest of Dunde.

Past and subscrivit in counsall.

(Signed) JOANNES ANDRO.

30. *Commission of Justiciary in favour of the Provost and Bailies of Ayr.*—[28th December 1583.]

JACOBUS Dei gratia rex Scotorum omnibus probis hominibus suis ad quos presentes litere pervenerint salutem Sciatis quia nobis nostrique secreti consilii dominis intellectum est quod diverse sunt persone infra burgum nostrum de Air bondas libertatem et jurisdictionem eiusdem que omnibus temporibus furtum receptionem furti lie pykrie inductionem furti et furorum bonorumque justorum hominum furtivo modo expositionem committunt magne lesioni diversorum justorum hominum dicti burgi inhabitantium et in malum exemplum aliorum si remedium opportunum non provideatur Igitur fecimus constituimus et ordinavimus tenoreque presentium facimus

constituimus et ordinamus dilectos nostros Prepositum et ballivos dicti burgi nostri de Air coniunctim et divisim nostros in hac parte Justiciarios ad effectum subscriptum Dantes concedentes et committentes eisdem nostram plenam potestatem et mandatum speciale omnes et singulas personas infra dictum burgum nostrum bondas libertatem et jurisdictionem eiusdem habitantes quas temporibus futuris recenti manu cum furti vel receptione furti apprehendi contigerit per dictamenta accusandi easque pro dictis criminibus assise cognitioni ponendi et prout culpabiles seu innocentes reperi fuerint justiciam super eis legibus regni nostri conforme ministrandi et ministrari causandi Et ad hunc effectum Justiciarie curiam vel curias infra pretorium dicti nostri burgi quoties necesse fuerit statuendi inchoandi affigendi tenendi et continuandi sectas vocari faciendi absentes amerchiandi transgressores puniendi exitus amerchiamenta et eschaetas dictarum curiarum et personarum in eisdem convictarum petendi levandi et recipiendi et pro eisdem si necesse fuerit namandi et distringendi unam dimedietatem earumdem nostro usui importandi ac computum in scaccario nostro nobis et nostro thesaurario nostro nomine inde faciendi Alteramque dimedietatem suis propriis usibus pro eorum laboribus applicandi Assisas unam vel plures infra dictum burgum et quatuor dimedietates circumiacentes quamlibet personam sub pena decem librarum summoniendi premoniendi elegendi et jurare causandi clericos seriandos adiudicatores et omnes alios officarios et curie membra necessaria faciendi creandi substituendi et ordinandi Pro quibus dicti Prepositus et ballivi respondere tenebuntur Et generaliter omnia alia et singula faciendi ducendi gerendi et exercendi que in premissis et circa ea necessaria fuerint seu quomodolibet oportuna Firmum atque stabile habentes et habituri totum et quicquid dicti nostri in hac parte justiciarii coniunctim et divisim in premissis rite duxerint seu duxerit faciendum Quare universis et singulis quorum interest vel interesse poterit striete precipimus et mandamus quatenus dictis nostris in hac parte justiciariis coniunctim et divisim suis officiariis et ministris in omnibus et singulis premissa tangentibus prompte pareant respondeant et intendant sub omni pena que competere poterit in hac parte Datum sub testimonio nostri magni sigilli apud Halyruidhous vicesimo octavo die mensis Decembris anno domini millesimo quingentesimo octuagesimo tertio et regni nostri decimo septimo.

Per signaturam manibus S. D. N. regis ac dominorum sui secreti consilii subscriptam.

ABSTRACT.

Commission by King James the Sixth, under the quarter seal, in favour of the provost and bailies of the burgh of Ayr, conferring upon them the power of justiciary for the trial and punishment of persons within the bounds and liberty of the burgh for the crimes of theft, reset of theft, etc. Dated at Holyrood 28th December 1583.

31. *Crown Precept for Charter of Confirmation to Mungo Craufurd of Drumlaucht of the Lands of Friars Dankeith.*—[30th April 1586.]

JACOBUS Dei gratia rex Scotorum Cancellario nostro salutem Quia ratificavimus approbavimus ac pro nobis et successoribus nostris pro perpetuo confirmavimus cartam feudifirme donationem et locationem in eadem contentas factam datam et concessam per prepositum ballivos ac consules burgi nostri de Air Quintigerno Craufurde de Drumlaucht veteri possessori terrarum subscriptarum heredibus suis hereditarie de totis et integris eorum duabus mercatis terrarum antiqui extentus de Freiris Dalkeith cum pertinentiis jacentibus in balliatu nostro de Kyilstewart infra vicecomitatum nostrum de Air Tenendis de prefatis preposito ballivis et consulibus burgi nostri de Air suisque successoribus propositis ballivis consulibus ac communitate eiusdem in feudifirma et hereditate prout in dicta carta desuper confecta preceptum sasine in eadem contentum latius habetur Salvis nobis et successoribus nostris juribus ac servitiis prefatarum duarum mercatarum terrarum cum suis pertinentiis nobis et prediceessoribus nostris ante hanc nostram confirmationem debitis et consuetis tantum Preterea volumus et concedimus ac pro nobis et successoribus nostris pro perpetuo decernimus et ordinamus quod hec presens nostra confirmatio antedictae carte sepefatarum duarum mercatarum terrarum cum pertinentiis est ac omnibus temporibus futuris tanti erit roboris fortitudinis et efficacitae memorato Quintigerno Craufurde suisque predictis pro pacifica possessione et gavigione earundem hereditarie ac si eadem per nos sub nostro magno sigillo in majori forma eidem Quintigerno ante sasinam per ipsum de eisdem susceptam data et concessa fuisset non obstante eadem sasina de eisdem alias capta penes quam omnesque alios defectus et inconvenientias qui desuper quovismodo sequi

seu succedere poterint pro nobis et successoribus nostris per presentes pro perpetuo dispensamus Vobis precipimus et mandamus quatenus cartam nostram confirmationis nostro sub magno sigillo in majori forma capelle nostre debita dicto Quintigerno super premissis fieri faciatis Datum sub nostro secreto sigillo apud Dalkeith ultimo die mensis Aprilis anno Domini millesimo quingentesimo octuagesimo sexto et regni nostri decimo nono.

ABSTRACT.

Precept by King James the Sixth, under the Privy Seal, addressed to the Chancellor, for a Charter of Confirmation to be granted in favour of Mungo Craufurde of Drumlaucht, confirming the charter of feu-ferme granted to him by the provost, bailies, and councillors of Ayr, of two merks worth of land of old extent of Friars Dankeith, in the bailiery of Kyle Stewart and shire of Ayr: To hold of the provost and council of Ayr in feu-ferme and heritage, saving to the king and his successors the rights and services due and wont from the said lands. Dated at Dalkeith 30th April 1586.

32. *Gift by King James the Sixth to the Burgh of Ayr of certain Imposts for Maintenance of the Harbour and Bridge of Ayr.*—[10th July 1588.]

JAMES be the grace of God king of Scottis to all and sindrie our liegis and subdittis quhome it efferis quhais knowlege thir our lettres salcum greting Wit ye ws understanding that Williame Cwnyugame of Capringtoun and Hew Campbell of Terrinzeane being convenit within our burgh of Air upoun the twentie twa day of Aprile last bypast and sindrie dayis preceeding and having sene and considerit the estait of the harbry seyport and brig of our said burgh according to the commissioun gevin to thame be act of our parliament to the samin effect in and efter conference had with sindrie landit gentilmen dwelland maist ewest to our said burgh and utheris maist auncient and best experriencit burgessis and craftismen induellaris thairof thay have fund and be thair lettre subseryvit with thair handis reportit to ws and Lordis of our Privie Counsall that the said harbry hevin and brig and

sindrie uther commoun werkis of our said burgh is presentlie rwynous and safar decayit and fallin down that gif the samin be not remedit and helpit in tyme it sall altogidder decay to the grit hurte of our commoun weill of the haille cuntrey and hinderance of our service cheiffie the tyme of our oistis raidis and weiris And now it being considerit be ws that the keeping and repairing of the saidis decayit warkis wilbe swa sumptuous and charge-abil that the inhabitantis of our said burgh be thameselffis ar not abill to sustene the charges and expenssis that is necessar to be bestowit thairupoun in respect of thair grit povertie lois and dammageis sustenit be thame be sey and utherwysis notour to ws Thairfore we with avise of our saidis Lordis have gevin and grantit and be thir oure letres gevis and grantis to the provest bailleis counsall and communitie of our said burgh and to sic as salbe appointit collectour be thame special liecence privilege and full libertie to rais intromet with and uptak the impost following of the guidis underwritin that sall pas and be transportit be the said brig in tyme cuming and beis bocht in thair mercat during the space of nynetene yeiris nixtocum efter the dait of thir our lettres That is to say of everie hors and meir twelf pennyis everie ox and kow sex pennyis everie scheip twa pennyis everie lamb ane penny everie hors pak of woll twa schillingis everie hors pak of skynniss and claith twa schillingis everie daiker of hydeis twelf pennyis everie schip with top at thair incuming within the said harbry threttene schillingis four pennyis everie bark exceiding twentie twn sex schillingis viij^d everie boit fourtie pennyis And sua furth efferand and equivalent of everie kynd of guidis and marchandice that beis bocht and passis be the said brig and bocht in the said mercat and the samin sowmes to apply to the beating repairing and uphalding of the said harberic heavin and brig and utheris decayit warkis of our said burgh during the said space With power to the saidis provest and bailleis and thair collectour to be appointit be thame as said is to crave ressave intromet with and uptak the said impost in maner and during the space foirsaid to the effect abonementonat and gif neid beis to poind and distrenzie thairfore Quhairfore we charge straitlie and commandis yow all and sindrie oure liegis and subdittis foirsaidis that ye answer obey and mak payment to the saidis provest and bailleis and thair collectouris of the particular sowmes foirsaidis of the saidis guidis and geir quhilkis salbe transportit and pas be the said brig and bocht in the said mercat in maner and during the space abonementonat and that ye mak na refuse stop nor impediment thairto as ye will ansuer to ws upoun your

obedience Gevin under oure privie seill at Halieruidhous the tent day of Julij the yeir of God j^m v^e fourescoir aucht yeiris and of our rigne the twentie ane yeir.

Per signaturam manibus S. D. N. Regis ac cancellarij subscriptam.

33. *Crown Precept of Sasine, in favour of the Burgh of Ayr, of the Burgh and all its Privileges.*—[12th March 1621.]

JACOBUS Dei gratia Magne Britannie Francie et Hibernie rex fideique defensor vicecomiti et ballivis suis de Air necnon dilectis nostris Joanni Lokhert de Barr et vestrum cuilibet conjunctim et divisim vicecomitibus vicecomitatus nostri de Air in hac parte salutem Cum perfecte intelligimus quod prepositi ballivi et consules burgi nostri de Air eorumque predecessores in continuo usu et pacifica possessione fuerunt curias tam criminales quam civiles tenendi et in iisdem procedendi contra quoscunque malefactores infra dictum nostrum burgum ac bondas et libertates eiusdem cum omnibus earundem libertatibus immunitatibus et aliis privilegiis Et quod per specialem contractum et appunctuamentum inter ipsos ab una et vicecomites de Air ab altera partibus confectum antedicti vicecomites ratificaverunt et approbaverunt eorum privilegia possessionem usum et consuetudinem dictas curias tenendi et in eisdem procedendi contra dictos malefactores infra eorum proprias bondas et renunciaverunt totum jus et clameum que dicti vicecomites habuerunt habent seu quovismodi ad huiusmodi pretendere poterint Ideoque ratificavimus integras libertates et privilegia per nos nostrosque dictis prepositis ballivis et consulibus dicti nostri burgi de Air eorumque successoribus datas et concessas de tenendis curiis infra eorum proprias bondas unacum omnibus ratificationibus ipsis desuper factis per dictos vicecomites de Air ullo tempore preterito cum singulis huiusmodi contentis Quodquidem appunctuamentum per quondam nostram charissimam matrem ratificatum approbatum et confirmatum erat suo sub magno sigillo de data sexto die mensis Aprilis anno domini millesimo quingentesimo quinquagesimo septimo Sicuti nos nunc ex nostra certa scientia et proprio motu cum avisamento predilecti nostri charissimi consanguinei Joannis comitis de Mar domini Erskin etc. nostri magni thesaurarii et computorum rotulatoris regni nostri Scotie ac nostrorum commissionerum dicti regni nostri de novo dedimus concessimus et disposuimus prefatis preposito ballivis consulibus ac

communitati dicti burgi nostri de Air eorumque successoribus antedictum burgum de Air cum omnibus et singulis terris baroniis molendinis multuris sequelis libero portu custumis piscariis annuis redditibus ac aliis juribus privilegiis et pertinentiis ad idem spectantibus contentis et specificatis in integris prioribus infeofamentis ac donationibus per nos nostrosque predicesores ipsis eorumque predicesoribus et successoribus desuper concessis in omnibus punctis Ac ipsos eorumque successores fecimus et constituimus vicecomites et pacis justiciarios infra predictum nostrum burgum et integras bondas et metas eiusdem pro perpetuo omnibus temporibus affuturis Ac pro nobis et successoribus nostris dedimus et concessimus ipsis eorumque successoribus integras libertates et privilegia ad dicta officia spectantia et pertinentia unacum eschaetis exitibus et amerciamentis dictarum curiarum per ipsos levandis utendis et disponendis ad eorum proprios usus prout ipsis maxime libitum erit prout in carta nostra desuper confecta latius continetur Vobis precipimus et mandamus quatenus prefatis preposito ballivis consulibus et communitati dicti nostri burgi de Air vel eorum certis actornatis latoribus presentium sasinam totius et integri predicti burgi cum omnibus et singulis terris baroniis molendinis multuris libero portu custumis piscariis annuis redditibus officiis vicecomitatus et justiciarie pacis cum omnibus privilegiis immunitatibus et libertatibus ad easdem spectantibus et pertinentibus secundum formam et tenorem antedictae carte nostre quam de nobis inde habent juste haberi faciatis sine dilatione et hoc nullo modo omittatis ad quod faciendum vobis et vestrum cuilibet coniunctim et divisim vicecomitibus vicecomitatus nostri de Air in hac parte antedictis committimus potestatem Datum sub testimonio nostri magni sigilli apud Quhythall decimo quinto die mensis Martii anno domini millesimo sexcentesimo vigesimo primo regnorumque nostrorum annis quinquagesimo quarto et decimo nono.

ABSTRACT.

Precept, under the testimonial of the great seal, by King James the Sixth, addressed to John Lokhart of Barr and his colleagues, sheriffs in that part of the sheriffdom of Ayr, whereby, on the narrative that the provost, bailies, and councillors of the royal burgh of Ayr were known to have been in continual use and peaceable possession of the privilege of holding courts, criminal as well as civil, and of proceeding therein against all malefactors of

whatever sort within the bounds and liberties of the burgh: And that, by special contract and appointment between them, on the one part, and the sheriff of Ayr on the other, the said sheriff's ratified and approved the said judiciary privileges, and renounced all right and claim which they themselves could pretend thereto: Which appointment was ratified, approved, and confirmed by the king's late dearest mother, under her great seal, of date the 6th day of April 1557: Whereupon the king, of his certain knowledge and proper motive, with advice of John earl of Mar, and the commissioners of Scotland, of new granted and disposed to the said provost, bailies, counsellors and community of his burgh of Ayr, the said burgh, with all lands, baronies, mills, multures, sequels, free harbour, customs, fishings, rents, and other rights and privileges thereto belonging, contained in all prior infeftments and gifts granted by his predecessors to the said burgh; making and appointing the said provost, bailies, and counsellors, sheriffs and justices of the peace within the burgh and whole bounds thereof for ever, and charging the sheriff's before mentioned, to whom the precept was addressed, to give sasine to them of the whole subjects so granted and confirmed, according to the tenor of the king's charter thereof granted to the burgh. Dated at Whitehall 15th March 1621.

34. *Sasine, on Crown Precept, in favour of the Burgh of Ayr.*—
[15th October 1621.]

IN Dei nomine amen Per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo sexcentesimo vigesimo primo mensis vero Octobris die decimo quinto et regnorum excellentissimi et serenissimi principis nostri Jacobi Dei gratia magne Britannie Francie et Hibernie regis illustrissimi fideique defensoris annis quinquagesimo quinto et decimo nono respective in nostrorum notariorum publicorum et testium subscriptorum presentiis personaliter accessit honorabilis vir Johannes Lokkert de Barr vicecomes in hac parte vicecomitatus de Air per preceptum sasine sub insertum ex cancellaria regia impetratum ad crucem forealem burgi de Air Necnon ibidem personaliter comparuerunt honorabiles viri Adamus Richie prepositus Gulielmus Cunningham et Joannes Stewart ballivi Donaldus Smyth decanus gilde et Jacobus Makadame thesaurarius dicti burgi de Air pro se ipsis ac nomine et

vice ceterorum consulum et communitatis eiusdem burgi habentes et tenentes in suis manibus quoddam preceptum sasine ex dicta cancellaria regia emanatum pro sasina tribuenda ipsis totius et integri predicti burgi cum omnibus et singulis terris baroniis molendinis mulcturis libero portu custumis piscariis annuis redditibus officiis vicecomitatus et justiciarie pacis cum omnibus privilegiis immunitatibus libertatibus ad easdem spectantibus et pertinentibus Cuiquidem vicecomiti in hac parte antedicto prefatus Adamus Richie prepositus Gulielmus Cuninghame et Joannes Stewart ballivi Donnaldus Smyth decanus gilde et Jacobus Makadame thesaurarius pro se ipsis ac nomine quo supra dictum preceptum sasine reverentia qua decuit presentarunt Ipsum requirendo pro debita executione eiusdem facienda Quiquidem vicecomes in hac parte idem preceptum sasine in manibus suis accepit ac nobis notariis publicis subscriptis perlegendum et in vulgari exponendum tradidit Cuiusquidem precepti sasine tenor sequitur et est talis JACOBUS Dei gratia (etc., as in No. 33, *supra*). Sic subscribitur Sasina ut a tergo All. Wylie Post cuiusquidem precepti sasine preinserti perlecturam et in vulgari expositionem prefatus Joannes Lokhert de Bar vicecomes in hac parte antedictus virtute eiusdem sui que vicecomitatus officii sibi in hac parte incumbentis statum sasinam hereditariam pariter et possessionem corporalem actualem et realem totius et integri predicti burgi de Air cum omnibus et singulis terris baroniis molendinis mulcturis libero portu custumis piscariis annuis redditibus officiis vicecomitatus et justiciarie pacis cum omnibus privilegiis immunitatibus et libertatibus ad easdem spectantibus et pertinentibus prefatis preposito ballivis decano gilde et thesaurario dicti burgi ibidem personaliter presentibus et acceptantibus pro se ipsis ac nomine et vice ceterorum consulum et communitatis eiusdem burgi presentibus et futuris per deliberationem terre et lapidis fundi dictarum terrarum ad eundem burgum spectantium ut moris est et in talibus fieri consuetum secundum formam et tenorem dicti precepti sasine in omnibus punctis dedit tradidit contulit pariterque et cum effectu deliberavit nemine reclamante seu contradicente Super quibus omnibus et singulis dictus Adamus Richie prepositus Gulielmus Cuninghame et Joannes Stewart ballivi Donnaldus Smyth decanus gilde et Jacobus Makadame thesaurarius dicti burgi de Air pro seipsis ac nomine et vice ceterorum consulum et communitatis eiusdem burgi a nobis notariis publicis subscriptis petierunt hoc presens publicum instrumentum unum seu plura Acta erant hec apud crucem foralem dicti burgi hora decima matutina sub annis die mense regnisque regis respective

antedictis Presentibus ibidem Gulielmo Cuninghame juniore de Polquharne Joanne Luif in Newtown Gulielmo Young ibidem Joanne Stenestown ibidem Roberto Reid nuntio Joanne Makera nuntio Joanne Birnie filio quondam magistri Gulielmi Birnie ministri apud Air Alano Cuninghame fullone Jacobo Logane Jacobo Watsoun officariis eiusdem burgi Georgio Kessane mercatore ibidem Adamo Makeubene servitore dicti prepositi et Alexandro Crechtoun incola Edinburgi cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

Et ego vero Joannes Masoun clericus communis burgi de Air auctoritate regia notarius publicus necnon per dominos consilii secundum tenorem acti parlamenti admissus Quia coram prefatis testibus interfui omnia prescripta sic fieri vidi scivi audivi ac in notam cepi hoc presens publicum instrumentum manu mea fideliter scriptum feci subscripsi et signavi in fidem et testimonium veritatis omnium premissorum rogatus et requisitus, etc.

Ita est Alexander Conyngame connotarius, etc.

At Edinburgh the 27 day of November 1621.—Producit be Alexander Conyngame writer in Edinburgh and registrat in the buikis of generall registre, etc.

ABSTRACT.

Instrument of Sasine following on the Precept, No. 33, *supra*, which is therein engrossed, and in terms thereof. The sasine was delivered by the said John Lokhart of Bar, as sheriff in that part, to Adam Richie, provost, William Cuninghame and John Stewart, bailies, Donald Smyth, dean of guild, and James Makadam, treasurer, of the burgh of Ayr, at the market cross thereof, at ten o'clock in the morning of the 15th of October 1621: Before these witnesses, William Cuninghame, younger of Polquharne, John Love in Newton, William Young there, John Steneston there, Robert Reid, messenger, John Makera, messenger, John Birnie, son of the late Mr. William Birnie, minister at Ayr, Alan Cuninghame, fuller, James Logan and James Watson, officers of the burgh, George Kessane, merchant there, Adam Makeuben, servitor of the said provost, Alexander Crechton, indweller in Edinburgh, and others.

35. *Signet Letters by King Charles the First, for Publication of the Infestment granted to the Burgh of Ayr by King James the Sixth.*—[21st June 1631.]

CHARLES be the grace of God King of Great Britanne France and Ireland defender of the faith to our lovittis John Macra messenger

our shereffis in that pairt coniunctlie and severalie specialie constitute greating Forsamekle as it is humlie meanet and schawin to us be our lovittis the Proveist Ballies counsall and communitie of our burgh of Air that quhair our umquhill darest father King James the Sext of eternall and happie memorie understanding perfytlie that the saidis compleneris and thair predicessouris have evir bene in use to hald courtis alsweill in materis criminall as civill aganis quhatsumever malefactouris in our said burgh boundis and liberties thair of and that be ane speciall contract past betuix the saidis compleneris on the ane pairt and the shereffis of our sherefdome of Air on the uther pairt the said shereffis ratified and approved the saidis compleneris thair possessioun use and consuetude of halding of the saidis courtis and proceeding thairintill within thair awin boundis and renuned all richt and title quhilk the saidis shereffis could pretend thairto Thairfoir our said umquhill darest father of happie memorie not only ratified and approved the saidis complineris thair hail liberties and priviledges gevin and granted to thame and thair predicessouris be our said umquhill darest father and his hienes predicessouris of halding of courtis within thair awin proper boundis togidder with all ratificationes granted to thame thairupone be our saidis shereffis of Air in ony tyme bygaine and hail contentis thair of bot also be his charter under the great seall of the dait at Quhythall the fyftine day of Marche j^m vj^e tuentie ane yeris off new gawe granted and disponit to the saidis compleneris and thair successouris the foirsaid burgh of Air with all and sundrie landis baronies mylnes multures sequellis frie port costumes fischingis yeirlie rentes and utheris richtis priviledges and pertinentis belonging thairto specifeit and continit in the hail prior infestmentis and giftis granted be our said umquhill darest father and his hienes predicessouris to the saidis compleneris and thair predicessouris in all pointis and maid and constitute thame and thair successouris shereffis and justiciaris of peace within our said burgh hail boundis and merches thair of for evir in all tyme coming and gave and granted to the saidis compleneris the

hail liberties and priviledges pertuning and belonging to the saidis offices togidder with the eschaetis and amerciamentis of the saidis courtis to be uplifted be thame and to be used and dispoit upone at thair awin proper use as they sould best pleas as in the said charter schawin and producit to the Lordis of our counsall and sessionn at mair lenth is contenit And in respect that the foirsaidis liberties and priviledges granted to the saidis compleneris be the said infeftment ar not as yit sufficientlie notified to the inhabitantis of our said burgh and leidges dwelling about thairfoir necessar it is to the saidis compleneris to have publicatioun thairof in maner following as is alledgit Oure will is heirfoir and we charge yow straitlie and commandis that incontinent thir our lettres sene ye pas to the mereat croces of our burrowis of Air and _____ and utheris places ueidfull and thair in our name and awthoritie mak dew and lawfull publicatioun of the foirsaid infeftment hail liberties and priviledges tharincontentit to all and sundrie our leidges and subjectis to the effect they nor nane of thame pretend ignorance of the samen nor yit presume to come in the contrair thairof bot that they give obedience thairto efter the forme and tennour of the said infeftment in all pointis According to iustice as ye will answer to ws thairupone The quhilk to do we commit to yow coniuictlie and severalie our full power be thir our lettres delyviring thame be yow dewlie excecuit and indorsat againe to the bearer Gevin uuder our signet at Edinburgh the tuentie ane day of Junij and of our regne the sevint yeir 1631.

Ex deliberatione dominorum consilij. (Signed) HOLBURNE.

Writtin be Geo: Halden my servitour
21 Junij 1631.

(*Dorso*) Upon the tuenttie thrid day of Junij the yeir of God j^m vj^c threttie and ane yeiris I Johnne Macra messenger and ane of the sherefis in that part within constitute past at command of thir oure soverane lordis lettres withinwrittin raset at the instance of the proveist bailyeis counsall and comovnittie of the bruche of Air to the mereat cros of the said bruche of Air and thair upone the said mereat cros I in his lienes name and awthorittie be oppin proclamacioun efter thrie severall oyesses and publict reidding over the saidis lettres thairupon maid dew and lauffull publicaciounis of the withinwrittin lettres to all and sindrie oure soverane lordis leidges and subiectis quhairby nane of thame nicht pretend ignorance of the samyne nor yet to presume to cum in the contrair thairof but that they and

ewerie ane of thame gaif obedience thairto conforme to the command and tennour of our soverane lordis lettres in all pointis and maid intimacioun and certifeacioun to thame and ilk ane of thame as is within specifeit of the quhilkis lettres I left and affixt ane just awtentiek coppie upon the said mercat cros of Air beffoir thir witnessis Thomas Nicol Elias Catheart Gilbert MacCalme David M'Gil merchandis burges of Air togidder with the remanent burges thairof and cuntrie peipil duelling thairabout being ane great multitud standing about the said cros of Air and for the mair witnessing heirop to this my execution I have subscrivit the samyne with my hand and signat is heirto affixt. (Signed) Jo. MA^cCRA, *Messgr.*

[Execution in the same form, made on the following day, 24th June, is also endorsed.]

36. *Extract Act of Parliament, ratifying the Privileges of the Burgh of Ayr.*—[28th June 1633.]

IN the Parliament haldine at Edinburgh vpon the tuentie eight day of Junij the yeir of God j^m vj^c threttie thrie yeires oure soverane Lord and Estatis of this present Parliament having consideratioun of the trew and thankfull service done to his Majestic and his hienes most nobill progenitoris of most blissed memorie be the Brughe and Towne of Air ordaines ane act to be maid ratifiend and approveand and for his hienes and his successoris perpetuallie confirmand that chartour and infetment of the dait at Quhithall the fyftene day of March j^m vj^c tuentie ane yeires gevin and granted be his majesties vmquhile darrest father King James the Sext of blissed memorie in favoris of the proveist bailleis counsellouris and communitie of the burgh of Air and thair successoris confirmand to thame thair first original chartour granted to thame be his hienes most noble predicessoris vmquhile William King of Scottis of most blissed memorie of the town and burgh of Air haill priviledgis and immunities thairin conteinit As lykwayes that chartour and infetment granted to thame be vmquhile Robert King of Scottis quhairby he hes disponit to the burgessis and inhabitantis of the said burgh of Air and thair successoris the samyn burgh of Air with all and sindrie landis perteaning thairto and with the port or harberie thairof and fishingis of the samyne customes mylnes multouris frie faires mercat dayes and utheris thairin conteanit of the dait the tuelf day of September j^m and

fflow hundreth yeires togidder with all and sindrie utheris infeftmentis chartoris donationes and dispositionis quhatsumever maid and granted be his majesties said unquhile darrest father or any of his most noble progenitoris to the said burgh off all and quhatsumever landis baronies mylnes multeris frie port customes fishingis offices frie faires mercat dayes liberties and priviledgis quhatsumever conteanit thairintill beirand lykwayes anc dispensatioun tuiching the generalitie and decerning the samyn to be als valeid as if everie particular chartour and writt had bene at lenth verbatim insert thairintill And contening lykwayes thairintill anc new gift be his majesties said unquhile father in favoris of the said towne of Air of the samyn burgh with all and sindrie landis baronies mylnes multeris customes fishingis anuelrentis and utheris richtis priviledgis and pertinentis quhatsumever perteaning thairto and specifeit in thair haill former infeftmentis and writtis and makand thame and thair successores heretable shereffis and justitiaris of peace within the said burgh and haill boundis and merches tharof forevir in all tyme thairefter disponing to thame the haill liberties and priviledgis belonging to the said offices as in the said chartour under the greit seale conteaning divers utheris heidis and conditiones at mair lenth is conteanit Togidder with all and sindrie utheris charteris infeftmentis giftis dispositionis and utheris quhatsumever maid and granted be our said soverane lord or be his hienes said unquhile darrest father or any utheris his majesties most noble progenitoris Kingis and Queenes of Scotland to and in favoris of the said burgh and inhabitantis thairof of the samyn or of quhatsumever landis baronies mylnes multeris frie portis or herberies customes fishingis anuelrentis offices of sherefschip and justiciarie utheris offices quhatsumever frie faires mercat dayes liberties priviledgis escheitis amerciamentis and utheris quhatsoever perteaning and belonging thairto or quhairof they or thair predecessoris have bene or may be in possessione or anywayes sett down and conteanit in thair or any of thair infeftmentis of the said burgh of quhatsumever daittis tennour or contentis the samyn be of in all and sindrie heidis articles claussis obleismentis pointis passis circumstances articles and conditiones of the samyne quhatsumever specifeit and conteanit thairintill dispensand with the generalitie abowewrittine and admittand decernand and deklairand the samyne to be als valeid and sufficient and of als greit force and strenth in all respectis as if everie particular chartour and infeftment or uther writt wer specialie at lenth verbatim insert thairintill Lykas our said soverane Lord and Estaitis foirsaidis of this present Parliament wills

grantis declaires statutes and ordanes that the saidis provest balleis counsall and communitie of the said burgh of Air and thair successores sall peaceablie bruik joyse and posses the foirsaid burgh with all and sindrie landis baronies mylnes multuris frie portis or harberies customes tholoneis and otheris particularie and generallie abowementionat perteaning or that onywayes may be knowin to perteane and belong thairto at thair plesour as thair heretage als frielie in all respectis as onie uther Burrowes within this realme efter the forme and tennour of the infeftmentis particularie and generallie abowewrittine granted to thame and thair predicessoris thairanent perpetuallie in all tyme cuming but ony stop truble or impediment quhatsumever to be maid or moved in the contrair be any persone or persones quhatsumever notwithstanding of any defect or infirmitie if anie be conteanit in the said infeftmentis and donatiounes or ather of thame quhairanent our said soverane Lord for his hienes and his successoris with advyse and consent of the said Estaitis of Parliament hes dispensed and dispensis ordaining the foirsaid Act to be ane sufficient supplement of all faultis and defectis gif anie be conteanit in the saidis infeftmentis and aganes all actione and questiones quhatsumever that can be made or moved in the contrare And our said soverane Lord with advyse and consent of the said Estatis decernes and ordaines this presente Act to be insert and registrate in the buikis of Parliament and to have the strenth force and effect of ane law and statute of Parliament with all executioun to follow thairupone in forme as effeires and lettres of horning if neid beis to be direct upone ane simple charge of ten dayes allenmerlie.

Extractit furth of the buikis of Parliament be me Sir Johne Hay of Landis knicht clark of our soverane Lordis Registre counsall and Rollis under my signe and subscriptione manuell.

(Signed) J. HAY, *Cls. Regri.*

37. *Charter by King James the Seventh, to the Burgh of Ayr, of certain Duties on Ale and Wine.*—[15th January 1687.]

JACOBUS Dei gratia magnæ Britanniae Franciae et Hiberniae rex fideique defensor omnibus probis hominibus suis ad quos praesentes literae pervenerint salutem Quandoquidem nos considerantes urbem de Aire unam esse ex antiquis nostris burgis regalibus hujus nostri regni Scotiae quodque magistratus et incolae ejusdem juribus regijs et coronae nostrae servitio firmi

semper adhaeserunt Nosque itidem certiores facti annuos redditus et tributa ad communitatem dicti burgi spectantia debitis alijsque incidentibus ejusdem burgi expensis admodum esse imparia quodque ex portus sui maritimi ruina ac tumulis arenosis in plurimis fluvij sui locis exurgentibus ac ex sumptibus in removendo caeno et ejectionibus marinis impensis idem burgum non parum ad inopiam est redactum atque ad debita persolvenda ob hasce rationes haecenus contracta aut ea peragenda quae ad mercatores et opifices dicti burgi melius animandos opprime sunt necessaria sive ad pontem et templum plateas et portus maritimos aliasque incidentes impensas quas expendere contigerit communitas sustinendas omnino redditur impar Nos autem animum addere dictis magistratibus abunde cupidi ut scilicet publica sua opera in commodum et utilitatem incolarum dictae urbis melius administrarentur et ut in posterum nobis servitia debita praestare validiores reddantur Noveritis igitur nos ex certa nostra scientia proprioque motu ac potestate regia dedisse concessisse et disposuisse sicuti per has nostras literas ob rationes praedictas plurimasque alias causas damus concedimus et disponimus preposito balivis et consiliariis dicti burgi de Air nomine communitatis ejusdem impositionem quatuor denariorum monetae Scotiae super unaquaque pinta cerevisiae seu zythi concocti seu importati ac venditi in dicto burgo cum potestate magistratibus dictam impositionem super cerevisia et zetho sive ut supra mentionatur sive per pretium viginti solidorum monetae Scotiae super unoquoque bolla brasij in dicto burgo seu libertatibus ejusdem concocti sive in hunc effectum importati exigendi et recipiendi cum potestate itidem dictis magistratibus summam viginti quinque librarum monetae praedictae super unaquaque dolio (vulgo Tun) vini Gallici ac viginti quinque librarum super unaquaque cada (vulgo Butt) vini Hispanici importati et venditi in dicto burgo et libertatibus ejusdem imponendi et exigendi Quasquidem impositiones super cerevisia caeterisque liquoribus antedictis absque omni praesudicio fore ordinariae excisae et annuitati nobis per parlamenti acta concessae per praesentes declaramus Et praeterea volumus et declaramus praedictas hasce impositiones ex earum singulas durare et effectum habere pro spatio novem decem annorum a termino purificationis beatae Virginis anno Domini millesimo sexcentesimo octogesimo septimo a quo tempore easdem initium capere declaramus Cum plenaria admodum potestate praeposito balivis et consiliariis dicti burgi de Air impositiones dictas in rentale dimittendi sive collectores (pro quibus respondebunt) pro recipiendis et exigendis impositionibus supra mentionatis ad solvenda debita dicti burgi

aliasque necessarias et incidentes suas expensas nominandi ac si necesse erit pro iisdem namandi et distringendi et generaliter omnia alia peragendi pro efficaci earundem collectione similiter adeoque libere in quovis respectu ac magistratus et conciliarii cujusvis burghi regalis in dicto nostro regno faciunt seu jure facere possunt per donationes seu similis naturæ literas per nos aut serenissimum nostrum fratrem Carolum secundum beatæ memoriæ ipsis concessas In cujus rei testimonium præsentibus magnum sigillum nostrum appendi mandavimus apud aulam nostram de Whytehall decimo quinto die mensis Januarii anno domini millesimo sexcentesimo octogesimo septimo regniq[ue] nostri anno secundo.

Per signaturam manu S. D. N. regis suprascriptam.

(*Dorso*) Written to the Great Seal and registrat the eightein day of Februarii 1687.

Jo : GRAHAME, *Dpt.*

Sealed at Edinburgh the twentie ane day of February 1687.

J. HAY.

ABSTRACT.

Charter by King James the Seventh, whereby, considering that the town of Ayr is one of the most ancient of the royal burghs of Scotland, and that the magistrates and inhabitants thereof have ever adhered to the regal rights and steadfast service of the crown; and also on the information that the rents and customs belonging to the community of the said burgh are very far from being sufficient for the debts and other incidental expenses of the same; and that by the ruin of their seaport, and the sand heaps arising in many places of their river, and the great expense of removing the mud and refuse cast up by the sea, the burgh was reduced to great straits, and was rendered quite incapable of paying the debts which, on these accounts, had hitherto been contracted, or of doing what was very necessary for the better encouragement of the merchants and craftsmen of the burgh, or for sustaining such other incidental expenses as the community required to lay out for maintaining the bridge, the church, the streets, and the harbour; the King, therefore, being desirous of encouraging the said magistrates so that they may the better promote their public works for the advantage and utility of the inhabitants of the said town, and that they may be the more able hereafter to perform the services due to him, granted

and disposed to the provost, bailies, and counsellors of the said burgh of Ayr, in name of the community thereof, an impost of fourpence of Scots money upon every pint of ale or beer brewed or imported and sold in the said burgh; with power to the said magistrates to exact and take up the said impost upon ale or beer as aforesaid, or by the price of twenty shillings Scots upon every boll of malt brewed in the said burgh or liberties thereof, or imported for that purpose: With power also to them to impose and exact the sum of twenty-five pounds Scots upon every tun of French wine, and the same sum upon every butt of Spanish wine, imported and sold in the said burgh and liberties thereof; which imposts are declared to be without prejudice to the ordinary excise and annuity granted by Acts of Parliament to the crown: And further, that the aforesaid imposts shall continue for the space of nineteen years from Candlemas 1687 onwards. Dated at Whitehall, 15th January 1687.

38. *Letters of Charge, at the instance of the Tacksmen of the Customs of Ayr, against the Brewers and Vintners of the Burgh.*—[20th December 1687.]

JAMES be the grace of God King of Great Britanne France and Ireland defender of the faith to our lovits _____ messengers our shirrefs in that part conjunctlie and severallie speciallie constitut greeting Forsuameikle as it is humblie meaned and showen to us be our lovits John Ferguson merchant burgess of Aire and Joseph Smith late baillie ther that wher thair was ane Tack made by way of contract dated the fourth day of November last j^m vi^e and eightie seven years betwixt William Cunynghame of Brownhill then provost of Aire William Crawford and Adam Osburne then present baillies William Reid dean of gild and Robert Lesly thesaurer of the said burgh of Aire with consent of the toune counsell thereof on the ane part and the compleners on the other part whereby the saids Magistrats of Aire with consent foresaid did (for payment of the soumes of money specified in the said Tack and upon the other considerationes therein contained) sett and for them and their successors in office in ferme lett to the saids compleners equally betwixt them their aires and executors all and hailt twentie shilling Scots money imposed upon and to be exacted out of ilk boll of malt brewen and to be brewen vented and sold within the said

burgh and liberties thereof comprehending the Baronie of Alloway and liberties of the samen being parts and pertinents of the said burgh of Aire or imported or to be imported within the samen for brewing (all malt to be brewed be private persones for their own uses allanerly being excepted and reserved furth of the said tack) As also the soume of twentie fyve pound Scots money imposed upon and to be exacted out of ilk tun of French wyne and sicklyke the lyke soume of twentie fyve pound 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 thereof And that for all the dayes years termes tyme and space of three years next and immediately following the saids compleners their entrie thereto which is by the said tack declared to have been and begune upon the first day of October last bypast at six houres in the morneing and from thence forth to continue and endure untill the first day of October in anno j^m vi^c and fourscore ten years exclusive at six houres in the morning With full power to the saids compleners and their forsaid and their substituts collectors and deputs in their names not only to uplift the forsaid twentie shilling Scots monie upon ilk boll of malt brewen and to be brewen vented sold and retailed within the said burgh liberties and priviledges thereof abonewrittin (malt to be brewen be privat persones for their own uses as said is being excepted) att the milnes of Aire and Alloway or otherwayes as the saids compleners shall think most expedient the ane but prejudice of the other and lykewayes out of the multure malt itself during the forsaid space And that the multurers and milners belonging to the saids milnes of Aire and Alloway take no malt out of the multure chists but when the saids compleners or ane or another of them shall be present at the outgiving and measureing thereof that payment may be made of the said twentie shilling Scots out of ilk boll thereof to be brewen vented and retailed in manner foresaid accordingly And that the saids multurers milners and their servants shall duellie and truelie putt in the multure and bannock malt to be uplifted be them in their chists and that upon oath when they shall be required thereto And thereby requyreing and ordaineing the milners and servants at the saids milnes readdily to answer and obey the saids compleners and give them access and enterance to the saids milnes whenever they should be called and requyred thereto and to fix locks upon the saids multure chists if it should be found requisite and necessar And the multurers myllers and their servants to give their oathes that they shall nowayes suffer

any malt grinded att the foresaids milnes to goe out by night or by day after six of the clock at night or before six of the clock of the morneing without consent of the saids compleners had and obtained thereto during the foresaid space and before the owners or any in their names receive the malt out of the saids milnes And if the saids compleners or any of them or their forsaid should seize upon any malt out of the saids milnes comeing in to the said burgh or liberties thereof grund at any other milnes then the forsaid milnes of Aire and Alloway the saids compleners are by the said tack authorized to seize upon the samen and exact the forsaid twentie shilling and to detaine the malt whill the ordinary multure be payed And the remainder of the said malt is thereby declared to belong to the saids compleners equally betwixt them and to be disposed be the saids compleners accordingly they paying the multures thereof to the multurers And the owners and importers of the said grund malt to be punished to the sight and att the discretione of the magistrats being for the tyme But also with power to the saids compleners and their forsaid to uplift the said twentie fyve pound out of ilk tun of French wyne and twentie fyve pounds out of ilk butt of Spanish wyne imported or to be imported vented sold and retailed within the said burgh and liberties thereof during the space forsaid And sicklyke with power to the saids compleners and their forsaid to ask crave receive and uplift the samen from the persones lyable in payment thereof and if need beis to take their oaths upon the quantities of wynes they should happen to vent sell or retail during the space forsaid of the said tack poynd and distrenzie for the samen and generally all and sundrie other things to doe for the effectual collecting and ingathering thereof sicklyke and also freely in all respects as the saids magistrats and counsell of the said burgh or their successors in office for the tyme may or can lawfully doe themselves be vertue of ane gift of the saids impositiones granted to them be Us dated the fyfteenth day of January last j^m vj^c and eightie seven years as the said tack of the date forsaid insert and registrat in the books of our Thesaurie and Exchequer and ane decret of the Lords thereof interponed thereto upon the twentie eight day of December j^m vj^c and eightie seven years narrating the forsaid gift from Us thairintill and contaneing several other heads articles and clauses in the samen shoven and produced to the saids Lords of our Thesaurie and Exchequer hes testified For the better collecting uplifting and ingathering of the which impositiones necessar it is for the saids compleners to have thir our letters direct at their instance in mauer following Our will

is herefore and we charge you straitly and command that incontinent thir our letters seen yee past and in our name and authoritie command and charge all and sundrie persones brewers ventiners sellars and retaillers and all others lyable in payment of the forsaid twentie shilling Scots imposed upon ilk boll of malt brewen vented sold and retailed within the said burgh of Aire liberties and privileges thereof above specified (excepting as is above excepted) And also all and sundrie merchants importers ventiners sellars and retaillers of French wyne and Spanish wyne and others lyable in payment of the said soume of twentie fyve pound Scots money imposed upon aither of the forsaid wynes in manner particularly abovementioned (whose names with the particulars addebted be them shall be given up to you in roll) to make payment to the saids John Ferguson and Joseph Smith compleners and their substitutes collectors and deputs in their names of the forsaid impositiones respective imposed in manner abovewryten within the bounds above specified from the said first day of October last bypast at six houres in the morneing and thereafter untill the said first day of October in the year j^m vj^c fourseore ten at six houres in the morneing exclusive and that after the forme and tenor of our said gift tack and decret forsaid interponed thereto in all poynts within three dayes next after they be charged be you thereto under the paine of rebellione and putting of them to our horne Wherintill if they failzie the saids three dayes being bygone that yee incontinent thereafter denunce the disobeyers our rebels and putt them to our horne and escheat and inbring all their moveable goods and gear to our use for their contempstion and disobedience And immediately after your said denunciatione that you use the hail remanent order prescrybed by the act of Parliament and ordinance made thereaunt And sieklyke that yee in our said name and authoritie fence areist appryse compell poynd and distrenzie the persones lyable therefore as accords of the law according to justice because the Lords hes sein the Tack above specified registrat as ye will answer to us thereupon The whilk to doe wee committ to you conjunctlie and severallie our full power be thir our letters delyvering them be you duelly exeut and indorsat againe to the bearer Given under our signet att Edinburgh the twentie day of December and of our reigne the third year 1687.

Ex deliberatione dominorum Seaccarij.

(Signed) LAU : OLIPHANT.

For Entriken writtin be John Hamiltoun his servitore

29 : Decembris 1687.

39. *Extract Act of Parliament, in favour of the Burgh of Ayr, conferring Power to levy a Tax for Repair of the Harbour of the Town of Ayr.—*
 [16th July 1695.]

AT Edinburgh the sixteenth day of Julij j^m vj^e nynty five years our sovereign lord considering that the harbour of the toun of Aire is ruined and lyes in rubbish and that thereby the trade of the forsaid toun is quite decayed and the inhabitants therof so impoverishit that they are not able to repaire the said harbour the which is also a great loss to all the adjacent country and also considering that in the late government the magistrats who were then imposed upon the burgh did obtaine from the late king an imposition of twenty shillings Scots upon each boll of malt which was brow'n and vended within the said toun and that the same was intirely by them misimployed and they did also run the said toun in considerable debts which they are no ways able to satisfie Therfor his majestie with advice and consent of the Estates of Parliament for enabling the said burgh to repaire their harbour and pay and satisfie their debts doth grant to the said burgh and community therof the imposition of one merk upon each boll of malt to be ground at the milnes of the said toun and that for the space of ten years commencing from the terme of Lambmas next to come The which imposition is to be uplifted and manadged by two to be chosen from the Toun Council and are to be chosen by the other inhabitants yearly who are to uplift and employ the same and if need beis to use diligence therefor for the uses aforsaid at the sight of the magistrats and Toun Council and the said magistrats Toun Council and managers are yearly to hold compt for what they shall intromett with by vertue of this Act to the Earl of Cassillis and the Lord Kennedy his son Mr. Francis Montgomery of Giffen the laird of Rowallan and William Fullarton of that ilke And in case they shall find the same to be mismanaged and otherwise imployed than for the uses forsaid the saids overseers or major part of them are hereby impowered to choice other managers for rendering the designe of this imposition effectual And notwithstanding that the forsaid imposition is granted for the space of ten years yet it is hereby declared that if within the forsaid space the harbour shall be repaired and the debts of the toun paid that then and in that case

the forsaidd imposition shall terminat and the inhabitants shall be no longer lyable in payment of the same.

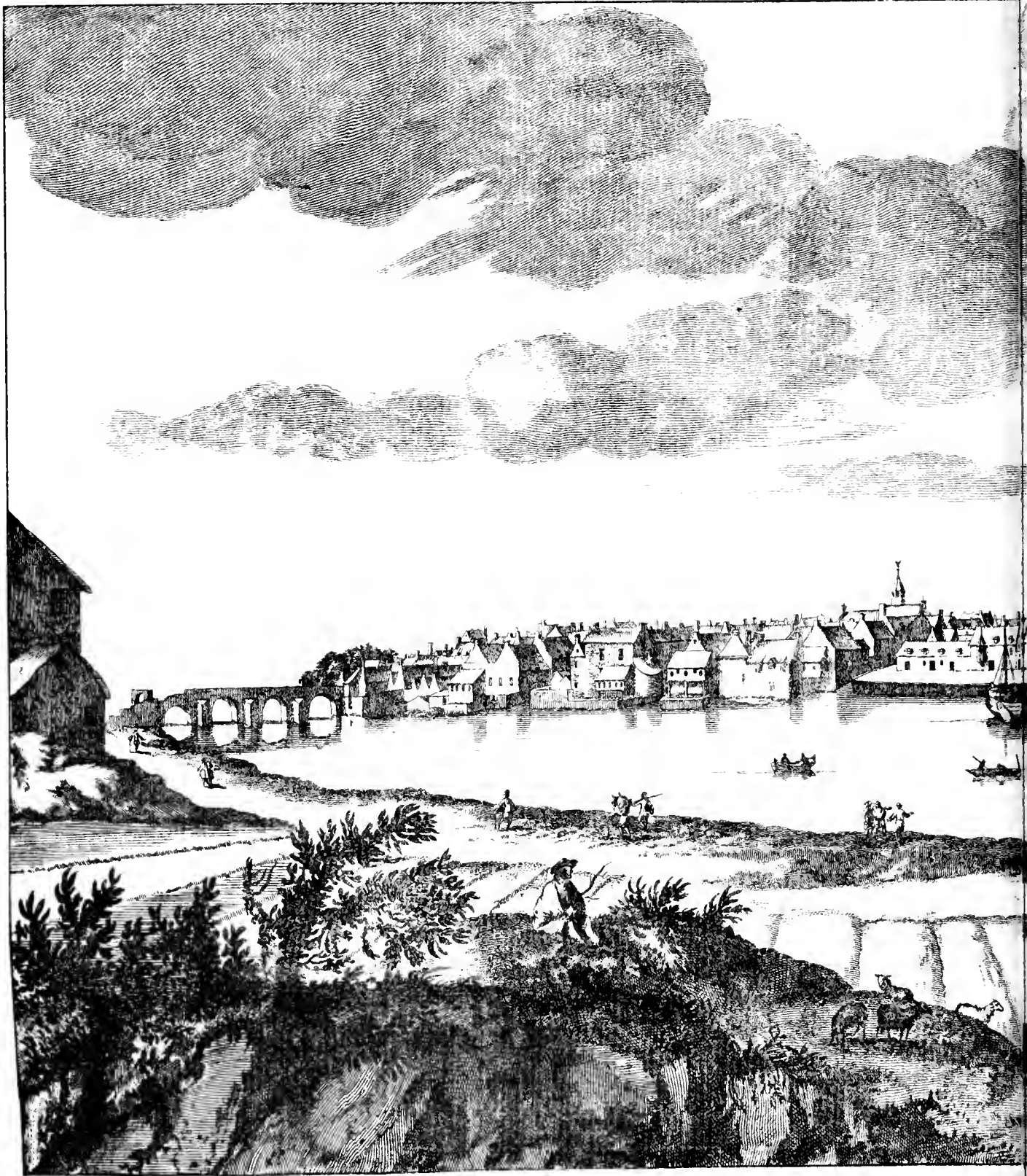
Extracted forth of the Records of Parliament by George viscount of Tarbat lord Macleod and Castellhaven etc. clerk to his majesties Councils Registers and Rolls. TARBAT, *Clk. Repr.*

40. *Extract Act of Parliament, appointing a Yearly Fair to be held at Ayr.*—[31st January 1701.]

Att Edinburgh the thirty one day of January one thousand seven hundred and one years our soveraigne lord and Estates of Parliament considering that the appoynting of fairs and mercats in convenient places of the kingdome does greatly tend to the advantage of the trade thereof and advantage of his Majesty's leidges dwelling at or near the saids places and that it is most convenient for the good of the royal burgh of Air and for the other ends abovementioned to appoynt a publick yearly fair to be kept thereat in manner underwritten Doe therfor by thir presents appoynt ane publick fair to be holdine yearly in all tyme comeing at the said Burgh of Air upon the first Tewesday of January and the four days immediatly following the same yearly for buying and selling of all kinds of vendible commodities And have given and granted and hereby give and grant to the said burgh and magistrats town councill and community thereof the right and priviledge of keiping and holding the said one fair therat yearly in all tyme to come and the hail tolls customes profits and casualities thereof or competent to pertain thereto with full power to them to cause proclaime and ryde the said one fair yearly and to make such order thereanent as they think fitt and to exact uplift and dispose upon the saids tolls customes profits and casualities of the samen and to do all other things anent the said fair which any haveing priviledge of keiping fairs within the kingdome lawfully doe or may doe.

Extracted furth of the Records of Parliament by me Mr. Alexander Gibsone of Durie one of the deput clerks of Parliament as haveing commission for that effect from Charles earle of Selkirk clerk to the Parliament and to his Majesty's Counsills Registers and Rolls.

(Signed) AL: GIBSONE.



Prospectus Civitatis AERÆ ab Orientale. The



Prospect of the Town of AIR from the East.

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 quibuscumque 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 Byndberiyharde cum pertinenciis vendicabit vel vendicabunt vel vendicare valeat vel valeant racione 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 reclamacione 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 cuicumque alii qui dampnum vel gravamen predictis burgensibus vel communitati valeat inferri aliquo modo in futurum 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^o ccc^o 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 Careluie 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

ballivus a dicto vicecomite peccit remedium oportunum 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 ausencia 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 ausencia 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 eciam 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 peccit 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 peccit 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 peccit instrumentum dictorum burgensium et communitatis sumptibus et expensis Acta fuerunt hec in plena curia vicecomitis de Are tenta ibidem per dietum 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 existencium 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^o iij^e xxv^{mo} die x^o 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 viceesimo septimo die nono mensis Novembris indicione 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 inquisitionem 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 inquisitione 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 communitatem dicti burgi pro utilitate communi personaliter dictum vicium arene visitavit et arene dampno considerato mandavit et precepit habitatores dicti vici ipsum vicium 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 augetetur 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 indicione 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 predicitur 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 quadingentesimo vicesimo nono mensis Novembris die xvii indicione octava pontificatus

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 Bathgate 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^{to} dies Super quibus omnibus et singulis predictis antedicti ballivi a me notario subscripto suis sumptibus et expensis sibi fieri peccierunt publicum instrumentum Acta fuerunt hec in villa de Are in pretoreo eiusdem hora quasi xj anno die mensi 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 Glassynwright 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 Carriek, 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 auditoris 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 jaentes 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 elameo in futurum Roberto More de Rowalane pro quindecim marcis bone et usualis monete regni Scoocie mihi in mea urgente necessitate premanibus persolutis Et de qua quidem summa predicta quindecim marearum fateor me bene contentatum et plenarie persolutum Tenendas et habendas omnes et singulas dictas terras de Galblare et de ly Tenne acrys eum 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 paece sicut ego dictus Michael Gray vel aliqui predecessorum meorum de burgo de Are liberius quiccius 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 dietas terras de jure vel consuetudine spectantibus seu iuste 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 Caldwell Johanne More de Sanebare 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 Baillicland, 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 Bailyclande 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 eschaectis earundem aucupacionibus venacionibus et piscacionibus aquis stagnis et

vivariis cum calce lapide et carbone cum libero introitu et exitu absque contradiccione huiuscunq̄ue et cum omnibus aliis commoditatibus libertatibus et asiamentis ac iustis pertinenciis suis quibuscunq̄ue 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 quiete¹ 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 Scoocie et sex denarios de terra de Atkynnys Croft eiusdem monete annuatim¹ solvendos ad duos anni terminos videlicet penticostes et sancti Martini in hieme per equales portiones tantum pro omnibus aliis serviciis secularibus exactionibus seu demandis quibuscunq̄ue de predictis terris cum pertinenciis per quoscunq̄ue 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-

¹ Illegible.

gentesimo sexagesimo mensis vero Septembris die penultimo indicione nona pontificatus sanctissimi in Christo patris et domini nostri Pii divina providencia pape secundi anno tereio in mei notarii publici et testium subscriptorum presencia personaliter constitutus Johannes de Dalrympill assertus eliens domini Georgii Cambell militis vicecomitis de Are peiit et oneravit providos viros videlicet Johannem Multrar aldermannum burgi de Ar Johannem Cher[y et] Thomam Vilzanson ballivos eiusdem neenon Alexandrum Otterburn et Jacobum Valcar burgenses dicti burgi ad invenendum sibi plegios ad comparandum coram dicto vicecomite in curia mundinarum sancti Michaelis archangeli tenenda in crastino earundem Et tunc dictus aldermannus peiit a prefato cliente qua auctoritate eos oneraret vel ad huius curiam arrestaret Qui respondit quod nomine et auctoritate vicecomitis antedicti Ac dictus aldermannus peiit si aliquam ad hoc faciendum potestatem haberet quod ibidem ostenderet Quam minime fecit Insuper prefatus aldermannus asseruit custodiam et conservacionem dictarum mundinarum 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 mundinarum et curiis earundem se non intrmittere eo quod tota earundem iurisdiccio per regem erat ut asseruit eis collata Et quod dictum Johannem Dalrympill non cognovit in huius arrestacionibus dictis mundinis pertinentibus clientem nec in eisdem potestatem quovismodo habere et quod sibi vel suis arrestacionibus quantum ad curiam mundinarum 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 mundinis conservandis et curiis earundem tenendis facere aut quovismodo ordinare et si eos ad dictam curiam mundinarum arrestare presumpserit ab eodem cum omni cura declinarent et plegios eidem clienti non invenirent Super quibus omnibus et singulis sic premissis peiit 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 mundinis sancti Michaelis sepedictis sub anno mense die indicione et pontificatu supra dictis Presentibus nobilibus ac providis viris videlicet

Thoma Spreule domino de Coldoun Johanne Mur de Herothill Alexandro de Conyngname 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 compare 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 oure Lord a thousand four hundreth and sexte before thir lordis of our soveran lordis counsale uudirwritten 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 oecht lethirtill 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 pertenyys 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^a pontificatus sanctissimi in Cristo patris et domini nostri domini Sixti divina providencia pape iij^{ti} anno iij^{to} 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 dieti 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 effectu 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 Lowehriding 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 intigro tamen petario remanente cum baronia de Dalrumpille deinde descendendo a dicto petario spacium quoddam per marresium nuncupatum le Syik inter terras aratas de Kertloy 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 Bracanhirst sub anno mense die indicione et pontificatu quibus supra hora quarta vel eo circa post meridiem presentibus honorabilibus et circumspectis 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 Bkemeamhop
 Michaeli Mason Georgio Quhit Johanne Brown 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 Lowchriding; 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 Careluie 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 Marci nona indictione 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 effectu 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 burgi 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 eum pertinentiis jacentibus in terretorio dicti burgi in Kile regis et infra vicecomitatum burgi predicti Quaquidem resignacione quinque solidorum annui redditus ut premittitur in manibus dicti ballivi ut predicatur 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 aldirmano dicti burgi tanquam persone publice nomine et ex parte tocus communitatis ac omnium comburgensium dicti burgi 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 autedictis 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 tocius 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 indicione 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 Makcornyll 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 Holmyskill, 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 indicione 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 pertinenciis 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 pertinenciis provido viro domino Arthuro Reid capellano hereditarie imperpetuum Salvo iure cuiuslibet Super quibus vero omnibus et singulis peccit 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 indicione et pontificatu quibus supra presentibus ibidem Johanne Dahrumpill 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 Makecornyl, 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 Makecormyll.

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 indicione 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 sumum tenementum jacens in burgo de Air inter tenementum Ade Conyngham de Caprontoun ex parte boreali 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 dietis 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 diete ecclesie celebrandis Super quibus omnibus et singulis peccit 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 indiccione pontificatu et regis regno quibus supra presentibus ibidem providis viris Johanne Schaw de Haly Colino Campbell Michaele M'Ylroye Willelmo Dregarne Johanne Makylcardy 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 infeftment 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 Makcormyll¹ 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 climosinas et missarum celebraciones continuas ubi Filius pro peccatis nostris Patri offertur credimus peccata dimitti purgatorij penas demollinj 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

¹ 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 pertinentiis 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 pertinentiis 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 diete elimosine distribucioni si voluerit gracia cuius duodecim denarii sibi annuatim ex premissa summa dabuntur sinautem nichil Volo eciam quod ad decorem domus Dei clericus parrochialis vel sacrista pro tempore ter pulset ad exequias et tocies 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 aufert 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 predicatur contigerit in ¹ datur partes
 Et una pars in usum pauperum cedat reliqua vero sacerdotibus presentibus
 et celebrantibus ut supra ¹ pro perpetuo ordino quod distributor
 Elimosine pro tempore et ceterorum ut supra gracia sui fidelis laboris
 habeat por ¹ dicte pecunie qui aliis sacerdotibus incumbit
 Et ut ipse distributor pro tempore reddat fideliter singula ¹ eterne
 remuneracionis optat esse particeps Volo eciam quod si contingat ex incuria
 sacerdotum vel aliter quod ¹ die et tempore prescriptis non
 perficiatur quod illa vice et ceteris vicibus quociens hoc contigerit predicti
¹ gantur decanum gilde et meos propinquiores amicos in burgo
 et ex dicta summa quatuordecim solidj pauperibus ¹ 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 Johnestoun cum multis aliis, etc.

(Signed) Dominus ANDREAS MAKORMYL,
 Notarius Publicus.

Ita est manu propria approbat singula premissa.



¹ Original torn.

ABSTRACT.

Charter by Sir Andrew Makecormyll, 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 Patriek 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 Masonn; 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 saeristan 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^o 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 circumspetus vir dominus Andreas Makecormile 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 Masonne 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 faciendū 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 indicione 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^cQuinze 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 audituris 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 previsa 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 mesure 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 predicatur 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 pertinenciis jacentem in territorio dicti burgi in Kyle et intra vicecomitatum de Are Faciendo

aquarum stationem ly dammyng dicti molendini et locum sive loca dicte piscarie ly crois in quodam vado antedictæ 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 antedictæ 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 xiiij^o 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 asiamenti 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 revocacione impedimento aut obstaculo quocunque sicut alique huiusmodi infra regnum Scocie ad feodifirmam liberius et quicquid dantur conceduntur seu eciam quoquomodo 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 burghum 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 Aere 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 commission direct thairupone for exeming 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 tementis 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 previlege abonespecificit 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 befoir 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. *Decree 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^m v^e lvij 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 registre Siris Johnne Campble of Lundie William Hamiltoun of Sanchair knychtis

Robert Carnagy of Kynnard Richart Maitland of Lethingtoun knyechtis maister James M^cGill 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 pmrehest at the instance of the provest baillies counsale and commontie of the burght of Air aganis Hew Erle of Eglington baillie principale of the baillierie of Cuningham Sir Richard Maitland of Lethingtoun knyecht and maister Archibald Craufurd persoun of Eglisehehame his curatouris for thair interest and Johnne Muir of Canldwell baillie deput to the said erle Malie Craig and Johnne Craig hir spons for his interes Johnne Muir burges of Irvin ane nthir of the baillies deputis of the said baillierie and all nthiris 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 thair 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 repleging and agane bringing of ony nychtbour and inhabitant of the said burght attecheit or arreistit befor ony nthiris 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 Wilsom powderar induellar and burges of the said burght being attheitit and arreistit befor the baillie of Cuningham and his deputis at the instance of the said Malie Craig the complemaris foirsaidis send Robert M^cMillane 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 Canldwell baillie deput of Cuninghame sittand in jugement for the tyme to suffer the said Archibald be replegit and to remitt him to the jurisdiction of the said burght and offerit cautiuon of collerat for justice to be ministrat to the said Malie and all nthiris 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 inviolable 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 considerit 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 jurisdiction and to admitt the samin in all tyme cuming and to decist and ceis fra all proceeding in the said mater as jugcis competent thairto and the said actioun to be admittit to the saidis complenaris jurisdiction thair to be decydit conform to thair saidis privilegis 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 comontic of Air comperand be maister David Borthuik thair procuratour and the said Hew erle of Eglington 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 baillierie 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 interest 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 cleirlic 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 severallie 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 thair of the sowne of aue hundreth xlix^{li} vj^s viij^d to be payit as followis That is to say the personage and vicarage of Alloway liij^{li} vj^s viij^d the third of Air tertio xxxiiij^{li} iij^s v^d 3 part^d and the remanent extending to lxj^{li} xv^s x^d thrid part^d to be payit be the said toun of Air out of the annuellis obittis and chaiplanreis 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 yeirlic 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 verry malice to cause put thame to our horne wranguslie Considering it is of veritie that thai being patronis thame selfis of the saidis annuellis obittis and chaiplanreis extending in the haill to lxxvj^{li} ij^s off and 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 Johne Sinclare during his lifetyme xx^{li} 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^{li} To the clerk of thair sessioun for his stepend and to by paper and ink viij markis To the pour lvi^s 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 chaiplainreis and the saidis personis respective ilkane

for thair awin parte hes bene in continewall possession of the samyn thir divers yeiris bigane like as thai ar yit and the saidis complenaris hes bene onlie in use of payment thairof to thame and the said James Dalrumpill minister foirsaid nor na uthiris ministeris at the said kirk had nevir possession 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 chaiplanreis 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 thairof 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 thairof 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 thairof 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 anc 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 xiiij day of Marche and of our Regne the sevint yeir 1573 Ex deliberatione dominorum consilij.

(Signed) A. Tod.

(*Dorso*) Upoun the xiiij day of Marche the yeir of God J^m v^c 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 summonsdit 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 burgi 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 Johne 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 declairit 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 thair 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 befor in ane justice court haldin in the tolbuith of the said burght of Edinburgh the xxvj day of Apryle the yeir of God j^m v^e 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 assyssidis or inqueistis in quhatsumevir courtis owtwith thair awin jurisdiction boundis and fredome of thair said burght and baronye 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 solemnitlie protestit in respect of his production of the saidis lettres and command foirsaid direct to the officiaris being sene and considerit 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 befor the said justice or his deputtis as being summond be quhatsumevir officiaris of armes to pas upoun assyssidis 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 alswa for remeid aganis quhatsumevir officiaris ane or ma that makis or usis ony execution of summondis and lettres incontrair 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 serybe of the saidis courtis.

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

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 subsequentiun unanimitate 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 brucriis 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-

traditione 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 quoseunque 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 neenon 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 provest of Ayre George Cochrane baillie of Ayre James Craufurd baillie of Air David Crauffurd dein off Gild William Craufurd 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^{to} 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 thairof 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 yeirlic annuelrent of fourtie aught merkis money foirsaid 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 sherefdome 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 annellrentis awand to me of the said annuelrent of all yeris and termes bipast sen my infettment 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 quitclamit 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 forevir 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 tenuour 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^m v^e 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^m vj^e 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 Cochran 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 subseryveit with thair handis desyreing the samyne to be insert and registrate in the buikis of counsall 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 thoelit 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^m v^c 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 thair of for thameselffis as magistratis foirsaidis with speciall advyce and consent of the counsall 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 heirof 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 satisfet and payit and for thame and thair successouris exoneris quytelames 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 counsall 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 heretable infet and seas the said Johne Kennedye of Balterssane and his airis maill and assignais in all and hail the hail 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 fishes 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 thairof 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 thairof abone specifedit 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 infeftment 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 infeftment 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 sallahappin to rin over 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 infeftment of the foirnamit salmont and cobill fischeingis respective abone-wrettin sall thaireftir be null and expyre of itself and of nane availl strenth foree nor effect ipso facto but ony declaratioun Lykeas in that caice of evill payment of the said yeirle 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 bruike 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 sallahappin the airis or successouris of the said Johne Kennedye to be minoris and within the aige of xxj yeiris and thairthrow in thair minoritie sallahappin to let thrie termes maill of the said yeirle 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 sallahappin nochtwithstanding of thair rynnning 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 infeftment 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 infeftment 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 infeftment 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 thair of 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 Johnes 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 thair of 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 prediessouris 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 prediessouris to the Lairdis of Grenane being than of the surname of Davidsons 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 commoditye 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 alswa lykeas it salbe provydit in the said infeftment that the samyn infeftment nor this present contract quhairupoun the said infeftment 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 come myln of Alloway myln land myln houssis stans laid dame and watteringang of the samyn alreedy 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 watteringangis 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 hurtefull 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 infeftment 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 renunces and discharges the samyn allegeit actioun of ejectioun haill actioun proees 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 heirtfoir 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 heiroy 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 M^cMirrie 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 dietj burgj de mandato consilij et communitatis ejusdem.

Extractum de libro actorum per me dominum Joannem Skene de Curryehill militem clericum rotulorum registrj 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 auditoris Adamus Stewart prepositus Georgius Cochrene et Robertus Jamesoun ballivi burgi de Air neonon consilium et communitas eiusdem burgi eternam in Domino salutem Noveritis nos pro perimptione unius partis ejusdam 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 prenominate 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 aque 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 burghi 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 burghi 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 wattirgangis 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 inhabitancium 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 dicte 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 effectu 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 Balcamie Antone Kennedy de Balsarroch Willelmo Campbell in Grenane Morisio M^cMurrie de Culteoun et Joanne Masoun notario publico.

Hec 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 majorem rei testificationem prefatus Joannes Kennedy de Baltersane presenti copia manu sua propria subscripsit.

(Signed) JHONE 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 hundretht merkis money of this realme as for the lauchfull redemption fra ws and ather of ws our airis and assignais of all and hail ane yeirlie annuelrent of sex bollis malt quhilkis we had yeirlie to be upliftit furth of all and hail the corne milnis of the burgh of Air over and nethir miln landis muleturis 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 redemption as said is and of all byrun fermes annuellis and proffettis of the said annuelrent of all yeris and termes bipast sen our infetment to the dait heirof 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 quitlamis 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 quitlamit dischargit and ourgevin and be the tennour heirof resignis renuncis frelie quitlamis discharges and ourgevis all and hail 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 possession 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 unquhile 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 Renunciacion to be gude valid and effectuell to the saidis provest baillies and communitie and thair foirsaidis 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 toune buikis of Air ad perpetuum rei memoriam with executoriallis to pas heiron as efferis In witnes quhair of to thir presentis subscrivit with our handis as followis our seillis ar heirto hungin at Air the xvij day of May the yeir of God j^m v^c 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. *Renunciacion 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 counsall 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 quitclomit 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 hail 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
 infestment 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 hail 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 perpetuum
 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 lyftyme in all and hail thir landis underwritin to witt in all and
 hail the fourtene schilling twa pennieworth of land in Lytill Cortoun
 sumtyme occupyit be umquhile Johnne Law and now occupyit be Johnne
 Hogeoun In all and hail the sextene schilling land in Mekill Cortoun
 sicyk sumtyme occupyit be the said umquhile Johnne Law in Cortoun and
 now occupyit be Adame Neill In all and hail the ane equall half of the
 four merkland and aucht schilling four pennie worth of land in Carcluy
 sumtyme occupyit be Johnne Law sone of umquhile Thomas Law in Carcluy
 and now occupyit be Adame Laucheland and in all and hail the ane equall
 half of the fyve schilling land in Carcluy 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
 satisfioun and contentatioun of my heretabill richt and tytill of the said

twa 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^m v^e fourseoir nyntene yeiris instant at lenth beiris And last for the mair securitie heirof 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 heirof 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 subscrivit the samin with my awin hand and hungin my seill heirto at Air the last day of Junii the yeir of God j^m v^e lxxx nyntene yeiris before thir witnessis William Campbell sone naturell to unquhile William Campbell younger of Skeldoun Andro Mure Johnne Ross marineris Johnne Masoun William Rankene notar Joseph Smyth my servand and the said George Masoun writter heirof (Signed) QUENTIN CRAUFURD of Drumlaucht William Campbell vitnes Andro Mure vitnes Johnne Ross vitnes Williame Rankene noter vitnes Johnne Masoun vitnes George Masoun vitnes.



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^m sax hundrith yeiris the Lordis off counsall underwritten thay ar to say Johnne erle of Montrose chancellor 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 Myrreane Mr. Peter Rollok bischope of Dunkelden and Maister David Makgill off Cranstoun Riddell anent oure soverane lordis lettres purchest at the instance of David Fergushill provest Alexander Lockhart and Peter Cwynyngame bailleis of the burgh 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 intronissiou 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 chaipnamrie 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^m v^c fourscoir fyve fourscoir sax lxxxvij lxxxviij lxxxix lxxxx lxxxxj lxxxij lxxxiiij lxxxiiij yeiris within certane space under the pane of horning lyk as 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 iufteitment under the great seill off the dait the fourtene day of Aprile the yeir of God J^m v^c thriescoir sewin yeiris gave grantit and dispoit to the provest bailleis counsall and communitie of the said burgh of Air and thair successouris forever all and sindrie landis tenementis houssis kirkis chapallis ortchayrdis yairdis aikeris croftis annuallentis mylnes fischeingis fruitis dewteis proffeitis emolumentis fermes almoushoussis daill silver obeit silver and all uther yeirlie dewtie quhatsumever that pertentit to ony chaplanrie alterage or prebendarie foundit be

quhatsumever patroun within ony kirk chapell or college within the libertie and parochin of the said burgh of Air and that for the sustentatioun supplie mentinane and intertenement of the ministrie hospitalitie and pure et ad alios pios vsos as in the infetment grantit to thame and thair prediessouris 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 prediessouris 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 cautium 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 auent 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 pames contenit thairintill bene simpliciter suspendit upon the saidis compleneris in tyme cumming for the caussis foirsaid lyk as 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 parteis hard sene and understand and thairwith being ryplic advyset the lordis of counsall suspendis the saidis lettres purest 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^m 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 fyftein day of July the yeir of God j^m sex hundreth and ane yeiris the Lordis Auditouris of our soveran Lordis Cheakker underwrittin 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 knyght his hienes secretar Sir Jhone Cokburne of Ormistoun knyght 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 fyftein 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 hail 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 thair of bot thay bruik and joys the
 samyn be wertew of wtheris thair rychtis and in speciall the rychtis char-
 teris and infestmentis respective underwritin 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 yeirlye for the burrow maillis thair of landis and
 baronie of Alua with the pertinentis abonevritin of the sowme of Tuentic
 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 yeirlye of the said sowme of xx^{lb} money foirsaid
 thairfoir (as be the inspectioun of the comptis mair cleirlye 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
 desyring thairfoir the saidis Lordis Auditouris of Chekker to haif considera-
 tioun 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 thair of preceding thay payand yeirlye for
 the burrow maillis thair of landis and baronie of Alua with the pertinentis
 the sowme of Tuentic pundis usuall money of this realme this present yeir
 and siclyk yeirlye in tymeaming conforme to thair evidentis and rychtis re-
 spective abonewritin 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 preloquuntour maister Thomas Hamiltoun
 of Drumcarne his hienes advocat being personalie present and Sir David
 Murray of Gospartie knycht his majesties comptrollar comperand be Robert
 Arnot of the Newtoun of Faulkland his deputt The said Jhone Lokart pre-
 loquuntour foirsaid producit ane charter and infestment under the gryt seall
 maid gewin and grantit be wmqhill King William of worthie memorie to
 the saidis provest and baillies of the said burghe of Air landis and libertie
 thair of for payment yeirlye for ewerie toft and sex aikeris of land adjacent
 thairto of the sowme of xij^l money of the dait at Laneren the tuentic ane
 day of May Ane wther infestment gewin and grantit to tham be King

Alexander of worthie memorie of thair said burghe landis of Aluay Corktoun and Gareloy 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^d 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^m iiij^c 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 amplie 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 productioun 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 Holmstoun 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 Holmstoun and Jehan Blair my spous with ane consent and assent that forsamekill 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 temour heirof 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 reversionn redemption or regres quhatsumevir all and haill aue aikir of land of our twa merkland of Holmstoun upoun the eist pairt thairof nixt and contigue adiaacent to the said burghis corne miln callit the Ovirmiln and quhilke is presentlie laid af designit merchit and meithit round about be me to thame lyand within the Burrowfeild of the said burgh and shirefilome thairof And to that effect sall resignne renunce and simpliciter overgif lyk as be the tenour 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 ryecht titill clame entres and possessioun of the samin to remane with thame and thair successouris and to be peceable bruikit joyisit usit and disponit upoun be thame as thair proper heretage heretablie in all tyme cuming ad perpetuam rei remanentiam Thair entrie thairto to be instantlie at the daít heirof And sielyk we haif sauld and disponit and be the temour heirof 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 decret of the lordis of counsale or provest and baillies of Air with lettres and executoriallis of horning upoun ane sempill charge of sex dayis pointing and warding the ane but preindice of the uther to be direct heiron And for registring heirof 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^m sex hundreth twa yeiris befor thir witnesses Williame M'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 Befoir the witnesses foirsaidis with William Stevein in Mayboill and George Cochren (Signed) ROBERT WALLACE off

Holmistouh JEINE BLAIRE W^m M'Kerrell witnes James Blair witnes Johnne Masoun notar witnes G. Masoune witnes Williame Stevin witness George Cochrane 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 spouse eorumque alteri diutius viventi in vitali reddito 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 merresiiis viis semitis aquis stagnis rivolis pratis pascuis et pasturis aucupationibus venationibus piscationibus petariis turbariis columbis columbariis silvis nemoribus et virgultis lignis lapidiciis 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 reddito 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 predicessoribus nostris soluerunt seu dederunt extendentes in integro ad quadraginta solidos et duodecim denarios usualis monete regni Scotie ad duos anni terminos festa videlicet 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 inuste 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 reddito necnon prefato magistro Willelmo Cuningham eorum filio suis heredibus et assignatis in omnibus et per omnia forma pariter et effectu 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^o 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 Donald 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 Lokhart 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 reversionn 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 redemptiounn 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 reversionis 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 quittclamis 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 qubill 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 decrcittis respective with lettres and executoriallis 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^m vj^c ellevin yeiris befor thir witnessis maister George Dunbar minister of Air George Masoun lait baillie thairof 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^m vi^c 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 thairof furth of this realme at ony port burgh or uthar pairt upoun the west seyis of this realme befor the first day of October yeirlic under the paine of confiscatioun thairof as the Act maid thairant at mair length proportis According to the quhilk Act thair hes bene certane searchouris and commissioneris appointit yeirlic 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 yeirlic and for confiscatioun thairof 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 traffeeque and calling of the taking of hering and traffeequeing 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^m vi^c and twelf yeiris and yeirlye 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 dispensse 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 lyk as 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 supe-
 riour of the landis mylhis 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 con-
 venient and thair with all condigne reverence humilitie and obedience to
 resigme surrander and be staff and bastoun purelie and simplie ourgif All
 and sindrie the landis milnis fischingis tenementis annuelrentis and utheris
 underwrittin They ar to say all and hail 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 orchardis and yardis auld
 and new foundit and biggit within the precink of the dykis wallis and
 merches thairof sumtyme occupiit and possessit be the saidis freris All and
 hail the Ovir and Nethir milnis of the said burgh of Air miln landis astrict
 multuris suekin and knaveschip of the samin houssis biggingis yardis and
 thair pertinentis All and hail 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'Mar-
 tene burges of Air and thair subtennentis All and hail the landis of Rude-
 landis occupiit be Johnne Cunninghame and his subtennentis All and hail
 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 pertentit 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 hail 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 predi-
 catouris of Air or Grayfreris thairof competent unto me or quhairunto I haif
 right in the handis of our said soverane lord as in the handis of my immediat
 superiour thairof 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 expremit 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 forevir to the effect abonexpremit Farder for the caus foirsaid I haif gevin grantit assignit and disponit lyk as be the tennour of thir precentis 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 elame of ryecht propertie and possessioun alsweill petitour as possessour actioun and instance quhilkis I or my foirsaidis had hes or ony wyis may haif elame or pretend to the foirsaidis landis milnis fischingis and utheris abonespeifeit 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 disclamatoun bastardie purprestour alienatioun of the haille or maist pairt reductioun 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 parliament utheris actis and constitutionis of this realme or be ony uther maner of titill or ryecht for quhatsumevir caus or occasioun bygane preceeding the dait heirof turneand disponand and transferrand the samyn my haille ryecht 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 ryecht and place of my gift and donatioun of the saidis landis milnis annuelrentis and utheris abonespeifeit simpliciter forevir

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 exeree and use siclik and als frelie and largelie in all respectis as I mycht haif done myselif 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 ferme and stabill etc. In witnes off the quhilk thing to thir my lettres of Resignatioun (writtin be Johnne Masoun toum 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^m vj^c fourtene yeris befoir thir witnessis Williame Stewart brother to my Lord Uchiltrie Alexander Schaw of Clachfyn and the said Johnne Masoun with Johnne M^cAra officer (Signed) W. BIRNIE M. Ayre William Stewart witnes Alex^r Schaw witnes Johnne Masoun witnes.

75. *Extract of Assignation 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^m vj^c and fyfteine yeris 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 decret of the Lordis thairof with lettres and executoriallis to be direct thairupoun in maner contenit thairintill. The quhilk desyre the saidis Lordis thoct 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 decret with lettres and executoriallis to be direct thairupoun in maner specifeit thairintill quhairof the temour 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 transferrit assignit renuncit demittit and overgevin lyk as 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 forevir 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 Majestic 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 frutes rentis and emoluments thairof baith for the crope and yeir of God j^m vj^c thretteine yeiris now and in tyme cuming use and dispone 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 irrevocabill 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^m vj^c 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 hail richt title and place of the samen forevir 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 ¹ 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 nicht haif done our selfis befor 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 subseryve the samen quhenevir he or they beis desyrmit 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 toum buikis of Air to haif the strenth of ane act and decret of ather of the judges thairof with lettres and executoriallis 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^m vj^c fourteine yeiris befor 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

¹ 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^R. 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 Renunciatioune dispositioun and assignatioun maid gevin and subscrivvit 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 anc advyse and consent) maid and constitute cessionar assignay donatour and procurator in rem suam in and to anc lettre of tak and assedatioune 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 Majestic off the dait the day of the yeir of God j^m vi^c and yeirs And in and to all lettres of inhibitioune 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 seureiteis 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 dispositiounne and assignatiounne sauld annaleit transferrit renuncit 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 possessionne 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 dispositiounne 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^m vj^e threttene yeiris and in all tyme tharefter vse 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 assignatiounne renunciatiounne and dispositiounne maid to my said umquhile father heiving speciall and particular clauss of warrandice and wthers heids and articles thairin mentionat in the self mair fullie proportis and quhilks ar of the daitt at Air the tent day of November the yeir of God j^m vj^e fourtene yeiris 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^m vj^e 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 spoliatiounne 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^m vj^e twentie twa yeiris in the self mair fullie proportis. And now in considiratiounne that Johne Kennedy in Ballbege hes presentlie peyit and actuallie delyverit to me ane certane sowme off money at the making heirof to the performyng of my leasume effairs and bussines quhairof 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 foirmamitt 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 forevir 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 foirmamitt 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 dispositiounne and assignatiounne of the samyn maid in favours of my said umquhile father And the foirmamitt decreit 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 possessionne actiounne 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 foirsaidis 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 inhibitionnes 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 decreit abonewryttin to caus be putt to dew executiounne and to transact compone and aggrie with the peroschinaris and wthers addettit in payment off the saids teynds and wtheris abone rehersit thairanent acquittances and discharges in his awin name to giff subscrivye and delyver thairwpon quhilks sal be als effectuall and sufficient as giff I had gevin and subscrivit the saymen myselff And to do everie thing requisite in the premisses that I might haif done myselff befor the making hereoff and quhilk dispositiounne and translatiounne abonewryttin I bind and oblis me my airs executors and assignayes to warrand to the said Johne Kennedy and his foirsaidis to be guid vallid and effectuall 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 gif 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 Cousell and Sessionne 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^m vj^c twentie thrie yeirs befoir thir witnessis James Blair proveist of Air John Cunyngham off Milnequarter baillie thairof Patrick Davidsoone sone in law to the said proveist and the said Alexander Purveyance notar Attour it is speciallie aggreit and provydit be conditionne 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^m vj^c twentie j^m vj^c twentie ane and vj^c twentie twa yeirs And sicklyke off the kings taxationne addettit furth thairof the saids yeirs Befoir the witnessis abonewryttin JOHNNE BIRNIE with my hand James Blair witnes John Cuningham witnes Patrick Davidsoone witnes Alex^r Purveyance notar witnes.

77. *Disposition by John Kennedy of Balbeg to Mr. Andrew Millar, Minister of Ayr, of the Teinds of Alloway.*—[30th Noverber 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^m vi^c 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 prediccessors 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^m vi^c threttene yeiris and in all tyme thaireftir use and dispone there-upoun 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^m vi^c 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^m vi^e fyiftene yeiris Be vertew of the whilkis richtis tytillis and securiteis maid and grantit to the said umquhile Mr. Williame Birnie of the saids teindis and otheris above specifeit Johne Birnie sone and air lawfullie servit and retourit to the said umquhile Mr. William Birnie obtenit decreit aganis the parrochinaris of the said Kirk of Alloway for spoliation of thair teindis of the said parrocheoun personage and viccarage befor 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^m vi^e twentie yeiris mair amplie proportis Lykas the said Johne 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^m vi^e twentie thrie yeiris demittit and transferrit to and in favours of me the said Johne Kennedy in Balbeg my airis executors and assignayis the foirnमित lettre of tak right and tytill of the saids teindis of the foirsaid parrocheoun of Alloway sett be the said Johne Gib to the said umquhile Neill Montgomerie of Langshaw elder and his said sone togidder with the said renuncetioun dispositioun and assignatioun of the samen maid in favours of the said umquhile Mr. Williame Birnie his father and the foirnमित decreit pronuncit at his instance befoire the said comissioner of Glasgw aganis the parrochinaris 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 percheoun fruitis rentis and emolumentis of the samen and of the richtis tytillis and securities therof above written as in the saids lettres of translation maid to me be the said Johne Birnie off the dait above specifeit at mair length is contenit And now I the said Johne 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 foirnमित tytillis richtis and securities of the saids personage and viccarage teinds of the Kirk and parrocheoun abovementionat to have transferrit dispoit renuncit demittit and forevir 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 dispois renuncis

demittis and for evir overgevis fra us our airis and assignayis to and in favours 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 specifit 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 whilks 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 substituannd 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 rehersit of this instant crop and yeir of God j^m vi^e 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 rehersit raiss inhibitions and arreistmentis upoun the samen call follow and persew thairfoir befoir 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 effectuall 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 nicht have done myself befor the making heirof qwhilk translationn dispositioun and demissionn 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 foirsaidis 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 unquhile Neill Montgomerie as said is togidder with the remanent richts tytillis 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 speciallic provydit be express conditionn 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 foirsaidis anent the prebendarie dewitie and King's taxatioun gif anie beis and siclyk anent the ministeris stipend baith for this instant crop and yeir of God j^m vi^e 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 Commsale and Sessioun commissar buikis of Glasgw or shireff court buikis of Air to have the strength of ane act and decret of ather the juges therof with lettres and executorialis of horning upoun ane sempill charge of sex dayes poiding 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 tom clerk of Air) we have subscriyvit the samen with our hands at Cwnyng park the last daye of November the yeir of God j^m vi^e threttie yeiris befor thir witnesses James Blair lait proveist of Air Johnne Osborne lait baillie therof Johnne M'Clure notar burges of the samen the saidis George Masoun and George M'Calmount JOHN KENNEDY Blairquhane James Blair witness Johnne Osborne witness Johnne M'Clure notar witness G. Masoune witness George M'Calmount witness.

78. *Sasine in favour of James Myllar, 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 annoque 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 nauclerus 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 anterius 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 sen 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 quadragesimo 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 heretablie and irredemablie thairintill under the reversioun provisioun and condition mentionat and contentit 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 Bonytounne Thomas Kennedy of Bargenie and James Kennedie of Blairquhen as takesmen of the teindis of the parochine of Air in and to the samyne and takis thairof eftermentionat Forsomekill as unquile 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^m vi^c 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^r Erle of Dumfermeling Chancellor of Scotland Sir Thomas of Byreis Lord Secretar and Sir Williame Oliphant of Newtounne Lord Advocat of the daite the sext day of Julii j^m vi^c and thirttene 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^m vi^e and thirteene yeiris for the yeirlie payment of the sowme of ane hundreth pownds money of this reallme as the old accustamed dewtie payabill for the saidis teindis with sex shillingis aught pennies in augmentatioun of the rental therof precislie at Lambmes yeirlie as the said take and assedatioun in itself at mair length proportis Lyik as upon the sext day of December j^m vi^e twentie twa yeiris the Commissioners of Parliament appoynted than for the setteling of the takis of teindis and provisionne of kirkis and ministeris serving the cure therat within the realme having decernit to be payit yeirlie 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 yeirlie by and attour the said yeirlie 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 formerlie 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 expyring of the yeiris of the take above specificit 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 pertaint 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 expyring therof and to thair airis and assigneyis all and sundrie the saidis teindis sheaves aswell 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 thairof immediatlie efter the ishe and expyring 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 successiue and respectiue efter the expyreing of the space and yeiris of the other tak above declarit as said is Peyand thairfor yeirliue to the minister serueing 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 yeirliue 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^m vi^c 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 God¹

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 the¹ day of¹ the yeir of God¹

yeiris maide and constitute me my airis executors and assignayis thair very lawfull undowbit and irrevocabill cessionaris assignayes donators and full procurators in rem suam veluti eum 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 addebtit and in use of payment thairto for the forsaid yeir of God¹

beginning thairto And yeirliue 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 yeirliue call follow and persew thairfor yeirliue 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

¹ Blank in original.

subscribed the samyne thameselfis Lykeas they thairby surrogatt and substitute me and my forsaidis in the full right and place thairof And of all actionne instance and executioun competent or that may be competent to thame or aither of thame thairby forever with warrandice always in maner mentionat in the said assignatioun as the samyne of the daitte forsaid containing diverss and sundrie otheris heidis articles clawss and conditionnes in itself mair fullie proportis And now sieing Johne M^cCadame 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 thairof forever renunce and be thir presents the exeptionne of non numerate money aith of pairtie and all other exeptionn 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 titill 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 thairof above mentionat to have sauld assignit transferrit and disponit and be the tennor heirof with consent forsaid settis assignes transferris and disponis to and in favoures of the said Johne M^cKadame 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 God¹ yeiris tacking beginning and yeirle 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 prorogationnes with the forsaid lettre of assignatiounne maid and grantit to me thairof haill heidis articles clawss and conditionnes of the samen all actionn 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^cKadam and his foresaidis to aske crave intromet with uplift and receive all and sundrie the saidis teindis alsweill personage as vicarage of the said parochie Kirke and parochin at Air fruitis rentis emolumentis

¹ Blank in original.

and dewties whatsumevir pertaining and belonging thairto of the said crope and yeir of God¹ 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 ressaite 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 obliiss 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 prejudiee 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 yeir¹ entering and beginning therto And sieklyke yeirlie in all tyme euming 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 executorialls lettres of homeing poynding and others neessar 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

¹ Blank in original.

handis Written be Robert Neilson in Edinburgh att Mayboolle the fowr-
 tein day of December and at Staitounne the fyfteine day of the said December
 the yeir of God j^m vi^c and fowrty sevine yeires befor thir witnesses William
 Maxwell of Munreith Mr. Alex^r Kennedy lawfull soune of umquhill James
 Kennedy of Blairquhainne and David Weir in Maybooll inserter of the dait
 and witnesses and Thomas M^rWalter in Mayboll and Georg Knadic mer-
 chant in Stratounne (Signed) JOHNE KENNEDY ANNA STEWART David
 Weir witnes W. Munreith witnes M. A. Kennedic 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 Febrnary the yeir of God
 j^m vi^c 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 Colledge 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^rGill of Cranstoun-Riddell knight Sir
 Johne Hope of Craighall knight Sir Johne Scott of Scottistarbett knight
 director of our soveraigne lords Chancellarie Sir James Carmichaell of that
 Ilk knight threasaurer deput Sir Johne Hamiltoun of Orbestoun knight
 justice clerk Sir Johne Leslie of Newtoun knight Sir Archibald Johnestoun
 of Warriestoun knight advocat to our soverane lord Sir Adame Hepburne
 of Hymbie knight Sir Alexander Falconer of Halkertoun knight Sir James
 Lockhart of Lea knight Sir Alexander Belselis of Toftis knight Archibald
 marquis of Argyll and Johne earle of Crawford and Lindsay lord Parbroith
 and thesaurer principall of Scotland Archibald lord Angus and Johne lord
 Bahmirinoch In the actionn and caus of reductioun and improbatioun
 persewit at the instance of Sir Archibald Johnestoun 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 disponsed 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 perteinit of old and are now mortified and disponed 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 remove 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 using bruiking and joyseing of the saids teindis and uplifting thairof and using and disponceing 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'Alexander of Drumochreme 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 thairof 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^m vi^c 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

always 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 secreateur and umquhile Sir Williame Oliphant of Newtoun knight his Majesties umquhile darest fatheris advocat for the tyme And als with this speciall provisioin 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 quhatsomever 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^m vi^c 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^m vi^c 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^m vi^c 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 Drummochen daitit the twentie tua day of Junii j^m vi^c 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^m vi^c 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 thairof 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 succedit jure sanguinis or uthairwayis whatsomever aither mediatlic or imediatlic and introduceit or conceaveit in thair or any of thair favors directlic or indirectlic in any soirt off and concerneing the foirsaid 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^m vi^e 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 Jobne Gib to set taks 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 takis of the same bot the titular and benefited persone And his Majesties said umquhile father being only patrone could nather set takis of the teinds of the said kirk nor grant ane comission 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 takis of the samen or to grant ane comission for that effect And thairfoir the said comission 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 comission bearing ane expres provisoun and limitation that the takis set be vertew thairof sould be without diminutioun of the rental iff the said tak be set contrair to the said provisoun with diminutioun of the rental the samen are null and aught to be reduced And true it is that the said pretendit comission grantit be his Majesties said umquhile father to the said umquhile Johne Gibb gives onlie power to the said Johne Gibb to set takis without diminutioun of the rental And nevertheles the said pretendit tak set be the said umquhile Johne to the said Josias Stewart is set with diminutioun of the rental in sua far as the same is set for the sowme of ane hundreth pundis sex shillings eight pennyes quhairby the rental of the said kirk of Air and teindis personage and vicarage thairof exceidit the said dewtie and extendit to the sowme of sevine seoir thretteine merkis being the old dewtie for which the saids teinds wes set lang before the said comission and tak And thairfoir the said tak aught to be reduced with all that hes followit thairupon Thirddie 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 comission for seting of the foirsaid tak Nather wes the said umquhile

Johne Gibb callit to hear and sie the said prorogatioun albeit he had ane necessarie intrest to be cited haveing both ane right to the saids teinds dureing his lyf tyme 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 had 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 particularie and generallie above specifit callit for to be producit as said is and reduced and improven alledged maid and granted to the saids defenderis or thair prediccors 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 prediccors 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 anc 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 particularie and generallie abone specifit callit for to be producit as said is reduceit 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 thairupone And als to have beine civillic 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 cuning 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 perteines to the said maister Williame Adair persewer and his successouris ministeris at the said kirk to be intrometit with upliftit useit and dispoineit upon be them of the cropt and yeir of God j^m vi^e fourtie four yeiris and of all yeiris and cropts sensyne and yeirlie in tyme comeing at thair pleasure for the reassones and causses abone writtin as at mair length is conteinit in the principall summondis raisit in the said mater actis lettres and haill remanent' 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 causses thairin conteinit hes givin grantit and dispoineit 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 prevents emoluments proffeits and dewties whatsomever with the manse and gleib thairof and that in als full and ample forme and maner as the samyne perteinit 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 whatsomever 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^m vi^e 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 cuning to have beine upon the eight day of December j^m vi^e fourtie sevine yeiris foirsaid dewlie and lawfullie infeft 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 hail fruits rentis provents emolumentis proffeits and dewties thairof with the manse and gleib of the samyn as the said instrument of saising under the signe and subscriptioun 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 decret 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^m vi^c and fourtie eight yeiris at mair lenth bearis Item ane presentatioun 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 hail 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 presentatioun 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 dispoineand to him the samyn prebenderie with the saids hail teinds great and small both personage and viccarage and uthair fruits rents emoluments and dewties whatsomever belonging thairto and that of the cropt and yeir of God j^m vi^c 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^m vi^c fourtie sex yeiris under his hienes privie seill with the decret conforme obtenit at the instance of the said Maister Williame thairupon extract furth the books of Counsell upon the fourteine day of December j^m vi^c 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 hail 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^m vi^e fourtie sex yeiris extract furth of the buiks of Counsell upon the last day of July j^m vi^e 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 foirsaid gift of prebendrie and assignatioun foirsaid maid to him thairof be the said maister Williame Sempill and all that hes followit or may follow thairupon daitit the nyntene day of August j^m vi^e 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 maisseris befor the Lords of Exchecker or any ane of them his undoubtit procurators to compeir befor our said souveraine lord the kings majestie or befor the saids Lords of Exchecker his majesties comissioneris whatsomever day and place convenient and thair to resigne renunce surrander dimitt overgive and delyver fra him all and haill the foirsaid prebenderie haill 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 perpetuum remanentiam to be useit and disponed upon be his majestie as he sould think expedient Whilk dimissioun is daitit the last day of July j^m vi^e fourtie sex yeiris registrat in the buikis of Counsell the fourteine day of December j^m vi^e fourtie sevine yeiris Item the instrument of dimissioun following thairupon quhairby the said maister Johne Henrysone procurator foirsaid resigned renunced surrandered dimitted overgave and delyverit the foirsaid prebenderie teinds fruitts and rentis thairof to the handis of the saids Lordis of Exchecker his hienes comissioneris as in the handis of our said souveraine lord undoubtit patrone thairof ad perpetuum remanentiam or uthairwayis to be disponed upon be his majestie as he sould think expedient as the same under the signe and subscription manuall 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 onlic at this tyme for reduction of the saids writts and evidents produceit in maner underwritten and that he insisted for improbatioun of the haill remanent writts and evidentis particulie and generallie above writtin callit for to be produceit and whilkis are not produced in maner efter specifeit And for verifieng of the first reassone

of redutioun 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 Comission 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 perteine to the saids prebenderis thairof as thair patrimonie Item for verifieing of the second reassone repeatit the foirsaid Comission 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 thairof sould be without diminution of the rentall And als repeated the said tak set be the said umquhile Johne Gib to the said Josias Stewart contening 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 comission 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 redutioun repeated the foirsaid decret 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 foirsaid was cited nor called to the giveing thairof 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^m vj^e nynteine yeires in favour of the said umquhile Andrew nominatand and appoyntand the said umquhile Andrew Couper prebender and presentand him to all and hail 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 thairof hail 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 thairof under his hienes privie seall of the dait the sevinteine day of November j^m vi^e 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^m vi^c 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 verifieing of the said fourt reassone of reductioun repeatit the foirsaid decreit and act of prorogatioun grantit be the Comissioneris 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 Johne 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^m vi^c 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 sadis 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 comission maid and grantit be his hienes said umquhile father of blissed memorie to the said umquhile Johne Gibb one of the groomes of his hienes bedchalmer under his majesties privie seall of the dait tenour and contentis abovewritten Bearing provisoun that the saidis takes and assedatiounes to have beine set be him sould be with advyse of the saids umquhile earle of Dumfermeling chancellar 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 diminitioum of the rental as the same extract furth of the register of his hienes privie seall under the signe and subscription manuel of maister Johne 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 Johne Gib comissioner foirsaid with consent foirsaid to the said Josias Stewart his airis and assignayis whatsomever off all and sundrie the sadis 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^m vi^c eighteine yeiris for payment yeirlye 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 augmentation 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^m vi^c thretteine yeiris quhairunto the comon seall of the said Chappell Royall of Stirling is appendit at mair length bearis Item the foirsaid 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^m vi^c twentie tua yeiris prorogating the foirsaid 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 foirsaid 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 foirsaid pretendit commissioun alledged granted be his hienes umquhile darest father of blissed memorie to the said umquhile John Gibb togidder with the foirsaid tak set be the said umquhile Johne Gibb to the said Josias Stewart with the decret and act of prorogatioun thairof 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 decretis decernes and delyveris all and sundrie the remanent writtis and evidentis particularlie and generallie above mentionat callit for to be produceit in maner foirsaid 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 intrometit with upliftit uscit and dispoieit upon be them of the cropt and yeir of God j^m vi^c fourtie four yeiris and of all yeiris and termes sensyne and yeirlic and termelic in tyme cuming at thair pleasure for the reassones and causs abovewrittin Becaus the poyntis of the said sumonds and reassones of reductionn abovewrittin being fund relevant to the saids Lordis 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 decretit 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 reductionn abovewrittin be productionn 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 unquhile Thomas Kennedie of Barganie or James Kennedie of Blairquhan the tyme of the granting of the said prorogatioun And thairfor 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 decretit of prorogatioun thairof fra improbatioun quhairof the said perseweris procuratour past as said is) as wes cleirlic understand to the saids Lordis they gave thair decretit 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 decreit of the daitt the tuentie fyft day of Februarie j^m vj^e 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 satisfatione to me and my successours of any farder provisione or augmentatione we or any of ws sould have out of the teinds of the said parochine be the mortificatione mentionat in the said decreit 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 decreit 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 hail viccarage and small teinds of the said parochine 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 decreit in the self mair amplie proportis and I being maist willing to obtemper and obey the foirsaid decreit 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 heirof 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 hail the superplus of the persounage and teind scheaves of the said parochine 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 together with the hail 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 fforth 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 frie ische and entrie frilie 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 fra 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 foirsaidis nyne chalders victuall) and haill viccarage and small teindis abovewrittin fra 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 decisione of the samen and obtining of decreitis thairintill and being obtenit the samen to lawfull executione caus be put compone transact and aggrie thairament 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 alsfrilie 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 abovewrittin 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 Sessioune to have the strenthe of ane decreit of the lordis thairof that lettres of horning and uthiris neidfull upone ane charge of ten dayes may be direct and constituts my procuratouris etc. In wites quhairof (writtin 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^m vj^c 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 wites H. Osburne wites Jo. Masoun wites Mr. Da. Watsone wites.

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^m vi^c fourtie sevin yeiris againes the toune 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 conteinett 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 assignayis 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 proffeit 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 haild 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 befor 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 subservyet the samyn with my hand att Meyboill the ellevint of July the yeir of God j^m vi^e fourtie aucht yeiris befor thir witnesses Mr. James Gibsone 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 eftermentionat 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 translatioune subseryvit with his hand of the daittis upon the fourteine and fyfteine dayis of December the yeir of God j^m vi^c fourtie sevin yeiris grantit be him in favouris of the said Johne M'Adame makand mentione that quhair umquhile Johne Gib ane of the gromes than of his majesties bedchalmer as haveand power and comissionne from his majestie be his hienes gift of the dait the third day of Julij j^m vi^c twelff yeiris to set takis of the teindis of the haille kirkis of the Chappell royall of Stirveling for the space and in maner mentionat in the said gift be his lettre of tak subseryvit 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^m vi^c thretteine yeiris sett in tak and assedatioune 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^m vi^c 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 assedatioune in the self at mair lenth proportis Lykas upoun the sext day of December j^m vi^c twentie tua yeiris the Comissionaris of Parliament appoyntit for settling of the takis of teyndis and provisioone of kirkis and ministeris

serveing cuir thairat within this realm haveing decernit to be payit yeirlic 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 yeirlic by and attour the said yeirlic tak dewtie abone written of ane hundrethe pundis sex schillingis aucht penneyis money forsaid 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 saidis teyndis of the parochin 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 comissionne added to the space and yeiris of the said tak the space of thrie lyfrentis and thrie nynteine yeiris farder of the haille teyndis persounage 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 assedatioune 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 persoun 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 saidis teind scheaves alsweill persounage as vicarage fruitis rentis emolumentis and dewties quhatsumever perteing 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 saidis thrie lyfrentis and thrie nynteine yeiris respective and successive eftir utheris beginand the entrie of the foirsaid eikit tak and eikit yeiris of prorogatioune immedaitlie eftir the isch and expyreing of the space and yeiris of the foirsaid uthir tak abone declairit And fra thyn furthe to continew and indure ay and quhill the foirsaid 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 yeirlic to the minister serveing the cuir at the said Kirk of Air at the terme abone mentionat the sowme of fyve hundrethe merkis money foirsaid And als payand at the foirsaid terme yeirlic to the prebendar of the said Chappell royall of Stirling the said sowme of ane hundrethe pundis sex schillingis aucht penneyis of tak dewtie as the said decreit and tak of prorogatioune of the dait foirsaid in the self also at mair lenth bears 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 whatsum-
 ever perteing and belonging to the said parochin and kirk of Air for the
 cropt and yeir of God j^m vi^c yeir taking begining and continew-
 allie 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 perteing be thair lettres of assign-
 atioune subscrivit with thair handis of the dait the day of
 j^m vi^c 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 thairof 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 specifit thairin the said
 Johne Kennedy of Balbeg with consent of me the said Anna Stewart sauld
 assignit transferrit 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 perteing and
 belonging tharto for the cropt and yeir of God j^m vi^c yeiris
 taking the begining and yeirle 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
 thairof with ampill powar and warrandyce fra his awin proper fact and
 deid as in the saidis lettres of translatioun of the dait foirsaid maid and
 grantit be the said Johne Kennedy of Balbeg in favouris of me the saidis
 conteneand diverse uthiris heidis and clausses at mair length
 is contened And siclyk forsamekill as thair was ane decret obtained at
 Edinburgh the twentie fyft day of Februar the yeir of God j^m vi^c fourtie
 aucht yeiris last bypast in presens of his Majesties comissioners of Parlia-
 ment appoyntit for valuatioune of teyndis and plantatioune of Kirkis at the
 instance of Mr. William Adair abone namit persoune and minister of the
 said burgh of Air within the presbeterie tharof aganis us the saidis Johne
 Kennedy Anna Stewart and Johne Kennedy of Balbeg and utheris nominat
 thairintill anent the settilling of ane competent augmentatioune of the

stipend of the said Kirk in a dispositionne 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 modificatioune for furnischeing the comunioun elementis to the said minister and his successouris to be employet for that use) and ane constant localitie settilld and designed thairanent Be vertew quhair of the saidis judgis comissionaris haveing decerned and ordayned ane constant locall stipend with the modificatioune 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 provisionne 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 heritoris and utheris contened in the said decretit and thair successouris ilk ane of thame respective for thair awn partis as is particularie devydit thairin And the said quantitie of nyne chalderis victuall to stand and continew as ane constant stipend and provisionne of the said Kirk of Air in maner at length deducit and sett doune in the said decretit Lykas the saidis comissionaris 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 comissionaris 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 satisfacioune 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 regard 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 personeag 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 prerogatioune of the said tak to be grantit at the productione

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 contened And now becaus the present proveist and baillies of the said burghe of Air for themselfis 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 causes 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 translatiounne 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 quytelame and simpliciter dischaarge 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 exceptiounne of non remunerat money and all uther exceptiounnes and objectiounnes 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 translatiounn proceidand fra Johne Kennedy of Balbeg abone namit in maner befoir repettit and I for myself and my richt and entres in that respect to have dimitted renunced dischargit and simpliciter overgivein and be the tenor heirof (in speciall corroboratioune of the said decreit in obedience and for fortificatioune 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 renunces dischargis and simpliciter ovirgives fra us and ilk ane of us and our foirsaidis for our severall richtis and entresis 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 thairof, and that of all eroptis and yeiris of God since the dait foirsaid of the said decret of the said comissionaris for valuatioun 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 thairof 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 decret efter the forme and tenor thairof To the effect the samyn super plus of teinds persouneag and vicarage over and abone the said localities designit be decret for plantatioun of the said Kirk of Air being once consolidat and established 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 burgh of Air and thair successouris proveist baillies and counsall thairof and decret 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 decret 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 thairof in all poyntis admittand the generalitie tharof to be als sufficient as the particularis war insert heirintill Quhairanent we for us and our foirsaidis dispenses for evir Quhilk dimissioun exoneratioun renunciatioun and ratificatioun abone written we bind and oblis us and ilk ane of us respective and our foirsaidis to warrand aequyet and defend to the said Mr. William Adair present minister and his successouris serveing cuir at the said kirk and paroch tharof 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 decret 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 renunciatioun 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 forsaidis 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 decreit 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 subseryvit 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^m vi^c fourtie nyne yeiris befor thir witnesses respective viz. to the subscriptione of me the said Johne Kennedy subseryvit 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 subseryvit 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^m vi^c fyftie thrie yearis upoun the twentic 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 upoune 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 subseryved be him the [said] Johne Lockhart younger with consent of his mother and of Alexander Lockhart elder his guid sire and thay for thame selfis and thair respective richtis of lyfrent in favours of the magistratis counsall and comonunitie of the toun of Air for the comoun use thairof of the dait the twentie tua day of March instant wharby and for the sowme of tua hundreth pundis money Scottis peyed and delyvered to tham be William Fergusson present thesaurer and collector of the tounes comoun rent be thair order furth of the samyn whairof they grantit the receipt in maner thairin exprest they sauld and dispouned in favours of the magistratis and counsall present or to cum succeeding magistratis and counsall representing the body and comunitie of the toun for the comoune use thairof but reversioun all and hail these said yairdis with the priviledgis and pertinentis formerlie belonging thairto 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 burgh of Air betwixt the kirkyaird thairof of auld thaireftir being the landis of Johne Blair now of Thomas Daviesoune on the northe and ane pairt and the comoune way that tendis to the wattir 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 Sewaltoune deceast on the southe and uther pairt and the said comoune way that goeth by the well to the wattir of Air on the northe and utheris pairtis quhair-intill the deceast Alexander Lockhart younger died last vest and sased as of fie And that the samyn Johne Lockhart is nerrest and lawfull air to his deceast father thairintill 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 burgh superiors thairof for ane certain yearlie few dewtie being in hail 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 unquhile Alexander Lockhart his father of the dait the eleveint day of November j^m vi^e threttie four yeiris under the signe and subscriptionne of deceast George Massoune 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 hail 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 thairof 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 hail 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 thairof 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 under-subseriyvand Thir thingis wer done upoune 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 Masoune 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^m vj^e fiftie four yeares The quhilk day ament the supplicatioun givin in and presentit befor the Commissioneres appoyntit for administratioun of justice to the people in Scotland be the burgessis and inhabitantes within the burghes of Air and uthers heretouris within the tennendrie theroff mentioneing that throw the want of magistrates as formerlie wount to be within the burghes of Air the saidis petitioneres ar greatlie prejudgit in passeing of infestmentes 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 burghes 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 burghes Beseekand therefore the saidis commissioneres 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 infestmentes and saiseinges to all partis 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 burghes and that unto such tyme and ay and quhill the burghes of Air be settled in ther magistracie with Proveist and Bailies and they in ane capacitie to doe the samyn as heirtofoir they wer in use as the said supplicatioun beares Quhilk supplicatioun being hard red seine and considerit by the saidis commissioneres and they being therwith weell and ryplie advysed the saidis Commissioneres thought the samyn reasounable and thairfore they have givin and grantit and be thir presentis the saidis Commissioneres 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 infestmentes and saisingis to all parties haveing interes within the burghes 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 burghes of Air and that unto such tyme and ay and quhill the said burghes of Air

be setled 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 infestmentes 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 Neill, etc., for infesting him in the Lands of Carrickstoun.*—[22d January 1656.]

AIR the twentie tua day of Januarij the year of God j^m vj^c fyftie sex yearis Quhilk day in presence of the Proveist Baillies and Counsall of this burghe being ordinarily conveyid 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 hail the landis of Carrickstoun extending to ane fourtie penny land of auld extent with housses biggings yards and pertinents thairof extending to sevin aikers of land or thereby And all and hail 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 yeirlie 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 Counsall and they therewith well advysit they ordain and appoynt ane of the baillies of this burgh furth with all conveniencie to passe to the ground of the saids landis and to receive the said resignatioun or resignationes of the saids lands and to give infestment and saseing thairupon efter the forme and tenor of the saids richtes 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 Counsall 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 Merehe 1656 the persons underwrittin wer convenit by ane act of the Toun Counsell off the dait the nyuteine 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^cCalmont baillies
 Jhone Osborne Hew Kennedy lait provestis
 Thomas Blair
 Matthew Crawford deacon conveiner
 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
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 Ecclis minister and
successor to enter at the foir-
breist of the portell dor | 4. Jhone Kennedy Barleiff |
| 2. Hew Kennedy to enter at the
gavill of the portell to the west-
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 Cochraue |
| 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 Cwynnyngame provest Hew Kennedy Johne Osborne Johne Fergussonne 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 Cuningham provest
 Jhone Fergussonne baillie
 Gilbert M'Calmont baillie
 Jhone Osborne lait provest
 Hew Kennedy lait provest
 George Cochraue
 Thomas Blair
 Mathew Crawford

1. The foirnमित 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 whosoever contributis farder or hes contribute shal be preferrit accordng to his contributing And ordanis Thomas Blair to take up the contribution and George Cochraue the thrie lbs for flewring

2. They appoint the provest Jhone Osborne Thomas Blair and George Cochraue to aggrie 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 gavelis 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 Fergusone Gilbert M'Calmont George Cochrane Thomas Blair Johne Osborne.

Air the 12 March 1656 within the Kirk being conveyed

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

The magistratis and counsall conveyed with theise wha hes the saittes appoynted to thame by former order did meit this present day in the Kirk and they have unanimsulie condiscendid and choysit Johne Osborne Johne Crawford Johne Fergusone Gilbert M'Calmont Thomas Blaire Theophilus Rankein and Georg Cochrane master of werk to settill and aggrie uniformelie with Johne Huntar 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 foundati-
 one laying thair of (Sic subscribitur) Williame Cwnynghame Johne Fergusone Gilbert M'Calmont Johne Osborne Johne Craufurd Thomas Blair.

89. *Precept from Chancery for infefting 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 hail 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 immediatlie in cheeff And the said William Lin now of Large having raised precepts furth of our chancellarie in our said deceist fathers lyftyme whairupoun no diligence was used be him the tyme of our said deceist father lyffe Thairfoir wee be vertew of ane ordour and warrand of our counceill 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 attorney beirer heirof seasine of the lands abonewrittin 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 Edinburch 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 Rod 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 regni que 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 mediatis 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'Quhail 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 cuiuslibet 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 iudices 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 regniq[ue] 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 burgi 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'Quhail, 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 infeftment 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 alseweell of our dread souveraigne 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 especiallye 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 souveraigne 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^m vj^c and fourscore 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 undersubscribe 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 reasons and causs therein contined) given granted and disponed to the proveist baillies and counceill 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 call 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 forsaid upon every tum 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^m vj^e and eighty seven yeirs with full power to the saids provest baillies and counceill 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 sieklike and also freilie in all respects as the magistrats and counceill 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 counceill 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 proeuring 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 porports 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 itselfe 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 considerations 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 manteing 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 publicklie intimat through the said burgh be ediet 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 Hammay 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 properts According to the whilk act and ordinance the said roping wes seaverall tymes be ediet and tuke of drum publicklie 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 publictly intimat through the saide burgh be ediet and tuke of drum upon the whilk second day of November iastant 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 prediccessors 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 hail 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 yeirlic 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 own uses allenerlie and not to be retailed in hail 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^m vj^c and fourseoire 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 reparatione of the said kie and harborie of Air and uthers the touns works as the said act in itselife 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 pleised 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 hail 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^m vj^c 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 anc 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 ordning the milners and servants at the saids milnes reddilie to ansvere and obey the saids taksmen 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 owners or anie in there names receave 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 wynes 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 abovewritten the forsaid letter of gift and hail 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 (reservand and exceptand allwayes all malt to be breued be private persones for there ounne use alenerly during the said space in maner above reserved) Quhilk Tack and dispositione above writen the magistrats and counsell binds and obliiss them and there successors in officio to warrand acqyute 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 uplifiting 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 funder 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 receive 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 forty 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 oune 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 quhilk they are to depone to have bein applyed for there oune 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 receive the tuo termes tack diwty (under the reservatione forsaid) and termlic 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 obtaine 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 subscriyve 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 Quhilk 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 oune 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 prejudiciale 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 pleasure For the whilk cause and tack abovewritten the saids John Fergusone and Joseph Smith binds and obliiss 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 beginmand the first termes payment theroff upon the first day of February nextcome and sua furth termlic therefter 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 uncancelt 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 therefter to runn And lastlie the saids John Fergusone and Joseph Smith obliss them and there forsaid to relieve uthers pro rata of the hailt premisses and of all coast skaith dammage intrest and expens aither of them or there forsaid shall hapen to sustine or incur 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 decret that letters of homing 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 toum clerk deput of Air and the said Robert Glasgow (Signed) Will. Cunynghame Proveist William Craufurd baillie William Reid D. G. Robert Leslie thres^r Thomas Catlicart 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 wtnes Robert Glasgow wtnes.

(*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 theirtowit 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 successione 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 Councell 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 successione in office and all uthers whom it effeirs of the hail 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 renunciacione 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 successione 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 registracione 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^m vj^e 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 witness John Hunter witness.

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

AT the burgh of Ayr the seventeenth day of June j^m vii^e and fifteen years auent 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 counceill 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 cobbles and fishers therein have by allowance of the saids magistrates and counceill and as having right from them employed their cobbles in fishing of salmond at the mouth of the said water the years aftermentioned and have acknowledged the saids magistrates and counceill 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^m vii^e and ten eleven and j^m vii^e 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^m vii^c and thretteen and this current year j^m vii^c 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^m vii^c and thirteen and this current year j^m vii^c 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^m vii^c and thirteen and this current j^m vii^c 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^m vii^c and ten eleven and j^m vii^c 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^m vii^c and thirteen and this current j^m vii^c and fourteen of their respective rents being twelve pounds out of each coble for the said year j^m vii^c and thirteen and j^m vii^c 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 anc 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 conteined 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^m vii^c and thirteen and j^m vii^c 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 theasurers all which is offered to be proven by the defenders oaths and that the defenders have fished with their cobbles 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 cobbles 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 town 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 cobles (as he hath heard the owners of the cobles 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 toum till the year j^m vii^c and thirteen and acknowledged that he supplicat the toum 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 toum 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 kepted off him his proportion of the dues of the boat but knows not whether or not any of it was payed to the toum 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

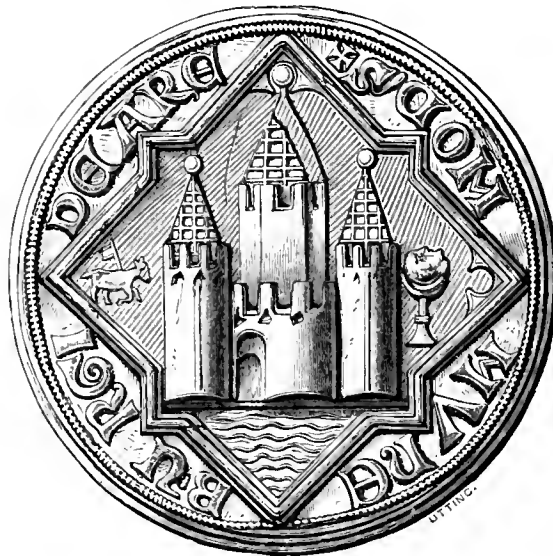
failzieing to prove any of them gives ground of absolvitor to the defenders But so it is that the persewer failzies to prove the magistrates right to the fishing lybelled or their being in possession of uplifting of twelve pounds Scots out of each coble yearly or that the defenders have been in use of 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 depositione 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 town 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^m vii^e 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 Newtown to have compeared at Ayr the first day of August j^m vii^e 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 Newtown 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 oppoued the instrument bearing that John Reid and John Love for themselves and partners fishers of the burgh of Newtown 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 town 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 decret 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.



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