

The Protocol Book of Henry Prestoun

In the Scotland of the Middle Ages and the Renaissance, and in a lessening degree down to comparatively modern times, the notary public was a far more familiar and important figure than he is to-day. He might execute any or all of several functions which to-day are performed by such different people as a registrar, a conveyancing clerk, a family solicitor, a private secretary, and a police reporter. Wherever and whenever it was desired to keep an official and trustworthy record of transactions between individuals, of steps taken or checks encountered in a legal process, or of any deliberate action to establish or deny some particular right, there would be present a notary public summoned to record the facts or statements, the names of those who witnessed them, the place, time, and date, in a formally framed instrument, certified by his docket and personal mark, which the party interested retained as evidence of the business done.

All such instruments the notary was bound by his oath of admission to transcribe into a protocol book. Such was the variety of business he witnessed, and so important were some of its occasions, that notaries' protocol books were by the reign of James VI recognised to be valuable records deserving official preservation. In 1567 Parliament enacted that defunct notaries' protocol books in shires must be handed over to the sheriffs and in burghs to the magistrates; in 1587 and again in 1617 they were ordered to be sent to the Clerk Register, with the exception of those belonging to the clerks of royal burghs, which were to be delivered to the provost and bailies.¹

The value of these protocol books to the historian has been authoritatively summarised by Dr. William Angus, late Keeper of the Registers and Records of Scotland,² and vividly illustrated not only by the extracts he has printed but by the late Dr. David Murray's lucid and entertaining analysis of one of the earliest protocol books extant, that of Gavin Ros, which covers the years 1512-24 and 1527-32.³ This example is one of particular interest to Ayrshiremen since nearly all Ros's business was done in our county. Other Ayrshire notaries' protocol books, those of John Mason (1576-93) and Robert Broun (1612-20), were printed by the Ayrshire and Galloway Archaeological Association. The protocol book of Henry Prestoun, though short and unfortunately incomplete, is another Ayrshire example, which deserves to be better known.

Henry Prestoun was a well-known notary who lived in Ayr and is mentioned several times in the burgh accounts.⁴ Stephen

- (1) *Acts of the Parliament of Scotland*, iii. pp. 44, 448; iv. p. 549.
- (2) *The Sources and Literature of Scots Law* (Stair Society), 1936, pp. 289-300.
- (3) *Legal Practice in Ayr and the West of Scotland in the Fifteenth and Sixteenth Centuries*, 1910. A full translation of Ros's protocol book was printed by the Scottish Record Society in 1907.
- (4) *Ayr Burgh Accounts*, ed. Pryde (Scottish History Society), 1937, pp. 29, 90, 104, 107, 117.

Prestoun, likewise a notary, who was a bailie of Ayr in 1539-42 and town clerk 1534-61, was his father,⁵ and he himself was the burgh treasurer from 1534 to 1547, all the compts being in his handwriting and many of them signed by him.⁶ In 1548 he acquired some property in the burgh, including a tenement to the east of the tolbooth with a garden and "butt" (*cauda*) of ground adjoining, which probably contained his actual dwelling-house.⁷ He does not seem to have been married, and he may have died fairly young, during his father's lifetime, for I have found no mention of him later than 7th June 1554, when he is described as "*scriba vice-comitatus de Air*."⁸

This is about everything known of Henry Prestoun, except that his practice, though chiefly in Ayr itself, took him about Ayrshire from Montfod, near West Kilbride, and Stevenston in the north to Dunure and the towers of Penkill and Bennan in the south, and no doubt farther afield also. Occasionally he rode to Edinburgh or Glasgow on the town's business.⁹

Henry Prestoun's handwriting is small but very neat and well formed. His protocol book is unfortunately incomplete: indeed only a minor part of it has survived. Originally it probably contained some 400 leaves, many written on both sides and some blank; but ff. 1-198 and 240-346 are missing, after which f. 347 survives alone and an unknown number of leaves thereafter is also wanting. Several blank pages are bound in with the extant written ones.

The surviving pages (re-numbered for convenience) contain 48 notarial instruments—two (Nos. 19 and 48) incomplete—all belonging to the years 1547-8 except that on f. 347 which is of 1551. All the instruments are in Latin with a single exception (No. 17). Few though they are, and limited (with the exception of the last) to a period of no more than 11 months, they illustrate well enough the wide variety of business in a notary's practice. They include obligations for sums of money owing and receipts for sums paid, assignments of property, a protest, and a bond of caution. One instrument (No. 6) records a litigant's refusal to state his ground of defence. There are two instruments of much interest in the ecclesiastical history of Ayrshire: No. 8 recording the formal installation of Abbot Quintin Kennedy, the last abbot of Crossraguel,¹⁰ and No. 46 recording the induction of a chaplain of St. Leonard's chapel, just outside Ayr. But by far the greatest number—28 out of 48—is of instruments of sasine.

- (5) "Stephen Prestoun and Henry Prestoun his son, notaries" are among the witnesses to a charter by the provost and council of Ayr to James Chalmer of Gaitgirth, 25 September 1542 (Bargany MSS).
- (6) *Ayr Burgh Accounts*, p. 104, note.
- (7) *R.M.S.*, iv. 221.
- (8) *Ibid.*, 942.
- (9) *Ayr Burgh Accounts*, p. 90.
- (10) This instrument is cited in the *Scots Peerage* ii. p. 466, but is not printed among the *Crossraguel Charters*.

The recording of instruments of sasine remained the principal part of a notary's practice even after the various courts, having set up their own registers of deeds, abstracted much of his business from him, and these instruments provide an invaluable source of local, family, and topographical history. They may touch national history. Two days before the disastrous battle of Fawside or Pinkie, on 8th September, 1547, an Act was passed, as had been done a generation earlier before the Battle of Flodden, ordaining that the heirs of those who should fall or die of wounds or sickness received in the approaching conflict should succeed to their property without payment of the usual casualties and "quhat eild that ever thai be off."¹¹ In Henry Prestoun's protocol book 10 instruments of sasine record, in reference to that Act, the deaths of Ayrshire landowners in the battle of Pinkie, and in two cases (Nos. 1, 36) this protocol book is the only evidence of those particular tragedies. The volume is thus of importance in emphasising how heavily Ayrshire suffered on "Black Saturday." At least 28 Ayrshiremen of note fell in that battle, including Alan, 3rd Lord Cathcart (whose father and two uncles had died at Flodden), two burgesses of Ayr, and 25 barons and lairds or their eldest sons. From these figures it can be inferred that the number of their followers likewise slain, of whom, being landless, there is no such record, must have been appalling.

I have not annotated the numerous names in the following abstracts, but local historians with particular interests will find several small items of value to them. There are fragments of information to supplement Paterson's accounts of the old landed families of the county, and of their towers and mansion-houses, in particular some valuable references to two families, once well established but now long extinct, of whose muniments all trace is lost. These are the Corries of Kelwood, who lived in Thomastoun, the shell of which still stands near Culzean, and the MacAlexanders of Drummochreen, whose old house is now but a fragment of stone wall on the bank of the Water of Girvan a mile above Dailly. There are references also to the streets of old Ayr, the Woodgait (No. 24) and the Cowgait (No. 34), and to the burgh mill of Irvine (No. 14). One instrument (No. 17) has a special interest, being signed not only by the notary but by two parties to the deed, Duncan Craufurd of Camlarg and John Kennedy in Skeldoun. The lists of witnesses preserve the names of many bygone Ayrshiremen of whom otherwise little is known but whose surnames survive in the Ayrshire of to-day.

I record my thanks to Mr. C. T. McInnes, Curator of Historical Records, for his checking and correction of my transcript of the arocotol book and for his advice in the framing of some of the pbstracts.

(Sir) JAMES FERGUSSON.

(11) A.P.S., ii. p. 599.

ABSTRACTS.

1. 22 December 1547. Instrument narrating that Katherine f. 1r
Craufurd, relict of the deceased Laurence Rankyne of Scheild, freely resigned her conjunct infeftment of the 8 merkland of Scheild in the lordship of Scheild Drongane in Kile-regis in the sheriffdom of Air in the hands of John Craufurd of Drongane as superior, reserving her liferent; and the said John Craufurd, because the deceased Laurence died under her majesty's banner in the battle of Fawsyd and his brother William Rankyne, according to the charter of infeftment granted by the deceased John Craufurd of Drongane, grandfather of said John, was the nearest lawful heir failing heirs male of the said Laurence and Katherine, and failing heirs male of William his brother David Rankyne, and there being no heirs of the said Laurence and Katherine, gave sasine of the said 8 merkland of Scheild to the said William Rankyne, personally present.

Done on the lands of Scheild within the principal dwelling-house about 10 a.m. Witnesses: Alan Cathcart brother german of Robert Cathcart of Carloune, Peter Makelwne, and David Rankyne, and others.

2. 22 December 1547. Instrument of obligation by William f. 1v
Rankyne, brother german of the deceased Laurence Craufurd [sc. Rankyne] of Scheild and his heir in the 8 merkland of Scheild, not to impede, disturb, vex, or molest Katherine Craufurd relict of the said Laurence in the enjoyment and possession of her liferent of the said lands; upon which the said Katherine asked instruments.

Done about 11 a.m. on the same ground as No. 1. Witnesses: John Craufurd of Drongane and the other witnesses of No. 1.

3. 22 December 1547. Instrument of sasine by William Rankyne f. 2r
in favour of John Craufurd of Drongane, personally present, in the 40s land of old extent of the Manys of Scheild, excepting the dwelling-house, gardens, and orchards of the same, for payment of one penny annually in name of blench farm if asked.

Done in the house of Scheild at the same time and before the same witnesses as No. 1.

4. 17 January 1547-8. Instrument narrating that Giles Craufurd f. 3r
wife of the deceased Constantine Rankyne received from David Rankyne son of the deceased William Rankyne of Scheild the said deceased Constantine's instrument of sasine of the 8 merkland of Scheild drawn up by the deceased Alexander Jameson, notary public, of date 1536, and relieved and discharged the said David from all damages and expenses arising from the detention of the same; upon which the said David asked instruments.

Done in the sheriff court of Air within the tolbooth there about 11 a.m. Witnesses: Robert Craufurd of Clolynane, John Cunynghame of Caprintoun, William Cathcart, and James Broune, and others.

- f. 4r. 5. 28 January 1547-8. Instrument narrating that Mr. Quintin Kennedy, brother german of Gilbert, Earl of Cassillis, and parish clerk of Colmonell, with intent to resign his office of parish clerk into the hands of the dean and chapter of Glasgow, patrons of the said church, in favour of Hew Kennedy his brother german, appointed Mr. Thomas Cotis rector of Castaris, Mr. Walter Kennedy rector of Dowglass, and Mr. David Wylee his procurators; under hypothee and obligation over all his goods movable and immovable; upon which the said Hew asked instruments.

Done "in my bedchamber at Air" about 7 a.m. Witnesses: Walter Kennedy, Andrew Clevy, and Andrew Patersoune.

- f. 5r. 6. 30 January 1547-8. Instrument narrating that Gilbert, Earl of Cassillis, on behalf of these arbiters present, viz. Andrew, Master of Uchiltre, Duncan Craufurd of Camlarg, and Robert Craufurd of Clolynane, appointed for William Hammiltoune of Sanchar, knight, and on behalf of the said Earl himself and of John Cunynghame of Caprintoune, two of the oversmen chosen and sworn in the compromise made between the said William on the one part and John Wallace tutor of Cragy on the other part, required the said John tutor aforesaid, personally present, to lay before the said judges for their consideration what claims and defences he wished to use in the cause then depending before them, and to oppose the claim of the said knight with any relevant defence or peremptory exception; however, the said tutor withdrew without any useful [*efficaci*] reply; on which the said Earl of Cassillis and William Hammiltoune asked instruments.

Done in the place of the Friars Minors in the burgh of Aire about 11 a.m. Witnesses: James Chalmer of Gaitgirth, David Blair of Adamtoun, Alexander Forthar of Gulemuliseroft, sir Thomas Raith, notary, sir John Campbell rector of Kilmalze, Robert Legate vicar of Aire, and others.

- f. 5v. 7. Notarial protest by said William against said John reclaiming without specific reasons and against any prejudice arising therefrom. Same time and witnesses.
- f. 6r. 8. 1 February 1547-8. Instrument narrating that sir Robert Makewin sub-prior of the monastery of Crossraguel and the monks of the convent thereof, on a mandate from John, bishop of Dunkeld, abbot of Paisley, and father abbot of the whole order of Cluny in Scotland, dated 1st January last and addressed to them in favour of the reverend father in God Quintin, elected and postulated abbot of the said monastery, approving and ratifying

the election of the said Quintin, received and admitted him to the charge of the said monastery by presenting to him the relics of the choir and the keys, with other accustomed ceremonies, and giving him the abbot's accustomed stall in the choir and place in the chapter-house; upon all of which the said Quintin asked instruments.

Done in the choir and chapter-house of the said monastery about 10 a.m. Witnesses: Gilbert, Earl of Cassillis, George Corry of Kelwood, Robert Craufurd of Clolynane, William Dunduff younger of that ilk, David Kennedy of Pennyglen, Adam Dowglas of Pennyland, David Kennedy in Bellard, Messrs. George Kennedy, Gavin Ross and John Garvan notaries, and others.

9. 1 February 1547-8. Instrument narrating that Quintin now abbot of Crossraguel, Robert Makewin the sub-prior and the whole convent assembled, praising the fidelity of Gilbert, Earl of Cassillis, their bailie, whom in the presence of Mr. John Garvane, notary public, they chose and adopted on the death of the late abbot William until they should be provided with a new abbot, acknowledged receipt from the said Earl of all the sums of money and goods and chattels within and without which belonged to the late abbot and now belong to the new abbot and the convent and with which he, Mr. Walter Kennedy rector of Dowglas, and David Kennedy of Pennyglen his substitutes or any other his servants had intromitted to this date, and held themselves content and relieved and discharged the said Earl, Mr. Walter, and David for all the foresaid sums of money and goods and chattels, renouncing all action and claim thereanent; on which the said Earl of Cassillis and David Kennedy of Pennyglen asked instruments.

Done in the choir of Crossraguel about 11 a.m. Witnesses: George Corry of Kelwood, Robert Craufurd of Clolynane, William Dunduff younger of that ilk, David Kennedy in Bellard, and Adam Dowglass of Pennyland, Messrs. Gavin Ross and John Garvane, notaries, and others.

[Cp. *Crossraguel Charters*, i. pp. 102-4].

10. 13 February 1547-9. Instrument of sasine by Alexander Kennedy, one of the bailies of Aire, in favour of Robert Schaw and Katherine Kennedy his wife of a fore tenement under and over with the pertinents lying in the said burgh between the tenement of Bartholomew Broune on the north and the tenement of Thomas Kennedy of Knokreoch on the south, on the resignation in the bailie's hands of Charles Campbell burgess of Aire and Elizabeth Campbell his wife (she having first affirmed on the Gospels outwith the presence of her husband that she was in no way compelled to the resignation), which subjects were formerly alienated to them by said Robert Schaw and Katherine Kennedy under reversion of a sum of 200 merks Scots.

Done within the said fore tenement about 10 a.m. Witnesses : John Kennedy of Kirkmychall, John Kirkpatrick, Hew Montfoid and John Gilleiss burgesses of the said burgh, and others.

- f. 8v. 11. 13 February 1547-8. Instrument of sasine by Alexander Kennedy, one of the bailies of Aire, in favour of Margaret Napeir, personally present, relict of the deceased Thomas Corry of Kelwod, of the tenement described in No. 10 *supra*, on the resignation in the bailie's hands of Robert Schaw and Katherine Kennedy (she having first affirmed on the Gospels outwith the presence of her husband that she was in no way compelled to the resignation).

Done about 11 a.m. in the same place and before the same witnesses as No. 10.

- f. 9r. 12. 13 February 1547-8. Instrument narrating that Robert Schaw, burgess of Air, declared that he had received from Margaret Napeir, relict of the deceased Thomas Corry of Kelwod, the sum of £200 Scots in respect of the alienation of the tenement described in Nos. 10 and 11 *supra*, and held himself well content therewith ; with bond of warrandice.

Done in the burgh of Aire in the lodging of Isobel Nele, relict of the deceased Bartholomew Kirkpatrick, about 12 noon. Witnesses : John Kirkpatrick, James Ross, William Lynning, and others.

- f. 10r. 13. 19 February 1547-8. Instrument relating that Giles Craufurd, relict of the deceased Alan Cathcart of Wattirheid, of her free will assigned to her beloved son-in-law Alexander Lokhart, burgess of Aire, and Janet Cathcart his spouse, and the lawful heirs of the said Alexander, the rents and profits of the lands of Eister Bardaroch and Ovir Rig in Kile-regis due to her by the deceased William Cathcart of Bardaroch, occupier of Eister Bardaroch, and Janet Schaw, his spouse, and also by Robert Sloane occupier of Ovir Rig, and all others whomsoever of all years and terms by-past and to come and that for the whole duration of her life, on account of her love for the said Alexander and Janet and the many benefits done by them to her ; with bond of warrandice ; on all which the said Alexander asked instruments.

Done in the lodging of the said Alexander in the burgh of Aire about 4 p.m. Witnesses : John [*sic*] Lokhart brother german of John Lokhart of Bar, Thomas Makwatty, and John Thomesoun.

f. 11. [Blank.]

- f. 12r. 14. 20 February 1547-8. Instrument of sasine, on a precept from chancery dated 10 January 1547-8, directed to Constantine Campbell of Craigdow sheriff depute of Aire, in favour of David

Blair of Adametoune as heir of his father the deceased David Blair of Adametoune (who died in the reign of James V) in the 20 merkland of old extent of Peirstoune and Warriggis [also written Walriggis] and the following annual rents : 5 bolls of meal from the lands of Bourtrehill, one-third of a pound of pepper from the lands of Bartanholme, 4s 6d from the lands of Bogyside, and 2s 10d from the mill called the " burromyln " near the burgh of Irvin ; all in the bailiary of Cunynhame and held in chief of the Queen as Steward of Scotland. The lands were in ward for one year and in non-entry for 5 years and a term.

Done on the ground of Peirstoune and Bourtrehill about 2 and 3 p.m. Witnesses : sir James Craufurd, George Cochran, Hew Wallace, James Blair, Patrick Ker, Adam Adam, and others.

15. 20 February 1547-8. Instrument of sasine on a precept from chancery dated 4th February 1547-8, directed to Constantine Campbell of Craigdow sheriff depute of Aire, in favour of John Montfoid as heir of his father James Montfoid of that ilk who died under the royal banner in the battle of Fawsyid, in the 10 merkland of old extent of Montfoid and 5 merkland of old extent of Langhirst in the bailiary of Cunynghame, held in chief of the Queen as Steward of Scotland. The lands were in non-entry from the term of Martinmas last. f. 13r

Done at the house of Montfoid about 4 p.m. Witnesses : George Cocherane, Adam Esdale, and sir James Craufurd vicar of Kilbride.

[Cp. *Retours*, Ayr, 3.]

[10 blank folios, unnumbered.]

16. 17 April 1548. Instrument narrating that Dame Margaret Mure, relict of Neil Montgomery of Langschaw, knight, and daughter and heir of the deceased Quintin Mure of Aird, of her own free will and with consent and assent of John Kennedy, her present husband, for his interest, declared herself to have received from Duncan Craufurd of Camlarg £120 in redemption of the £3 land of old extent of Ovir Auchinsowle, and 200 merks Scots for redemption of the 4 merkland of Conray and 40s land of old extent of Pynblauet, in the earldom of Carrik and sheriffdom of Aire, in which the said Margaret declared herself to be at present heritably vested and seised ; and that these lands were now by the said Duncan, her superior, lawfully redeemed from her and released from the reversion which Duncan Fergusson of Kilkerane predecessor of the said Duncan Craufurd had thence ; therefore the said Dame Margaret resigned the said lands of Ovir Auchinsowle, Conray, and Pynblawet, *in perpetuum* in the hands of the said

Duncan Craufurd as her superior, and renounced all claim to them ; with bond of warrandice.

Done at the tower of Nethir Skeldoun about 9 a.m. Witnesses : John Craufurd in Erf, John Campbell and John Cubbesoune servants of the said Dame Margaret, and others.

- f. 15v. 17. (*In Scots*) 17 April 1548. Instrument of an agreement by Duncan Craufurd of Camlarg, in consideration of a sum of 380 merks Scots received by him from John Kennedy in Skeldoune, to infest the said John Kennedy in the £3 land of old extent of Ovir Auchinsowle in the earldom of Carrick and sheriffdom of Aire, to be held blench of the said Duncan for one penny yearly if asked ; also in the 4 merkland of Conray and 40s land of Pynblawet to be similarly held ; each by a separate charter ; the said John Kennedy agreeing to grant letters of reversion of £120 for redemption of Ovir Auchinsowle and 200 merks for Conray and Pynblawet, the said money to be paid upon the high altar of the parish church of Dalrimple at 40 days' warning. And notwithstanding the said infestments the said John shall not intromit with the said lands but the said Duncan shall "set and raise" them, paying yearly to the said John 10 merks of "male" for every 100 merks lying on the lands. And the said John shall resign the lands in favour of Dame Margaret Mure, his spouse, if required, in which case the said Duncan binds himself to infest her in them. On all of which both parties asked instruments.

Done at the tower of Nethir Skeldoune about 10 a.m. in presence of the same witnesses as No. 16 *supra*.

Below the notary's signature are those of "Duncan Craufurd of Camlarge with my hand" and "Johne Kennedy in Skeldoun with my hand."

- f. 17r. 18. 17 April 1548. Instrument of obligation by Dame Margaret Mure (as in No. 16 *supra*) to pursue Duncan Fergusson of Kilkerane according to law for warranty to her of the £3 land of Ovir Auchinsowle, 4 merkland of Conray, and 40s land of Pynblawet, assigning meanwhile any decreets and sums obtained thence to Duncan Craufurd of Camlarg ; on which the said Duncan asked instruments.

Done at the same place and hour and before the same witnesses as No. 17 *supra*.

- f. 17r. 19. 17 April 1548. Incomplete entry, giving only the names of Marion and Christine Kennedy sisters and heirs portioners of the deceased John Kennedy of Gyltre.

- f. 18r. 20. 29 April 1548. Instrument of assignation by Margaret Wallace, wife of the deceased William Dalrimple of Stair, of a fore tenement in the burgh of Aire lying between the tenement of the deceased John Muir in Cortluy on the south and the

tenement of the deceased James Wod on the north, which the said Margaret has had in tack from William Nychole, burgess of Aire, for a payment of 8 merks annually, in favour of James Wilsoune, carpenter, in consideration of a sum of money paid by him to her of which she grants discharge ; with bond of warrandice and delivery to the said James of the letters of tack held by the said Margaret dated at Aire on 6 December 1546 ; on which the said James Wilsoune asked instruments.

Done at Aire in the lodging of William Wallace about 5 p.m. Witnesses : John Wallace in Blakhouse, Charles Campbell, and John Wilsoune, and others.

[2 blank folios, unnumbered.]

21. 19 May 1548. Instrument of sasine, on a precept from fr. 19 chancery of 16 May directed to Constantine Campbell of Craigdow sheriff depute of Aire, in favour of Mr. John Fullartoun of Dregarne as heir to his father the deceased John Fullartoun of Dregarne in half of the 19 merkland of the estate (*dominium*) of Laglane, Barclauch, and Knokgulrane in Kile-regis, *viz.*, half of the toun of Laglane lying on the south extending to Louthmylnburn by the common passage by said toun of Laglane to the great wood and so down to the river descending between the foresaid lands of Laglane and the lands of Barclauch, with half of the great wood foresaid on the east down to the water of Aire ; and also half of said lands of Barclauch upwards by the river descending between Potterhill and Humbarthill on the water of Aire as far as Makilwringilshaw and so descending on the north of the acre called Makilwryngillis acre to the river of Braidheid near the same part lying in said lands of Laglane ; and also half of the lands of Knokgulrane on the east side as far as the black water with half of the mill of Laglane, Millhill and Mylnholme, with half of the fishings of said estate of Laglane, and in particular half of the fishings of Myldam and Brokveldam, and half of the coal of said estate of Laglane ; held in chief of the Queen. The subjects were in non-entry since Martinmas last.

Done on the ground of the lands, at Laglane about 10 a.m. and at Knokgulrane about 12 noon. Witnesses : John Wilsone, George Dormont, Robert Dormont, Patrick Makcarmik, John Cocherane, and others.

22. 23 May 1548. Instrument narrating that Margaret Naper, f. 20 lady of Kelwod, of her own free will and on account of her affection towards her dearest son Alexander Naper of Wrychtishoussis remits to him for her life-time the annual rent of 40 merks which is due from him on account of lands he holds in tack from her ; on which the said Alexander asked instruments.

Done at Aire in the lodging of the said Margaret about 8 p.m. Witnesses : Alexander Naper, brother of the said Margaret, William Logane, George Kessane, and others.

f. 20r. **23.** 23 May 1548. Instrument narrating that Alexander Naper of Wrychtishoussis promised to pay the rents of lands held in tack by him from said Margaret Naper, lady of Kelwod, except 40 merks (as in No. 22 *supra*) and to forfeit the foregoing remission if the rents due at Whitsunday be not paid by St. John Baptist's Day and those due at Martinmas by St. Andrew's Day; on which Margaret Naper asked instruments. [Time, place and witnesses as No. 22 *supra*.]

[One blank folio, unnumbered.]

f. 21r. **24.** 25 May 1548. Instrument narrating that Christian Walker wife of Matthew Makgregour appeared before Leonard Clerk, one of the bailies of Aire, sitting in a burgh court held on the ground of the tenement of the said Christian lying in the said burgh in the Woodgate (*via nemoris*) on the west side of the high street (*vicus regius*) between the tenement now belonging to Alexander Bellisbank on the south and the tenement of James Wishart on the north; and there, having sworn on the Gospels outwith the presence of her said husband that she was in no way compelled but acting of her own free will, resigned in the bailie's hands the above-named tenement back and fore with a yard and butt (*cauda*) and also two parts of a rood of ground with a yard and butt lying in the same street between the land of John Maknedar on the north and the land of Thomas Cunynghame on the south, in favour of her said husband; whereupon the bailie gave sasine of the above subjects to the said Matthew Makgregour and Christian Walker his wife conjunctly; upon which both spouses asked instruments.

Done on the ground above-named about 11 a.m. Witnesses: John Dalrimple, George Cocherane, and John Layng, burgesses of the said burgh, and Hew Montfoid, sergeant thereof, Robert Clerk, Patrick Gibsoun, and others.

f. 21v. **25.** 25 May 1548. Instrument narrating that Matthew Makgregour and Christian Walker his wife resigned in the hands of Leonard Clerk, bailie of Aire, their tenement extending to two-parts of a rood of land (as described in No. 24 *supra*) for sasine thereof to be given to Marion Gilmeyn, daughter of the said Christian, reserving their liferent; whereupon the bailie gave sasine accordingly of the said tenement to be held by the said Marion and her lawful heirs, whom failing by the heirs of the said Matthew, in burgage; on which the said Marion asked instruments.

Done on the ground foresaid about 12 noon. Witnesses: John Dalrimple, George Cocherane, John Layng, burgesses of the said burgh, Hew Montfoid and James McCormyll, sergeants thereof, Robert Clerk, Patrick Gibsoun, and others.

26. 25 May 1548. Instrument of obligation by Marion Gilmeyn, being duly vested and seised in the tenement described in No. 25 *supra*, to yield it back to the said Matthew Makgregour or his heirs on payment of 20 merks Scots to be paid at 40 days' warning on the high altar of the parish church of Aire. Witnesses as in No. 25 *supra*.

[f. 22v. and 4 unnumbered folios blank.]

27. 3 June 1548. Instrument of sasine, on a precept from chancery dated 28 May 1548, directed to Hew Campbell of Lowdown sheriff of Aire, in favour of John Mure of Rowallane, personally present, as heir of his father Mungo (*Kentigernus*) Mure of Rowallane who died under the royal banner in the battle of Fawsyde, of the barony of Rowallane with the tower, fortalice, mills, &c., of the same extending to a 100 merkland of old extent lying in the bailiary of Cunynghame and sheriffdom of Aire; excepting the 5 merkland of old extent of Warnokland and the 40s land in [*sic*] Glasnok of old extent belonging to Isobel Campbell, wife of the deceased Mungo Mure, in conjunct fee; to be held in chief of the Queen as Steward of Scotland. The lands were in non-entry for 2 terms.

Done on the ground of the barony at the tower of the same about 7 a.m. Witnesses: John Cathcart, George Campbell in Montgariswod, Archibald Mure and Hew Mure, brothers german of the said John Mure, and others.

28. 6 June 1548. Instrument recording that Archibald, Earl of Argyll, and David Berclay of Ladyland became cautioners for Hew Craufurd of Kylburny for payment to Helen Campbell, relict of Laurence Craufurde of Kilburny, and to Archibald Maklauchlane, her spouse, for his interest, of £190 0s 6d Scots money rents overdue, except meal and malt, of the year 1547, and said Hugh obliges himself to relieve said cautioners and to convene at Dunneyn on 20th June instant bringing with him the sum foresaid, or to infest said Helen in lands yielding 10 merks per cent at the sight of said Earl and Hew Campbell of Lowdown.

Done at Kilburny about 3 p.m. Witnesses Gilbert, Earl of Cassillis, the said Hew Campbell of Loudoun, and Colin Campbell of Arkinglass.

[f. 24v. blank.]

29. 10 June 1548. Instrument of sasine, on a precept from chancery dated 28 May 1548 directed to Constantine Campbell of Craigdow, sheriff depute of Aire, in favour of John Mure son of the deceased Bernard Mure of Park who died under the royal banner in the battle of Fawsyde, as heir of his father in the 40s

land of old extent of Park with the mill of the same and pertinents, *viz.* Scheipcoitlais, Parkhill, Barhill, and all other parts and pendicles, in the barony of Terboltoun and sheriffdom of Air, held in chief of the Queen as Steward of Scotland. John Mure is stated to be of lawful age in virtue of the act of dispensation made at the said battle. The lands were in ward to Martinmas last and in non-entry thence to Whitsunday.

Done on the ground at the house of Park and on the lands of Largysyd for the pendicles about 8 a.m. Witnesses : John Mure of Rowallane, John Mure in Auldtoun Burne, Archibald Mure, brother of the said laird of Rowallane, George Makalexander of Drummylchren, Alexander Lyndissay, John Cunynghame, James Reid, William Mychell, and others.

[Cp. *Retours*, Ayr, 6]

[One blank folio, unnumbered.]

- f. 26r. **30.** 14 June 1548. Instrument of sasine *propriis manibus* by Hew Campbell of Lowdown, knight, in favour of Margaret Campbell, his natural daughter, in her pure virginity of a liferent of a 4 merkland of old extent, *viz.* the 40s land of Bankheid, half merkland of Dobyland, and half merkland of Foirland, and also of the 40d land of old extent of Skellehill, all lying in the barony of Lowdown, bailiary of Cunynghame, and sheriffdom of Aire.

Done on the ground of the said lands about 6 p.m. Witnesses : Robert Craufurd of Clolynane, Hew Neisbit in Braidley, Gavin Cleland, sir John Campbell rector of Kilmalze, John Wallace, chaplain, John Neisbit, notary public, and others.

- f. 26r. **31.** 14 June 1548. Instrument of sasine *propriis manibus* by Hew Campbell of Lowdown, knight, in favour of Margaret Campbell, his natural daughter, of an annual rent of 20 merks Scots furth of his £5 land of Darvell lying as in No. 30 *supra*.

Done on the ground at the same hour and before the same witnesses as No. 30 *supra*.

[3 blank folios, unnumbered.]

- f. 27r. **32.** 28 June 1548. Instrument of sasine by John Lokhart of Bar in favour of George Lokhart, his brother, and Margaret Hammiltoune his spouse, of the 33s 4d land of old extent of Hietre now inhabited by John Adam lying in the barony of Growgare, bailiary of Cunynghame, and sheriffdom of Aire, to be held of the said John for annual payment of one penny Scots in name of blench farm if asked only.

Done on the ground about 6 a.m. Witnesses : William Cunynghame of Laglane, John Roxburgh, and George Kessane.

- 33.** 28 June 1548. Instrument of sasine by John Lokhart f. 27r of Bar of an annual rent of 10 merks Scots furth of his lands of Bar, lying in the bailiary of Kilestewart and sheriffdom of Air, to George Lokhart, his brother, and Margaret Hammiltoune his spouse, for annual payment of one penny Scots in name of blench farm if asked only.

Done at the tower of Bar about 7 a.m. Witnesses : Thomas Stewart of Gaustoune, William Cunynghame of Laglane, James Kennedy brother of Hew Kennedy in Dunneyn, and George Kessane.

- 34.** 29 June 1548. Instrument narrating that the lands of f. 28r Killauche lying at the south end of the burgh of Aire near the vennel called "Kowgait" were alienated by the deceased Peter M^cClurg of Kilmore to the deceased Alexander Cunynghame of Laglane under a reversion of £40 Scots ; that the said deceased Peter assigned the reversion to his son the deceased Arthur M^cClurg ; and that John M^cClurg son and heir of the said deceased Arthur with consent of Jonet Mure, his mother, and John Mure, his uncle, his curators, has paid in counted money the said sum of £40 to William Cunynghame son and heir of the said deceased Alexander and to Adam Cunynghame in Potterhill present possessor of the lands ; whereupon the said William and the said Adam, granting that the said John was son and heir to the said deceased Arthur who was assignee of the said lands of Killauche, resigned all right and title to them in the hands of Alexander Kennedy, one of the bailies of the burgh of Aire, who thereupon gave sasine to the said John M^cClurg in burgage.

Done on the ground of the said lands of Killauche about 3 p.m. Witnesses : William Cunynghame younger of Caprintoune, Robert Cathcart of Carloune, John Mure in Auldtoune Burne, James Ross, Stephen Prestoun, notary, and others.

- 35.** 29 June 1548. Instrument (unfinished) narrating that f. 29 John M^cClurg (as in No. 34 *supra*) with consent of his curators discharged and exonerated William Cunynghame and Adam Cunynghame (as in No. 34 *supra*) of the sum of £40 in virtue of an obligation which the deceased Alexander Cunynghame of Laglane had granted to the deceased Peter M^cClurg. . . .

[f. 29v. and 2 unnumbered folios blank.]

- 36.** 30 June 1548. Instrument of sasine on a precept from f. 30 chancery dated 18 June 1548, in favour of John Kennedy of Kirkmichaell, personally present, as heir of his father John Kennedy of Kirkmichaell who died under the royal banner in the battle of Fawsyde, in the 10 merkland of old extent of Kirkmichaell with the tower and fortalice of the same lying in the earldom of Carrik and sheriffdom of Aire, to be held in chief of the Queen

as Steward of Scotland and Countess of Carrik. John is stated to be of lawful age in virtue of the privilege granted to the heirs of the slain in the said battle. The lands were in non-entry for 2 terms.

Done within the close (*clausura*) of the place of Kirkmichaell about 1 p.m. Witnesses: James Ross, David Cunynghame, John Corry, John Makclymont, John Makfadzane, Duncan Makfadzane, and others.

- f. 31r. **37.** 4 July 1548. Instrument of sasine, on a precept from Hew Campbell of Lowdoun directed to Andrew Hunter bailie in that part, to Robert Craufurde of Clolynane as attorney for John Campbell, natural son of the deceased George Campbell of Brintwod, of the 2 merkland of Lochfergus lying in the territory of the burgh of Air, reserving the liferent to Marion Craufurd, lady of Karss, in accordance with his charter *de me* to her. Precept dated at Aire, 29 June 1548, signed "Hew Campbell of Lowdoun with my hand," and witnessed by Robert Craufurde of Clolynane, John Nesbit, and Henry Prestoun, notary.
- Done on the ground about 6 p.m. Witnesses: John Cunynghame, John Craufurd, Donald Dormont, and others.

- f. 32r. **38.** 5 July 1548. Instrument of sasine by Finlay Maxwell, bailie in that part in virtue of precept by Thomas Kennedy of Bargany, who had sold and alienated the after-mentioned subjects, to Alexander Lokhart, burgess of Aire, in liferent, and also to him as attorney for his son John Lokhart, merchant in Aire, in fee, of the 2 merkland of Park, merkland of Mylntoun, and 10s land of Laggen of old extent, in the barony of Bargany, earldom of Carrik, and sheriffdom of Aire, formerly inhabited by the deceased Thomas Mcmakane and Henry Mcmakane and now occupied by their wives who pay annually 16 merks Scots, to be held *de me* for one penny annually money aforesaid in name of blench if asked. Precept dated at Aire, 2 July 1548, and witnessed by Robert Schaw, David Fultoun, and Henry Prestoun, notary.

Done in the ground of the said lands in turn, about 2 p.m. Witnesses: Gilbert Fergusson, James Lokhart, and John Ross.

[7 blank folios, unnumbered.]

- f. 33r. **39.** 15 August 1548. Instrument of sasine, on a precept from chancery dated 7 August, directed to Constantine Campbell of Craigdow, sheriff depute of Aire, to Robert Boill as attorney for Isobel Craufurd, elder daughter and heir portioner of the deceased John Craufurd of Giffertland, who died under the royal banner in the battle of Fawsyd, in the 17 merkland of old extent of Giffertland with the mansion-house, mill, and pertinents thereof, in the bailiary of Cunynghame and sheriffdom of Aire, held in

chief of the Queen as Steward of Scotland. Isobel Craufurd is declared to be of lawful age in virtue of the act of dispensation made at the same battle. The lands were in ward for 2 terms.

Done on the ground of Giffertland at the mansion-house about 11 a.m. Witnesses: John Bole of Kelburne, Andrew Craufurd of Bethlem, William Smyth, Robert Gilbert, John Gray, John Cunynghame, and others.

[Cp. *Retours*, Ayr, 7].

[f. 34v. and one unnumbered folio blank.]

- 40.** 20 August 1548. Instrument of sasine, on a precept from chancery directed to the sheriffs of Elgin, Fores, and Aire [see *R.M.S.* iv. 113], given by Constantine Campbell of Craigdow, sheriff depute of Aire, to John Portar of Broklouch, attorney for the noble youth Patrick Dunbar, son and apparent heir of Alexander Dunbar of Cumnok, on his father's resignation, of the lands and barony of Cumnok with the tower, fortalice, &c., and the gift and right of patronage of the parish church of Cumnok and of the office of parish clerk of Cumnok. f. 35r.

Done on the ground at the castle of Cumnok and on the lands of Pennyfodoch as a pendicle of the said barony about 3 and 5 p.m. respectively. Witnesses: William, Lord Crechtoun of Sanquhare, Mr. Robert Crechtoun rector of Sanquhare, Patrick Dunbar, David Muir, Mr. Andrew Broune, Fergus Dalrimple, and others.

[One blank folio, unnumbered.]

- 41.** 7 September 1548. Instrument narrating that James Lokhart, burgess of Aire, gave sasine to Alexander Lokhart burgess of Aire in liferent and his son John in fee of the 2 merkland of Westir Carbarstoun in Kile-regis and in the sheriffdom of Aire presently occupied by Stephen Broune and George Gillespy, which he had sold to the said Alexander and John, with consent of Margaret Cathcart who had a liferent of the third part of the said lands and of Robert Boyman her spouse for his interest; and the said Margaret Cathcart with consent of her husband resigned all title to her said liferent. f. 37r.

Done on the ground of the said lands about 6 p.m. Witnesses: the foresaid Stephen Broune and Nicholas Lokhart.

- 42.** 7 September 1548. Instrument of sasine *propriis manibus* by William Cunynghame of Laglane of the 10s land of old extent of Gloumisbank in the estate (*dominium*) of Laglane in Kile-regis in the sheriffdom of Aire, which the said William had sold to Alexander Lokhart, burgess of Aire, and Janet Cathcart his spouse. f. 37r.

Done on the ground of the lands about 7 p.m. Witnesses : John Lokhart, son of the said Alexander, Robert Boyman and James Lokhart, burgesses of Aire, and Nicholas Lokhart.

[One blank folio, unnumbered.]

f. 38r. **43.** 14 September 1548. Instrument of sasine *propriis manibus* by Andrew, Lord Stewart of Uchiltre, of the 2 merkland of old extent of Glengavir, now occupied by Adam Synculare, Robert Dik and James Dik, in the barony of Uchiltre and sheriffdom of Aire, which the said Andrew had sold to Alexander Lokhart, burgess of Aire, in liferent, and John Lokhart, his son, in fee.

Done on the ground of the said lands about 10 a.m. Witnesses : Robert Stewart, brother german of the said lord, Arthur Stewart, Robert Campbell, and sir Adam Landellis, chaplain and notary public.

[f. 38v. blank.]

f. 39r. **44.** 26 and 27 September 1548. Instrument of sasine, on a precept from chancery dated 20 July 1548, directed to Constantine Campbell of Craigdow, sheriff depute of Aire, to John Cunynghame as attorney for George Corry, son and heir of Thomas Corry of Kelwod, who died under the royal banner in the battle of Fawsyde, in the following lands of old extent : 40s land of Craigdow, 10s land of Lagganedirrie, 20s land of Drummurthe, 2 merkland of Clonlouthrie, 2½ merkland of the lands of the principal dwellinghouse of Balmackavell, and half of the 40s land of Drummour, in the earldom of Carrik and sheriffdom of Aire ; reserving the liferent of the last two subjects to Margaret Napeir, relict of the said Thomas ; and to be held of the Queen as Princess of Scotland and Countess of Carrik. The lands were in non-entry for 2 terms.

Done separately on the ground of the said lands about 2, 3, and 4 p.m. on 26th September and about 7 and 11 a.m. on 27 September. Witnesses : John M^cCaull, Alexander Blair, John Makwille, John Davidsoun, Colin Fergusson, Adam Boid in Penkill, Richard Bannatyne in Drummurthe, and William Rolland.

f. 40r. **45.** 27 September 1548. Instrument of sasine, on a precept from chancery dated 21 June 1548, directed to Constantine Campbell of Craigdow, sheriff depute of Aire, to Mr. James Colvile, as attorney for Katherine Kennedy, granddaughter and heiress of the deceased John Kennedy of Bennane, who died under the royal banner in the battle of Fawsyid, in the 6½ merkland of old extent of Bennane, *viz.* 2 merkland of the Manys of Coiff with the manor, 2 merkland of Balcrewquhane, 2 merkland of Trowag,

and half merkland of Leffyneclerie, in the earldom of Carrik and sheriffdom of Aire ; to be held in chief of the Queen as Princess of Scotland and Countess of Carrik. Katherine is of lawful age in virtue of the act of dispensation made at the said battle. The lands were in ward from Martinmas to Whitsunday and thence in non-entry.

Done separately on the ground of the said lands about 2 p.m. Witnesses : John Busby, James Lesure, John Lok, and John Cunynghame.

[2 blank folios, unnumbered.]

46. 12 October 1548. Instrument narrating that sir Thomas Raith, chaplain, having in his hands a letter of gift under the Privy Seal [see *R.S.S.*, iii. 2889], dated 28 July 1548, of the chaplaincy of St. Leonard in the territory of the burgh of Aire, proceeded to the chapel of St. Leonard and by touching the horns of the altar inducted himself to the chapel and chaplaincy and to all lands, annual rents, &c., customarily belonging thereto ; on all of which he asked instruments. f. 41

Done within the said chapel about 2 p.m. Witnesses : William Wallace of Barnewele, Adam Wallace in Dullaris, George Kessane, and David Nycholsoun.

[f. 41v. blank.]

47. 9 November 1548. Instrument of sasine, on a precept of *clare constat* from Gilbert, Earl of Cassillis, dated at Dunnovir [*sc.* Dunure] 8 November 1548, directed to James Craufurd bailie in that part, in favour of George Corry of Kelwod as heir of his father Thomas Corry of Kelwod who died in the battle of Fawsyde, in the Manys of Dunnovir occupied by the Earl, the 2 merkland of Castelhill inhabited by John Makilmoun, 40s land of Ranco occupied by Alexander Kennedy, 20s. land of Dunnovir inhabited by Katherine Makneische, relict of the deceased John Campbell, and the 20s land of Dunnovir occupied by David Kennedy of Pennynglen, of old extent, lying in the barony of Dunnovir, earldom of Carrik and sheriffdom of Aire ; to be held blench. Witnesses to the precept : Thomas Kennedy of Knokreoch, John Kennedy in Skeldoun, and Henry Prestoun, notary. f. 42

Done separately on the ground of the said lands at the Manys of Dunnovir, the house of Castelhill, and the house of the said David Kennedy about 9 a.m. Witnesses : Thomas Corry, brother of the foresaid George, Thomas Kennedy of Coiff, Matthew Schearlaw, John Makilmoun, Peter Rankyne, John Howey, and sir Michael Dewar monk of Corsraguell.

- f. 43r. 48. 29 June 1551. Instrument of sasine, on a precept under the Quarter Seal dated 1 June [*sic*] following on a charter [*R.M.S.*, iv. 615, dated 8 June] directed to Nicholas Scherar sheriff depute of Aire, given to George Dermont as attorney for William Cunynghame of Laglane and to Elizabeth Cathcart, wife of the said William, personally present, of the 33s 4d land of old extent of Knokgulrane-Cunynghame in the bailiary of Kile-regis and sneriffdom of Aire, which had been resigned by the said William in the hands of the Duke of Chattelharault as the Queen's tutor. [Rest of entry missing.]