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WIGTOWNSHIRE CHARTERS

WIGTOWNSHIRE CHARTERS

Edited by
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PREFACE

THIS volume represents some ten years voluntary work undertaken for the National Register of Archives since that body was first formed. It has involved the examination, calendaring and indexing of all documents prior to the year 1600 of the following collections presently lodged in the Register House: Charters of the Earl of Galloway, Lochnaw (Agnew) Charters, Logan (McDowell) Charters, and Barnbarroch (Vaus) Charters; in addition to the following collections, still in private hands, Mochrum Park (Dunbar) Charters, Myrton (McCulloch) Charters, Monreith (Maxwell) Charters, the Craichlaw and Shennanton Papers, and the Cardoness and Kirkconnell Charters, as well as much unpublished material in the Scottish Record Office. I have to express my thanks to the owners and custodians for giving me the necessary access and facilities. In the presentation and editing of these documents I have received ready assistance from many quarters, but I would fail in my duty if I did not mention especially Mrs. A. I. Dunlop, LL.D., and Dr. Gordon Donaldson, who have ungrudgingly drawn on their wide experience as archivists, and Mr. Athol Murray, LL.B., of the Scottish Record Office, who has called my attention to documents and entries in the public records and even undertaken a search of the Registers of the Archbishops of York. Above all I must acknowledge, on matters relating to the pre-Reformation Church, my indebtedness to the Rev. Father J. O'Dea for generously placing at my disposal many appropriate transcripts from the Vatican archives, especially relating to Glenluce. Dr. E. W. M. Balfour-Melville, as Secretary of the Society, has added to many past services by reading the proofs and saving the author from some blunders and omissions.

R. C. R.

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INTRODUCTION

I. THE FEUDALISATION OF GALLOWAY

It has been said that 'the history of Galloway is a blank from the time when the father of Kenneth I was slain upon the borders of Kyle (844) until the days of David I.'¹ The intervening three centuries supply a minimum of data on which it is almost impossible to form any clear conclusions. The same must be said of its once powerful neighbour the ancient kingdom of Strathclyde, which at one time had extended from Clyde to Solway, embracing, linguistically at least, what is now the modern Galloway. But by the year 756 Strathclyde had become subject to Northumbria,² and though it made several efforts to throw off that suzerainty the pedigrees of its kings seem to end with Run, son of Arthgal.³ In 870 Alclyde now Dumbarton, the capital of the kingdom, after a four months' siege by the Northmen, was taken and destroyed.⁴ In 875 a new foe swept into Strathclyde from the south when Halfdan the Dane made great slaughter of the Straecled Wealas, as the Strathclyde Britons are called in the Saxon Chronicle, leaving desolation and destitution in his wake and rendering Carlisle uninhabited for two centuries. In 878 Eochaid, son of Run, king of the Strathclyde Britons, is stated to have been expelled from the kingdom.⁵ He can have left but little kingdom behind him. The wretched Britons, assailed on all sides, were that year deprived of the support of their kinsmen in Wales by the death of Rydderch ap Mervyn. So the men of Strathclyde, who refused to be absorbed by the English, decided to forsake the ancient country of their forefathers and go to Gwynedd. A con-

¹ Robertson's *Scotland under her Early Kings* (1862), i, 356.

² A. O. Anderson, *Early Sources of Scottish History*, i, 243.

³ *Ibid.*, i, p. clviii.

⁴ Skene, *Celtic Scotland*, i, 324.

⁵ *Early Sources*, i, 363-4.

siderable body under the leadership of a man named Constantine set forth for a new home in Wales. Constantine fell in battle at Lochmaben attempting to force a way south. But his followers, undismayed by his loss, persevered in their enterprise, arriving—perhaps by sea—in time to assist the northern Welsh to win the great battle of the Conway.¹ They had been promised by king Anaraut to be allowed to settle in his domains if they could drive out the English. ‘Thus Gwynedd was freed from the English through the might of the Men of the North.’² It seems as if the remnants of the population of Strathclyde were deprived not by conquest but by devastation of their richer lands and larger settlements, sinking, it may well be, lower in the scale of civilisation and nursing in song and legend the tradition of a greatness that had passed away—of the heroic days of Coel Hen and Urien of Rheged—until today such songs are only represented by folklore or remembered in nursery rhymes, such as Old King Cole. In the 10th century, as the probable result of Irish-Norse invasions of western England, a notable expansion of the British or Cumbrian kingdom of Strathclyde occurred. As late as the reign of Edward the Confessor the district defined by the Derwent, the Eamont, the Pennine range and the marshes at the head of Solway were covered by the phrase the ‘lands that were Cumbrian’³. Whether this area was recovered by the king of Scottish Strathclyde or established its own autonomy has yet to be established.⁴ But in 945 there was a Dunmail, king of Cumbria, who was defeated by king Edmund, successor to Athelstan, and has been claimed⁵ as none other than the Strathclyde king Dun-

¹ Robertson, *op. cit.*, i, 54-5.

² *Early Sources*, i, 368.

³ *Westmorland Inventory*, introduction, p. 1.

⁴ Professor Sir Frank Stenton affirms that the *local* dynasty of Strathclyde became extinct at the death of Eugenius the Bald c. 1015. But surely the local dynasty was of Cumbria and not of Scottish Strathclyde (R. C. M. Inventory, *Westmorland*, Introduction, p. lii.) W. G. Collingwood argues that this revival of Strathclyde only affected Cumbria south of the Solway and that the capital of Owen (920-937) was at Penrith. (*Cumberland and Westmorland Antiquarian and Archaeological Soc. Trans.*, N.S., xx., p. 60).

⁵ Hodgson-Hinde in *Archaeological Journal*, xvi, 225.

wallen who in 975 died at Rome. In the year 945 king Edmund commended Strathclyde to Malcolm, king of Scots, the lands having been 'ravaged by the English who slew cruelly those they found in their way, of the Britons to whom it belonged'.¹ It was a matter of high policy with Edmund and Malcolm, who had enough on their hands with the Danish invasions on the east coast, to oppose together the extension of the Gaelic-Norse settling on the west.

These Norsemen from the Isles were a hybrid race from Norse fathers and Gaelic mothers. They seem to have settled in the Whithorn area early in the 10th century and spread along the coasts and up the valleys. The tombstone of one of them is still to be seen as a lintel of Wamphray church. Their presence in modern Galloway has been the subject of a careful study by W. G. Collingwood.² But for the counties north of Dumfriesshire and Galloway we must await the further volumes of the Ancient Monuments Commission and a future historian. The collapse of Strathclyde was the Norse opportunity, and at the opening of the 11th century it was possible for a chronicler to describe the south of Scotland as 'From the Tweed to the great river Forth are Looine (Lothian) and Galweya.'³ The Norse from the west must have penetrated and spread over the thinly populated and largely desolated lands of Strathclyde, from the west coast almost to the forest of Selkirk.⁴ Whithorn was their centre in the south and soon after the battle of Clontarf (1014) an Iclander came thither and spent the winter with the Norse Malcolm, earl of Argyll.⁵ In 1034 is recorded the death of Suibne, Kenneth's son, king of the Galwegians.⁶ Suibne or Sweeny: the Norse would have probably called him a jarl or an earl, the Irish equivalent term being king. This 'king' was followed by Thorfin the Mighty, who according

¹ *Early Sources*, i, 449.

² *Dumfriesshire and Galloway Antiquarian Soc. Trans.*, vii, 97. See also Raleigh Radford's summary in *D. and G.*, xxvii, 97.

³ *Chronicles of the Picts and Scots*, p. 154.

⁴ Skene, i, 235-6.

⁵ *Njal's Saga*, ch. 157.

⁶ *Early Sources*, p. 578.

to the *Orkneyinga Saga* possessed not only a large riki in Ireland and all the Isles but also nine earldoms in Scotland.¹ These earldoms are not specified, but they almost certainly included Dumfriesshire and a Galloway greatly extended northwards and eastward. The Saga says 'he resided in turn in Caithness and in what is called Gaddgedler, where England and Scotland meet'. But after his return from Rome he must have spent most of his time at Birsay. So powerful was he that on his death, c. 1065, king Malcolm married his widow Ingibjorg to conciliate the large Norse element within his kingdom. Thorfin certainly was in Galloway in 1041-2 for he sent a foraging force into England which was destroyed by the English² and in 1054 his Galwegians had to repel successfully the sons of Harold who had slain Godfrey, king of Man, and wished to subdue the coast of Galloway. So vigorous was the resistance that on returning to Man the invaders in revenge slew all the Galwegians who dwelt there.³ This may refer to the actions of the Norse fleet that year, mentioned in the Irish Annals—the fleet of the Gallgaedel, Arran, Man, Kintyre and the sea-board of Alban, under the command of MacScelling a Norwegian.

Skene⁴ recognised the great extent of Galloway in the days of Thorfin and published a conjectural map of it as at the commencement of the feudal era. But he perpetuated an anachronism in so far as his modern Galloway is assigned to the southern Picts, whilst Gallweia covers Annandale and the shires of Lanark, Renfrew and Ayr—the ancient Strathclyde. There is no evidence at present of a regular Norse settlement in that extensive area. They probably claimed it and did what they liked within it. But it must have been somewhat of a no-man's-land and no doubt the remarkable conditions in Annandale revealed in David's *Inquest* were equally applicable to all ancient Strathclyde in the 12th century.

¹ Skene, i, 405.

² *Early Sources*, p. 585.

³ *Ibid.*, pp. 225-6.

⁴ 'The name of Gallweia in its more extended sense consisted of the districts extending from Solway to the Clyde.' Fordun, *Scotichronicon* (ed. Skene), ii, 431.

Some weight can be attached to this racial alignment from the opening phrases of David's charters. They are normally addressed to named sheriffs and the like or to *omnibus baronibus suis et amicis suis, Francis et Anglis*. But in several instances this is varied. Thus a grant to Wetheral in 1139 is addressed to *Francis, Anglis et Cumbrensibus*¹ and a very wide protection to the English priory of Tyne-mouth in 1138 is addressed to *Francis et Anglis et Scotis et Galwensibus*.² Where there was a material Galloway (or Norse) element in the population the charter would include a reference to them. It is rather remarkable that there is no mention of Galwegians in the first Annandale charter to Brus. That element may not have been present in any strength in Annandale. Yet the c. 1150 charter to Brus of forest rights in Annandale is addressed to *Francis et Angliis et Galweensibus*. The foundation charter to Melrose in 1143-4 also is addressed to *Francis et Anglicis et Scottis et Galwensibus*, doubtless because Melrose had lands in Nithsdale, then in Galloway.³ As late as 1158 Malcolm IV in a charter addressed to French, English, Scots and Galwegians confirmed a grant by David I to Walter fitz Alan of Paisley Abbey lands.⁴ The same formula figures in David's charters to Dryburgh of the churches of Lanark and Pettinane in 1150.⁵ Doubts have been thrown by Lawrie⁶ on another charter of David confirming the rights of Kelso which included 'the tithe of beasts and pigs of the can of the four cadrez of that (part of) Galloway which during the lifetime of king Alexander, I (i.e. David) had'. The exact meaning of cadrez is not clear, but it must refer to the four districts of Galloway mentioned in David's charter to the church of St. Kentigern at Glasgow in 1139-41, namely Strathgryfe, the ancient name for Renfrewshire, Cunningham, Kyle and Carrik. It is significant

¹ Lawrie, *Early Scottish Charters*, p. 94.

² *Ibid.*, p. 91.

³ *Ibid.*, p. 107.

⁴ Crawford, *Archaeological and Historical Collections of the County of Renfrew*, 1883, p. 26.

⁵ Lawrie, *op. cit.*, pp. 177, 193.

⁶ *Ibid.*, p. 158.

that this Glasgow charter was addressed to the barons of the whole realm *tam Garwensibus quam Anglicis et Scotis*.¹ It should be noted that Galloway is given the priority of mention perhaps because the charter related to the can or render of Galloway. The four districts named were at that date or had been a part of Galloway and not Scotland.² Even stronger evidence is found in a precept of Malcolm IV addressed to Uchtred and Gilbert, sons of Fergus, and to Radulf and Dovenald, sons of Dunegal, and to all their men in Galloway and in *Clydesdale* not to molest anyone going to or returning from the lands of Dunrod which Fergus had given to Holyrood.³ Lastly there is the 'fosse of the Galwegians' on Kersope burn mentioned in a charter c. 1130.⁴ T. B. H. Graham suggests it was an early boundary betwixt the English barony of Liddle and Scottish territory.⁵

These documents go some way to establish the widespread area of Galloway at the commencement of the feudal era. Some three-quarters of this area were bounded by sea or water. The land boundary was quite undefined and therefore always a menace to the Lothians. The obvious policy of the Crown was to complete the encirclement on land of this enlarged Galloway, prevent the spread of disturbance outwith it and then gradually to contract the circle. Equally essential was it to keep open the Roman road from Carlisle to the western end of the Antonine Wall.⁶ That was the problem presented to David and the policy carried out by himself and his successors, namely territorial curtailment followed by conquest. The first step was the grant of Annandale to Brus, c. 1124, to be held by the service of 10 knights. Based on the great mote of Annan, it was a key position and was placed in strong hands.

¹ *Ibid.*, p. 95.

² The charter was attested by Fergus of Galloway and Radulf and Dovenald, sons of Donegal of Nithsdale, who had to pay that can.

³ *Charters of Holyrood*, p. 21.

⁴ Bain, *Calendar of Documents relating to Scotland*, i, 434.

⁵ *C. and W. Trans.*, N.S., xxix, 51 and 344.

⁶ For the use made of Roman roads in medieval Lanarkshire see some suggestive remarks by J. T. T. Brown in his *Royal Burgh of Rutherglen* (*Scottish Historical Review*, xxiii, 242-57).

Nithsdale was left in Galloway, from which it was detached in a later reign.¹ The king's castle of Lanark must have been erected shortly after (certainly by 1150 when the church was gifted to Dryburgh), for by 1161 it was in the hands of Baldwin de Biggar, possible ancestor of the Fleming family. Renfrewshire by 1161 was firmly in the hands of Walter, son of Alan, rendering the service of five knights,² and, if Kilwinning Abbey was founded in 1140, Cunningham must by then have been granted to Hugh de Moreville, and Ayrshire north of the Irvine Water was no longer in Galloway.³

At what date Kyle was taken over by the crown is not known, but Carrick was still a part of Galloway. How much of this was due to the three campaigns in a year of Malcolm IV is not clear, but these invasions of Galloway may perhaps be interpreted as a combined operation by three separate forces, the obvious strategy to employ over the wide area of an enlarged Galloway. It was followed by the strengthening of the central frontier in Upper Clydesdale by the settlement there of numerous Flemings, the most renowned fighting troops of the period—Tancred at Thankerton, Wice at Wiston, Robert, probably a son of Wice, at Robertson, Lambin, his brother at Lammington, whilst Baldwin the Fleming was placed at Biggar to control the gap there on the immemorial east-west route across the Lowlands.⁴ In the next reign William the Lion completed the task. C. 1186 he created the burgh of Dumfries and deprived Galloway of Nithsdale and in 1197 he severed Carrick from Galloway by establishing his new castle at Ayr, the sheriffdom of Ayr stretching as far south as Laich

¹ *D. and G. Trans.*, xxxiv, 102.

² G. W. S. Barrow, *Beginnings of Feudalism in Scotland*, in the *Bulletin of Institute of Historical Research*, vol. 29.

³ Yet an exemption in favour of Dunfermline c. 1130 was granted 'at Strathwrewn in Galwegia'. Lawrie (p. 334) doubts if this place is Irvine. The date too seems too early.

⁴ Malcolm at once followed up this settlement of Fleming's by a delimitation of the boundaries of Lothian and Clydesdale at the hands of Baldwin, sheriff of Lanark, Galfrid de Malville, sheriff of Edinburgh, and Uchtred, sheriff of Linlithgow, and then granted extensive lands in the Dumpeldar area, now called Monkland, to Newbattle in order to provide a humanising influence there (*Registrum de Newbattle*, pp. 122 and xxxvi).

Alpin on the Wigtownshire border. From that moment the boundaries of Galloway have been unchanged.

Fergus of Galloway (pre-1136-61) is generally reputed to have introduced feudalism into his domain.¹ He is supposed to have married an illegitimate daughter of Henry I, with whom he certainly had some kinship.² His work for the church, however, clearly indicates that he had come under Norman influence. That he introduced Anglo-Normans into Galloway must be accepted, for a rising after his death drove them all out.

Such innovations were naturally resented by the Galwegians and there was even trouble in the family of Fergus. In the *Life of Ailred of Rievaulx* it is recounted how Ailred succeeded in reconciling the family, for there had been much bloodshed between Fergus and his sons as well as betwixt his two sons.³

No charter of Fergus has survived, yet he must have introduced military tenure at least in part, for there is reason to believe that he infeft the greatest feudal vassal in Scotland in the lands of Borgue. For c. 1150 Hugh de Moreville, who held all Cunningham and Lauderdale and was Constable of Scotland, granted to Dryburgh for the soul's welfare of his father and himself his church of Worgis (Borgue).⁴ It is not known how Hugh acquired

¹ Fergus was of purely native stock. His father is believed to have been named Somerled, a common Gaelic-Norse name. Miss M. D. Legge suggested this identification in her *Notes on the Roman de Fergus* (*D. and G. Trans.*, xxvii, 163). It was adopted by Mr. Raleigh Radford (*Ibid.*, xxviii, 95).

² *Scots Peerage*, iv, 135.

³ Professor Sir Maurice Powicke in *John Rylands Bulletin*, vi, 512, points out that Aildred's biographer, Walter Daniel, writing ten years after the events, has given a confused chronology. As Fergus retired to Holyrood in 1160 this reconciliation must have taken place before that year. The probable date was 1159, when Ailred is known from the *Life of St. Waldef* to have been in Scotland. He was again in the north in 1162-3, and finally in 1165, when he was at Kirkcudbright (20 March) and also at Dundrennan, where he lodged in a poor leaky hovel and the rain miraculously spared his mattress. The conventual buildings were then not finished. The abbey is stated to have been founded in 1142, yet according to the Statute of 1152 of the Order, the buildings should have been ready for the monks. Ecclesiastical innovations, like feudalism, may well have caused resentment, trouble and delay.

⁴ The date is that of the editor of *Registrum de Dryburgh*, No. 68. In the register this grant is described as '*prima donatio*'.

Borgue, but it may well be that owing to the troubles king David had with Fergus he may have insisted that Fergus should grant Borgue to Hugh de Moreville in order to maintain order in eastern Galloway. If so, it must surely have been held by knight service. Some twenty years later, c. 1170, Sir Ralph de Campania was the feudal owner and he too granted the patronage of the church to Dryburgh, renouncing 'whatever right I have or may have'.¹ This was followed, c. 1230, by a confirmation by Nicolas de Campania of a gift of his grandfather Radulf. The family of Campania probably supported Balliol at a later date and forfeited their estate.²

¹ *Ibid.*, Nos. 64, 65.

² The Campanias may be descended from Warner de la Campaign who in 1171 had a duel concerning land in Saxby in Lincolnshire (Farrer, *Early Yorkshire Charters*, 1914, iii, 220). In c. 1207 Sir Ralf de Campania witnessed a charter by Alan, son of Roland, to Kelso along with Sir Patrick de Culwen and Sir William de Geveleston (*Liber de Calchou*, p. 203), and c. 1240 along with Sir Roger de Quenci the Constable, a grant to Soltre (*Charters of Collegiate Churches*, Bannatyne Club, p. 18). By 1233 as Constable of Roxburgh he witnessed a Melrose grant. c. 1210 a Bertram de Champaine witnessed a grant to St. Bees of a half mark yearly from the mill of Kirkandrews in Borgue (J. Wilson, *Reg. of St. Bees*, p. 7), and a few years later a Randolf de Caude Campania witnessed another grant to the same monastery (*ibid.*, p. 98). At the same period there were two brothers Robert and Henry, the former being seneschal to John, earl of Huntingdon, figuring as witnesses to an Arbroath document (*Reg. de Arbroath*, pp. 57, 97), and a Walter Campania with other clerks of Alan of Galloway witnessed an obligation (*Reg. Episcopatus Glasguensis*, i, 117). Peter la Champayne in 1234 was attorney for Christiana, wife of William de Albermarle, to seek her share of the earl of Chester's lands (Bain, i, 1342). Another Peter, clerk, was ordained by William Fraser bishop of St. Andrews to receive from the prior of St. Andrews £100 for which the prior substituted the liferent of the barony of Kirkness (*Reg. Prioratus de St. Andree*, p. 177). He must have been the parson of Kynkel whose lands were restored to him in 1296 by Edward I (*Rot. Scot.*, i, 24b).

It is possible that the first Campania married an unrecorded daughter of de Moreville and so got Borgue, a lordship that was remote from the other Moreville lands. Sir Robert de Campania, son and heir of Nicolas, quitclaimed Borgue to Dervorgilla in 1282 in perpetuity under penalty of £208, 13s. 4d. of silver (Bain, ii, 212-14); the lands had been in ward since his father's death. In 1295 Mabilia de Champayne appointed an attorney as she was setting out for Galloway (*ibid.*, ii, 53) and the following year Sir Ralf de Campania and a William de C., both of the county of Wigtown, rendered homage to Edward I (*ibid.*, ii, 198, 730 and p. 200). It seems that some other member of the family must have reacquired Borgue, for in 1306-7 Hugh de Champane petitioned Edward I for mitigation of the relief for his lands in Galloway wasted by the war, failing which he would be obliged to sell them (*ibid.*, ii, 1984). He was dead that March and his heiress was married to Dougal McDowell younger (*ibid.*, ii, 1905). The last of the family was Thomas Caumpaignes, valet in Scotland, who held

The gift of Fergus to the knights of St. John of Jerusalem in England must not be omitted, though there is nothing to show that it was held on military service. The tantalising reference in Dugdale (1661, ii, 551)—*Fergus rex Galwitensium dedit terram de Galwyte*—tells us very little. It occurs in an account of the Hospital of St. John in England of 1434. It must refer to Galtway, an extinct parish adjoining Kirkcudbright. The church of Galtweid belonged to Holyrood and was part of the spirituality of that abbey's daughter house, the Priory of Trail. Its church is mentioned in a papal bull of 1193 and the lands of Galtweie are said to be enclosed by the great road (*magna via*) and the sea.¹ The lands or part of them, were given by Fergus to Holyrood.² In 1192 Alan, prior of the Hospital in England, granted to Holyrood that priory's land in Galloway called Artun (or Irtona) and Hirtun with all the liberties which Roland had confirmed to the English house, rendering yearly 40s.³ Galtway was a £10 land divided into two halves—the grants of Fergus to the Hospital and to Holyrood. At the Reformation the Crown granted to James, lord St. John, the lands and baronies of Torphichen, etc., and Galtua for '10,000 crowns of the sone,'⁴ and Galtway was feued to members of the McClellane family.⁵

On the death of Fergus (1161), his two sons Uchtred and Gilbert succeeded. It is suggested here that eastern Galloway was controlled by Uchtred and western Galloway

a great place (*locum*) there and had suffered great damage and scaith in Edward's service for which he was given £10 of victuals in 1341-2 (*Rotuli Scotiae*, i, 623b), and in June 1343 he was granted 12d per diem till he could recover his lands in Scotland lost for his adherence to Edward III (Bain, iii, 1415). This '*locum*' may well be the triangular earthwork site within which stands the much later remains of Pluntoun, the castle of the Lennoxs (*D. and G. Trans.*, xxvi, 198).

¹ *Holyrood Charters*, p. 170.

² *Ibid.*, p. 24.

³ *Ibid.*, p. 43.

⁴ *Registrum Magni Sigilli*, 1526/80, 1499.

⁵ In a crown charter of 1658 to William Ross of Drumgarland the temple lands of the barony of Drem are mentioned—The £5 lands called Meikle Galtway of the £10 lands of Galtway sometime belonging to Gilbert McClellane and Margaret McClellane spouses and now possessed by [] in the parish of Galtway, and another £5 land of the said £10 lands sometime possess by the deceased Margaret McClellane (*Carnsalloch Titles*). In Scotland the Templar lands had been transferred to the Knights Hospitallers and so far it has been impossible to disentangle them.

by Gilbert. Uchtred favoured the feudal system; Gilbert evidently would have nothing to do with it. Uchtred carried on the feudalisation of eastern Galloway and in his short life as lord of Galloway (1161-74) has left us several recorded charters. One of them, published in 1916, has hitherto escaped the attention it deserves.¹ The Rev. F. W. Ragg translates it as follows: ²

c. 1170. Charter by Uchtred son of Fergus addressed to

¹ *D. and G. Trans.* (1916-18), v, 254, and *C. and W. Trans.*, N.S., xvii, 198. This article, so important to both sides of the Solway, was reproduced by the D. and G. Soc. with consent of the author.

² Mr. Ragg made some valuable comments on this document which he reproduced in facsimile, but he has made one misreading. Mr. G. W. S. Barrow has pointed out (*per litt.* 21 June 57) that this passage is not *chaan del cro et de defense joan* which does not make sense and that the true reading is as rendered above. The grant does not refer to cro as a seigniorial claim to penalties of crime (cro = literally 'blood'), but to a place or district, and that Desene Joan also relates to another district. It certainly is not likely that Uchtred was speaking of chaan (tribute) in two different ways i.e. qualitatively and territorially, in one phrase. It is not possible to be dogmatic, but it seems that Uchtred was referring to the two portions of the deanery of Desenes that were shortly to be dissevered (see *D. and G. Trans.*, xxxiv, 105). One was certainly known as Desenes-Mor or Big Desenes (*Charters of Holyrood*). This western portion between Urr and Cree, if we accept this reading of the charter, was known also as Desenes-Joan—perhaps St. Eogan's Desenes (see Watson's *Celtic Place Names of Scotland*, p. 164) or named after some earlier unremembered lord. Dr. A. O. Anderson suggests it stands for John. Cro in this charter must be taken as a place name and it is suggested here that it is applied to the smaller portion between Nith and Urr, of the ancient deanery of Desenes. There was a parish in eastern Desenes, transferred later to Glasgow diocese, called Kirkpatrick Cro (*Miscellany* of the Scottish History Soc., v, 104) which might mean 'Kirkpatrick in the area called (le) Cro'—to distinguish it from Kirkpatrick Durham and the Kirkpatrick parishes in Annandale. Bagimont's Roll (1274) for the deanery of Desenes records *inter alia* both Kirkpatrick Durham (or Durand, sometimes called sub Mora) and Kirkpatrick Cro as parishes in that eastern deanery annexed to Glasgow. In the neighbouring deanery of Annan were two other parishes Kirkpatrick Juxta [Moffat] and Kirkpatrick Juxta Gretenov (p. 96), now Kirkpatrick Fleming. Logically and geographically Kirkpatrick Cro must be identified with Kirkpatrick Irongray and not with Brimgray in the deanery of Nith (p. 102), which is a misreading of Drumgrey, an extinct parish next to Garwald. It is suggested here that the earliest name of Irongray parish was Kirkpatrick [in le] Cro and that le Cro represented the Glasgow deanery of Desenes. A charter dated c. 1320 by the editor in his *Tabula* of the Register of the Bishopric of Glasgow (i, 229), bears to be witnessed by Adam de Holdena, rector of Kirkpatrick-Domamdo, and Walter de Southayk, rector of Kirkpatrick-Croe: Andrew de London, rector of Kirkpatrick Cro, was ordained a priest on 20 May 1307 (Halton's Register, p. 281) and Mr. James Carlyle, son of John, lord Carlyle, as prebendary of Kirkpatrick Cro, witnessed his father's testament on 12 Nov. 1500 (Historical Manuscripts Commission, 15th Report, Part viii, p. 49).

all his men and friends, French, English and Galwegian, granting with consent of Roland his son and heir to Richard son of Troite and his heirs the whole land of Lochenelo to be held in fee and heritage for the service of one knight, and as long as I [have to] render the payment of *chaan del Cro and of Desense Joan* he shall give me yearly for his free service £8 of silver, and by this he shall be free and quit of all service and customary dues to the king of Scotland, to me and my heirs; and when I shall be free and quit from the payment of (del) chaan he shall hold freely the aforesaid lands by the service of one knight. Witnesses—Christian the bishop, Robert his archdeacon, Gilbert the chaplain, John his nephew, Thomas the clerk of Torpenhow, Robert the sheriff's clerk, Robert son of Troite, Robert son of Sungeva,¹ Ralf the clerk of Carlisle, David son of Terri, Norman the hostage, Nicholas son of David, Augustine his brother, Ivo de Stoches,² William son of Reinbold, Herbert son of Hugh the Marshal, William de Cantilou(p), Andrew de Dumfres, Henry son of Hodard, William the clerk of Lochmaben, Simon brother of Richard the Marshall, Gillecathfar, Gilbert his son, Gilmore Albanach, Gilcohel, Macherne and many others.

Here is to be seen feudalism in the making. By this charter Uchtred makes Lochineloeh, or New Abbey, a knight's fee for an incomer from Cumberland, Richard, son of Troite,³ but is hampered by the ancient burden of chaan

¹ Sungeva may be identified with Sunniva or Suminna, eldest sister of Troite and daughter of Hildred de Carleol. She and her sisters are omitted by *Scots Peerage*, ii, 371. Her son Robert was succeeded by his son Walter de Bampton. A third daughter of Hildred was Matilda, whose son was Richard Marescallus with a son David Marescallus. The pedigree, however, is by no means clear (*C. and W. Trans.*, N.S., xxiv, 31).

² Perhaps a son of Roger de Stoch, who in the *Pipe Roll* of 1180 owed 2 coursers for the land and houses that were of Gueri the Fleming in Carlisle.

³ Richard, son of Troit, was a younger son, his elder brother Robert being sheriff of Carlisle 1158-73 with a son Adam alive in 1178. Troit is alleged to be a female name, and on the authority of Bracton's Note Book, edited by Maitland, iii, 71, the youngest daughter of Hildred de Carlisle, but of whose husband there is no record. Whatever the sex of Troit may have been, she had several sons. Richard the lord of Lochindeloeh, who died about 1200, had a long lawsuit with his cousins, sons of Odard de Hoddam, over the lands of Gamelsby and Glassonby. This Richard (i) was succeeded by his son Richard (ii), who died in 1211, leaving a widow Antigone and an heiress Margaret married to Robert de Wampool (*Reg. de Wetherhal*, p. 174). Richard (i) and (ii) are frequently confused in the records. Another son of Richard (ii) was Adam, who as heir of Richard (ii) was a minor and his lands in ward with Walter son of Bernard the clerk (*C. and W. Trans.*, N.S., xxi, 50; *ibid.*, xxiv, 48, and *Reg. of St. Bees*, p. 529).

Troite, Truite or Tructa, had another son David who possessed the vill of Haliburton (Berwickshire) and was ancestor of the Lords Haliburton of Dirleton. c. 1176 David gave the church of Haliburton to Kelso Abbey

due to the Scottish Crown. This he clearly hopes to be rid of, but until he is rid of it Richard must both do knight's service and pay £8 yearly, a heavy rent. But whenever Uchtred is quit of chaan, the £8 is to be remitted to Richard and knight service alone will acquit the tenant.

Both Uchtred and Gilbert remained peaceful subjects of the Scottish Crown till 1174, when they accompanied William the Lion on his invasion into England which ended in that king's capture at Alnwick and the disintegration of his army. No sooner were the brothers back in Galloway than they threw off the overlordship of the Scottish Crown and invited the English king to govern them. They expelled the officers of king William, slew all foreigners in Galloway and destroyed their castles. There is little doubt that the action was mainly the work of Gilbert, for a chronicle says that Uchtred was a true Scot who would in no wise be turned against king William.¹ So Gilbert murdered Uchtred and further feudalisation came to an abrupt end.

When king William was released at Falaise, he was no longer free to take action against Gilbert. Henry II was his overlord whose consent was necessary to any such action; for, not content with holding 'the three great castles of Lothian'—Edinburgh, Berwick and Roxburgh—Henry exercised his suzerainty in quite a positive way,² and till his death in 1185 Gilbert adroitly defied king William.³

Roland, son of Uchtred, 'upheld by the king's help' (Fordun), at once raised forces, mainly in Cumberland, and

pro anima domini Cospatricii comitis who must have been his overlord (*Liber de Calchou*, i, 222). When his son Walter confirmed David's gift, Haliburton was a chapel dependent on the church of Greenlaw.

¹ *Liber Pluscardensis* (ed. Skene), ii, p. 20. Cf. Fordun *op. cit.*, ii, 261: 'Uchtred was a true Scot and could not be shaken'.

² See G. W. S. Barrow in *Scot. Hist. Rev.*, xxxvi, 141.

³ Gilbert's policy was to play off William against Henry. Henry's policy was to uphold Gilbert and so weaken William, and this in spite of Gilbert's unfulfilled promise in 1176 to pay Henry 1000 marks silver. William could not chastise Gilbert without Henry's consent. But in 1184 Gilbert overstepped himself and wasted William's lands, slew his vassals and refused to make peace. Henry was abroad at the time and an exasperated William seized this opportunity to collect an army to subdue Gilbert. But Henry unexpectedly returned from the continent. William promptly disbanded his army and hastened south to placate Henry (*Benedict of Peterborough*, i, 313). Gilbert in fact was on a very good wicket.

reconquered Galloway. His murdered father had married Gunnild, daughter of Waldeve or Waltheof, lord of Allerdale in Westmorland, who was second son of Gospatrick, earl of Northumberland.¹ By this marriage Uchtred had acquired a large estate in Allerdale. Indeed Mr. Ragg² boldly calls it the Galloway Lordship of North Westmorland. Its full extent is yet unknown, but it certainly included Newbigging³ and Torpenhow, the church of which was granted by Uchtred and his wife to Holyrood.⁴ It is probable that on Uchtred's death Gunnild and her children may have taken refuge in Allerdale and the youthful Roland would have made friends with the younger scions of Cumberland families and, when the moment of his return to secure his inheritance came, he naturally enlisted many of his supporters there.

Significant corroboration of this is derived from a comparison of the witnesses of Uchtred's charters with those of Roland's. In Uchtred's charters the native Gaelic-Norse names predominate, but in Roland's native names are almost absent. Feudalism was reimposed in all its rigour. It is to this period that most of the Galloway motes may be ascribed. Apart from one or two doubtful structures, such as at Terally,⁵ the Historical Monuments Commission records eleven motes in Wigtownshire and twenty-six in the Stewartry of Kirkcudbright. The majority are situated on the sea-coast or the navigational limits of rivers. The obvious inference from these structures is that they were erected by intruders who arrived by sea and who were at first prepared to face the hostility of the local inhabitants and to preserve a line of retreat in the event of a serious rising. In the absence of documentary evidence it is not possible to associate them with any particular family. But they are clear evidence of a new order in the state, which was

¹ *Scots Peerage*, iii, 245.

² *C. and W. Trans.*, N.S., xvii, 231. Elsewhere Ragg speaks of 'the barons and magnets of the Galwegian part of Northern England' (*C. and W. Trans.*, N.S., ix, 239).

³ *Ibid.*, p. 228, where Alan's charter (1199-1225) is given in facsimile.

⁴ *Holyrood Charters*, p. 19.

⁵ *D. and G. Trans.*, xxxiii, 64; and for Terally, xxxiv, 85.

much more firmly established in the Stewartry than in Wigtownshire. It has been suggested on the analogy of the Brus motes of Annan and Lochmaben that the earliest type of mote was associated with a bailey or forecourt.¹ If that argument be applied to the Galloway motes, the numerical analysis would seem to bear it out and those with baileys should be assigned to the era of Fergus and Uchtred. Out of eleven motes in Wigtownshire only Dromore and perhaps Craloch show evidence of baileys; a third, Ardwell, is not certain. Agricultural operations may have obliterated others. Of twenty-six motes in the Stewartry only three are classified as motes with baileys. Urr, the finest sample in Scotland, has been attributed to Walter de Berkeley but, when its long delayed excavation is ultimately completed and the final report published, some earlier date may have to be accepted.² Perhaps Uchtred himself may have been its constructor.

Amongst these Anglo-Norman settlers was one David, son of Terri, who was lord of Over Denton in Gilsland. To him Roland must have granted Anwoth and what is now the Cardoness estate. Indeed his descendants or successors adopted the name of de Cardones. David is the only settler who may be said definitely to have held by ward relief and marriage. His mote—The Green Tower mote on Boreland farm—and perhaps his memorial cross at Anwoth Kirk are still to be seen. At some unknown date before 1450 the estate passed to the McCullochs, who held by the same service as late as 1528. The fee stretched from the Fleet to Kirkmabreck. David, as patron of a moiety of Over Denton, granted that church to Lanercost and followed it with a gift of the church of Anwoth and the chapel of Culenes to Holyrood abbey.³

¹ *D. and G. Trans.*, xxxii, 160.

² A preliminary report on the first season's work in 1951 appeared in *D. and G. Trans.*, xxix, 167.

³ *Holyrood Charters*, p. 39. The Responde Book 1528 records that the lordship extended to a 135 merkland in ward to the Crown, the annual fermes being £180 (*Ex. Rolls of Scotland*, xv, 671). In 1559 its extent was 104½ merklands and in 1582 it is described as a 84 merkland (*E.R.S.*, xix, 446, and xxi, 478).

Another grant of Roland must have been the lordship of Urr to Walter de Berkeley, Great Chamberlain of Scotland.¹ As the churches of Urr and Buittle had been gifted to Holyrood by Uchtred and in 1262 the mote itself was a burgh with two named burgesses, Adam Clerk and Hugh Sprot, it is almost inconceivable that Walter held it other than by knight service.² Indeed, following the usual practice of subinfeudation, Walter infeft one William, son of Richard, in the lands of Croswaldef (which Mr. Barrow is inclined to identify with Corswadda in Lochrutton parish) for the service of half a knight. This important local charter deserves reprinting.

TRANSLATION

1189-1196

Walter de Berkelei, chamberlain of the King of Scots, to all his friends and men, present and to come, Greeting. Know that I have given and granted and by this my present charter have confirmed to William, son of Richard [the lands of] Croswaldef, by its rightful bounds, for his service, in wood and field, in meadows and pastures, in lakes and mills, in moors and marshes, and in all its other pertinents: To be held to him and his heirs of me and my heirs, freely and quietly, fully and honourably, rendering the service of half a knight. Witnesses: Richard, son of Uctred,³ William de Moreville, Constable, Alan, son of Walter, Adam Harenc,⁴ Henry Inglis⁵

¹ *D. and G. Trans.*, xxi, p. 11, where the mote of Urr is assigned to Walter.

² *Ibid.*, xxix, p. 85.

³ Perhaps an unrecorded son of Uchtred, son of Fergus, which would explain his priority in the list of witnesses in front of the Constable and Steward of Scotland.

⁴ Adam Haranc c. 1190 witnessed a charter relating to the lands of Molle (*Liber de Calchou*, No. 154). From his placing in the list of witnesses he was probably a relative of the de Molles. About 1240 Petronilla, daughter of Adam Harang of Meiniechoch, in her widowhood granted a toft and 2½ acres in Borthwick to Melrose and its porter to sustain poor travellers, a witness being Dom. Serlo, parson of Meiniechoch (*Reg. de Melros*, No. 267). The family came from York, where Gilbert Hareng, c. 1200, was a knight (Farrer, *Early Yorkshire Charters*, ii, 366). A Ralf Hareng was a justice of assize at Lancaster 1 October 1208 (Farrer, *Lancashire Pipe Rolls*, 233) and witnessed a grant by Robert de Ros to his son Robert of the lands and castle of Werk (Bain i, 9786).

⁵ The latinised form of English or L'Engleys. High Head Castle was the seat of the family who held the manor of Little Ashby in Westmorland from the time of Henry II till 1368, when the male line ended (*C. and W. Trans.*, N.S., xi, 380). William L'Engleys follows Richard L'Engleys,

(*Anglico*), Walter de Wellam,¹ Ivo de Heriz, Peter subprior of Jeddewrth, William de Norwiz, Hugh the Cellarer, Roger de Heriz, Adam de Gundevill, Robert the clerk, who wrote this charter, and many others.

Anderson's Diplomata, No. 77.

Two brothers of another Cumberland family were also introduced to Galloway by Roland. Thomas, son of Gospatrick of Workington, according to Denton's *Accompt of Cumberland* (1887), p. 35, was granted by 'Rolland son of Uchtred son of Fergus sometime lord of Galloway, the great lordship of Culwen (Colvend) in Galloway in Scotland, in which grant the brothers of the said Thomas—Alexander and Gilbert, sons of Gospatrick, and Thomas and William, sons of the said Gilbert—are mentioned as witnesses'. Denton must have seen this grant or a copy of it. Its whereabouts is unknown, but this Thomas, son of Gospatrick, was a munificent benefactor of religious houses and founded Shap Abbey. From his new lordship Thomas gifted to the priory of St. Bees a salt pan in Culwen *inter Duffpol et castellum*, which Canon J. Wilson would identify with Castle Hill Point at the mouth of the Urr.² Culwen was a £20 land.³

The other brother was Gilbert de Suthaik (Southwick), who must have received a grant of that parish from Roland, unless it was included in the lordship of Culwen. There is a much denuded mote at Southwick.⁴ The descendants of both brothers adhered to England and after

who figures in the *Pipe Roll* of 1178, and in turn had a son named William who c. 1231 witnessed a charter to Byland by William le Fleming of lands next to those of Robert, son of Durand (*ibid.*, ix, 266-9). A Richard L'Engleys son-in-law of Archill of Revigill witnessed a charter c. 1180-90 to the hospital of St. Peter at York. He was called on to pay a fine for being concerned in the surrender of Appleby in 1174. Henry L'Engleys may have been associated with either Ingliston mote of Kelton or Ingliston mote of New Abbey.

¹ He was lord of Carnsalloch. In 1260 Walter de Welham, probably his son, renounced in favour of Melrose a disputed particle of land between his lands of Garsalauch and the monks' lands of Brunscayth. The monks had made him a payment. The dispute had begun in the days of his forebears (*Reg. de Melros*, p. 279).

² *Reg. of St. Bees*, p. 92.

³ *C. and W. Trans.*, N.S., xiv, 397.

⁴ *D. and G. Trans.*, 1926-28, p. 218.

Bannockburn were forfeited. Some younger sons may have remained in Scotland, for a Gilbert de Suthayk was Chancellor of Glasgow cathedral in 1337. In England the name has become Curwen, a family that still owns parts of Workington.¹

Another Anglo-Norman was Gamell of Twynam, whose son William, when Alan was lord of Galloway, gifted with consent of his son, Walter de Twynam, all the rights he had in the church of Twynam to the monks of Holyrood.² This was just confirmatory to Uchtred's previous grant of that church to Holyrood.³ The charter is witnessed by Robert and Gamell, brothers (indexed as brothers of the granter William). At that period there were several Gamells in Cumberland, including Gamell le Brun of Burghon-sands, but identification is not possible. There are two motes in the parish, but the mote of Twynam rather than that of Trostrie is more likely to have been the residence of Gamell. Its summit is 47×38 feet. The family faded out at Bannockburn, but continued in Cumberland.⁴ Some other Anglo-Normans must have been followers of Roland. One had a holding in the lands of Kirkandrews (Borgue), for a Bernard de Rippelay and his wife Margaret granted to St. Bees a half-mark yearly to maintain the lamps that lit by day and night the reliquary of St. Bega there. Amongst the witnesses were John de Suthak and Bertram de Champaine.⁵ This family owned lands in, and the advowson of, Ripley (Yorks) and two brothers Richard and Bernard made grants to Fountains.⁶ A man of this name witnessed charters of Alexander II in 1245, 1247 and 1248-9.⁷ His headquarters may have been at Netherhall in Kirkandrews.⁸

¹ See J. F. Curwen's *The House of Curwen* and Ragg's *de Culwen* in *C. and W. Trans.*, xiv, 343, fully documented.

² *Holyrood Charters*, p. 60.

³ *Ibid.*, p. 39.

⁴ *D. and G. Trans.*, xviii, 410, and *C. and W. Trans.*, N.S., I, 108.

⁵ *Reg. of St. Bees*, p. 98.

⁶ *Early Yorkshire Charters*, i, 399, 404-5.

⁷ *Charters of Coupar Angus*, ed. D. E. Easson, *Scot. Hist. Soc.*, i, 121.

⁸ *Reg. of St. Bees*, p. 98. Depending on a marginal gloss, but there was a Cumberland family of Senhouse of Netherhall which ended in co-heiresses c. 1700 (*C. and W. Trans.*, N.S., xlv, 118 n).

The barony of Gelston too, with its deserted church nestling close to the mote hill, must have been a feudal holding of an early date, though the connection of its lords with Cumberland has not been clearly ascertained. Its earliest record is *c.* 1217, when Sir William de Gevilston witnessed a charter by Alan, lord of Galloway.¹ The church of Gelston had been given by John de Gemelston, son and heir of Sir John de Gemelston, to Whithorn.²

In 1282 John witnessed a quitclaim relating to Borgue along with his neighbours Sir Bertram de Kerdernesse and Sir Walter de Twynham.³ In 1296 he rendered homage to Edward I.⁴ In a list of Scots holding lands in England (1296) seized by Edward I occurs 'John of Gevelestone holds the ward of Hoton-John (Cumberland) valued at £12.6.8.'⁵ The same year, as Sir John, he served on two of the Zouche assizes.⁶ Sir John only held the ward of the deceased William de Hoton and had assigned it to his son Donegal de Gyvileston, to whom Edward I restored it.⁷ Donegal, described as Edward's valet, remained in the English service and in March 1314-5 was granted lands in Knapdale forfeited by the treason of John de Menetethe, a Scot.⁸ By 1319 Donegal, as esquire of Alan of Argyll, was in Newcastle, having previously been at York.⁹ Finally, when David II was on the throne, there is this ominous entry—the lands of Gevylston in Galloway, forfeited by John de Gevilston rebel, are granted to James Boyd.¹⁰

Kirkdale also may be regarded as an Anglo-Norman holding, for a tradition, none too authentic, connects its remarkable mote, figured in the Historical Monuments Commission's Inventory for Kirkcudbright (No. 12),

¹ *Liber de Calchou*, p. 203.

² *R.M.S.*, 1306/1424, app. ii, 20.

³ *Bain*, ii, 212.

⁴ *Ibid.*, ii, 198.

⁵ *Ibid.*, ii, 172.

⁶ *Ibid.*, ii, 824.

⁷ *Ibid.*, ii, 835.

⁸ *Ibid.*, iii, 423.

⁹ *Ibid.*, iii, 647, 649.

¹⁰ *R.M.S.*, 1306/1424, app. i, 113.

with the castle of Cruggleton in the days of Alan, son of Roland.¹ But not till 1296, when Michael de Kirkdale served as a juror, is the family named. They may well have been of the de Kerderness family, for Kirkdale lay within that lordship. A Nicholas de Kirkdale held those lands, being clerk of the spices at the Scottish court, and died in 1449.²

But all the followers of Roland did not come from Cumberland and the south. There was a sprinkling of Norman Scots amongst them. Thus Roger Masculus or Maule³ was rewarded with an unknown holding in Colvend held of de Colwen, for when Roland granted c. 1196 a salt-pan in Preston to St. Bees, Roger Masculus also granted that priory a salt-pan 'in my half of Kulwen'.⁴ Roger came of a Norman family already well established in Scotland, being lords of Lochogov in Lanarkshire⁵ and of Foulis.⁶

There is little doubt that many Anglo-Norman families must have been introduced into Galloway by Roland, and in future years further documentary evidence may be forthcoming, such as the grant by Alan, son of Roland, to Adam, son of Gilbert, Despensar, whose association with Galloway is otherwise unknown. To Adam was granted prior to 1237 the land of Adarie or Airdrie within the lordship of Preston for the service of one-tenth of a knight.⁷ It was a £10-land and by 1444 was in the possession of the Rerrik family.

The evidence for the feudalisation of Wigtownshire is distressingly meagre. Even in the case of Sorby, where we seem to be on sure ground, there is nothing conclusive. In Sorby there were two churches, Sorby-minor dedicated to St. Michael and Sorby-major dedicated to St. Foylan. Both churches belonged to the de Veteripont family and

¹ See *D. and G. Trans.*, xviii, 205.

² *D. and G. Trans.*, xiii, 226.

³ *Scots Peerage*, vii, 4.

⁴ *Reg. of St. Bees*, pp. 91, 93.

⁵ *Reg. de Newbotle*, pp. 23-26.

⁶ *Reg. Prioratus de St. Andree*, pp. 40, 41.

⁷ *Register House Charters*, No. 308.

were probably erected by them on some older foundation of the tribal church. Ivo de Veteripont, with the consent of his overlord Roland, granted Sorby-major to Dryburgh. At a later date, during the lifetime of Alan, son of Roland, Robert de Veteripont granted Sorby-minor to Dryburgh, his father, Alan de Veteripont, confirming his gift. Robert followed this up with a further gift of land adjacent to the church. None of these grants are dated and in the Register of Dryburgh the witnesses are omitted.¹ It is clear that the family were feudal vassals of Roland and may have been introduced into Galloway by him, but it is possible that they belong to the era of Fergus. William de Veteripont (i), the father of Sir Ivo, who was the first known possessor of Sorby and who died in 1239, married Mahald or Matilda de Morville and may have received with her in marriage the lands of Sorby from the Morvilles. If so, Sorby may have been acquired by the Morvilles at the same time as Borgue, in the days of Fergus and king David. In the Wars of Independence the Galloway de Veteriponts disappear and Sorby may have reverted to the Balliols. It is not known when or how the Hannays acquired it.

For the rest of Wigtownshire vague surmises must take the place of documentary evidence. It may have been less thoroughly feudalised than the Stewartry. The Marshals certainly held Toskerton, an extinct parish now in Stoneykirk. There were two main stems of the family of Marshal in Scotland—Galloway and Lothian. They took their surname from that state office before the Keiths were granted it by Bruce. They were steady adherents of Balliol and England. Sir John le Marescalus was head of the Galloway branch and Sir David le Maresculus head of the Lothian family.² When Dervorgilla founded Sweetheart Abbey in 1273, her charter was witnessed by two of her knights, Sir David Marescal and Sir Robert Marescal.³ There is nothing to show where their lands were situated. But as the abbots of Glenluce and Saulset were also wit-

¹ *Reg. de Dryburgh*, pp. 53-60, and *D. and G. Trans.*, xxxiii, 91.

² Bain, iii, p. lxviii.

³ *Laing Charters*, No. 46.

nesses, the lands of these knights may have been in Wigtownshire. When Balliol resigned the throne after Dunbar, Edward I gave the lands of Tocstruther (*sic*), forfeited by John le Marescal of Toskerton, to Robert Hastings but later restored the lands to John, who had come to his peace.¹ Sir John le Marescal of Toskertone in Wigtownshire swore fealty to Edward at Montrose on 10 July 1296 and on 28 August rendered homage at Berwick.² His seal has survived—three horse-shoes, 2 and 1, in a crusilly field.³ Another member of the family was Sir Fergus le Mareschal, who held the barony of Dalmellington *in capite*⁴ and rendered homage in 1296.⁵ Sir John may have been succeeded by another John le Marescal, who, in the first year of the English occupation of the southern counties under grant of Edward Balliol, received from Edward III the rents of the town of Kirkcudbright till that king could provide him with a 20-merk land in Scotland. This grant may have been a doubtful asset, for Kirkcudbright was lying waste at the time of this compotus.⁶ That year (1335) this John, the grantee, must have died, for Herbert Mareschal, his son and heir, petitioned Edward to restore to him the lands of his father in Scotland, narrating his losses by ransoms and the deaths and losses of his ancestors in supporting Edward's rights to Scotland. Endorsed on the petition is 'to show his charters'.⁷ In June 1335 Mauduca, widow of Sir John le Marescal, knight of Scotland, and her children received from Edward £20 and again in 1346 'for his good services'.⁸ In 1342 she was granted 20 merks, increased next year to 40 merks and in February 1347-8 stabilised as an annuity of £15 for her three daughters Johanna, Margery and Margaret.⁹ These Marshals cannot be proved to have been feudal vassals of Roland, yet they

¹ Bain, iii, 258.

² *Ibid.*, ii, 762, and p. 198.

³ *Ibid.*, ii, 551.

⁴ *Ibid.*, ii, 425.

⁵ Palgrave, *Documents and Records of the History of Scotland*, p. 172.

⁶ Bain, iii, 317.

⁷ *Ibid.*, 1188.

⁸ *Ibid.*, iii, 1162.

⁹ *Ibid.*, iii, 1420, 1429, 1525.

must have arrived in Galloway in his era as the name figures in Uchtred's charter of Lochenelo.¹

One other feudal family of Wigtownshire has proved incapable of being placed in the county. The Askeloecs would seem to be of native origin and, like the McCullochs and the McDowells, no early date can be assigned to them. They certainly had connections with Cumberland. In 1291 Willelma, widow of Gilbert Askelok of Galloway, received a protection from Edward I, probably to proceed to that province.² In 1296 Fergus Askole of the county of Wigtown rendered homage and the seal of Roland de Ascole is still appended to Ragman Roll, 'an open right hand in pale'.³ In the index to this volume Bain suggests that this seal is that of Roland McGachen, who certainly signed the Roll (p. 198), whereas Roland de Askelok or Ascole did not. Yet in the same year Roland Askeloche and his son, Hector, served on an assize relating to the Zouche lands in Galloway.⁴ Roland forfeited his lands and in 1305-6 Henry de Percy petitioned Edward that John de Wygeton be given the lands of Rouland Asklot.⁵ His son Hector rendered fealty to Edward, and his seal, two lions passant to dexter, is still extant.⁶ He may have been a follower of Bruce, then in the English interest, for at the request of the Earl of Carrick a pardon under the Great Seal was issued to Hector for causing the death of Cuthbert of Galloway and other offences in Cumberland and England, and breaking prison at Carlisle.⁷ Finally Hector settled down and married Florence de Wigton (Cumberland) and figures in the great lawsuit between the heirs of John de Wigton, baron de Wigton, who c. 1284 had married Dionysia, daughter of Sir John de Lovetot, and died in

¹ c. 1325 Bruce granted to William Hurchurche a 100s. land of Brigend and Toskerton, rendering an archer and three suits at the head court of the sheriffdom at Wigtown. Toskerton was a 42-merkland (*R.M.S.*, i, 321, 322).

² Bain, ii, 131.

³ *Ibid.*, ii, 205, and App. iii, No. 394.

⁴ *Ibid.*, ii, 824.

⁵ Palgrave, 308.

⁶ Bain, ii, App. iii, No. 330.

⁷ *Ibid.*, ii, 1293.

1313. Florence was a sister of John de Wigton and, if John's daughter Margaret could be proved illegitimate, Florence was one of several sisters who would divide the substantial Wigton estate. In the end the lawyers ate up all the estate.¹

But knight service never took the same root in Scotland as in England and gradually it gave place to feu-ferme. So in 1370 Thomas de Culnehathe (Conheath) is found resigning the land of Kelwode and Bourland for a new Crown grant, rendering a pair of gilt spurs yearly as albe-ferme, in place of his former feudal dues *tantum pro wardis, releviis, maritagii et omnibus aliis serviciis quibuscunque*.²

¹ *C. and W. Trans.*, N.S., xix, 42-64. There remains the feudalisation of Upper Nithsdale (formerly in Galloway): such as the half knight's fee of Bridburgh, Auldgirth held till 1247 by Anselm de Camelyne (*Book of Caerlaverock*, ii, 405), the unknown extent of the fee of Morton held by Hugh the Gloveless (*sine maniciis*) at the close of the 12th century (*Liber de Calchou*, i, 16), and the very indefinite holding of the Lindsay family in the Kirkconnel area (*Reg. Ep. Glasg.*, i, 238). These must be reserved for future treatment.

² *R.M.S.*, 1306/1424, 307.

II. THE FEUDAL COURTS OF GALLOWAY

Nowhere in Scotland were the old Celtic customs and laws adhered to with greater tenacity than in Galloway. Most of the disturbances in that province in the 13th century can be directly traced to infringement of these customs by the newly arrived Anglo-Normans, who naturally tried to establish the feudalism of their own southern lands. An interesting petition relating to Galloway has survived, which momentarily lifts the curtain and gives a glimpse of conditions there. Certain Crown dues were payable by the province whilst David I was still an earl, probably a continuation from the days of the Norse occupation. The Orkney Sagas state that earl Thorfinn the Mighty held *inter alia* seven earldoms of the Scottish Crown. One of them must have been Galloway and some unspecified dues must have been payable from that earldom to the Crown. They may have been difficult to collect when the Crown was weak, and may not have been paid. But in David's time the Crown was strong and the successors of Thorfinn were weak and divided. It is unlikely that David imposed these dues, but he certainly collected them, for c. 1120 he endowed his newly founded abbey of Selkirk with a tithe of the cheese rendered to him from that province.¹

This tithe of cheese was part of the dues known in early charters as *can* or renders in kind due to the king whenever he entered Galloway. The corresponding due known as *conveth* was supply exigible to maintain his representative on journeys within the province to hear pleas and carry out the administration of the law. Everyone, whether holding by free or servile tenure, was liable to the tax. Under the old Welsh laws *gwestfa* was due from free communities and food gifts from servile communities. The principal constituents were flour, beef, mead or other

¹ Lawrie, *op. cit.*, p. 27.

liquors, and oats for the horses of the king and his entourage from the free communities, and meat, mutton or pork, cheese, butter and loaves of bread from the servile communities.¹

It seems perfectly clear that the payment of *can* had always been due to the Crown from the inhabitants of Galloway by their customary laws. No doubt similar burdens were due by them to the ancient lords of Galloway and they resented the further renders to the Crown, and this may have been a predominant factor in their desire for complete independence from the Scottish Crown and the frequent appeals to England to free them from it. It is almost certain that the payment of *can* ended when at Alnwick in 1174 William the Lion was taken prisoner and it may not have been re-enforced till 1189 when the treaty of Falaise was abrogated. But no sooner had Roland, on the death of Gilbert, reconquered his ancient patrimony of Galloway than the inhabitants of that province sought to get the Crown's *can* abolished. That claim was heard at Lanark in the king's court held by the judges (*judices*) of Galloway presided over by Roland himself and the decision of the court was in favour of the king's right to enforce payment of *can* in that territory.²

A parallel to this obnoxious levy of *can* was *conveth*³ or supply to the king's representative on his official journeys. The amount due from anyone liable to pay was for maintenance for a night or nights when the official was in the neighbourhood of the payer. It was often most burdensome, depending on the length of stay of the official and the number of staff and followers. To collect a tax in Galloway in the 13th century must have required a considerable escort. The clergy would naturally be expected to provide better billeting prospects than the wattle huts of the tribal farmers. At least the earl of Carrick (formerly

¹ J. E. Lloyd, *History of Wales*, i, 312-13.

² *Acts of the Parliaments of Scotland*, i, 378.

³ For *conveth* compare *convivium*, a feast. Robertson (*op. cit.*, p. 297) suggests affinity to the Irish *coimbíodh*, equivalent to 'victualling'. It may have been a tribesman who held his land by a tenure of victualling the king during his progress.

part of Galloway) and the earl of Lennox had been accustomed to levy a *corredium ad opus servientum suorum qui kethres nuncupantur*¹—an aid or subsidy for the use of their sergeants or officers here called *kethres*.²

The bishop of Glasgow in 1225-6 forbade the earls to impose this corrody on the clergy of the respective deaneries, which suggests that in the past the earls had claimed or exercised the right of billeting their officers or sergeants on the clergy or to expand their right so as to include their sergeants. One may compare 'the evil custom or rather tyranny and corruption by which the nobles and powerful men of those parts in their journeys occupy the canons' houses and, driving out their households, therein eat and sleep', mentioned in a letter from pope Clement VI to John bishop of Moray dated Ides of June 1350.³

Yet another instance of this conservative tenacity of the people of Galloway is demonstrated in a petition from the 'community of Galloway.' When Edward I appointed his own officers to administer Scotland, he issued at the request of Thomas of Galloway letters patent to the 'goodmen and whole community of Galloway', granting them all their liberties and customs as in the time of king David and of Alan, father of the said Thomas. Edward even agreed to the relaxation of a certain amount of their rent as would content them.⁴ This was on 6 March 1295-6. But that was only a general declaration by Edward. It could not have satisfied the men of Galloway who within a decade (c. 1306) supplicated that king and his council that they were grieved by a strange and 'ycortenuse' law called 'surdit de sergaunt', disused since the time of king Alexander II (1214-49) and for a year before his death, which the barons and great lords of Galloway were then

¹ A corrody (corregium) was a supply of food or necessities by a holder of land to the king or overlord when he passed through that land or its neighbourhood. Lawrie, p. 400, and *Reg. Ep. Glas.*, No. 139, 141.

² These *kethres* may have some connection with the four *Kadrez* of Galloway—here evidently regions—of the great charter of Kelso. But the connection, if any, is obscure.

³ *Calendar of Papal Petitions*, i, 200.

⁴ Bain, ii, 728.

enforcing. The supplication was made by the 'Community of Galloway'¹ and following the English procedure was made to the English Parliament.² Shire courts in England, composed of freeholders rendering suit in the shire court, had the right to supplicate Parliament, and it is possible that this is the earliest mention of a steward court in Galloway and that it was taking advantage of English parliamentary procedure to obtain redress of grievances.

The law called 'surdit de sergeant' presents a formidable problem. The text is probably corrupt and it may be surmised that 'surdit' = aforesaid (*supradictus*). Some word—a noun like 'droit'—has perhaps fallen out of the text at some stage at the hands of the medieval scribes.³ But some sort of imposition by the sergeants of the overlords is clearly implied. We may never know just what it was. Parliament referred the matter to the Lieutenant and Chamberlain of Scotland for enquiry and report, but their findings are not known to have survived.⁴

Of the activities and functions of the sergeants in Galloway nothing is known. They were an Anglo-Norman importation and parallels can only be sought from English records. In England they were known as sergeants of the

¹ The term 'community of Galloway' is probably just a generic use of that expression. Though Fordun (ii, 256) states that the community of all Scotland were aroused against Malcolm IV for surrendering Cumberland and Northumberland, Skene translates the word as 'estates'. Similarly the 'community of Scotland' sent envoys to Edward I asking him to receive into his peace Sir John de Soules (Bain, ii, 1459). This seems a reference to some specific body. Indeed Professor Stones (*Scot. Hist. Rev.*, xxxv, 103) has grappled with 'the reply of the community of the realm of Scotland' to Edward I anent the recognition of his superiority, in which the bishops, prelates and lay lords did not participate. The editor of *A.P.S.* (i, Preface, p. 6) wisely affirms that there are many references to the *communitas* in the Acts of Parliament and elsewhere, but it can only be a matter of conjecture what was meant by a body so styled.

² Parliamentary Petitions 3830. The petition is printed in full in *Rotuli Parliamentorum*, i, 472b, and reads torcenuse for Bain's ycartenuse. Mr. G. Barrow points out that this is Norman-French, and that 'tortuous' = tortious or wrongful (*Kelham's Dictionary*).

³ Another suggestion is that 'surdit' is the same as *survit*, in other words an excessive demand for *victus* or living—a form something like our modern 'surcharge'.

⁴ It is quite possible that this petition may be referred to in an undated memorandum on business to be transacted by the King's Council, as follows—'To hear the people of Galloway concerning the matters which they have to show' (Palgrave, i, 294).

peace and have been studied by Mr. Stewart Brown.¹ The organisation was confined to the palatinates and the Border areas by contrast to the frank-pledge system in the rest of the country. These peace officers—the earliest form of police—included county sergeants, those of the hundreds and the forests and of the baronies. This Galloway petition implies that they were officers of the baronies. Apart from their duties as messengers they served writs and official notices and made proclamations. They were expected to maintain the peace and bring offenders to trial with powers of enforcement of fines and distraint. They had powers of arrestment, collected evidence and presented the offenders to the court. Most offences were punishable by fine. At first they received no fixed pay but had a share of the fines, known as ‘pelf’. Their maintenance consisted of enforced billeting on the public, known as ‘puture’. The ‘master sergeants’ held, as part of their office, small particles of land.² Their duty of taking sureties for suspected persons to submit themselves to justice was a tempting source of irregular extortion. In the case of robbery the penalty was death, and sergeants had, and exercised, the ancient right to behead a robber instantly if caught in the act or if sufficient evidence was forthcoming at once. For each robber’s head taken to the castle of Chester a shilling fee was obtained and for a master-robber’s head sometimes an extra was provided—a salmon from the river Dee. A Northumberland assize roll of 1256 records a sergeant arresting a malefactor who had robbed and assaulted a hermit. The hermit, by direction of the serjeant, decapitated the robber—a fair example of making the punishment fit the crime. But the door for malpractice and extortion was wide open. The sergeants lived on the country, and in Shropshire in 1221

¹ *The Serjeants of the Peace in medieval England and Wales* (1936).

² In 1199 Adam, son of Orm de Kellet, was confirmed in the sergeantry of Lonsdale as custos, holding 3 carucates. He was fined for failing to attach the first finder of a dead body and the persons who had stripped the dead man of his clothes. The sergeantry of Bernard de Penred (Penrith), for which he ought to carry the king’s writs and the mandates of the sheriff, are recorded as alienated in part (*Victoria County History, Cumberland*, i, 433).

they could be bribed for not seizing cattle for the king's use and had even opened up taverns and forced people to come to them for their ale. The system ended in 1296 when two paid officials called 'capitanei et custodes pacis' were appointed.

In the Westmorland Assize Roll of 1256 there is a complaint of the men of the baronies of Kendal that whereas the sheriff had two horse sergeants only and two foot sergeants for his lawful business, now there are four of each, and not content with the customary competent lodgings they extort many lodgings and as many payments as possible for each lodging and cause innocent people to be molested for larcenies and to be imprisoned and detained until heavy ransoms are extorted from them.¹ The public hatred of these minions of the sheriff naturally caused odium to be displayed towards the sheriff himself and that office was in consequence not the object of everyone's ambition and often exemption from that office, entailing a payment to the Crown, was sought. The burden of feudal duties always lay heavily on the feudal tenant. Thus in Westmorland in 1255 there was a dispute between Gilbert de Lancaster and his overlord. Gilbert owed the dues of $\frac{1}{2}$ part of a knight's fee and had to attend at the overlord's court at Barton every three weeks and to provide for the lord's land-sergeant whenever he passed through Gilbert's lands on his legal duties. The dispute ended in agreement that Gilbert should in future perform the duties for a $\frac{1}{10}$ part of a knight's fee and no longer provide for the land sergeant. His future connection with his overlord's court is minutely recorded.² It is suggested here that the petition of the Community of Galloway referred to somewhat similar abuses as were rampant in parts of England.³

¹ *C. and W. Trans.*, N.S., xiii, 66.

² Feet of Fines, 40 Hen. III, and *C. and W. Trans.*, N.S., x, 402 and 442 *Early Sources*, ii, 422, equates 'sergants of horse' with esquires (feudatory vassals) and 'sergants of foot' with yeomen.

³ Robert I's grant to Whithorn Priory in 1326 includes a grant of freedom 'surdit le sergent' (*a superdicto serjantium*) and other exactions, in favour of the monks and all inhabitants of Glenswinton in the tenement of Parton gifted to the priory by the earl of Moray (*R.M.S.*, 1306-1424, App. i, 20). Another charter from the same monarch (*Ibid.*, App. i, 59, repeated in *A.P.S.*, i, 122) granted to the captains and to all men of Galloway 'that

When Alan died in 1234, Galloway was divided into three parts for his three daughters. It has been generally assumed that the three divisions were definite units and not scattered groupings. Elena, the eldest daughter, married Roger de Quenci and her share must have been the most westerly and may have covered most of Wigtownshire. Dervorgilla received the eastern portion, probably from Nith to Fleet. Between these must have been the portion of Christina who married the earl of Albermarle. But there may have been odd estates or particles of land outwith the clear-cut divisions; thus the Balliols owned lands in Glasserton and the heirs of Elena held lands in Troqueer, Girthon and elsewhere.¹

Christina died without issue in 1245 and her sister Dervorgilla was declared her heir. Normally Christina's two sisters should have shared her portion, but some family arrangement must have been arrived at whereby Dervorgilla got most of Christina's portion. In 1304 John Comyn, earl of Buchan, in a petition to Edward I mentions that king John Balliol before the war that ended at Dunbar on 27 April 1296 gave to Buchan the Thanage of Fermartyn in recompense for the earl's right in Balliol's land in Galloway of which Balliol had more than his share, and also for the earl's rights in the lands belonging to Thomas, bastard son of Alan of Galloway.² Such an exchange must have been

everyman of Galloway in any action on complaint of a kings sergeant (*supendicto sergandorum*) of Galloway shall have good and faithful assize of his country and shall not be held for trial by compurgation according to the ancient laws of Galloway. But if any sergeant of the crown, when acting in the name of the crown, be accused of anything touching his office he shall acquit and purge himself by the full and accustomed acquittal of Galloway, and in other things touching the peace he shall reply as his neighbours are held to do, according to the said laws of Galloway.³

¹ Bain, ii, 1338, 824. In 1237 Roger de Quenci in right of his wife held some land in Kirkcudbright itself for which he had licence to import from Ireland corn and victuals through the medium of one Erkin a merchant of Kirkcudbright (*ibid.*, i, 1372).

² *Ibid.*, ii, 1541. The extent and location of these lands are unknown. They can have been of little use to Thomas. His experience of life must have been a melancholy one. He was the cause of the Galloway rebellion on Alan's death in 1234. He was kept a prisoner of Alexander II and may never have been released. He is not reported to have participated in the rebellion against de Quenci in 1249. The *Lanercost Chronicle* says that when John Balliol married Dervorgilla in 1233 the bastard Thomas was given him for custody 'and he remained til decrepit old age, shut up in

reached with the full approval of the Crown bent on establishing the sheriffdom. This petition established the fact that on the death of Christina both of her surviving sisters should have shared her inheritance, though in fact Dervorgilla acquired the major portion. Buchan's claim, as son of Elena, was eventually settled by Balliol's cession of Fermartyn. Therefore from c. 1245 the Balliols must have been lords of the Stewartry of Kirkeudbright whilst the heirs of Elena were lords of Wigtownshire.

Now as soon as feudalism came to Galloway its lords must have conformed to the new conception and established a court presided over by their steward or seneschal and, though there is no mention of such an official, Uchtred, if not his father Fergus, must have had a steward and a steward court. Every feudal lord had his court, from the king down to the holder of a manor. When the lordship became divided amongst heirs, each part would have its own court and steward. So, on Alan's death there would normally have been three steward courts in the province. Christina's court may have been of brief duration, being absorbed by exchange and adjustment in the jurisdiction of Balliol's court. Thus from her death or earlier Galloway had two steward courts.¹

But the Crown, in addition to the king's feudal court (*curia regis*) covering the whole of Scotland, was trying to

the interior of Barnard Castle'. In an inventory (1292) of missing documents occur these two items:—(i) letters of John Balliol concerning the surrender to the king of Scotland of Thomas of Galloway, his wife and son; (ii) certain rolls of negotiations between John of Balliol and Thomas of Galloway (*A.P.S.*, i, 9). When Balliol was crowned, Thomas must have been transferred to the care of Edward I as a precaution, for in 1286 he was brought to Edinburgh by Edward's messengers 'his release from prison having been sought by Sir John de Balliol son of the older noble of that name' (*Lanercost Chronicle*). His appeal to Edward on behalf of the community of Galloway for their ancient liberties and customs in 1296 may have been purely formal for next day he was transferred from the care of William de Huk and lodged in Carlisle castle—a pawn in Edward's policy (Bain, ii, 728, 729).

¹ The great lordship of Annandale created c. 1123 had its steward or seneschal court which functioned until 1747. But it was never divided through failure of heirs male. Udale was seneschal in 1189 (Bain, i, 197) and between 1260 and 1280 Sir Humphrey Kirkpatrick, followed by Sir Robert Hereis and Sir Alan de Dunwidi, were seneschals of Annandale (Bain, i, 1680, 1683, 1685).

set up local courts on a shire basis on the English model, controlled by a Crown official or sheriff. As long as a local lord was strong and loyal, the Crown would not interfere, but when a local lord was disloyal or weak, such as in the case of a minority or a division amongst heirs, it was the policy of the Crown to try to replace the steward court by a sheriff court. The jurisdictional position in Galloway was ripe for a change, for the stewards were proving unable to cope with the conditions. When Alan died, there had been an insurrection against the division of Galloway amongst his daughters, which had to be suppressed by Alexander II. Later, in 1247, Roger de Quenci, husband of Elena the eldest daughter, was forced to seek refuge with the king and it is difficult to believe other than that Alexander only re-established Roger on his own terms. De Quenci had no heirs male, only three daughters, and it was obvious that on his death the situation in Galloway was bound to deteriorate with further subdivisions of his steward court's jurisdiction. A strong local centralisation was essential, and Roger's reinstatement must have been conditional on acceptance of the royal policy. He died on 25 April 1264,¹ and that same year occurs the first reference to a sheriff of Wigtownshire in the person of Alexander Comyn, earl of Buchan, who married the second daughter of de Quenci. He was the wealthiest and most influential man in the kingdom and therefore most suited to maintain order in Wigtownshire.²

A sheriffdom implies a royal castle and to this period must be assigned a castle at Wigtown that has now totally disappeared.³ Until 1305 the Comyn family held that office,

¹ *Scots Peerage*, iv, 142.

² *Ibid.*, ii, 255.

³ Extracts from only one early Sheriff's Account for the shire in 1265 have survived and are printed in Vol. I of the *Exchequer Rolls*, pages 30-31. One item is for repairs to the castle of Wigtown, not to exceed 40 merks, *propter adventum Norwagiensium*. This can scarcely refer to defensive measures, as all fear of invasion had been dispelled by the battle of Largs in October 1263. The editor of the *Exchequer Rolls* suggests that they were preparations to receive the envoys from Norway sent to negotiate the treaty, which was not signed till 1266. But it is strange that such important negotiations should be held in a remote corner of Scotland. On the other hand the king of Man was vitally interested and in 1264 did homage to Alexander III at Dumfries.

Alexander's son John, earl of Buchan, being sheriff in 1290, whilst John's brother, Sir Alexander Comyn, whose daughters were to share the earldom and the shire of Wigtown, was sheriff in 1266.¹

In 1341 David II rewarded his faithful follower Sir Malcolm Fleming with the earldom of Wigtownshire. This comprehended the lands of Farynes and Rynnes—here called Mulerennysnage—, the two ecclesiastical deaneries in the shire.² This charter was renewed to the grantee's grandson, Thomas, earl of Wigtown.³ In 1371 Thomas sold both earldom and title to Sir Archibald Douglas, lord of eastern Galloway, Crown confirmation following on 7 Oct. 1372.⁴ But before Douglas could take over Galloway it was necessary for the Crown to eliminate any other claims to that province. The accompanying chart illustrates how the rights were divided up and ultimately extinguished. Of Alan's three daughters Christian died without issue and left her share to Dervorgilla, whose enlarged share was forfeited by her grandson Edward Balliol. The third and eldest daughter married Roger de Quenci and left three co-heiresses. Of these Margaret, Countess of Derby, had no issue, and an inventory of missing documents records that she resigned into the hands of king Alexander the office of Constable and the rights she had in diverse lands therein for infeftment of Alexander Comyn, earl of Buchan.⁵ Elena de Quenci was spouse of Alexander de Zouche, an Englishman whose heirs forfeited her half of the de Quenci inheritance. Elizabeth carried her share to her husband Alexander Comyn earl of Buchan whose son John, earl of Buchan, was succeeded by his nieces, daughters of Sir Alexander Comyn who had just predeceased him. Alicia having married an Englishman, forfeited her half share of the heritage. Her sister Margaret Comyn was more lucky and, marrying c. 1309 Sir John Ross, succeeded to half of the earl of Buchan's heritage in Scotland. Their

¹ *Ex. R.*, i, 22.

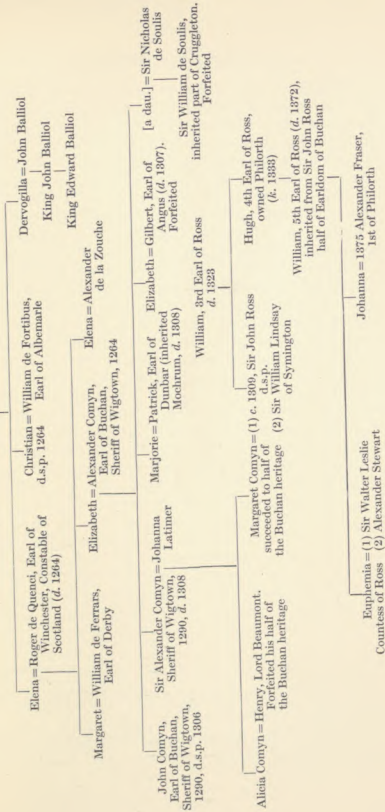
² *R.M.S.*, 1306/1424, App. i, 119.

³ *Ibid.*, 250.

⁴ *Ibid.*, 507.

⁵ *A.P.S.*, i, 9.

Alan, Lord of Galloway, Constable of Scotland



son William, 5th earl of Ross, who died in 1372, inherited half of the earldom of Buchan, including unspecified lands on Wigtownshire. His interest in Galloway was practically nugatory, but he had a definite claim, for his share of Buchan's lands there had never been forfeited. The Crown had to eliminate the claim before it could hand over the Galloway lands to the Douglasses. So, in Parliament at Perth on 23 October 1370 William, earl of Ross, resigned all his lands of his earldom in Scotland for a new infeftment that omitted his lands in Aberdeen, Dumfries and Wigtownshire. The grant was to himself, then to Euphemia, his eldest daughter, spouse to Sir Walter de Leslie, and their heirs.¹ Euphemia was married on 13 September 1366 and the spouses had a Crown charter of the new forest in the shire of Dumfries.² Leslie died in 1382 and Euphemia that year married secondly Alexander Stewart, the Wolf of Badenoch, fourth son of Robert II.³

But there was another claimant to be dealt with. After the death without issue of Sir John Ross his widow Margaret, countess of Buchan, married secondly Sir William Lindsay of Symington, who seems to have died *sine prole*, for his lands went to his great-nephew Sir James Lindsay of Crawford and Kirkmichel.⁴ Sir William's claim can only have been in right of his wife, whom he predeceased,⁵ and was probably put forward owing to the general confusion of the times by Sir James Lindsay who had sufficient influence at court⁶ to secure a Crown charter dated 21 April 1372 of the lordship of Wigtown and its burgh except the barony of Carnismule, resigned on 19 April by Thomas Fleming⁷ and to call himself for a while lord of Buchan.⁸ There is at present no evidence to show

¹ *A.P.S.*, i, 177.

² *R.M.S.*, 1306/1424, 258. Perhaps this may refer to the forest of Buchan in the Stewartry.

³ Yet, when on this second marriage she resigned her lands for a new charter to her spouse and self, '*omnes terras infra Gallowaydium*' were included; *R.M.S.*, 1306/1424, 742.

⁴ *Scots Peerage*, iii, 9.

⁵ *Ibid.*, ii, 260.

⁶ His mother, a much married lady, was Egidia half-sister of king Robert II.

⁷ *R.M.S.*, 1306/1424, 414, 527.

⁸ *Scots Peerage*, iii, 12.

that the charter was ever acted upon and the opposition of Archibald the Grim must have prevailed.

Yet another claim may have been made by the earl of Dunbar for the lands of Mochrum. This barony covering the whole parish must have been acquired by Patrick, 8th earl of Dunbar, when he married Marjorie, sister of John Comyn, earl of Buchan. It was far distant from Lothian and in the Wars of Independence may have been of little use to Dunbar. So Mochrum had been granted *c.* 1342 by king David II to Sir Malcolm Fleming. This must have been challenged by Dunbar and the earl of Wigtown was granted Cardoness by the Crown in exchange for Mochrum.¹ George, 10th earl of Dunbar, in 1368 received a crown grant of Mochrum together with Cumnok, Blantyre and Glenkens from David II.² Another sister of John earl of Buchan married Sir Nicholas de Soulis and must have received on marriage part of the lands of Cruggleton. His son, Sir William, was forfeited, but not before he had granted a third part of these lands to Whithorn Priory.³

These earls of Buchan did not reside in the royal castle of Wigtown, which was held in their name for the Crown by a custos, keeper or constable.⁴ Their residence was at Cruggleton, the ancient stronghold of Fergus and later of

¹ *Ibid.*, viii, 522.

² *Ibid.*, iii, 270.

³ *R.M.S.*, 1806/1424, App. i, 20.

⁴ The names of some of the keepers of Wigtown Castle are known. In 1291 William de Boyville was the English keeper of the three castles of Dumfries, Wigtown and Kirkcudbright (Bain, ii, 520, 547). He died at the end of that year, his son Henry de Boyville acting in his stead and collecting his father's pay until the arrival of a successor (*ibid.*, 572, 580). On 20 January 1291-2 Walter de Curry was appointed to hold the three castles (*Rot. Scot.*, i, 7) and had to borrow 24s. 5d. from the rector of Ford for his expenses at Wigtown (Bain, ii, 572-3). On 20 November Sir Richard Siward was appointed in his place (*Rot. Scot.*, i, 12) at a fee of 40 merks (Bain, ii, 582, 589). These English appointments were conformed to the terms of adjudication as to the Crown of Scotland. When in November 1292 Edward awarded the Crown to John Balliol, the Scottish castles were returned to the Scots, but when Balliol rebelled and after Dunbar lost his crown, Edward I again made appointments, on a new grouping basis. In September 1296 the custody of Ayrshire and Galloway, including the castles of Ayr, Wigtown, Cruggleton and Botel (Buittle), was given to Henry de Percy (*Rot. Scot.*, i, 81), whilst the actual charge of those four castles was placed in the hands of John de Hodleston in August 1297 (*ibid.*, 46, 47).

Alan,¹ a fortress which earl John repaired or perhaps rebuilt in 1292. That June he obtained leave from Edward I to dig for lead in the king's mine on the Isle of Man to cover the turrets of his castle at Cruggleton.² When John Balliol surrendered his crown, the Comyns at once made their peace with Edward, and Sir Alexander Comyn may at first have continued as sheriff. He died about 1308,³ but in 1305 Edward I, who was reorganising the government in Scotland, appointed his own nominees, Sir Richard Syward as sheriff of Dumfries and Thomas McCulloch (Makulagh) as sheriff of Wigtown.⁴ But that office can have been no sinecure with the partisans of Bruce devastating Galloway. Indeed it was not till 1424 that the next sheriff of Wigtown is heard of,⁵ in the person of William de Douglas who must be identified with the lord of Leswalt.⁶ In 1452 Andrew Agnew of Lochnaw, who, as bailie of Leswalt, was the right-hand man of Douglas, was created hereditary sheriff, an office enjoyed by that family with one brief interlude⁷ till the abolition of heritable jurisdictions in 1747.

¹ *D. and G. Trans.* (1931-33), xviii, 209.

² Bain, ii, 616.

³ *Scots Peerage*, ii, 225.

⁴ Bain, ii, 1691.

⁵ *R.M.S.*, 1424/1513, 12.

⁶ Sir Herbert Maxwell (*Dumfries and Galloway* (1896), p. 113) affirms that Sir Malcolm Fleming was appointed sheriff in 1342, no doubt referring to king David's charter of 1343 creating the earldom of Wigtown in Malcolm's favour. That charter however does not specifically say so, though it is not an unreasonable inference (*Charter-chest of the Earldom of Wigtown*, No. 3). Sir Herbert (p. 117) also suggests that the steward court of Kirkcudbright only dates from 1371, when Archibald the Grim received a perpetual fee of the Crown lands east of Cree (see also Sir Herbert's *Stewartry and Shire in The Gallovidian*, 1926, p. 11). He thus makes the origin of the sheriffdom far earlier than the steward court, whereas the available evidence indicates just the reverse. The Douglasses, having conquered Galloway, retained the powers and titles as they had formerly existed in the two parts of Galloway. Their steward of Kirkcudbright in 1403 was Thomas Herts (*Hereditary Sheriffs*, i, 238), and in 1429 Alexander Mure (*R.M.S.*, 1425-1513, 133).

⁷ The interlude occurred in January 1498-9 when the sheriff was placed under curators (*Registrum Secreti Sigilli*, i, 319), Sir Alexander McCulloch of Myrton functioning as sheriff, followed by John Dunbar of Mochrum (*E.R.*, xi, 331, 338, etc.). By 1502 Patrick Agnew, son of the afflicted Quentin, was sheriff (*Lochnaw Charters*).

III. THE EARLY CHURCH IN GALLOWAY

Very little is known about the church in Galloway before the days of Fergus. Like the church of St. Ninian, the earliest organisation of the church in Saxon England was based on the monastery. This was natural, seeing that Northumbria had been Christianised from Celtic sources. In England these monasteries were termed minsters. The Celtic monastery and the Saxon minster alike consisted of a community of clergy whose primary function was to convert the district and then provide for its religious needs. The brethren resident in the minster would serve the surrounding district at outlying spots, marked by a cross of wood, later of stone, around which was an enclosure consecrated as a cemetery. Service at first was in the open. There would follow an oratory of wattle and mud or of wood. The definite parish with a church and resident priest was a later development. The names of the Northumbrian bishops at Whithorn are known from c. 730-802, though the limits of the diocese are uncertain, and the church certainly survived through what is known as the Viking Age.

But not till the days of Fergus, lord of Galloway, was real progress achieved in the organisation and reformation of the church in Galloway. The monasteries or minsters, regarded by the reformers as houses of secular canons, were converted to houses of regular canons, Augustinian or Praemonstratensian, and their outlying possessions—cemetery, cross and oratory—were developed into parishes with resident priests and churches built and endowed by the major landholders.¹ Kirkmadryne in the Rhinns must have been such a monastery or minster broken up into a

¹ *D. and G. Trans.*, xxxi, 1178. In England in the 10th century the old minsters of clerks were superseded by genuine monasteries of Benedictine monks (Earle and Plummer, *Two Saxon Chronicles, sub annis*, 963-4). Scotland, as far as we know, escaped this reform and that is why so much had to be done there in the 12th century.

number of small parishes in the twelfth century, itself declining into an ordinary parish church. There is no record of these happenings, which must have occurred in the episcopate of Gillealdan, of whom all we know is that he was elected bishop c. 1125 and consecrated at York in 1128.¹ The date of his death is unknown.

The first step of the reformers was to ascertain and get back into the hands of the Church all the lands and possessions it had formerly owned, for many of the monastic abbots were laymen holding in hereditary the monastic lands. The Crown most properly showed a good example when Alexander I made the grant of *Cursus Apri* to St. Andrews which has been described as 'a grant which must be regarded not so much in the light of an original donation as a restoration to the Church of the lands which had been alienated to the royal family in their capacity of hereditary abbots of the old monastic establishment'.² Alexander's brother, earl David, c. 1123 took a similar step when he held what is known as David's Inquest to ascertain what were the rights and possessions of the ancient church of St. Kentigern.³

The Anglo-Norman Church may well have prevailed on Fergus to take similar steps. At its advent in the 12th century there was a further development of these rudimentary parishes. Both the Celtic and early Anglian churches were largely tribal. The office of Archpriest, sometimes called an abbot,⁴ had often become hereditary and in some instances (in the north) they had become laymen. But in the 12th century the tribal Church gave place to the feudal Church. The tribal lands were broken up into feudal estates or knight's fees and upon the new

¹ *Antiquity*, xiv, 281.

² Robertson, *Scotland under her Early Kings*, i, 185.

³ It took Glasgow a long time to regain full possession. In Annandale it was not till c. 1170 that Brus ceded his rights to Glasgow and in the case of Hoddam it was not till c. 1212 that Urdard de Hoddam surrendered his rights of patronage (*D. and G. Trans.*, xxxi, 183). It was after 1186 that Glasgow incorporated in that diocese the district between Nith and Urr then dissevered from the see of Galloway (*Ibid.*, xxxiv, 103).

⁴ Canon G. W. O. Addleshaw, in *St. Anthony's Hall Publications*, Nos. 3, 6 and 9, on the Development of the Parochial system.

owners was imposed the obligation to erect, endow and in part maintain churches, unless they had found *in situ* a church of a previous age. Some of the new proprietors started with a proprietary chapel, though no written evidence has survived in Galloway. But an example can be quoted from Tryermain, a property of the de Vallibus (or Vaus) family, now in the parish of Walton, close to Lanercost Abbey. The unpublished register of Lanercost narrates how Gillemor, son of Gillanders, the native lord of Treverman and Torcroc, made a chapel of wickerwork (*capella de virgis*)—no doubt plastered with mud—and procured the divine services there with consent of Eagelwine, bishop of Durham, who died in 1071.¹

The enclosure was usually of a circular form. A rectilinear layout was foreign to the early Celtic Church and indicates the Gaelic-Norse influence. The priority of the enclosure over the chapel is attested at several sites in the Isle of Man and at Chapel-Finnian in Mochrum where is a similar sequence with an irregular enclosure probably of 6th century and a rectangular chapel of the 10th or 11th with mortared walls.² Such sites often developed into parish churches. The enclosure was primarily a cemetery, though at Chapel Finnian there was no trace of burials, and was marked by a wooden cross such as that described in the 8th-century Saxon *Life of St. Willibald*, 'for it is the custom of the Saxon people to erect on the estates of nobles, not a church but the Standard of the Holy Cross set up on high for the frequency of daily prayer'. At the foot of just such a cross St. Willibald was dedicated by his parents to the religious life. Mr. Raleigh Radford's suggestion that proprietary chapels in Galloway may in many cases have originated in the Norse period, is borne out by the number of parish churches in the neighbourhood of Whithorn which have fragments of Norse crosses of the late Whithorn school.

In Norse Orkney we find a chapel on each ounceland built by the proprietor,³ a correlation that is generally

¹ *Registrum de Wetheral*, p. 224, n. 2.

² *D. and G. Trans.*, xxviii, 28.

³ The ounceland was the basis for the payment of tax known as Skat in Norse times and represents the Pictish davach.

accepted and holds good for other Norse lands. The principle is explained for the similar occurrence in Iceland—‘This which was promised by the clergy made men very eager in church building, namely—that a man should have room in the Kingdom of Heaven for as many men as could stand in the church he had built’.¹ Gillemor’s chapel, gifted to Lanercost, never acquired parochial status. Neither did St. Malachy’s chapel at Larbrex Bay,² for the essential features of the medieval parish were that it had not only a cemetery but also fixed boundaries, a resident priest and endowment.

There is however at least one parish church in Galloway that seems to have started as a proprietary chapel. The Anglo-Norman mote at Monygoff is surrounded by a deep and wide ditch. The occupants must have had a proprietary chapel alongside the mote, where they would bury their dead. And to this day the parish still buries its dead at the same spot, for within 40 yards of the verge of the ditch surrounded by tombstones stand both the ruined shell of the pre-Reformation church and the present parish church, side by side.³ There is nothing more permanent in history than a cemetery. The mote of Kirkclaugh is perched on a sea cliff.⁴ From this site was removed a century ago a late Anglian cross, classed by the late W. G. Collingwood as ‘rusticated’ and late. It is now in a shrubbery at Kirkclaugh House. Collingwood dated the mote to the close of the 11th century, adding ‘no doubt it had a chapel attached’. The cross he dated a little later along with the crosses of Monygoff and Anwoth. At Anwoth there may have been no proprietary chapel, for its cross is in the parish kirkyard, half a mile away.⁵ The inference is that Anwoth had some sort of church before the coming of David son of Terri who we believe erected or

¹ Dr. Hugh Marwick’s *Orkney* (1951), pp. 113-16. On the Isle of Man there are the ruins or sites of about 100 Keeils and it has been stated that there was formerly a Keeil for each ‘treen’ division (*C. and W. Trans.*, N.S., xlvii, 212).

² *D. and G. Trans.*, xxxv., 130.

³ *Ibid.*, xii, 245.

⁴ *Ibid.*, xiii, 219, and xviii, 207.

⁵ *Ibid.*, xxiv, 21.

at least resided at the Green Tower mote about the year 1180. Conversely it may be argued that the church of the now extinct parish of Kirkdale was later than the cross at Kirkcaldy. But it is not possible to venture further into the church epoch that preceded Christian, bishop of Galloway.

Gillealdan's successor, Christian 1154-86, continued in the reformed church of Galloway the tradition of the Northumbrian episcopate. He and his successors were suffragans of York until 1472¹ and during his episcopate, which covered the lifetimes of Fergus, Uchtred and Rolland, lords of Galloway, was completed the 12th-century reformation of the church of Galloway. The sixth bishop (1255-1293) was Henry, abbot of Holyrood, who had taken the vows of a Crusader² and whose

¹ Dowden, p. 353. But see Dr. Donaldson on the bishops of Galloway (*D. and G. Trans.*, xxvii, 127). The last Scottish bishop who was suffragan of York was Michael Mackenlagh, who died in 1859.

² This does not mean that the bishop actually went to the Crusade. In the fervour of the moment great numbers took the vow, but the Church was always willing to release crusaders from their vows by dispensation which implied a payment to the Crusade fund. The Register of Archbishop Giffard (Surtees Soc., vol. 109) gives lists of contributors, many of whom had been fined for civil and ecclesiastical offences and their fines transferred to the Crusade fund. Thus William de Driffield in the East Riding had been excommunicated for assaulting two priests and received absolution on condition that he personally went to the Crusade (1275), whilst Sir Simon Constable as a penance for adultery with a married woman was fined the very large sum of £100 sterling or else was ordained to establish his contrition by passing to the Holy Land on Crusade (*ibid.*, 282). No wonder that Lord Hailes (ii, 210) allowed himself the cynical comment—'a crusade was the South Sea Bubble project of the 13th century, as by one men hope to gain riches without industry, so by the other they hoped to gain Heaven without repentance'. One way or another large sums were collected. A friar preacher of Ayr named Ivo collected in the south-west of Scotland a rather meagre sum and deposited it in 1262 in the priory of Whithorn to await transmission to the Templars' church in London or to a firm of Florentine merchants. Master Leonard, precentor of Messina, papal chaplain and nuncio, was sent to Whithorn to collect it. The prior, however, not only refused payment but beat up Master Leonard when he exhibited his papal mandate. In 1266 the pope excommunicated the prior and warned him to deliver the money and to appear at Rome and answer for the injury and contempt (*Calendar of Papal Letters*, i, 384-5). All the money collected did not reach Rome. In 1311 the archbishop reported that he had collected in his diocese £491, 11s. 5½d., from which £228, 3s. 4½d. had been deducted for expenses. Expenses of nigh 50 per cent. imply some leakage. He adds that a further sum of £25, 14s. 8d. had been collected from those who had been allowed to change their vows of going to the crusade (*Letters from Northern Registers*, p. 200).

election and that of his predecessor and successor have been the subject of an admirable study by Mr. R. J. Brentano.¹

His successor was Thomas de Kirkcudbright or de Dalton, for he figures in both forms in the extant registers of the archbishops of York. His election in 1294 was made the subject of a contest between king John Balliol and Robert de Brus. He was clearly the nominee of Brus to whom he acted as chaplain, which accounts for much of his treatment within his diocese of Galloway. King John Balliol even suggested that he had secured election by simony. His consecration is discussed by Dowden.² From the York Registers some new light on Bishop Thomas is obtained. Shortly after his enthronment he was reproved by Archbishop le Romeyn for not delivering the arrears from the church of Kirkcolm *sede vacante*, the rector of which was one P [].³ Thomas may have had some difficulty in raising funds for his papal confirmation, for the bishop of Carlisle, as collector of the papal tithe for the Holy Land, allowed his sub-collector, the abbot of Tunland, in 1294 to lend Thomas, elect of Whithorn, £40 from the funds in his hands.⁴

The problem of loyalty—often difficult to decide by an individual—must have caused Thomas much anxious concern. He had to choose between his country and his church. At first he tried to serve both God and Mammon. The clergy of Scotland met in a National Council on 24 February 1309-10 within the church of the Minorites at Dundee and published a Declaration in favour of Robert I, now king of Scotland.⁵ There are two versions of this

¹ *The Whithorn Vacancy 1293-4 in the Innes Review*, iv, 71.

² Dowden, *Bishops of Scotland*, 359.

³ *Reg. de Romeyn*, ii, 133. This rector was probably Alexander de Puntunby who having rendered homage to Edward I received restitution of his lands (*Rot. Scot.*, i, 25b). A few years later there is record of William de Parlington as rector of Kirkcolm receiving from Bishop Halton ordination to the priesthood on 7 April 1302 on letters dimissory from bishop Thomas de Kirkcudbright. He was in the English courts on July 1312 facing a claim for 10 merks by John de Markingfeld and a debt to the barons of the Exchequer (*Reg. de Halton*, ii, 62).

⁴ *Reg. de Halton*, i, 21.

⁵ Hailes *Annals* (1797), iii, 252.

document, both printed in *Acts of the Parliaments of Scotland* (i. 460 : red lettering). The first of them, which appears in the *National MSS. of Scotland* and in *A Source Book of Scottish History*, i, 124, runs generally in the name of the clergy without naming individuals, but the second version gives the names of all the bishops as parties to the Declaration, including *Thomas, Ecclesie Candide Case episcopus*. The original of the second version is in the Register House.¹ It is a very peculiar document. All twelve Scottish bishops are named in the body of the document. Twelve slits were made at the foot for the insertion of seal tags ; nine seal tags are still in place, each with the name of a see written on it, including Candida Casa. But there are only three seals—St. Andrews, Aberdeen and Moray—and it would be hard to be confident that all, or indeed any, of the other tags ever had seals attached to them.

If one is to get a little nearer to an understanding of the mystery of these two versions it must be noted that the bishops named in the second version—each with appropriate tags—include the bishop of Glasgow, who seems to have been continuously a prisoner in England from 1306 until after Bannockburn, and also the bishop of Argyll, who was driven out of his diocese and was in England certainly in 1311 (see p. lvii), as well as Thomas, bishop of Candida Casa.

The late Dr. Hunter Marshall ² discussed these documents and drew the conclusion that the Declaration belongs to a later date than 1310—after Bannockburn, when he thought that the consent of all the bishops might have been obtained. Some writers have considered that a meeting of clergy in 1310 was impossible because Dundee was then in English occupation, but, if the supposed Council of clergy consisted only of three bishops, the episode can be seen in a different light. Dr. Donaldson's view is that the second version was drawn up in Dundee in 1319 and is really the first in order of date ; that only three bishops were present

¹ State Papers at Register House, No. 5.

² *Scot. Hist. Rev.*, xxii, 280-93.

and that only those three ever appended their seals to it ; that the document was drawn up with a view to collecting as many episcopal signatures—or rather seals—as possible, but that the Scottish bishops, other than the three whose seals are appended, did not venture to attend at Dundee, so that it was considered more discreet to substitute the other version, which contained no names of individual bishops. If this is so, it is remarkable that the superseded version was not destroyed.¹

As a suffragan of York, Thomas never forgot that his primary loyalty was to it and to his fellow suffragan of Carlisle and, though he remained bishop of Whithorn for 25 years, he seems to have spent most of his days in England, being represented in Galloway by a vicar-general who issued letters dimissory to the bishop of Carlisle in 1312 to ordain Brother Richard de Merlagh, monk of Dundrennan, to the priesthood.² Such ordinations of a cleric outwith his own diocese were a convenience of which bishops made much use and in 1310 York issued similar letters to Whithorn to ordain Robert de Jarun, clerk, as rector of Bootel (Buittle).³

Thomas lived to work for four archbishops. His formal profession of obedience was made to John le Romeyn on 30 May 1294. A like profession to Thomas de Corbridge followed on 16 April 1302 and was witnessed by two of his

¹ I am indebted to Dr. Gordon Donaldson for reporting on his examination of these two important documents.

² *Reg. de Halton*, ii, 72. Other ordinations of Dumfriesshire and Galloway clerics are to be found in the English registers, thus—

1294 Randolph de Moll of Glasgow diocese, as a priest.

Brother Robert de Sadberg, monk of Sweetheart.

Dom. Robert rector of St. Cuthbert of Ewesdale.

1304 Dom. Mathew de Herice rector of Morton, as subdeacon on 19 September and as deacon 25 March 1307.

1305 Mr. Richard de Clare, rector of Hawyk, as subdeacon, at St. Pauls cathedral on 3 April.

1306 Andrew de London rector of Kirkpatrick-Cro, as subdeacon 17 December and as priest 20 May 1307.

1306-7 Richard North, rector of Sanquhar, as subdeacon 18 February, as deacon 20 May and as priest 23 September 1307.

1307 Dom. Radulph Franceys, rector of Johnston, as priest 20 May.

1313 Roger de Lanczter, rector of Corry, as subdeacon on 14 April.

All these ordinations are taken from Bishop Halton's register.

³ *Reg. de Greenfield*, iii, 54.

clerks, Alexander de North Berwick and John de Galwidia.¹ His profession to Greenfield was on 22 June 1306.²

Suffragans were expected to visit their archbishop once a year, but perhaps owing to the distance involved, Thomas was given dispensation for triennial visits and at the same time was given leave to confirm and dedicate altars in the diocese of York and *sede vacante* to dedicate churches and reconcile cemeteries.³ During the reign of John Balliol he seems to have been at his post in Galloway, but by 1306 he had retired to Yorkshire. On 28 August 1296 Thomas along with the bishops of Glasgow and Aberdeen swore allegiance to Edward I and on 2 September following had the lands of his bishopric restored to him.⁴ The prior of Whithorn and Alexander de Puntunby, parson of Kirkcolm in the Rhinns, also received restitution. But Thomas, unlike most Scots, remained firm in his allegiance; his ecclesiastical connection with York ensured that. He was still in Galloway when in February 1303-4 the archbishop wrote to him that Alexander de Brus, son of Robert de Brus, the future king, and rector of Kirkinner, had been despoiled of his effects in that parish and his goods carried off by some unknown persons.⁵ The episode was to have its repercussions.

The hostility of the inhabitants of Galloway to this rector is easily accounted for, when it is remembered that John Balliol, chief lord in Galloway, was the rival and enemy of Robert de Brus and represented the ancient princes of that district. Edward I, with Scotland now firmly in his grip, presented to Kirkinner in 1298 an English nominee, Robert de Beverlaco (Beverley).⁶ But the murder of Comyn in February 1306 set all Scotland ablaze and there must have been severe fighting in Galloway and great destruction. The bishop's estates may have been singled out for attack and by that September he had to forsake his

¹ *Reg. de Corbridge*, ii, 153.

² *Reg. de Greenfield*, v, 53.

³ *Reg. de Corbridge*, ii, 154, 180.

⁴ *Rot. Scot.*, i, 25b.

⁵ *Reg. de Corbridge*, ii, 155.

⁶ *Calendar of Patent Rolls*, 1292-1314, p. 853.

diocese, for his property was plundered and his manors ravaged and reduced to nothing by the Scottish war. His stocks and goods were abducted and consumed so that what was left was unable to sustain the incumbency or afford hospitality. In his urgent necessity the bishop retired to England ('in partibus Anglie'), there being no place in his diocese where to maintain his status in decency. Such is the description in an ecclesiastical document of 20 September 1306.¹ The Balliols and Comyns alike were against him because he had been a Brus nominee, and Brus, now King of Scots, was also against him because he was a suffragan of York with allegiance to Edward. So his position was not an enviable one when, in execution of the papal Bull of Clement V, the archbishop of York on 11 May 1306 directed Thomas to cite personally Robert Wisheart, bishop of Glasgow, who had been present at the crowning of Brus, to appear in Rome within 40 days and meantime suffer suspension.² So, armed with a protection from Edward³ and accompanied by the English-appointed Chancellor and Chamberlain of Scotland, Thomas started on this unwelcome task, only to be baffled by swift-moving events. Wisheart with other enemies of Edward, had seized Cupar Castle, where in turn they were besieged by the English, and Wisheart was a prisoner. Thomas may never have reached Cupar, for on his return he had to report that, as Wisheart was a prisoner, he had been unable to serve the citation. Edward had refused permission to cite and would send messengers to Rome to explain to the Pope his refusal.⁴ This unexecuted citation bears to be inscribed to bishop Thomas or his (unnamed) vicar-general, which presupposes the absence of Thomas from his diocese. Indeed, in his introduction to Greenfield's register the editor writes of Thomas as follows "The bishop of Whithorn was a most useful suffragan whose work lay largely within the diocese of York and whose habitual residence was

¹ *Letters from Northern Registers*, p. 175.

² *Reg. de Greenfield*, v, 55-57.

³ Bain, ii, 1847.

⁴ *Reg. de Greenfield*, v, 55-7.

within its limits." For the rest of his episcopate Thomas remained in England. It is not known where he resided, certainly not at York. But there is a parish of Dalton in Yorkshire which may have given him his English surname. He had no fixed incumbency there, but as suffragan to the archbishops he did a lot of work for them. The primates took a kindly interest in him, which he returned with good and willing service. He was authorised to dedicate churches, such as the newly built one at Jarum (Yarm) on 3 May 1308,¹ and consecrate altars, as at Hexham on 12 June 1310.² In 1309 he received a mandate to act on behalf of the archbishop in blessing William, abbot of Egleston, on his consecration. In May 1311 he consecrated Richard Kellawe, the new bishop of Durham,³ and, with the bishop of Carlisle and Andrew, bishop of 'Argail,'⁴ who had been driven out of his own diocese, he received the profession of obedience from the successor of Anthony Bek.⁵ That July he was called on to perform the delicate task of receiving from prison Walter Langton, bishop of Coventry and Lichfield, and bringing him before an ecclesiastical court charged with homicide.⁶

For all this varied work Thomas received official fees or 'procurations' thus eking out such of the fruits of Whithorn as his vicar-general could remit to him. But the main source of procurations seems to have been reconciliations. Where any consecrated ground—church or cemetery—was defiled by the shedding of blood, no further use of that ground was permitted by canon law till it had been reconciled. The service of reconciliation is given in the *York Pontifical*⁷ and it was laid down that it should be performed by a bishop or delegated by him to the parson of the church, provided that the holy water used for the

¹ *Ibid.*, v, 71.

² *Ibid.*, v, 72.

³ *Ibid.*, v, 93.

⁴ *Ibid.*, v, 96. Andrew, a friar preacher, had been provided to Argyle in December 1300 (*Cal. of Papal Letters*, i, 590).

⁵ *Ibid.*, v, 96.

⁶ *Ibid.*, v, 99.

⁷ Surtees Soc., lxi, 92.

service had been exorcised by the bishop. The procuration fee for the service was standardised at 40s. In mediaeval times such a service must have been quite a common event, for church and cemetery were the only gathering places in the parish. Most of the business transactions of the inhabitants were transacted there, providing ample scope for disagreements and disputes leading to heated action, violence and reprisals. Far from being spasmodic such disturbances seem to have been a regular feature of parish life and bishop Thomas, throughout his residence in Yorkshire, was kept quite busy repairing the consequences of bloodshed. Thus in 1307 he reconciled Great Driffild church and received his procuration of 40s.,¹ and at Ripon where the cemetery had been polluted by blood arising from a fight between Mabel del Bank and Agnes de Miton, Thomas collected another 40s. What happened to the Amazons is not recorded.² Other reconciliations occurred at Pickering in October 1310, Newark in April 1311 and Beckingham in September 1312.³ The archbishop had just gone abroad and his mandate to reconcile Beckingham and exercise general episcopal functions in the diocese was accompanied by a private letter to Thomas that he could look for his procurations to the archbishop. Procurations for reconciliation had to be paid by the affected parish rather than by the offenders and were not always promptly paid. When in 1314 Thomas effected the reconciliation of Blyda (Blyth), the procuration was not forthcoming and he had to suspend the celebration of divine services till it was paid.⁴ On another occasion at the cemetery of St. Mary at Nottingham the archbishop himself had to inhibit the burial of the dead under pain of excommunication until the parishioners paid the procuration.⁵ The principle of reconciliation was sometimes carried too far. At Full Sutton two boys were playing in the cemetery with a ball which hit one of them

¹ *Reg. de Greenfield*, iv, 239.

² *Ibid.*, i, 41.

³ *Ibid.*, v, 73, 83, 109.

⁴ *Ibid.*, v, 157, 167.

⁵ *Ibid.*, iv, 184.

on the nose, causing bleeding. A special inquisition was held by the archbishop, which solemnly found that Robert Dautre had caused the nose of Henry de Haler to bleed and, as the youngsters had been playing (*incaute ludendo*), no reconciliation was called for.¹

By mid-1310 preparations were being made in York for the trial of the northern Templars. There seems to have been some hesitation, for the northern Provincial Council displayed none of the ferocity and savage cruelty that elicited the confessions of the Templars in the French courts. Bishop Thomas took a prominent part in the trial at York. As early as February the dean and skilled lawyers of the chapter had been called in for the preparation of the case. The archbishop directed his receiver to pay 100s. to Thomas for a suitable hospice at York during the pending Council.² The following May Thomas certified that the persons in his diocese cited to appear at the trial had been warned to do so.³ Twenty-six Templars, all named, had been held for months in the castle of York. None of them seems to have had any connection with Galloway. There had been frequent and lengthy adjournments. The archbishop had left to attend the Council of Vienne. Anthony Bek, bishop of Durham, was failing and did not attend. Bishop Halton of Carlisle, as custos of that town and castle, had his hands full with Scottish raids and was shortly to take refuge in Lincolnshire at his manor of Horncastle. So, on the last day of the hearing, when the Council had dwindled to a handful, bishop Thomas delivered the sentence of the Council after the Templars had abjured their alleged heresies. They were then brought to the south door of the cathedral, where Thomas, supported by the dean and chancellor of York, the archdeacon of Cleveland and the abbot of St. Mary's, gave them absolution. The Templars were then brought into the chapter-house and delivered out of the king's custody and handed over to that of the church.⁴ The sentence delivered on 30 July was mild. The Templars were ordered to be distributed

¹ *Ibid.*, ii, 157.

³ *Ibid.*, iv, 366.

² *Ibid.*, iv, 321.

⁴ *Ibid.*, iv, 369

amongst English monasteries and 4d. per day was allowed to each in his appointed monastery. One of them was even allowed a month to attend to his private affairs. In April 1314 the archbishop cited Thomas to attend on his behalf a convocation in June anent a subsidy for repelling the Scots, who under Brus had laid the Marches under tribute and occupied many towns and castles.¹ On 23 July 1314 Thomas was at Furness abbey, where he granted an indulgence of 40 days to all of his diocese who should say the Lord's Prayer and the Salutation of the Virgin for the soul's repose of the late cellarer of Furness and the same for one, Richard Carpenter, buried in St. Andrew's cemetery at Calder Abbey.²

So far this account of Thomas de Dalton is derived from published sources. Dowden says he must have died by the end of 1319, but there is admitted obscurity concerning his death and the election of his successor, Simon de Wedale, abbot of Holyrood. In the hopes of clearing up the difficulties the unpublished registers of the archbishops of York, 1319-1398, have been searched.³ The result reveals further complications. At some date prior to April 1323 the archbishop emitted a protest to the pope against an unnamed bishop-elect of Whithorn being confirmed and consecrated at Rome. Further, the archbishop circulated his protest to nine cardinals of the Curia, and next day protested afresh that the bishop-elect should be sent back from Rome to receive his consecration from the archbishop, just as his predecessor had been sent back to archbishop Thurstan (referring apparently to Gilla Aldan). That there was a vacancy is proved by the action of the archbishop in appointing Mr. Robert de Oustoun as official of Whithorn to act during the vacancy.

This implies that Thomas was either dead or had resigned. But the next extract from the register shows that

¹ *Reg. de Greenfield*, v, 137.

² Bain, iii, 375-6.

³ I am indebted to my friend Mr. Athol Murray of the Scottish Record Office for undertaking this search. The available MS. indexes were used for the search, but a complete examination was made of the relevant sections of the Register, e.g. *De Suffraganceis* and *De Diversis Literis*.

he must have been alive, for an archepiscopal summons to attend a Council was directed to T., bishop of Whithorn (who could have been none other than Thomas de Dalton), in view of the rumour that he had adhered to Sir Robert de Brus who lay under sentence of greater papal excommunication. If Thomas had had any communion with Brus he also would have incurred a similar sentence. Indeed, it looks as if at the close of his life, seeking to return to his home land Thomas may have approached Brus (now firmly on the throne and shortly to be recognised by England under the treaty of Northampton) for a safe-conduct, but nothing is known of any negotiations. Probably death intervened. But the summons addressed to bishop T. in 1324 would never have been sent out by the archbishop if the see of Galloway was known to be vacant, and the protest contained in it rather precludes the idea of it having been sent out in error. On the other hand the documents of 1323 are circumstantial, though they give no indication of the name of the elect or of his election. Dowden, who knew of the 1323 documents but not of the 1324 protest, suggests that Simon's first election *c.* 1322, or earlier, was by 'clergy and people'.

Can it be that Thomas resigned *c.* 1322 but the resignation was not accepted by York till a Scottish nominee, in the person of Simon de Wedale, had agreed to a profession to and consecration at York? Simon clearly tried to side-step York by going to Rome, hence the archbishop's protests in 1323. Canon J. S. Purvis (*per litt.* 13 May 1958) points out that the *electus* is never named nor an initial given, but the archbishop had heard a rumour and was anxious to get in quickly at the court at Rome and prevent any proceedings going further. The suggestion that Bruce was trying to get in a rival bishop may be the answer to the problem.

DOCUMENTS RELATING TO WHITHORN

THE history of Whithorn as an ecclesiastical centre has been treated in the Whithorn volume of the Dumfriesshire and Galloway Natural History and Antiquarian Society (vol. xxvii), where there is a full account of the excavations at the cathedral church. A further report on the 17th-century remains is printed in *Proceedings of the Society of Antiquaries of Scotland* (vol. 85, p. 117), and a final report figures in the *Dumfriesshire and Galloway Transactions*, 1954-5 (vol. xxxiv, p. 131). The following documents supplement our knowledge in some details.

It is known that early in the 15th century there were considerable alterations to the cathedral structure which is stated in 1408 to have been unsound, mean, old and unfitting for such a church. At any time reconstruction would have been a heavy strain on both priory and diocese, and Elisiaeus the bishop was anxious to give a helping hand. But the prior and convent were reluctant to proceed, though the bishop affirmed that they were well able to do so, seeing that there were only 12 canons at that date with an income of 500 merks.¹ As at the reformation a monk's portion was assessed at 20 merks plus victual of about the same value, the bishop's contention would seem to have been reasonable; so in April 1408 the pope issued a Bull (see No. 1) to compel the convent to pay half of their revenues for ten years towards the reparation of the structure.

Elisiaeus was also concerned to find that there was no adequate episcopal residence in Whithorn available for him, so that he had to live in a house on his episcopal estate some

¹ In 1235 at the election of Gilbert, monk of Glenluce, as Bishop of Galloway, the chapter of Whithorn was composed of 22 canons all of whom sign with the Prior. Of these 22 canons seven were *seniores* listed by Mr. Brentano (*Innes Review*, iv, 71-83) as Prior, vice-regent, former prior, sub-prior, treasurer, the steward (provisor) and the precentor. The rest were 10 priests, 3 deacons and 2 acolytes. This is stated to be the earliest account of an episcopal election in England or Scotland.

twelve miles from Whithorn—perhaps at Clarie which is reputed to have been a residence of the bishops.¹ In reply to the petition the pope commissioned the Provost of Lincluden to enquire as to the facts and, if ascertained to be true, to order some ruinous buildings belonging to the chapter to be used for that purpose. Of the bishop's palace or residence there is now no trace, but in 1502 occurs a reference to his 'Castle of Balnespik at the church of Candida casa' and the 6 merkland of Balchure associated with it (see No. 2). It is possible that it may have been sited in what is now known as Castle Street. Like much else, the castle must have disappeared long ago.

Elisaeus Adougan was succeeded in 1414 in the episcopate by Thomas de Butil, who may have had some difficulty in getting possession of the lands that belonged to the episcopal *mensa*, for the following year the pope issued a mandate to the sub-dean of Glasgow to protect the new bishop in his temporalities. The lands therein stated are not readily identifiable (see No. 4). They were of course distinct from the temporal possessions of the priory. Another papal petition indicates a further list of the bishop's temporalities, mainly in the Whithorn area, Balhechra no doubt being the 6 merkland of Balchure. These lands before 1459 had been leased to Robert de Vaus of Barnbarroch (see No. 8).

A complete list of the lands forming the episcopal *mensa* of the bishops may perhaps never be recovered, but the following notes may give some indication of their very considerable extent.

INCH

The lands and island of Inch with the manor thereon,
The office of Bailie of the bishop's lands above Cree,
£5 lands of Killinpoti,
£4 lands of Culcady and Balyett,
40/ lands of Innermessane,

¹ Clarie was twelve miles from Whithorn. The Bishop's manor house at Inch, perhaps the earliest residence, was twenty-four miles from Whithorn.

formerly belonging to the bishop of Galloway were in 1605 feued by the crown to John earl of Cassillis with single sasine (including Saulset) at the new castle of Inche (*R.M.S.* 1594/1608-1633).

5 merkland of Dalzarrane (Gargarrane in 1489), Little Tung and Meikle Tung of 'le Seuchance',

had been granted before 1489 by the bishop to Andrew Agnew, sheriff of Wigtown (*Lochnaw Charters*).

£5 lands of Marsalloch, Kirrunray and Clannery

granted on 5 July 1556 by bishop Alexander Gordon to Patrick Agnew sheriff, for which Patrick paid £1000 (*R.M.S.* 1580/93-1231).

40/ lands of Achrocher, held of the bishop by Quintin Boyd (*R.M.S.* 1580/93-2231) and formerly leased for 19 years in 1531 to Ninian Boyd and Mariota Arnot (*Lochnaw Charters*).

The grain and fuller milns of Innermessane granted in 1566 by bishop Alexander Gordon to Quintin Boyd of Arco-rocher who in 1592 resigned in favour of John Neilson of Craigcaffie and his wife (*R.M.S.* 1546/80-2694 and 1580/93-2136).

PENNINGHAME

10 merkland of Grange of Penninghame,

5 merkland of Clarie,

5 merkland of Over Bar,

5 merkland of Barchelauchlyne,

5 merkland of Barquharrane,

all lying in the Merse of Cree, were granted on 20 May 1564 by bishop Alexander to Alexander Stewart of Garlies and Katherine Stewart spouses (*Galloway Charters*). Clarie and Over Bar had previously been leased for 19 years by bishop Andrew Durie on 1 June 1557 to Walter Stewart of Barcly (*Galloway Charters*).

5 merklands of Baltersan, leased in 1538 by bishop Henry to John Vaus of Barnbarroch,

5 merklands of Barvanan and the miln of Penninghame, leased pre-1545 to John Vaus rector of Wigtown.

- £5 lands of Bordland of Penninghame, feued in 1566 for 2000 merks to William Gordon of Murefad and Helen Stewart spouses (*R.M.S.* 1580/93-187).
- 5 merkland of Carnestik and Polchullie, feued on 20 May 1564 by bishop Alexander Gordon to Mr. John Stewart and Egidia Gordon spouses (*Galloway Charters*).
- 10 merkland of Balschalloch, leased by bishop Alexander in 1558/9 to John Gordon of Lochinvar (*Reg. House Charters*, 1773).

KIRKCOLM

- 4 merkland of Grange,
 5 merkland of Trave,
 4 merkland of Bartrachane,
 formerly held of the bishop and in 1592 of the crown by Hugh Gordon of Grange, grandson of Alexander Gordon of Barquhill (*R.M.S.* 1593/1608-937).
- The lands of Lekkingurum and Achyfe, granted in 1448 to Thomas McDowell younger of Garthland (*Galloway Charters*). These may be the same as
- 6 merkland of Clachanis and Auchtafie, granted by the crown, in place of the bishop, to sir John McDowell of Garthland (*R.M.S.* 1593/1618-1358).
- 2 merkland of Ervie,
 4 merkland of Knokcowat,
 feued on 6 April 1566 to Uchtred McDowell of Garthland (*Galloway Charters*).
- 20/ lands of Kairromannock, feued by bishop Alexander to John McDowell, grandson to deceased Fergus McDowell of Freuch and his heirs male, whom failing Thomas McDowell of Dunance, dated 19 Dec. 1575 (*Reg. of Deeds*, viii, f. 194).

WHITHORN

- 5 merkland of Bishoptoun,
 6½ merkland of Balyequhoir,
 granted in 1582 by bishop John Gordon to his brother

Laurence Gordon commendator of Glenluce, who disposed the same in 1592/3 to sir Alexander Stewart of Garlies (*R.M.S.* 1580/93-638, 2244).

£5 land of Balnespik,

6 merkland of Ballichur,

feued by bishop Henry in 1539 to Patrick Dunbar of Clugstoun (*Galloway Charters*).

5 merkland of Rispyne,

5 merkland of Craig,

feued by bishop Alexander on 12 May 1564 to Robert Maxwell in Garorie and his wife (*Galloway Charters*).

5 merkland of Balcray, feud by bishop Alexander on 28 Jan 1564/5 to Roger Gordon dean of Dunblane (*Galloway Charters*) who was a younger son of William Gordon first of Craichlaw (Wm. Macmath, *The Gordons of Craichlaw*, p. 4).

In addition to the above lands in Wigtownshire the bishops of Galloway held the barony of Kirkerist in the Stewartry of Kirkcudbright.

KIRKCRIST

8 merklands of Kirkerist, feued in 1537 by bishop Henry to the tenant James Kennedy of Blairquhan for 450 merks needed by the bishop for papal taxation (*R.M.S.* 1513/46-3254).

£5 lands of Nuntoun,

4 merklands of Bishopstoun.

3 merklands of Kirkeoch which apparently had belonged to the extinct nunnery there (*D. and G. Trans.*, xxiii, 190).

20/ lands of Auchengassil,

The multures of the 6 merkland of Newtoun,

all the above were granted in 1535 by bishop Henry Wemys to Wm McClellane late tutor of Bombie (*Reg. House Charters*, 1108). The office of bailie of the barony of Kirkerist had long been held by the McClellanes who in 1591/2 were appointed by the crown as both justiciars and bailies of the barony (*R.M.S.* 1580/93-2050).

GIRTHON

7½ merklands of Endrig and mill granted on 28 Feb. 1558/9 by bishop Alexander Gordon to John Gordon of Lochinvar (*Reg. House Charters*, 1773).

A list of bishops by Dr. Gordon Donaldson has been published (*D. and G. Trans.*, xxvii, 127). With two exceptions all the bishops of Galloway died in harness. A few were promoted to other sees. Bishop Alexander Vaus (1422-50) resigned. But David Arnot (1509-1525) had to resign under compulsion though he was allowed to retain half of the fruits of the bishopric till his death in 1536/7.¹ Arnot is believed to have belonged to the family of Arnot of that Ilk in Fife.² He certainly had a brother named Walter.³ He must have attracted the notice of the Crown, for his advancement in the Church was rapid. The Crown presented him to the rectory of Kirkforthir in 1497. The next year he became archdeacon of Lothian and two years later Provost of Bothwell, and in 1502 he was provided to the abbey of Cambuskenneth, resigning the prebend and canonry of Ayr in Glasgow cathedral. He became bishop of Galloway in 1509, to which was added in 1510 the commendatorship of Tunland, the latter being to sustain him as Dean of the Chapel Royal of Stirling.

He at once commenced a series of actions against some of the leading feuars and tenants of the episcopal lands, challenging, rather unsuccessfully, their rights. On 13 March 1510/11 he brought an action against Patrick Agnew, sheriff of Wigtown, anent his occupation of the lands of Seuchane and others,⁴ which he must have dropped. A similar action against Patrick Dunbar of Clugstoun, relating to Bishopton and Bailiewhir, he deserted with leave of the court.⁵ In 1518 he intervened in the dispute between Wigtown and Whithorn and protested that the decision of the court should not prejudice his rights or those of the burgh of Innermessane.⁶ That November he brought an

¹ *D. and G. Trans.*, xxvii, 142.

² *R.S.S.*, i, 2028.

³ *A.D.C.*, xxv, f. 16.

⁴ Dowden, 372.

⁵ *A.D.C.*, xxii, f. 55.

⁶ *A.D.C.*, xxxii, f. 18.

action against Sir Robert Gordon of Glen anent the fruits of the kirk of Monygoth for the previous year. Gordon produced a lease dated 31 Jan. 1513/14 and the decret was adverse to the bishop.¹ Against the same defender he brought an action relating to the lands of Endrig in the parish of Girthon 'belonging to the cathedral church of Whithorn'.²

But bishop David was on far stronger ground when in 1522/3 he successfully charged John earl of Morton, with despoiling, after the field of Flodden, Damien de Falcusis, canon of Tungland and later the abbot of that monastery, of 54 ounces of gold worth £8 scots per ounce. As commendator of the abbey he had every right to demand restitution.³ From these actions emerge the picture of an impulsive, determined and aggressive personality, characteristics which may well have deprived him of royal favour and support. His downfall seems to have been the result of his forceful episcopal visitation of Glenluce abbey, which, being of the Cistercian order, was exempted by papal indult from such visitation. The manner of the visitation and the resulting damage to the abbey at the hands of the bishop's entourage, are narrated elsewhere in this volume (see p. 47). The bishop was at once in conflict with the pope, and both abbot and bishop issued letters of cursing against each other.⁴ Even the Archbishop of St. Andrews was dragged into the dispute. In a letter of 1529 James V states that David had been contumacious, showing contempt for frequent papal censures. The bishop had even been excommunicated and was deprived of all that he held, and the Crown asked the pope to give Tungland *in commendam* to Mr. William Stewart canon of Glasgow and rector of Lochmaben.⁵ The bishopric was given in 1525 to Henry Wemys who in place of Tungland

¹ *A.D.C.*, xxxii, f. 18.

² *A.D.C.*, xxxii, f. 61.

³ *A.D.C.*, xxxi, f. 103. In 1509 Damien took steps to resign Tungland, which the Crown wished to bestow on David Arrot, bishop of Whithorn 'that he may reform the discipline and repair the ruins'. A pension of 200 gold ducats was reserved to Damien from the revenues of Tungland (*Letters of James IV*, No. 290).

⁴ *A.D.C.*, xxxv, f. 145, 145v.

⁵ *Letters of James V*, p. 153.

received in 1530 the commendatorship of Dundrennan. As the impulsive ex-bishop was allowed to retain half of the fruits of the bishopric, so he is found as an interested party consenting to the actions of his successor.

Dr. Gordon Donaldson has also published a list of the priors of Whithorn.¹ Amongst them is William Douglas, whose existence has hitherto been denied² and confounded with William Douglas of Leswalt. But at the fall of the Douglasses in 1456 the prior was William Douglas who had succeeded prior James on the latter's provision to the abbey of Holyrood in May 1446. William first figures as a witness in Aug. 1447.³ He may have shared the overbearing qualities of his kinsmen, the earls, though his affiliation to them has not been established. But in 1450 at the request of William, earl of Douglas, he received a papal indult to himself and his successors to wear the white mitre without gems, a dignity that was to be without prejudice to the bishops of Whithorn.⁴ His clash with Dundrennan indicates a high-handed arrogance. The two convents had a dispute over the tithes of the lands called de Biskeby in the parish of Whithorn. Biskeby and the lands of Culfaldan, later known as the £5 lands of Culskaddane,⁵ had long been part of the patrimony of Dundrennan⁶ and the tithes were falsely claimed by Whithorn. But an amicable composition had been reached, only to be broken by prior William Douglas. On appeal to Rome the pope gave mandate to the archdeacons of Glasgow and Whithorn to settle the dispute without appeal.⁷ This prior took no part in the siege of Threave, during which the court was at Tunland for fourteen days, and after the surrender of the castle both king and queen visited Wigtown and also St. Mary's Isle.⁸ They were again at Wigtown for two nights in May 1458.⁹ They had gone there for the

¹ *D. and G. Trans.*, xxvii, 145.

² McKerlie, v, 340, 349.

³ *R.M.S.* 1424/1503-383.

⁵ *Prot. Bk. of H. Anderson*, ii, No. 62.

⁶ Bain, ii, 1702.

⁷ *P.L.*, x, 708.

⁸ *Ex.R.*, vi, 206, 459.

⁴ *P.L.*, x, 470.

⁹ *Ex.R.*, vi, 573.

leasing of the crown lands forfeited by the earl of Douglas, being accompanied by Andrew, lord Avondale, as Guardian of the Western Marches and Mr. Thomas Vaus, secretary to the king, and the bishop of Whithorn and the chamberlain of Galloway were also in attendance. But prior William Douglas did not attend. So he was sent for, and the secretary, Mr. Thomas Vaus, is recorded to have ridden over to Whithorn to fetch him—‘*tempore quo abduxerunt priorem de Quhithyrn*’.¹ This sounds rather vigorous action. Yet the following year the Crown granted to prior William and to the convent the clachan of Whithorn as a free burgh of barony.² The prior is stated to have been deprived in 1466 and a later prior Roger gave William a magnificent annuity from the convent lands. The date of the gift is unknown, but it was confirmed by the Crown in 1473.³ So the Crown at that date could not have been prejudiced against the prior. Yet very definite reasons for deprivation are recorded. They were put forward by Mr. Fergus McDowell, provost of St. Bothans and official of Whithorn. The charges were that Douglas had committed fornication with his married sister [in law], had committed dilapidations and converted to damnable uses a number of goods belonging to the priory which he had obtained simoniacally. The bishop and archdeacon of Whithorn and the abbot of Saulset were ordered to investigate, and if the charges were found true, to deprive Douglas and to grant the priory to Fergus.⁴ Fergus seemed to have been quite confident of the findings of the enquiry, for on 8 May 1466, twelve days before the issue of the mandate, Fergus, who was probably then in Rome, gave a bond for the annates of the priory ‘to become void by deprivation of prior William Douglas’ *in forma juris*.⁵ But he was counting his chickens before they were hatched. The enquiry must have vindicated Douglas, for on 3 Sept. 1467 the pope issued a plenary remission to William Douglas prior, and Simon Douglas canon of Whithorn.⁶

¹ *Ex.R.*, vi, 456.

² *R.M.S.*, 1424/1513-733.

³ *R.M.S.*, 1424/1513-1134.

⁴ *P.L.*, xii, 247.

⁵ *Scottish Benefices*, 156.

⁶ *P.L.*, xii, 593.

It must be assumed that Douglas was persuaded to resign on his own terms, hence the unduly generous annuity and the whitewash contained in the crown confirmation of 1473.

The annuity was given for his good counsel and for his honest life and honourable support, and consisted of

16 merklands of Powtoun,

$\frac{1}{2}$ merkland of St. John's croft,

1 merkland of the garden of Cruggletoun,

20 merklands of Cruggletoun,

10 merklands of Creachdow and Gervindon,

$4\frac{1}{2}$ merklands of Kirkmidyn,

8 merkland and a merkland of the two villis called

Otanys (Outoun) with a croft.

An annuity of 20 merks from the lands of Merton,
and the abundant allowance of

300 bolls meal from the church of Glassertoun,

200 bolls meal from the church of Cruggletoun,

80 bolls meal from the mill of Powtoun, and

172 bolls meal from the church of Borg.

This handsome sustenance compares strangely with the provision authorised in 1312 by the archbishop of York for an ex-prior of the great monastery of St. Oswalds at Nostell;

residence, a chamber and a cellar with a hall and 2 small gardens; 4 servants; Free firing and lighting. A palfrey and a pack horse and the services of a canon as chaplain. 14 white loaves and 14 gallons of better ale weekly, and half that amount for his companion; and £20 annuity for dress.¹

Even less was the retiring allowance of Adam, prior of the cathedral church of Carlisle, who had almost ruined the convent by speculation. He got 20 merks and the tithes of the church of Langwathby.²

Throughout the reign of James IV there had never been any break with the papacy. Ever since the indult of 1487 whereby the pope agreed to await the supplication of the Scottish king before making appointments to prelacies, that policy seems in general to have been observed and James IV

¹ *Reg. of Greenfield*, ii, 118.

² *Halton's Register*, i, 224.

appears to have got most of the things he asked for. But he died under papal censures ; and after Flodden there was an infant king, and the regent Albany was more a Frenchman than a Scot. Further, the country was in a very disturbed state. Conditions were favourable to an extension of the pretensions of the papacy. The pope seized his opportunity to recover the papal power of appointment. What happened in the case of the priory of Whithorn is a good illustration.

On the death of prior Henry McDowell (c. 1516) the Governor nominated as prior Alexander Stewart of Pitcarne, a churchman whose rise to preferment followed the usual pattern. But he never secured papal confirmation and remained 'Postulate of Whithorn' till 1518.¹ For the pope had other ideas and had provided to Whithorn one of his papal dataries in the person of Sylvius, Cardinal of Cortona, who impetrated the priory and purchased briefs in order to get possession. Albany naturally protested, and as a sop the pope offered the *commendam* of Scone to Alexander Stewart, thus leaving the cardinal of Cortona still technically in possession of Whithorn priory. But Albany, whilst agreeing to Stewart's provision to Scone, was determined to resist in the case of Whithorn and nominated Gavin Dunbar, then dean of Moray, to the priory on the grounds that a foreign prior *in absentia* could not entertain visitors to Whithorn nor protect pilgrims from pirates.² At first there seemed a complete impasse. Cortona was unable to obtain the fruits of his benefice, and the pope held up the necessary bulls for Scone and other benefices, without which no church dignitary could be inducted to a living in Scotland. A way out had to be found by the diplomats ; and Albany agreed that if Cortona resigned the priory of Whithorn, he should be recompensed with a pension of 200 gold ducats yearly from the priory.³

Gavin Dunbar agreed to implement the arrangement with Cortona, but at the last moment that wily Italian

¹ *D. and G. Trans.*, xxvii, 146.

² *Letters of James V*, p. 66.

³ *Ibid.*, 66, 72.

prelate raised his price to 250 gold ducats, free of teind and charges payable at Rome at the beginning of each year, and demanded that two years' back payment should be made at once.¹ Dunbar must have been inducted in 1519 and held the priory till 1524 when he was elevated to the archbishopric of Glasgow.

When the priory fell vacant on Dunbar's elevation to Glasgow, the convent postulated a canon, John Maxwell, whom the pope had promoted to Dundrennan. A vacancy was pending at Melrose which the Crown wished for Maxwell, meanwhile asking the pope to provide the priory *in titulum* to Maxwell with dispensation to hold Dundrennan for life.² But it was not to be. The powerful Malcolm lord Fleming had a candidate who prevailed. The Cardinal of Cortona who had been provided in 1516 (see No. 16) resigned his rights in May 1525 on the understanding that he should enjoy the fruits for life, and Ninian Fleming, brother to Lord Fleming, was provided to the priory with the title but not the fruits (see No. 18). He was a youth and went to study at Paris for five years having been dispensed for defect of age. But Ninian did not wish to be a commendator and was determined to be a conventual. He renounced his dispensation and assumed the habit without knowing that fresh provision was necessary, whereupon Abraham Vaus, instigated by the bishop of Cassano, initiated litigation at Rome and the crown had to appeal to the pope to extinguish the suit and impose silence, so as 'to prevent scoundrels of that sort from dragging people into court'.³ During his priorship Ninian assigned to John Steinstoun a pension of £80 levied on the whole fruits of the priory. His successor, prior Malcolm Fleming, found this pension financially unsuitable and desired the burden of it to be definitely allocated. The vicarage of Mochrum was falling vacant by the resignation of an unnamed holder, a member of the convent. So the prior arranged that the resignation should be in favour of

¹ *Letters of James V*, 73, 80.

² *Ibid.*, p. 109.

³ *Ibid.*, 247.

the pensioner, John Steinstoun, whilst half of the fruits and the right of appointment to the vicarage were to be annexed to the prior's *mensa*. This allocation, favourable to the prior, could only be effected at Rome and the Crown sought the aid of Cardinal Ghinucci.¹ These pensions, whether to cardinals or canons, could not fail to imperil the financial status of the church. Pope and king alike were steadily undermining its stability.

On the death of Ninian the Crown sought papal provision for Malcolm Fleming dean of Dunblane, on the understanding that if he got the priory he should resign the deanery in favour of William Gordon. But the Crown did not forget its rake-off. Pope Clement VII had granted to Thomas Erskine, a young noble and son of the chief Secretary of Scotland, a faculty to enjoy a succession of benefices with suspension of the canons. Thomas had made no use of the faculty, for as eldest son he was to succeed to his father's estate; so the Crown had asked the pope to insert in the brief the name of John Erskine, younger brother of Thomas, 13 years of age, adding that it was a small matter with which to trouble the pope but one for which the king desired his careful attention.² So the king asked that if Malcolm was provided to the priory a pension be given to John Erskine.³ A month later the Crown sought that the pension of 400 merks be not given to Erskine but to one John Maxwell, aged 17, son of a vigorous Warden of the Western March.⁴ The Crown was not content to use church benefices for the maintenance of its civil service only. When James V came to rule for himself he inherited a control in ecclesiastical affairs which he used, not to set the church in order but to exploit its wealth for his own financial needs.

In the absence of any rental, the temporalities of the priory at the Reformation can only be listed from various sources. Many of the following lands must have been part of the original endowment of the priory. The properties

¹ *Ibid.*, 395.

² *Ibid.*, 366, 375.

³ *Ibid.*, 362.

⁴ *Ibid.*, 365; see also *St. Andrews Formulare*, ii, 82.

acquired after c. 1300 are recorded in a Crown confirmation of 1451.¹

In 1569 Robert Stewart the commendator feued the greater part of the lands to James, earl of Moray, the regent, whose daughters and heirs disposed the lands to many others.² This feu charter lists the lands as follows. £10 lands of Mains of Whithorn, excepting 13 crofts already feued to their named occupants,

5 merklands of Preistrie,

[] lands of Stennok-Corbak and Stennok-Balconeill,

5 merklands of Isle of Whithorn,

[] lands of Schedok,

5 merklands of Portcarrik and its mill,

5 merklands of Balsmith,

10 merklands of Crugiltoun castle,

10 merklands of Crugiltoun-Cavens, with several named crofts,

16 merklands of Powtoun and its mill,

5 merklands of Little Owtoun,

5 merklands of Owtoun Corwar,

10 merklands of Meikle Wig,

10 merklands of Apilbie and its mill,

5 merklands of Craigilmayne,

5 merklands of Creochdow, which in 1558 had been takked by Commendator Malcolm Fleming to John Fleming and Margaret Hamilton therein designed his well-beloved servants for 19 years.³

4 merkland of Little Areis,

5 merkland of Meikle Areis,

10 merkland of Arlis and Culmazeoch,

4 merkland of Barnevarynok,

£5 lands of Glenswonton, in the parish of Parton,

10 merklands of Knok of Kirkmadin in Farnes and its crofts,

5 merklands of Cairndoun,

10 merklands of Carletoun,

The mill of Arsik and the croft occupied by John Hannay.

¹ *R.M.S.*, 1424/1513-461.

² *R.M.S.*, 1546/80-2823.

³ *Inventory of Charters of Earldom of Wigtown*, No. 109.

ARGYLLSHIRE

£20 lands of Kyntyre,

£3 lands in Argyll occupied by the lord of Auchinbrek.¹

The following lands were not included in the feu to the Regent.

AYRSHIRE

5d lands of Donarhaluf,

£5 lands of Beath,

granted to the priory by Duncan son of Gilbert earl of Carrik.

The lands of Drunkellis and Drumdath granted to the priory by Devorgill Marescallis.

All these lands were granted in regality to the priory by the Crown in 1450.² In 1530 prior Malcolm gifted to Gilbert, earl of Cassillis, the non-entry mails of the 25/ land of Craignell 'whereon the tower is situated', the 25/ land of Easter Bauch, the 25/ land of Wester Bauch and the 25/ land of Cairnwhoak—called in 1539 Grumetland—in all a £5 land.³

The question is often asked where was the parish church of Whithorn? The answer is that there was never a separate parish church in pre-Reformation days. The churches of Premonstratensian canons, like the Augustinians, whilst following the Cistercian plan, had quite a different internal layout from the Cistercian churches. Cistercian churches were always aisled churches, because the aisle was needed for movement within the church, as that order stood apart from the parochial system. The church was in two sections, the monks' quire east of the crossing and the lay brothers' quire west of the crossing. The latter comprised the whole nave, save perhaps the two or three most westerly bays. Hence the necessity for movement without passing through the lay brothers' quire.

¹ These Argyllshire lands have been treated in detail by Mr. A. McKerral, C.I.E., in *D. and G. Trans.*, xxvii, 183-192.

² *R.M.S.*, 1424/1513-384, 460, 461.

³ *Culzean Charters*, No. 298, 384.

But in the churches of the canons there was no provision for lay brothers who were not a feature in the Premonstratensian and Augustinian orders. There was therefore no need for aisles and the whole nave west of the crossing was available for the public. Within the nave the parish had parochial rights. The parish used the nave and the canons the quire. The parish altar was centrally placed just west of the crossing. It was therefore a normal development at the Reformation for the nave, as at Whithorn, to be preserved as a parish church, whereas the canons' quire and all the conventual buildings were allowed to decay or be robbed for secular building uses.¹

In the 15th century the church had to grapple with a number of problems, amongst which was that of the cost of living. Many parish churches founded in the 13th century were endowed with revenue sufficient in that century but inadequate in the 15th century. According to modern conceptions there must have been abundant supply of churches and chapels for the population, yet many of them possessed but small endowments. The right of presentation to most of them had been gifted to the monasteries which had resources to maintain them and in the 15th century that trend seems to have been intensified. Thus in 1427 Alexander Vaus, bishop of Whithorn, appropriated the parish churches of Cruggleton and Clachshank to the capitular *mensa* of Whithorn. The stated grounds for this action were that each parish church hardly exceeded 4 merks sterling in value, on which sum two rectors could not be sustained.² Similarly, the churches of Leswalt and Sannat (Senwick in Kirkeudbrightshire) had been annexed in 1410 to Tunglad abbey to enable that convent to maintain hospitality to travellers (see No. 3), and in 1433 bishop Alexander Vaus confirmed the annexation to Whithorn of the parish church of Longcaster (see No. 6). It is therefore not surprising to find in a papal bull of 1456 the complaint that so many parish churches in Galloway,

¹ The name of only one vicar of Whithorn has been noticed—Donald McConnen, who witnessed a transumpt at Whithorn on 22 Sept. 1452 (Hist. MSS. Com., *Drumlanrig Papers*, I, p. 55).

² *P.L.*, vii, 526.

which were wont to be governed by secular clerks, had been united in perpetuity to monasteries and other regular places that few of them remained to be collated to secular clerks.¹ In Wigtownshire alone Whithorn held 12 parish churches, and as it was a Premonstratensian house, these churches could be served by its canons.²

The records of cathedral, priory and burgh alike have disappeared. General Hutton records a few deeds together with this note :

Extracts from an inventory of writs belonging to the burgh of Whithorn, in the charge of the deceased John McEwan, W.S., Edinburgh.

- (i) Translation of a charter of James IV of the priory and toun of Whithorn dated 1 May 1511.
- (ii) Charter of Whithorn dated 1 July 1511.
- (iii) Copy of charter by King James V in favour of the burgh of Whithorn dated 27 July 1518.
- (iv) Copy of two charters from James V and Charles II to the said burgh. James' charter is 1518 and Charles' 1661.

The few documents printed here are a miserable substitute for the wealth of records which both priory and burgh must once have had and they leave a lot of questions unanswered. No light can be thrown on the St. Molinor's croft and chapel on Culmalow with rights to run geese on the common there (see No. 7). It is perhaps identical with St. Morar's croft of Culmalzie (see No. 30) in Kirkyunner parish. Many of the church documents are signed by the members of the convent. In 1508 prior Henry McDowell and no less than 24 canons sign (see No. 15). It was of course the heyday of the monastery, but it is remarkable that the number should be just double that of the period when rebuilding was starting c. 1408.

¹ *P. L.*, xi, pp. 113 and 380. In Ayrshire the position was just the same. Out of 45 medieval parishes, no less than 37 were annexed to monastic houses whilst the remaining eight were prebends of Glasgow or the Chapel Royal of Stirling. Of these, Kilwinning had been endowed with eleven.

² This picture of the supply of churches in Galloway may not be true for the rest of Scotland at that time, for there were many complaints about the shortage of churches and of the long distance of parishioners from their parish churches.

Another document (see No. 27) gives a glimpse of the state of society in Whithorn in 1538. Dene Andrew Stevinsone, one of the canons, had in his chamber within the dorter of the monastery a large sum of money, being 1000 merks of gold and silver which must almost certainly have been lodged there for safety.¹ Thence it was stolen by no less a person than Cuthbert Cunyngham, provost of Whithorn.

The most colourful of the documents narrates the sad case of Duncan McGoun of Skeoch, provost of Whithorn in 1547, who had to divorce his wife *c.* 1550 (see No. 32). In 1522 he was only a burgess of Whithorn engaged in overseas trade in conjunction with two burgesses of Ayr. The practice seems to have been for merchants to accompany their goods on the ship. Their boat was captured, 'taken upon the sey' by an Englishman, Thomas German, who held all three Scots to ransom. It was arranged that the two Ayrshire men should be liberated to collect the ransom, and Duncan McGoun's fate was to remain in England as pledge for payment of the ransoms. John Mure and John Wishart were released, but once home in safety in Ayr, they ignored the ransom money. It is not known how the wretched Duncan McGoun fared, but he must have arranged payment of all three ransoms before he was released. Once back in Scotland he found that Wishart was dead, so he sued Mure for the two ransoms. The Lords of Council had no hesitation in giving him decreet and the provost of Ayr and lord Cassillis were directed to call on the heirs of Wishart to pay Mure their share of the ransom (see No. 17).

¹ In the days when there were no banks this was a common practice. In 1520 Adam Reid of Stairwhite deposited a box of charters and evidents relating to the Wallace family with the warden of the Grey Friars at Ayr 'for the sake of more secure custody' (*Prot. Bk. of Gavin Ros*, No. 417).

No. 1

1408, April 11

Commission to the Archdeacon of Glasgow to compel the Prior and Canons of Whithorn to contribute to the rebuilding of the Church of Whithorn.

The duty of the Pope's office requires that he should show the plenitude of justice to anyone who seeks for it. His venerable brother Elisaeus, bishop of Whithorn, has shown him, by his petition that the structure of the church of Whithorn, in which the body of the blessed Ninian is enshrined, and to which the people are wont to resort in great multitudes, because of the miracles which God, on account of his worthiness, frequently performs there, is unsound (*debilem*), mean (*vilem*) and old, more than is fitting for such a church. He has wished to give a helping hand (*manus adiutrices erogare*) from his own resources and his episcopal revenue, but they are insufficient for the building and repair required for the church. Although he has many times asked the prior and canons of the said church, who belong to the Premonstratensian Order and are well able to help, to contribute with him towards the building and repair, the canons, who do not exceed twelve "claustrales" and have an average annual revenue of 500 merks money of Scotland or thereabouts from rents, offerings, revenue and obventions, have at no time been prepared to consent to make this contribution. Wherefore the Pope has been asked by the said bishop Elisaeus to compel the said prior and canons to pay half of their revenues, offerings, rents and obventions for the next ten years towards the repair of the church. He, therefore, not having certain information about the premises, orders the Archdeacon, if he finds the above facts to be true, to compel the said prior and convent by ecclesiastical censures and other legal means, to pay half of their revenues from any sources for the next ten years. Notwithstanding any exemption from interdict, suspension or excommunication granted by the apostolic see to the said prior and canons.

At Portumveneris, diocese of Genoa.

Reg. Aven, 330, f. 431

No. 2

1408, May 15

Commission to the Provost of the church of Lyncloudant, in the diocese of Glasgow, to assign certain ruinous property in Whithorn for the building of a residence for the Bishop.

The great devotion towards God and the Roman Church, with which his dear brother, Elisaeus, bishop of Whithorn, is

known to shine, requires the Pope to favour any matter which he sees to be opportune for him. A petition presented to him on behalf of the bishop bears that there is no episcopal residence in the city of Whithorn nor has there been one hitherto. He is therefore obliged to live in a certain house belonging to his episcopal patrimony (*mensa*), twelve miles from the city, and when he comes to the city and the church of Whithorn, which belongs to the Premonstratensian Order, to celebrate ordinations and other divine services and to perform the pontifical functions incumbent upon him by his episcopal office he is compelled to return afterwards to a distant abode. Around the church in the city aforesaid there are also not a few streets (*platee*) and lodgings, ruinous, empty and uninhabited, which belong to his dear sons, the chapter of Whithorn, and which are not required for their own use, from which it would be possible to construct and build a suitable house for the use and habitation of the bishop and his successors, bishops of Whithorn. Wherefore a humble supplication was made to him on behalf of the said bishop Elisaeus, who wishes, for the good of the church and chapter aforesaid, to reside in the said city, that he should deign to order that a suitable portion of the streets and lodgings aforesaid should be assigned to him and his successors, in which they might construct and build an episcopal residence, with entry to the said church and exit therefrom and other features similar to the episcopal residences in other cities of the realm of Scotland. Therefore the Pope, not having definite information about the premises, orders the Provost, whom he specially trusts in these and other matters, to make diligent enquiry and if he finds the premises to be true, then, by the Pope's authority, he is to cause a suitable part of the streets and lodgings aforesaid to be assigned to bishop Elisaeus and his successors for the construction of the aforesaid episcopal residence, provided that the chapter are not excessively wronged. Notwithstanding any privileges to the contrary etc.¹

At Portumveneris, diocese of Genoa.

Reg. Aven, 330, f. 588

No. 3

1410, May 25

Commission to the Archdeacon of Glasgow to confirm the annexation of churches of Sannac and Leswat to the abbey of Tounkland.

It becomes the Pope benevolently to favour the desires of ecclesiastical persons, especially regulars, and to relieve their needs as far as he can with God. A petition recently presented

¹ See also No. 15a.

to him on behalf of his dear sons, the abbot and convent of the monastery of Tunland, of the Premonstratensian Order, in the diocese of Whithorn, bears that in consideration of the hospitality which the abbot and convent of the said monastery continually maintained in the same, out of the revenues, which were very meagre and unable to keep up hospitality of this sort and support the other burdens resting upon them, Michael, bishop of Whithorn [1355-59], and some of his predecessors, bishops of Whithorn, in times past, with the consent and assent of the chapter of the church of Whithorn, incorporated, annexed and united the churches of Sannat and Liswalt, in the said diocese, to provide of the aforesaid hospitality and burdens and that by virtue of the union the abbot and convent of the same monastery have held and possessed the aforesaid parish churches for forty years and more, just as they hold and possess peacefully and quietly at present. Wherefore the Pope was asked to give the force of confirmation to the annexation and union aforesaid. He therefore orders the archdeacon to make inquiries and if he finds the above to be true to approve and confirm it. And, if he approves, the confirmation is to be as valid as if the Pope had made it himself.¹

At Barcelona, 8 Ides June, 16th Year.

Reg. Aven., 355, p. 287. See also *Papal Petitions*, i, 595

No. 4

1415, Sept. 5

Mandate to the subdean of the church of Glasgow to protect Thomas, bishop of Whithorn, in his possession of the temporalities of his See.

The Pope is very favourable to the just desires of petitioners and treats them with due favours. A petition recently shown to him on behalf of his venerable brother, Thomas, bishop of Whithorn, bears that his immediate predecessor, Elisaeus, bishop of Whithorn of good memory at the time of his decease, and their other predecessors, bishops of Whithorn, from a time whereof the memory of man knows not the beginning, peacefully and quietly possessed their possessions, lands and heritages of Innermasan, Drymor, Innysmacrinyl, Kyrkkenot, Misturi and Nicoltum, in the diocese of Whithorn.¹ However, the said

¹ Drymor is clearly 'Deremore in the Rins within the town of Innermessan' granted by the Crown to the Bishop (*R.M.S.*, 1306/1424, App. ii, 837). Innysmacrinyl is the spit of land between the Loch of Inch and the Black Loch where the bishop's manor stood. The Black Loch's former name was Loch Cryndil. In this loch was a crannog that was systematically examined in 1871 (*Archaeological Collections of Ayrshire and Galloway*, vol. 5, p. 107, and *P.S.A.S.*, ix, p. 388). Misturi and Nicoltum are probably corrupt.

Thomas fears that many persons will molest him unduly in the possessions, lands and heritages aforesaid and the gathering of their fruits (*ipsorum fructuum preceptorie*). Therefore the Pope was supplicated humbly to make provision for him in this matter. The Pope therefore, not having certain knowledge of the premises but being moved by this petition, orders the subdean, if he finds the facts to be correctly stated by the said Thomas, to protect and defend the said Thomas and his successors, by apostolic authority, in the peaceful possession of the lands and heritages, not allowing them to be molested by anyone without cause.

At Perpinian, in the diocese of Elnen.

Reg. Aven., 347, f. 581

No. 5

1429, Aug. 4. Letters whereby Alexander Bishop of Galloway agrees, for avoiding further controversy, to accept from the abbot and convent of the Monastery of Holyrood at Edinburgh in full satisfaction of all procurations leviabie on the churches belonging to them in his diocese, the yearly contribution of 5 merks; and that the said abbot and convent shall enjoy and possess in future for their own proper use the said churches with their revenues in which he thereby invests them.¹

At the Monastery of Whithorn.

Reg. House Charters, No. 280

No. 6

1433/4, Jan. 11. Charter by Alexander bishop of Whitherne, with consent of the chapter, to the priory of Whitherne, of the parish church of St. Nicolas of Longcaster, which Thomas McKilhachuisy, the prior of Whitherne had procured to be annexed to the capitular mensa for celebration at the Lady chapel adjacent to the choir of the priory church.

At the manor of Inche.

No tag or seal.

Barnbarroch Charters

¹ The spirituality of the priory—the churches that belonged to it—has received the attention of Dr. Gordon Donaldson, who points out that two of these churches, Sorby and Borgue, had not originally belonged to Whithorn (*D. & G. Trans.*, xxvii, 149). They had been gifted in the 13th century by the families of de Veteripont and Campania to the Augustinian canons of Holyrood and must have been transferred prior to 1420 to the Premonstratensian canons of Whithorn. The patronage of the churches was vested in Whithorn, and though the canons of Whithorn had exercised the cure peaceably and quietly, the Prior and chapter, fearing they might be molested in future, sought on 19 Sept., 1427, papal ratification (*Scottish Supplications*, ii, 169). This was confirmed by the pope in 1469-70 (*P.L.*, xii, 732).

No. 7

1438, June 11. Al that this present letter heris or seis, wit ye us Thomas McIlhauchausy, prior of Qwithern, til haf giffin an inqwist on our baron court of Qwithern of the best and the worthiest thar beand, til Paton McMartyne, of the Schapel of Sanct Molinor and the croft liand in our land of Culmalow, the qwilk inqwist sworn fand that the said Paton McMartyne was nerest ayr and lachfull to the sayd Schapell and croft wyth the pertinens and til haf gus in the comon of Culmalow til aegt som and a neit and hir folowaris and a sow and hir brud and a gus and hir brud.¹ In witnes of the qwilk thing at the inqwist of diverse gentill and sindry otheris thar beand we haf set our sel at Qwithern the xi day of the moneth of Juni the yer of Our Lord m^ccccc^{mo} and acht and thirty yer, befor thir witnes—Rolland Kenedy, Eben (?) Galnusson (?) and also Eben (?) McGarnyl and mony otheris.

Barnbarroch Charters

No. 8

1459, Aug. 16

Petition by Robert de Vaus for confirmation of grant by Thomas, bishop of Whithorn.

The reverend father, Thomas [Spens], bishop of Whithorn, for certain reasonable causes moving him thereto, with the consent, will and assent of the chapter of his church of Whithorn, gave, granted and assigned in free alms to the petitioner, Robert de Vaus of Barnebarach, layman of the said diocese, and two of his heirs, for the lives of himself and the said two heirs, in return for a certain annual payment to the said Thomas, bishop, and his successors, bishops of Whithorn, certain lands or parcels of lands, and possessions, commonly called Balzequhyr, Respin, le Cray, Appiwy, Balhechra, Balterchen and Bischopetoune, in the baronies of Quhithirne, Penyganne and Kirlecriste, lying within the sheriffdom of Wigtoune and stewartry of Kirkenbricht, and the diocese of Whithorn, lawfully belonging to the episcopal patrimony of Whithorn, and their pertinents, with all rights and appertenances of the same, as is more fully contained in the authentic letters patent made thereon and confirmed by the seals of the bishop and chapter.

¹ Geese seem to have been a more important part of rural economy in the 16th century than today. In 1521-22 no less than 6000 geese were due to the Crown from the tenants of Uchtermuchty. They were sold at 8d. to 10d. each (*Ex.R.*, xiv. 416,)

Since this concession and donation is known to be to the evident utility of the patrimony (*mensa*) aforesaid, the Pope is asked to confirm it, supplying any defects.

Petition granted, at Mantua.

Arch Vat. Reg. Supp., 514, f. 159

No. 9

1473, Nov. 24. Disposition at Wigtoun by John McCrystin, burgess of Wigtoun, to Doncan McCowlach, burgess of Quhitherne, of his tenement in the burgh of Quhitherne on the north side of the cross, between the tenement of William Hawthorn on the east and the tenement of David Murray on the west, for the yearly payment of 20 shillings Scots, together with stabling for two horses when he, his heirs or assignees happen to go to Quhitherne on business or religion.

Witnesses : Gilbert Buyt, Allan McLellan, Patrick McBlayn, Andrew McIlquhonil and Richard Tod, burgesses of Wigtoun, and Mr Adam Muligane, chaplain.

ex Culvennan MSS. and General Hutton's MSS.
in National Library of Scotland

No. 10

1479, Feb. 17. Instrument at the head of William Macgarwe, M.A. and N.P., narrating that Manricus Andersoune, burgess of Wigton, by the delivery of a silver penny into the hands of William Agnew, then one of the bailies of that burgh, resigned 12 shillings of yearly rent out of his tenement lying between the tenement of Mr Gilbert Macgilhane, chaplain, on the east side and the tenement of John Makcom on the west side, and 6d of the bear (?) tail of the said tenement, which resignation having been made, the said bailie gave sasine of the said 12s. 6d. out of the said tenement and tail to John McCrystin yearly.

Witnesses : Mr. Gilbert Macgilhanne, chaplain, Patrick McKela, Brice Macgarwe, John Thomsoune and John Loganne.

Gen. Hutton's MSS., vol. I

No. 11

1481, Nov. 21. Instrument of sasine at the hand of Laurence Pyot, N.P., narrating that Rolland MacDowall, bailie of Quhithorne, conform to charter by Patrick prior of Quhithorne and the convent thereof, infest Blasius Vaus of Bernberrach and his heirs in a tenement within the burgh of Quhithorne

lying between the tenement of David Robertson (Roberti), parish clerk, on the west and a burn on the east.

Witnesses : Fergus Gelstoun, Thomas Aschenane, John Sinclair, burgesses of Quhithorne, and William Galytly.

Barnbarroch Charters

No. 12

1495, June 30. At Quhitherne. Finlaye Adair burgess of Quhitherne resigns his tenement on the north side of the cross between the tenement of Adam Mure on the east and the tenement of Janet McQuhyliam on the west, into the hands of a venerable father in Christ, Patrick [Vaus, prior of Quhitherne], by divine permission superior of the burgh of Quhitherne. Whereupon Alexander McDowell bailie of the said burgh gave infetment to James McCowlach therin in feu and heritage, paying 10 shillings yearly.

Witnesses : Mr. John Lowre, rector of Rewell, Andrew McOwyne, John McCrakan, chaplain, Robert McCarale, Thomas McDowell, John Walcar, William Carniss and Thomas Black ; written by Patrick Sprot notary.

Ex Culvennan MSS. and Gen. Hutton's MSS.

No. 13

1502, Jan. 20. Instrument of sasine at the hand of Mr. Henry McDowell, N.P., narrating that Patrick, prior of the cathedral church of Candida Casa, with consent of the chapter thereof gave to Duncan Murra and his heirs a certain vennel on the north of the burgh (of Quhitherne) between the tenement of the said Duncan and the tenement of the deceased John McCallan extending from the common highway to a certain well (fontem) between the ends of the said tenements, which vennel had long been closed and out of use. The prior now ordered one of the bailies of the burgh, viz.—Cuthbert Cunynghame, to give sasine to the said Duncan.

Witnesses : Patrick Agnew, sheriff of Wigton, Mr. Donald Makmyllan, Patrick Agnew and John McNele.

Lochnaw Charters

No. 14

1502, [] 26. Appointment by George, bishop of Galloway, of Patrick Dunbar, son of John Dunbar of Mochrum, and Margaret Vaus, his spouse, and their heirs, as castellans and keepers of the palace and fortalice of Balnespyk at the church of Candida Casa, granting to them the 100 shilling lands of Balnespik of old extent and the 6 merklands of Balchure in the

barony of Quhitherne; rendering 27 merks yearly besides the duties of their office.

Two tags, no seals.

Galloway Charters

No. 15

1508, Nov. 21. Letters obligatory whereby Henry, prior of the Cathedral Church of Whithorn, and the Convent thereof, in consideration of the gift made to them by King James IV of the rectory and vicarage of Kirkdale with the Kirklands thereof in the diocese of Whithorn and Stewartry of Kirkcudbright, bind themselves to celebrate masses for the souls of King James III and his Queen, and after the death of James IV for the souls of himself, his Queen and their predecessors.

Subscribed by the Prior and Convent, at Whithorn. Seal missing.

Signed by Robert Waus, sub-prior, Andrew [], William McCulnan (?), Donald McNale, James Conyngham, Andrew Tait, Magnus Patersoun, Alexander Waus, William Waus, William Walkar, Nicholas Walkar, John Planamouris, David Waus, David Tait (? Carter), Alexander Waus, Andrew Stenson, Andrew Ferny, Alexander Kynneyr, Robert Brun, Thomas McClanochan, John Robyson, Peter Corson, Alexander Knollis, John Smyth.

Reg. House Charters, No. 730

No. 15a

1516, March 25. Commission by David, bishop of Galloway and of the chapel royal of Stirling and commendator of the abbey of Tounkland, constituting Gilbert, earl of Cassillis lord Kennedy, as bailie of all the lands of the said bishopric in Galloway within the sheriffdom of Wigtoun and also captain, constable and keeper of the manor place and loch of Inch lying within the Rynnis of Galloway with the fees, profits and emoluments of the said office. At Quhitherne.

Sealed at Edinburgh 15 Jan. with the bishops round seal together with the common seal of the chapter, and signed by the granter only.

No tags or seals.

Culzean Charters, No. 239

No. 16

1520, June 5.

Leo X to Gavin Dunbar, dean of Moray.

Since the priory of Candida Casa has been given *in commendam* to Silvio cardinal priest of St. Laurence in Lucina

(commonly known as of Cortona) as it was then vacant in a certain way, and as he, irrespective of whether he got possession or not, resigns this benefice today, the pope provides Gavin thereto. Gavin will retain his deanery and possess the priory, whose fruits are valued, as Gavin asserts, at not more than £200 sterling according to common estimation. A pension of 250 florins gold of the Camera is reserved on the priory. This provision to hold good whether the priory be vacant by the death of the late Henry Machdowel, prior when living, or by his resignation or in any other way. The rights of the priory are derogated for this time only.¹

Reg. Vat., 1163, f. 261

No. 17

1522/3, Feb. 5. Duncan McGowne burgess of Quhitherne v. John Mure, burgess of Ayr, for £7 sterling or 3 angell noblis for each £1 sterling, for which sum the said John Mure and the deceased John Wishart, burgess of Ayr, made their ransoms with Thomas German, Englishman, indweller in London, they being his prisoners "taken upon the sey" and had in England, and caused the said Duncan to remain pledge for them with the said Thomas German, their taker, in England, for payment of the said ransom in May last, and obliged themselves to pay the same and relieve Duncan by first of August now bypast. In default the said Duncan had remained in England, held in pledge for them for eleven weeks. Decreet that Mure shall pay to Duncan £7 sterling and, if necessary, be distrained for that sum, and the provost of Ayr or the earl of Cassillis is to call upon the heirs and executors of the said John Wishart to refund to Mure half of the said ransom.

A.D.C., xxxiii, f. 152

1525/6, Jan. 11. Duncan McGoun burgess of Quhitherne constitutes procurator to pursue [] Englishman for a ship and goods taken in Lochryan full of herring and fish.

Ibid., xxxv, f. 195

¹ In the 16th century there were relatively few benefices held in *commendam* by Italians, or which were paying pensions to cardinals. The proportion was very small compared with France, infinitesimal compared with Italy. It will be found on analysis that all the abbeyes and pensions that went to cardinals in this period were little more than remuneration for services rendered. Almost invariably they had great difficulty in getting paid and the king was by no means helpful. It may not be a rash statement to affirm that there were more Scots in French benefices than there ever were Italians in Scottish. When the cardinal got Whithorn he was papal Datary, an important person, since all Supplications passed through his hands. He had to be humoured—and rewarded. He was provided to the priory in *commendam*, worth £300 sterling on 14 Kal. Nov. 1516 (*Reg. Vat.*, 1088, f. 217).

No. 18

1525, May 19. As cardinal Silvio had an indult of regress to the priory of Candida Casa, which Gavin, now archbishop of Glasgow, held when in lesser orders (*in minoribus*), he now resigns whatever right he had to the rule and administration of the priory into the hands of the pope who provides Ninian Fleming, cleric of Glasgow diocese, by other letters. Lest the cardinal suffer by this resignation, the pope, who elsewhere has decreed that no pension could be attached to benefices without the consent of the holder, grants to the cardinal the reservation of the whole fruits of the priory during his life, together with all other benefices he may hold. The cardinal has permission to name any bishop, canon or ecclesiastical dignitary whom he chooses, to whom to concede a third of the said fruits which will be collected in the assignee's name, and Fleming has given his consent thereto. If the cardinal gets the priory *in commendam*, he is forbidden to alienate any of the property and will have to support all the burdens and make fitting provision for the community.

Reg. Vat., 1298, f. 299

No. 19

1530, April 6. Malcolm, commendator of Whithorn, and the convent thereof and John Stevinsone, vicar of Borg, to Gavin, archbishop of Glasgow, and Andrew, bishop of Candida Casa. Times are harsh on religion and the exercise of the cult. The commendator and convent wish to support the divine worship in the collegiate church of Beggar (*sic*) founded and built by Malcolm, lord Fleming. They assign, with the express consent of the vicar, 26 merks annually on the fruits of the vicarage of Borg, diocese of Candida Casa, to support a prebend in Beggar. The presentation of the prebendary is to belong to Whithorn. The vicar consents to bear all the ordinary and extraordinary burdens as if the benefice remained entire. Gavin and Andrew consent and seal.

At Edinburgh.¹

Blairs MSS. *Royal Letters*, No. 15, f. 13,
and *Letters of James V*, No. 368

¹ The date of this document must be suspect. By the courtesy of Father W. J. Anderson it has been checked with a photostat of the Brockie MSS. The entries on either side of it are dated 1539, which seems to have been accepted in *Letters of James V*; but Andrew, bishop of Whithorn, was only provided to the see on 22 Aug. 1541, which points to a later date (*D. and G. Trans.*, xxvii, 142). Malcolm became commendator early in 1539.

No. 20

1530, June 22. Discharge by the convent and canons of the abbey of Quhitherne that have interest in the kirk of Loncaster, to Dom. David Vaus, abbot of Salset and fermorar of the Kirk of Loncaster, for £14 Scots in payment of the Whitsun term 1530 for the teind sheaves "of the crop unschorn" on those grounds.

At abbey of Quhithyrne.

Witnesses : John Mertyn, John Barbour, and John Hostone.

Signed by the following canons : Dene Donald McNele, Dene William Myddylton, Dene Hew Audincrow, Dene Finlaw Peirson, Dene Ninian Ahanny, Dene Thomas Dowgall, Dene Robert Stensone, Dene Ryngane Hawthorne, Dene William Tayleffeir, Dene John Merten, Dene William Chranston, Dene Carlis Cusyng.

Barnbarroch Charters

No. 21

1532, May. 8. Instrument at the hand of Duncan Murray, N.P., narrating that John McDowell as bailie of David, abbot of Saulseat, on precept dated 3 May directed to the said John McDowell, Duncan Amurray and John McGown and witnessed by dene Johane McBlayne, vicar of Kirkerist in the Ile of Man, dene Bartilmew McYlwyen, vicar of Crugiltoun, William McCulloch, Vatte and Johane Vaus, infest William Hannay as follows—"because ve haif set under our comon se [torn] and subscriptionis tyll our lowit William Hannay, burgess in Vigtoun, for the space of [tear] nynetyne yeris the tua merkland and ane half merkland of Balnab with thare pertinents, quharfor we command yow and every ane of yow that, incontinent this precept seyn, that ye pas to the saidis landis and geif stait and sesyng and possessioun to the said William in the samyn efter the forme of our letter of tack made to him thereupon.

Witnesses : John McGowyn, John Aroane, John McGyp (?) senior, Robert Murray, John McCubeyn, Adam Spottis, Andrew McCubbeyn, Patrick McKer, alderman of Vigtoun, Besseta Boyd, his spouse, James Maxwell, Miles McKeyun and Miles McBlayn.

Gen. Hutton MSS., vol. I

No. 22

1532, Dec. 23. Tack by Ninian, prior of the abbay of Candida Casa, with consent of the convent 'chaptourlie gadderit' to John Vaus of Barnbarrauch and his heirs of the 2½ merkland

of Stenok-McConnel, the 2½ merkland of Sedzok and the 4 merkland of Barynvarranoch in the barony of Quhitherne, for 19 years, paying 18 merks yearly maill.

Sealed with the chapter seal. Signed by the prior and Andro Stevinsoun subprior, Dene Donald McNele, Dene Hew Craw, Dene David Hering,¹ Dene Finlaw Peirsoun, Dene Ninian Ahannay, Dene Thomas Dougall, Dene Charlis Cusyng, Dene William Tailzefer, Dene John Mertyn, Dene William Chranston.

Tag, no seal.

Barnbarroch Charters

No. 23

1535/6, Feb. 6. Tack by Henry, bishop of Galloway and of the chapel royal and commendator of the abbey of Dundrennane, with consent of the chapter of Quhithern, to Harie Maxwell and Margaret Vaus, spouses, and to Robert Maxwell, their son, the longer liver and their assignees, of the 5 merkland of Craig in the barony of Quhithern for 19 years from whitsun following, paying £10 scots and service due and wont.

Sealed with the bishop's round seal and the chapter seal. Signed by the bishop and Andro Stevinson subprior and Finla Peirson, Ninian Ahannay, Thomas Dowgall, Charles Cusyng, Robert Stevinsone, William Talefair, John Martine, William Cranstoun, Ninian Benton, Raf persoun, George Stevinsone, Harbert Chacart, Henry Keitht, Jon Jonson.

Two tags and one round seal.

Barnbarroch Charters

No. 24

1536, July 7. Tack by Henry, bishop of Galloway and of the chapel royal and commendator of Dundrennane, with consent of the chapter of Whithern, to Harie Maxwell and Margaret Vaus, spouses, and Robert Maxwell, their son, of the 5 merklands of Respyn in the barony of Whithern for 19 years from whitsun 1537 paying yearly 22½ merks Scots.

Sealed with the bishop's round seal and the chapter seal.

At Wigtoun.

Witnesses: schir John McCrekane commissary of Wigtoun, schir Robert Malvill and schir Thomas Foulis notary. Signed by the bishop and chapter as in No. 23.

Two tags and seals.

Barnbarroch Charters

¹ David Hering may be the D[] H[] canon of Whithorn who had been suspended and excommunicated by the Coadjutor of Souleseat acting as vicar general of Prior Ninian Fleming 'then in remote parts.' The canon had appealed and James, abbot of Dryburgh, who heard the appeal, found that the canon had been expelled wrongfully and granted him absolution. The charge against the canon is not recorded (*St. Andrews Formulare*, i, 319).

No. 24a

1537, April 12. Letter of assedation by Henry, bishop of Galloway and of the chapel royal of Stirling, to which the abbey of Tongueland is annexed, with consent of the chapter of the said abbey, to Gilbert, earl of Cassillis his heirs, assignees and subtenants, one or more, of the teinds and fruits of the parsonage of the kirk of Leswalt pertaining to the said abbey for the space of 19 years from the feast of Beltane called the Invention of the Holy Cross, paying 40 merks Scots yearly on St Andrew's day in winter and on midsummer called the Nativity of St. John the Baptist, and upholding the choir of the church in thatch and glass and other necessary ornaments to the high altar except silk and silver work.

At Tounland.

Sealed with the bishops round seal and the common seal of the abbey.

Signed by the bishop and denes John Makblane, subprior, Alexander Watstone, Steyne Murray, John McGuffok, John Cannan, John Mathosone, Thomas McUthre, James Mayrten, Thomas Nicolson, John Payne and Alexander Schaw.

Two tags and seals (one broken).

Culzean Charters, No. 345

No. 25

1537, Dec. 18. Tack by Ninian prior of Whithorn and the convent thereof 'to ane honourable man and our weil belovit servant' John Vaus elder, his heirs and assignees and subtenants, of the 4 merkland of Outoun Gallous in our barony of Quhithern for 9 years paying 8 merks Scots yearly.

At Quhitherne, no witnesses.

Signed by the prior and Andro Stevinson subprior, and David Hering, Ffinla Peirsoun, William Cranstoun, Ninian Betoun, Ralf Persoun, George Stebinsoun, Herbert Chacart, Henry Keitht, Jon Jonstoun, Ninian Ahannay, Thomas Dowgall, Charles Cusyng, Robert Stevinsone, William Carnis, John Martein.

Tag, no seal

Barnbarroch Charters

No. 26

1538, [] 3. Tack by Henry, bishop of Galloway and of the chapel royal of Stirling and commendator of Dundrennane, with the consent of the chapter of Quhitherne, to John Vaus of

Barnbarroche and his heirs and subtenants, of the 5 merkland of Baltarssen with the fishings thereof in the water of Cree in our barony of Penninghame for 19 years paying £4, 10/ scots.

Sealed with our round seal and common seal at Dundr[enane].
No witnesses.

Signed by Henry, Bishop of Quhithern and of our Sovereign Lords Chapell. No signature of the convent.

Two tags and one round seal.

Barnbarroch Charters

No. 27

1538, Nov. 19. Dene Andro Stevinsone v. George Cunynghame brother and heir to the deceased Cuthbert Cunynghame, provost of Quhitherne, and David Dunbar, with Alexander Adair, son and heir of the deceased Alexander Adair, as pledge for the said Cuthbert and Archibald McCulloch of Druchtag as surety for the said David,—to pay the pursuer 1000 merks gold and silver coined and uncoined taken by the said Cuthbert and David Dunbar from Dene Andro's chalmer in the dortor of Quhitherne. Continued to 10 december.

1538, Dec. 19. George Cunynghame of Castleferne aforesaid is decerned to pay to dene Andro Stevinsone certain gold and silver extending to 1000 merks reft by the said late Cuthbert from dene Andro's chalmer in the dortour of Quhitherne. Cuthbert had been indited in the justice ayre and had found Alexander Adair as his pledge.

A.D.C. et Sess., xi, f. 5 and 55

No. 28

1539/40, March 1. Precept of Clare Constat by Henry, bishop of Quhitherne and of the chapel royal of Stirling, directed to Walter Stewart of Barclay and John McCubyn, to infest Margaret Dunbar as daughter and heir of the deceased Patrick Dunbar of Clugstoun and of Margaret Vaus, spouses, in the 100 shillings lands of Balnespik and in the 6 merkland of Ballichur with the keeping of our castle of Balnespec and the office of Keeper (castellanus) thereof, held in chief of the granter.

At Edinburgh.¹

Signed by granter, tag and fine seal attached.

Galloway Charters

¹ On 2 Nov. 1539 there was a previous precept to the same effect but omitting reference to Margaret Vaus, to whom Margaret Dunbar was heir in these lands.

No. 29

1547, March 28. Tack by Malcolm, commendator of the priory of Quhitherne, to Duncan McGowin provost of Quhitherne, his heirs and assignees of a 5 merkland of the 10 merkland of Naddir Wig which he held of before, occupied by Patrick Clugstoun his subtenant, in the parish and barony of Quhitherne, for 5 years from whitsunday 1548 paying £10 scots.

At Crugiltoun.

Witnesses: Robert Lindsay, Walter Douglas, Mr Robert Stewart, John Stevinsoun, schir Robert Kent chaplain and Alexander Adair, N.P.

Signed M., prior of Quhitherne.

Monreith Charters

No. 30

1547, April 4. Contract between Gilbert Agnew of ye Croach on the one part and Rinzeane Muir, son and heir apparent of Quintin Muir, on the other part. Rinzeane is to transfer and assign to Gilbert his right and kindness to his father's and his own (unnamed) stading, especially the croft called St. Morar's croft on the lands of Culmalze together with the 5 merklands of Ayrles, which 10 merkland Quintin has in assedation of the prior and convent of Quhitherne. He also is to assign to Gilbert the kindness of the 5 merkland of Kerrowbrowyn held of the queen, which lands are in the parish of Kirkennar. Gilbert is to pay to Rinzeane 120 merks Scots of which 70 have been paid, 40 are to be paid by next whitsunday and the remaining 10 merks a year later. The contract is to be registered in the protocol book of Nicolas Murray, N.P.

At ye Challach.

Witnesses: Andro Agnew sheriff of Wigtoun, Etke Hannay of Knokglass¹ and Thom Blair.

Signed by Muir, the said notary signing for Gilbert Agnew.

Barnbarroch Charters

¹ No connection between the Hannays of Knokglass and of Sorbie has yet been established. Originally Knokglass seems to have been a McDowell property and may have come by way of marriage to the Sorbie family. As late as 1626 the superiority of Knokglass was part of the Sorbie estate. Thus on 3 Nov. 1593 Alex. Hannay of Sorbie gave a tack of the 2½ merklands of Knokglass to Uchtred McDowall of Barjarg (*Monreith Charters*). In 1493 Dougal Hannay of Knokglass was sued by Robert H. of Sorbie for failing to infest the pursuer in St. John's land within the lands of Ingliston of Sorbie (*A.D.C.*, folio vol. p. 318). Dougal may well have been the King's Falconer who received a fee of £20 p.a. for life in 1498-9 (*R.S.S.*, i, 348). In 1514 Odo H. of Knokglass was a witness to a Corswell sasine (*Galloway Charters*). An Etke H. of Knokglass, as above, figures in 1547, and on 3 July 1568 a Dougal H. of Knokglass witnessed a feu by Dom. Robert Watson vicar of Claschant with consent of the Prior of Whithorn to Uchtred McDowall of Barjarg (dead by 15 Jan. 1583-4) of the 16s. lands of Kirklands of Claschant.

No. 31

1549, July 11. Tack by the convent and canons of the abbey of Quhitherne 'chaptourly gaderit', to Alexander Vaus of Barnbarrach, his heirs and assignees, of the parsonage and teind sheaves of the kirk of Longcaster for 19 years following Alexander's entry at the feast of St. Martin 1551, which was the ische of the tack made by the granters to John Vaus of Barnbarroch father to the said Alexander; paying yearly £40 Scots. Alexander is to theik the queyr of the said kirk with slaites and shall uphold the kirk at the hands of the bishop.

Sealed with the chapter seal at Quhitherne.

Witnesses: dene John McBlayn subprior, Robert Maxwell, John Waus, John Smyt burgesses of Quhitherne, Henry Corntoun, schir William Waus and Alexander Merting.

Signed by Thomas Dowgall, Fynlay Peirsoun, Wylyem Cranstoun, Raf Persoun, George Stevenstoun, John Johnstone, Alexander Darumpryll.

Tag and seal.

Barnbarroch Charters

No. 32

1550, Aug. 16. Instrument of sasine at the hand of [Peter] Blinseill, N.P., narrating that Margaret McClellane, divorced wife of Duncan McGowin, burgess of Quhitherne, resigned and renounced her life infetment and assedation, which she had whilst wife of the said Duncan, of the principal tenement of the said Duncan, in the north part of the burgh between the tenements of Duncan McKee and Francis Murray on the east and west, the liferent of a croft of the feu of Skeoch, house and pertinents, and half of the assedation of the lands of Skeoch, her part of the assedation of the lands of Outoun-Burgess and all other property which she might have had if the divorce had not taken place, excepting £60 Scots and 10 bolls victual of the yearly crop to be paid by the said Duncan to her.

Done in the consistory of the parish church of Quhitherne.

Witnesses: Doms. John Dunbar and Robert Kent chaplains, Nigel Adair, Thomas Murheid, Alexander Merteyne, Patrick Snell and Alexander Adair N.P.

Monreith Charters

No. 33

1553, March 28. Assedation by Malcolm, commendator of the abbey of Quhitherne and the convent of the same, to Alexander Vaus of Barinbaroch and Janet Kennedy, spouses, and their

lawfull heirs of a 9 merkland viz. $2\frac{1}{2}$ merkland of Stenok-Makconnill, $2\frac{1}{2}$ merkland of Sedzock and the 4 merkland of Barinvazonach lying in the barony of Quhitherne, for the term of 19 years from whitsunday next, paying yearly 18 merks scots.

At Quhitherne.

Sealed with the common seal of the abbey.

Signed by M. prior of Quhitherne and Dene Alexander Darumpyll, dene Patrick Dune, Dene Adam Flemyng, Rf Peirsoun subprior, Thomas Dowgill, Dene William Cranstoun, Dene Raf Persoun, Dene George Stevinstoun.

Tag and seal.

Barnbarroch Charters

No. 34

1558, Oct. 18. Copy, attested by Peter McIlweyane N.P., of a tack by Malcolm commendator of Quhitherne to his well belovit friend and servant Duncan McGowyne burgess of Quhitherne, of a 5 merkland of the 10 merkland of Meikle Wig as occupied by him and his subtenants, for 5 years after Whitsunday 1559 paying 10 merks yearly.

At Crugiltoun.

Witnesses: Robert Douglas, Ninian Douglas and John Stevinsoun 'my servant'.

Monreith Charters

No. 35

1558/9, Feb. 28. Letters of Tack by Alexander, Bishop of Galloway and of the Chapel Royal of Stirling with consent of the chapter of Whithorn and for 500 merks paid for the reparation of the Kirk,—in favour of John Gordoun of Lochinvar, of the parsonage and vicarage of the Kirk of Girthon, and the $7\frac{1}{2}$ merks worth of the lands of Yndrig with the myln thereof in the parish of Girthon and the 10 merks worth of the lands of Balschalloch in the parish of Penninghame; for 19 years, paying yearly £20 for Yndrig, and 20 merks for Balschalloch and 170 merks for the said parsonage and vicarage.

Witnesses: Mr. Roger Gordoun, dean of Dunblane, Symon McTularie, John Mekle and Francis Howyme.

Signed by the Bishop and Dene John Martin, Dene John Johnstone, Dene John Kaye, Dene David Smyt.

Reg. House Charters, No. 1773

No. 36

1561, June 5. Instrument of sasine at the hand of Nicolas Murray, N.P., narrating that Nigel Adair, burgess of Quhit-

herne, with consent of Cristiane Forester, his spouse, resigned a beireroft in the lands of Skeoch in the parish of Quhitherne and barony of Drumastoun, commonly called the feu croft of the Skeoch, into the hands of Patrick Agnew, sheriff of Wigtoun, as bailie of John, commendator of Salset, in favour of Patrick McGowne, burgess of Quhitherne, son and heir of the deceased Duncan McGowne, and his heirs. Whereupon the said bailie gave sasine to the said Patrick.

Witnesses : Dom. John Mertein vicar of Gelstoun, James Adayr burgess of Quhitherne and Christopher Agnew.

Monreith Charters.

DOCUMENTS RELATING TO GLENLUCE

IN the *Archaeological Collections for Ayrshire and Galloway*, vol. 5, is a valuable article by Mr. David Henry on Glenluce Abbey with plans and drawings as the structure stood in 1885 and an appendix of documents from the Culzean charter room beginning in 1560. There is now presented some further documents which with one exception are prior to that date. Yet as Mr. Henry points out, in the absence of the abbey's chartulary, Glenluce—the valley of light—is for more than three centuries a valley of darkness.¹

Founded on 21 Jan. 1192 rather than 1190² by Roland lord of Galloway, it received further endowments from Alan, son of Roland, from Edward Bruce when lord of Galloway, Malcolm Fleming, earl of Wigtown, and from the kings of Scotland. These grants are referred to without particulars in a copy of a charter of confirmation by James II of 1441, fortunately preserved in the *Hay of Park Papers* now in the Register House (see No. 37). The monastery was certainly heavily endowed with lands amounting to no less than a £168, lands which seem to have covered the whole parish of Glenluce with some lands in the parishes of Inch and Kirkinner. They are detailed in a feu charter, granted by Thomas Hay, last abbot to Gilbert earl of Cassillis on 17 April 1572. For this feu the earl paid no less than £10,000 Scots and an annual feu duty of £666, 13s. 4d.³ So when the abbot's son set to work to build the House of Park he can have had no anxiety as to finance.

King Robert I in a charter of confirmation (c. 1323) erected the lands into a free barony,⁴ confirming its liberties and also donating unspecified lands. King David II in the

¹ With this should be read (i) Mr. A. S. Morton's article on 'Glenluce Abbey' in *D. and G. Trans.*, xxi, 228, and (ii) 'Some Processes relating to Glenluce' (*Ibid.*, p. 290).

² *Early Sources*, ii, 328.

³ *R.M.S.*, 1546/80-2202.

⁴ *R.M.S.* 1306/1424, app. ii, 83, 84.

year 1356/7 confirmed to Glenluce a 5 merkland in the earldom of Wigtown and a 5 merkland of Carnemol or Kirkinner.¹ Another 5 merkland of Carnemol went to Malcolm Fleming.² Malcolm earl of Wigtown granted to Glenluce the 10 merklands of Barnes (see No. 37). The Douglasses, when lords of Galloway, are not known to have increased these endowments, but Margaret countess of Galloway in 1430 erected the lands of Glenluce and Barness into a regality (see No. 37), which grant was confirmed by her husband Archibald, earl of Douglas and Duke of Touraine, in 1432 and further confirmed in 1441 by James II (see No. 37). On 25 Jan. 1496/7 James IV for favour towards Michael abbot of Glenluce created the vill of Ballinlach pertaining to the monastery into a free burgh of barony with cross, markets on Sundays and an 8 day yearly fair commencing on 8 Sept.³ But two years later on the representation of abbot Michael that the fair interfered with the harvest, the Crown issued a charter of novodamus altering the date to the week beginning on 2 July with markets on Saturdays. The king also gave them the right to purchase necessities from any ship that put into the shores of Lochluce or Lochryan—a right which the abbey had to sustain in the courts at a later date (see No. 38).

Mr. Henry gives a list of the abbots, to which some additions can be made.

WILLIAM, the first known abbot, may perhaps have been the head of the tiny group of Founders *c.* 1191, sent by the abbot of Dundrennan; 'A man of proved truthfulness and a monk of holy life'⁴ who in 1216 wrote to the prior of Melrose an account of a strange phenomenon which two of the brethren reported that they had witnessed. It is an account in which a sane and grave piety mingles with medieval credulity in a vivid and pleasant style.

By the statutes of the order every abbot was bound to appear at the annual General Chapter at the Burgundian mother abbey of Citeaux held in September, where the

¹ *R.M.S.* 1306/1424, app. ii, 1148.

² *R.M.S.*, 1424, 1513-2236.

³ *Ibid.*, 1149.

⁴ *Chron. de Mailros*, p. 125.

heads of all abbeys from every corner of Christendom met in one of the most international and democratic assemblies in the Middle Ages. There they discussed as equals, judged and were judged even *in absentia*. The Scottish abbots had the privilege of coming only every fourth year. In 1199, a year of strife in Galloway, William was due at Citeaux, but the abbot of Dundrennan, as father immediate, advised him to stay at home though he himself braved the undoubted terrors of the journey.¹ But his brother abbots took a severe view of William's absence and ordained the abbot of Glenluce to fast every Friday on a single meal of bread and water till he returned to Citeaux the next year and till then was forbidden to enter his abbatial stall. The abbot of Dundrennan for his advice received eight days of light penance, one of which was to be on bread and water.

GILBERT. It is not known when he succeeded, but after being abbot in the early 13th century he retired from his charge to seek the peace of ordinary monastic life at Melrose. He must have left a happy impression behind him in Galloway, for the clergy and people called for him as bishop in spite of the opposition of the canons of Whit-horn.² With the support of King Alexander and the later decision of York he remained in possession of the see till his death in 1233.³

ROBERT, 'the so-called abbot' mentioned in the *Chronicle de Mailros*, p. 147. Times were wild in Galloway and Alexander II was campaigning against Thomas, the illegitimate claimant to the province, and it would appear that someone—perhaps an interested outsider—aided Robert to intrude, and Jordan abbot of Dundrennan did not do his duty. But the General Chapter was alert and ordered in 1234 an investigation of the affair by the abbots of Rievaulx, Roche and Sawley, as unprejudiced outsiders.⁴ Not only was Robert removed, but Jordan was also deposed for his negligence.⁵ It was during this troubled period

¹ *Stat.* 1199, No. 29. The Statutes of the Chapter General of the Cistercian Order were published at Louvain in 1933, edited by J. Canivez in eight volumes.

² *Chron. de Mailros*, p. 144.

⁴ *Stat.* 1234, No. 25.

³ Dowden, p. 356.

⁵ *Chron. de Mailros*, p. 142.

(1235) that some of Alexander's soldiers 'more sons of the Devil than of Mars', took to plundering religious houses. At Glenluce they stripped a monk who was dying on the floor of the infirmary on his traditional death bed of ashes and straw, of the only sheets which covered him.¹

MICHAEL (1236-48) prior of Melrose, an experienced monk, replaced the unworthy Robert, while the monks of Dundrennan elected another Melrose monk Leonius. Michael must have been a man of high ideals, capable of restoring whatever damage had been done by his predecessors and the civil anarchy, for he died, fulfilling his duty of attending the General Chapter of 1248, at the abbey of Vaucelles in the diocese of Cambrai.²

ALAN MUSARDE, a monk of Rievaulx, was chosen to succeed Michael.³ The abbot of Dundrennan, Brian, must have overstepped his powers as visitor, for Alan complained to the General Chapter, and the abbots of Furness, Byland and Rufford were authorised to settle the matter.⁴ Another illustration of the difficulties of maintaining the salutary contact with Citeaux is given by the complaint of Euraid de Venantio, citizen of Douai in Flanders, against the abbot of Glenluce in 1259. Evidently the abbot must have been waylaid returning from the Chapter and had to borrow the money for his boat fare from Euraid. He neglected to repay and so the merchant of Flanders called on the Assembly in Burgundy to recover the debt from the Galloway defaulter.⁵

Thereafter silence falls upon the abbots for over two centuries, during which only two names occur.

BEDE, abbot of Glenluce, on 18 Oct. 1347 witnessed the grant of Buittle church to Sweetheart Abbey by Edward Balliol.⁶

ADAM, abbot of Glenluce, is referred to on 16 July 1381 in a later stage in the appropriation of the same church.⁷

One of the few monastic names known to us in this period is that of Oswald, prior of Glenluce, who was provided to

¹ *Chron. de Mailros*, p. 145.

⁴ *Stat.* 1252, No. 32.

⁶ *P.L.*, iii, 396.

² *Ibid.*, 155.

³ *Ibid.*

⁵ *Stat.* 1259, No. 37.

⁷ *Reg. Aven.*, vol. 226, f. 296v.

the bishopric of Galloway by Urban VI at the very moment of the opening of the Great Schism. He failed to get possession against the Clementine candidate, Thomas de Rossey, though he was consecrated and acted as suffragan of York.¹ Not till 1487 does the series of abbots again emerge into a hazy light. In that year the Scottish Parliament forbade the purchase of abbeys as not belonging to the Court of Rome, one of many acts which together represent a drive against the papal reservation of Scottish abbeys which was apparently something new in the 15th century.

MICHAEL, mentioned in the charter (1496/7) that created Ballinlach into a free burgh of Barony,² and again when the date of the Fair was changed at the abbots request (see No. 38).

ROBERT BETOUN was a successful administrator and king's protégé and doubtless destined for an abbatial rather than a monastic career. Glenluce was but a stepping-stone. It is interesting to note that the king had him confirmed by a monk of Cîteaux, Thomas Fasington.³ In Oct. 1500 the Crown issued to Robert Betoun, abbot of Glenluce, a precept of admission to the temporalities of that abbey.⁴ On 3 March 1501/2 the Lords ordained Thomas McClellane of Bomby to pay to Robert, abbot of Glenluce, as successor to Nychell (*sic*) abbot of Glenluce, 45 merks owed by him to the said deceased Nychell.⁵ By Oct. 1506 the Crown sought to transfer him to Melrose. Melrose abbey, much damaged in the wars, was in a distressing situation, no less than three individuals calling themselves abbots. Drastic action and a strong abbot was required. Robert, as crown nominee, is described as 'an experienced monastic who in a few years saved Glenluce from perishing and restored that house almost abandoned'.⁶ Probably as part of its scheme for Melrose, the Crown directed a missive to the pope on 22 Nov. 1506 on behalf of Robert Betoun, abbot of Glen-

¹ Dowden, p. 375. In 1223 John the cellarer of Glenluce became abbot of Jugum Dei in Ireland (*Early Sources*, p. 454).

² *R.M.S.*, 1424 1513-2336.

³ *Letters of James IV*, p. 42.

⁵ *A.D.C.* (Stair Soc.), No. 582.

⁴ *R.S.S.*, i, 572.

⁶ *Letters of James IV*, p. 36.

luce, to be abbot of Coupar.¹ The tangled affairs of Melrose were liquidated in April 1507 by Betoun, described as postulant of Coupar, being transferred to Melrose. One of the so-called abbots, David Broun, was exiled and lived in poverty in Rome,² Mr. William Turnbull, parson of Annan, was given Coupar and Bernard Bell was bought off with a pension from Melrose.³ As this pension was at the expense of the new abbot, Robert Betoun was allowed to retain Glenluce for two years whilst enjoying Melrose.⁴ Hence Betoun figures in a Glenluce assedation in 1509 as abbot of Melrose and of Glenluce (see No. 39).

THE CARDINAL OF ST. MARK. The settlement of Melrose was greatly facilitated in Rome by the activities of the Cardinal of St. Mark, Dominico Grimani, Cardinal of St. Mark, Patriarch of Aquileia and 'Protector of Scotland'. He was rewarded with the gift of Glenluce *in commendam* 'as a trifling gift to the Protector of Scotland to be taken not as a full reward but only as a souvenir'.⁵ As such he probably had a previous arrangement with the king about Glenluce, for he wrote to the king's secretary, Patrick Paniter, to make all the necessary arrangements and appointed the bishop of Whithorn his procurator to take possession of the monastery.⁶ He did not even wait for the expiry of Betoun's two years.

QUINTIN MCCALBERT must have been abbot for a brief time either before or during the office of the Cardinal, but it is not clear what was his date or his real status. Perhaps he was acting abbot in place of the distant Cardinal. He was dead by 1512, when some of his assets were stolen from the abbey by Sir Andro Lundy (see No. 40).

Mr. CUTHBERT BAILLIE, rector of Sanquhar and canon of

¹ *R.S.S.*, i, 1363.

² *Letters of James IV*, p. 38.

³ *Ibid.*, pp. 64-5. The letters of James IV on this subject need not be taken at their face value. Father O'Dea points out (*per litt* 2 Ap. 1958) that William Turnbull was the only one effective Abbot of Melrose in 1507 having ceased to be parson of Annan since 1513. Ferrerius suggests that he obtained the abbey by shady means. Bell was always a pensioner, Brown was a worthless opportunist, a secular cleric who had been brushed off the scene 20 years previously and had seized the Crown's interference to claim a pension.

⁴ *Ibid.*, p. 66.

⁵ *Ibid.*, p. 187.

⁶ *Ibid.*, p. 121.

Glasgow. On 9 April 1512 James IV wrote to the Cardinal that the cession of Glenluce to Mr. Cuthbert was being prepared on the understanding that the Cardinal would suffer no loss or deprivation of revenues.¹ Later that year Cuthbert was sent to Rome to discuss with the Cardinal the business of Glenluce on the basis that the Cardinal of St. Mark might exchange his commendatorship for a pension from the abbey, thus allowing proper administration of the abbey to be exercised.² To this end Robert Betoun, abbot of Melrose agreed to abandon his suit against the Cardinal for intrusion.³ Mr. Cuthbert achieved his purpose, the Cardinal's pension being fixed at £400 Scots. So in a summons of 12 May 1513 Cuthbert is described as procurator and factor to the abbot and convent of Glenluce (see No. 41). He was given the honorary dignity of Papal Pronotary on 12 July 1512, where no mention is made of his possessing Glenluce.⁴ He cannot long have survived this settlement. He was dead before the close of 1513⁵ and by July 1517 the archdeacon of St. Andrews and the provost of Crichton were his executors.⁶ On 26 March William Baillie, brothers son and heir to the deceased Mr. Cuthbert, was sued by the widow of John Murray of [Black] barony for £1200 Scots or 1200 ducats, which Murray on behalf of Mr. Cuthbert had paid over to Jerome Frescobald the merchant banker of Florence as three years' pension of the abbey of Glenluce due to the Cardinal of St. Mark for the right to that pension.⁷ Cuthbert had a son, Bernard Baillie, legitimised on 2 June 1529. He was parson of Lamington.⁸

DAVID HAMILTON, bishop of Argyll, half-brother of Arran, who had already annexed the Cistercian abbey of Saddell (Kintyre), is described as commendator of Glenluce in March 1517/18.⁹ But in 1513 the Crown had asked the

¹ Lamington, *ibid.* p. 242. Mr. Cuthbert must have been a man of affairs. In 1499 he became Chamberlain of Galloway in succession to Edward Spittal, but ceased to hold that office in 1501 (*Ex.R.*, xi, p. 189 and 336). He was son of Sir Wm. Baillie of Lamington (*A.D.C.*, 1496/1501, p. 301).

² *Ibid.*, p. 278.

³ *Ibid.*, p. 279.

⁴ *Reg. Vat.*, 978, f. 139.

⁵ *Letters of James V*, p. 3.

⁶ *A.D.C.*, xxx, f. 76.

⁷ *A.D.C.*, xxxvii, f. 51.

⁸ *R.S.S.*, ii, 130.

⁹ *A.D.C.*, xxx, f. 222.

pope to give the *commenda* to David, 'who had ruled a wild and difficult diocese wisely and well'.¹ But the pope declined and gave Glenluce *in commendam* to the Cardinal of Eusebius, Scotland's 'second string' at the Vatican. Albany as Governor protested vigorously and the Cardinal was persuaded to cede the *commenda* to bishop David.

Meanwhile the convent, restless over the delay and free from control, seized the opportunity to exercise their centuries old right and elected Alexander Cunyngham, one of the monks, as abbot, the election being confirmed by the father abbot of the Cistercian order and supported by the Cardinal, who appointed him his procurator to administer the abbey. With armed assistance Cunyngham seized the Place and held it by force. Albany proposed the usual half-hearted solution, namely that the Cardinal of Eusebius and bishop David should agree on a reservation of fruits, i.e. a pension, so as to allow certain bulls held up by the Curia to be issued by the papal chancery, Albany guaranteeing to the Cardinal the fruits of Glenluce.² Alexander Cunyngham hastened off to Rome and litigated against bishop David and, strongly backed by the Cardinal, obtained sentence against David for contumacy.³ The sentence must have included excommunication, for in the court of Archbishop Forman Alexander stoutly denied that he had been party to the publication on church doors of the sentence of excommunication of bishop David nor had ever seen the sentence. The Archbishop thereupon excommunicated the calumniators of the bishop and pronounced absolution and rehabilitation of the bishop from the said sentence.⁴

Cunyngham had already started proceedings in Edinburgh against bishop David, who asked instrument that the court all 'tak his part contrar to the said monk because

¹ *Letters of James V*, pp. 3, 13.

² *Ibid.*, p. 31.

³ *Ibid.*, p. 72.

⁴ *St. Andrews Formulare*, i, 119-120. It is not clear whether this absolution was of a bishop who had 'thrown himself on the mercy of the Church,' or was a revision by Archbishop Forman of a Roman sentence.

his action concerns the commone wele of the realm'.¹ On 6 June the court decerned in favour of bishop David. Both sides had powerful backers, the earl of Glencairn supporting his cousin Alexander, the earl of Arran on the bishop's side had ejected Alexander from the abbey with effusion of blood and mutilation of Alexander's hand, and lodged him in prison in Blakness in custody of the earl's brother, Sir Patrick Hamilton, because he would not renounce his claim to the abbey. The monk was removed from Blakness to the Edinburgh tolbooth, and as he then seemed amenable the chancellor gave him licence to come and go from the tolbooth in order that he might 'inform his men of law in the Cardinalis mater'. Not till 7 June 1516 was a final decret given in favour of the bishop on a supplication from 'your poor and obedient churchman and prisoner', on which is endorsed the finding of the court that Alexander be set free to return to the abbey or, on finding security not to trouble Glenluce, to go where he pleases.² An echo of the litigation was the prosecution for treason of dene Patrick Cunyngham, monk of Dundrennan, and schir Matho Cunyngham, chaplain at Kirkandrews, for sending Michael Cairns to Whithorn, where he affixed to the kirk door a pretendit process of the Cardinal.³

But though the agents of the Cardinal were thus dealt with, he still held the abbey *in commendam* though his revenue therefrom had been stopped at source. He still held the legal provision and could create endless difficulties between the Scottish Crown and the papal Curia. Obviously a new approach to Rome was due. In 1519 it had effect (see No. 42). On 13 May the bishop was given Dryburgh *in commendam*, thus clearing the way to a settlement, and Albany offered to discharge the fruits of

¹ *A.D.C.*, xxvi, f. 166.

² *Hannay's Acta*, 10, 22, 34, 36, 67, 68.

³ *Ibid.*, 86, 101. The case for Alexander Cunningham requires much further research and cannot be entered into here. He is described here rather as an interfering monk who made an abject surrender in 1516. But in the eyes of his Community and his Order and perhaps by the law of the church, he was the only true abbot of Glenluce and in 1518 was still fighting for his rights with the full support of Cîteaux (*Statuta*, 1518, No. 84).

Glenluce to the Cardinal's satisfaction on condition that he aided the appointment to Glenluce of Walter Malynne the duke's secretary.¹

WALTER MALIM, MALYNNE or MALYNING² was abbot of Glenluce by 15 Dec. 1519.³ For over 30 years abbot Malim was to preside over and guide the affairs of the convent, and the documents printed here give some idea of the great variety of his devoted labours. From the very first he must have found himself at loggerheads with the bishop of Galloway, who had probably exercised a fairly close supervision over the abbey since the death of Mr. Cuthbert Baillie and who may have wished to continue doing so. Bishop David Arnot, a man of wide experience, must have resented the independent attitude of abbot Walter, and matters came to a head on 8 Feb. 1524 when the bishop issued letters of cursing against the abbot and convent.⁴ It appears that Mr. Michael Cunyngham had secured the letters of cursing at Rome for the bishop.⁵ The bishop followed this up with a visitation in person on the abbey.⁶ Under canon law the monastery or church visited had to

¹ *Letters of James V*, pp. 72, 93.

² There are so many variants of the surname that it may well be that Malim was a foreigner—perhaps French. But one suspects that he was some relation of the Downy Malumy or Malynne, a crown messenger c. 1470-90, much employed by James I, who was paid £6, 13s. 4d. for passing to Kintyre to summons Sir John of the Isles for treason (*L.H.T.*, i, 237-8). In 1491 a Tristram Malynny was an Edinburgh witness (*Pt. Bk. of James Young*, 461) whilst Katherine Malwyn, spouse of Anthony Bryssat, was infest in a tenement on the south side of High Street in 1519 to which Mr. Walter Malwyn was a witness (*Pt. Bk. of John Foular*, iii, 6). In addition to his M.A. degree, Mr. Walter was in 1516 a canon of Dulmoak and also of Rothven (*R.S.S.*, i, 2610, 2795). He was frequently employed as an agent and ambassador by Albany c. 1520, being sent to Denmark, and later, with lord Fleming the Chamberlain and the Danish ambassador, he went to France to induce Albany to return to Scotland. In 1522 the abbot of Glenluce was paid £250 when he crossed to Denmark for the king (*Ex.R.*, xiv, 461). Dr. Gordon Donaldson, who favours a Scottish origin, points out that Mallen and Malleny are both Scots names and he has also come across Mallin.

³ *A.D.C.*, xxxii, f. 191.

⁴ *A.D.C.*, xxxv, f. 145-8.

⁵ *Ibid.*, 204-6.

⁶ This may not have been intended as a formal episcopal visitation, however it may have been construed by the convent. Though certain orders were exempt from visitation, it was a practice for a bishop to pay a call *ratione primi adventus* on such houses after his enthronement (*Reg. of Wm. Greenfield*, ii, introduction xvii).

bear the cost of entertaining the bishop and his attendants. These visitations were a heavy burden on the monasteries and the popes had had to limit the retinue of all bishops when on visitation. On this occasion the papal injunctions must have been ignored. In view of the strained relations bishop David brought with him a strong contingent of lairds and their followers—James Gordon of Lochinvar, Alexander Stewart of Garlies, Thomas McClellan of Bomby and Uchtred McDowell of Garthland, with a man of law in the person of James Spens of Condie. This party planted themselves on the abbot on 3 July and remained till the eighth, and, apart from the canonical sustentation, did a lot of damage and even theft; carrying away blankets, sheets and pillows, barrels of soap and horse trappings. They broke open locked doors, knocked down dykes and let their horses eat the corn. The abbot at once appealed to the courts. Damage and loss was admitted and Lochinvar affirmed that he had compensated the abbot, and produced a number of witnesses who were unable to prove it.¹ The defence made plea that the case could not proceed till the letters of cursing were withdrawn and offered to produce other cursings against the abbot. But the lords brushed this plea aside and decerned that the abbot ought not to be repelled from pursuit of the summons of spulzie.² The subsequent decret for the abbot is given here in full (see No. 45). I am indebted to Father J. O'Dea for the following comment.

This can never have been a true 'visitation' in the canonical sense of the word—a periodic examination of the temporal and spiritual status of a monastery by a competent superior with a view to encourage, aid and correct. The bishop was the normal 'visitor' even of religious, but as he would have little understanding of the discipline of the monks and his interference would be unwelcome and accompanied by the exaction of heavy fees, the greater orders devised a more apt system of visitation by their own members. Thus in the 12th century Pope ALEXANDER III allowed the Cistercian Order full exemption from the control and visitation of the bishop as it was perfectly equipped to control and guide its

¹ *A.D.C.*, xxxv, f. 178v.

² *Ibid.*, ff. 204-6.

own members. An annual visitation was made by the Father Abbot of the Mother House (which in the case of Glenluce, was Dundrennan) and the authority of the annual General Chapter of Cîteaux acted as a higher control. Despite the general difficulty of the times, this system was still functioning in the 16th century. The pernicious practice of appointing commendators, weakly allowed by the Roman Curia (though as an abuse it dates back to the Merovingian Kings) and eagerly pounced on and exploited by the Scottish kings, cut across this system for it meant that often the 'superior' of the Mother House was little more than a layman, often a minor. Even here, however, the machinery that functioned for four and a half centuries had an expedient—the General Chapter nominated some true monk to visit all the houses in a certain province—thus Walter Malim himself was appointed for three years in 1530 (see *Statuta* and also No. 46). No Scottish bishop on record ever seems to have made a visitation in face of the Cistercian privileges—though time and again powerful prelates on the Continent had attempted such measures. Lochinvar and the Bishop evidently intended a full-blooded Galloway raid right from the beginning—hence the massive re-inforcements. Probably Gordon was the leader and brought the bishop along (perhaps only too willing) to lend a species of justice to the affair. The excuse of making a visitation was only a flimsy 'face-saver', *post factum*, and it was treated as such by the Court.

Shortly after this decret the abbot was relieved of bishop David, who was removed from that dignity and pensioned (see p. 43). The abbot was not only free from episcopal visitation but was able in 1530-1 to obey a commission from the head of his order to visit Cistercian houses in Scotland (see No. 46). Melrose, however, tried to make difficulties and Walter asked instruments that the lords had ordained an officer of arms to pass with him and assist in the visitation, conform to the king's writings.¹ He

¹ *A.D.C.*, xlii, ff. 2, 8. The published *Statuta* of the order supplement the above. In 1485 (No. 96) the abbot of Glenluce had been excused from presence at the General Chapter. In 1518 (Nos. 35, 84) the abbot, perhaps Walter Malim, was appointed visitor of all the Scottish Cistercian abbeys, and the same year the General Chapter wrote to the lords of council that the abbot should be restored to possession of the abbey. When in 1527 (No. 35) the abbot sought permission to feu certain lands, two neighbouring abbots were directed to ascertain, whether there was sufficient justification. In 1530 (Nos. 67, 68) a letter was issued to the abbot to act as Visitor General of the order in Scotland in place of the abbot of Melrose who had

proposed also to visit the Cistercian nunneries and at once the archbishop of St. Andrews protested that past memory of man he and his predecessors only had the right of visiting nunneries. The court decerned that Walter should not visit nunneries till he had established before the lords his right to visit.¹

To uphold the rights and privileges of his convent was a constant preoccupation of abbot Walter. Thus the seven merkland of Clanary, in the parish of Inche, had been leased for some generations to the McCullochs of Myrton. In 1531 Symon McCulloch of Myrton was the tenant, being entered in the rental book on 30 May as to himself and his named assignees, one of whom was John Vaus of Barnbarroch. In May 1539, just before his death, Symon assigned the lease to John Vaus and Janet McCulloch spouses. The abbot unwisely contested Symon's right to make the assignation and warned the spouses to flit and remove. John Vaus, however, was quite equal to the occasion. He must have had some strong influence in court circles, for the king's advocate entered a protest that the abbot should have no process 'as he had not paid his contribution to the seat of Justice and had deforced the kings officer'.² Further the Crown wrote to the abbot

neglected his task, and Walter was appointed Collector of the fund to defray expenses in defence of the order's privileges. Scotland had neglected this duty *plus aqueo*. Melrose was called on to pay 10 ducats, Dundrennan 3, Glenluce 2 and Dulcicor als Novum Monasterium 1. In 1533 (No. 47) the abbots of Cupar and Glenluce are again commissioned as Visitors, and lastly in 1535 (No. 32) the General Chapter encouraged its two commissioners who had convoked the abbot of Melrose on the question of reform. He had refused to compear and they were instructed to proceed with vigour and see that the regulations laid down by the abbot of Chaalis—a French abbey—in 1531 were enforced. These references indicate the confidence of the order in Malim and throw light on his ecclesiastical activities.

¹ *A.D.C.*, xlii, f. 24 and xviii, f. 17^v. There were innumerable convents in medieval times calling themselves Cistercian. Of these a select group were closely bound to the Order and subject to its rule and visitation. Many others were only very lightly attached, having chosen the Cistercian Rule and habit at their foundation, others merely used the name without any jurisdictional link. Evidence of any close connection between the so-called Scottish 'Cistercian' nuns and the order of Cîteaux is lacking, and hence abbot Walter, like the commissary in 1506, was misled by the name and overstepped his powers [O'Dea] (cf. *St. Andrews Formulare*, i. 56).

² *A.D.C. et Sess.*, xii, ff. 165-6.

that the abbey had already put forth many of its tenants and was farming the lands itself, which was contrary to the public policy of having men of substance on the ground as fencible men, and urged the abbot to leave John Vaus in possession (see No. 49). The court case was heard at length on 17 and 19 June and continued, to allow the taking of deposition of a witness, schir William Baillie a monk of Glenluce, who had been taken ill at Lamington on his way to attend the court.¹ The following March the court discreetly referred the matter to the king's grace and found that John Vaus had established his case.² In May a new assedation was given to him for 19 years by the convent (see No. 55). Abbot Walter was also in conflict with Henry bishop of Galloway. The lands of Balnab in the parish of Inche belonged to the abbey. The bishop was parson of Inche and as such claimed the teinds of Balnab. The abbot claimed privilege of exemption from teinds under grant to the Cistercian order touching their lands occupied by their own goods. Both parties agreed to submit the dispute to the courts, whose decision has not been traced (see No. 51).

Mention has been made of the part played by James Gordon of Lochinvar in the spoliation of 1524. This seems the first reference to the intervention in the affairs of the abbey by that family. A branch of that family had been established *c.* 1500 at Craichlaw in the next parish to Glenluce and was no doubt made use of by Lochinvar as an excuse to intervene. The Reformation was in full swing in England by 1540, and to any ambitious, far-seeing and unscrupulous person it was obvious that Scotland would shortly follow suit. Further, after the death of James V, the Regent Arran attempted a brief experiment along reforming and Anglophile lines which may have brought a new sense of insecurity to the religious houses. At any rate James Gordon saw an opportunity to land-grab and was prepared to muscle in at Glenluce, where already the earl of Cassillis had staked out a firm claim, having in 1543 obtained for five years a commission of bailiary over the

¹ *A.D.C. et Sess.*, xv, f. 141.

² *Ibid.*, xviii, f. 139.

lands of the barony of Glenluce.¹ It would seem that abbot Walter may have tried to play off Lochinvar against Cassillis.² Conflict between the two parties was inevitable, but it was temporarily assuaged on 8 July 1546 by arbitration. Both parties had tried to seize the abbey. Part of the agreement was that the Place of Glenluce be delivered to William Hamilton of Sanquhar as a neutral man for both parties and, if the arbiters could not agree, the lord Governor was to decide (see No. 52). James Gordon was slain at Pinkie in Sept. 1547, where also fell John McDowell of Garthland, baillie depute of Glenluce (see No. 58); and John Gordon of Lochinvar inherited the dispute with Cassillis. The decision of the arbiters in 1546 is not recorded. It may never have been delivered, for a fresh attempt to arbitrate was made in August 1555. By that date abbot Walter was dead. He must have died the previous year.

Walter Malim must have been a man of considerable culture, for in 1545 he was 'incorporated' in the university of St. Andrews and may have influenced his successor to follow his example.³ In 1547 Walter resigned his office but retained the abbatial dignity (see No. 56). He had inherited in 1533 from his sister Katherine Mallumby a tenement in Edinburgh which in 27 October he renounced.⁴ Such property the monks were not allowed to own, so on 21 March 1552/3 schir William Halkerstoun, monk of Glenluce, with consent of abbot Walter resigned a tenement in the Cowgait inherited from his father Alexander Halkerstoun.⁵

¹ *Archaeological Collections*, v, p. 139.

² *Ibid.*, p. 142.

³ *Early Records of St. Andrews*, S.H.S., p. 252. Father O'Dea points out that Dr. Easson in his preface (p. 32) of his *Religious Houses, Scotland*, suggests that Malim had been called on by a Church Council to complete his presumably backward education by a tardy frequentation of the University of St. Andrews. But the fact is that Malim was an M.A. of thirty years' standing, having been at the University 1512-13 and had won the commendation of his own General Chapter and of the Italian humanist, John Ferrerius. He could scarcely have served Albany as he did without such qualifications. He must have been one of the most accomplished of Scottish ecclesiastics of his day.

⁴ *Protocol Book of John Fowler*, iv, f. 176.

⁵ *Protocol Book of Alex. King*, iv, f. 30.

JAMES GORDON, brother to John Gordon of Lochinvar, is described on 22 Aug. 1555 as titular of Glenluce ¹ (see No. 59). He must have been a churchman, for he is called 'dene James Gordon'. He may even have been a monk of Glenluce. He must be identified with James Gordon of Hardlands ² rather than an unrecorded illegitimate son of James Gordon of Lochinvar, for he is mentioned as lawful son of Lochinvar in abbot Walter's procuratory of resignation in his favour.³ He was a minor when he received his Bull in 1547, though he may have reached the age of 22 prescribed by canonical law by 1555 when abbot Walter died. Like his predecessor, abbot James Gordon was 'incorporated' at the University of St. Andrews in 1552. By May 1557 as abbot he was granting leases of the abbey lands (see No. 60) and on 18 March 1558/9 he gave a feu charter to the earl of Cassillis of the office of bailie of the abbey (see No. 62). His appointment as abbot must have been regarded as a triumph for the Lochinvar party, though he adhered to the decret arbitral made at Dumfries on 22 Aug. 1555 to which he was a party (see No. 59). He died before March 1560. His death must have been totally unexpected, for there can be little doubt that he would have been expected to help Lochinvar in his scheme to get possession of the abbey lands. Lochinvar at once seized the abbey, ejected the monks and garrisoned the place. The monks took refuge at Maybole, where they were sustained by Cassillis. When the next abbot sought induction, the ceremony had to take place in the parish church of Glenluce in presence of a handful of monks to represent the chapter.⁴

¹ To hold *in titulum* meant regular possession as opposed to *in commendam*. Only a monk could hold *in titulum*. By the bulls of 1547 Gordon was entitled to succeed whenever Malim died or otherwise ceased to rule, though until he had attained his 22nd year and had made his monastic profession he would be said to hold *in commendam*. He is described as a cleric of Galloway in 1547, hence he must in the meantime have become a monk or more likely went through the form of monastic profession without any attempt at a monastic formation, just as Walter Reid at Kinloss was doing.

² *Scots Peerage*, v, 109.

³ *St. Andrews Formulare*, ii, 345.

⁴ *Archaeological Collections*, v, p. 143.

But the necessary feu charter in favour of Lochinvar had never been signed or even prepared. If he was to get possession Gordon had to produce evidents, and some papers in the Ailsa Collections¹ establish how he tried to do this. Cassillis had held a tack of the bailiery of the abbey which was turned on 18 March 1557/9 into a grant of that office in hereditie (see No. 62). This was later declared by the convent to be the only feu charter ever granted by abbot James Gordon with their consent. This charter was never handed to the earl owing to his hasty departure to France, but remained in the hands of the abbot, then on his last bed of sickness. In July 1561 the earl of Moray, as sole arbiter between the parties, held his enquiry at which Gordon produced his evidents, a grant of bailiery containing precept of sasine in a 168 merkland of the abbey, with a great feu charter and sasine of the same. These evidents were at once declared to be forgeries by the Kennedies, who brought evidence to prove it. This consisted of a confession by dene Michael Leirmont, one of the monks, that 'to discharge his saule and conscience in presence of Almightie God and to stop the schedding of mekill bluide' he had forged the documents (see No. 66).

This was accompanied by his deposition narrating how he had been tempted by John Gordon of Lochinvar and agreed to do his will if Gordon could produce the necessary seals. A few days later Gordon returned from Kennivar (*sic*) with seals attached to other writs, and on a Sunday morning the two conspirators met in Leirmont's 'chalmer in the dorter' and proceeded to forge the documents. The great feu charter was written by Leirmont, who forged the names of the consenting monks, the last four names being added by Gordon. The method whereby the old charter was in part erased and rewritten is fully described. Gordon must have had some hold over the monk and did not hesitate to make use of it. Leirmont was an ageing man, in ill health. He had been debarred by Gordon of his living 'and put forth of his place'. Further, the convent had fled to Maybole where it was installed by November. The

¹ Now in the Register House.

ailing monk must have been left behind alone and dependant on Gordon from November to February 1561. He was in despair, a ready victim to the unscrupulous Gordon. The scheme and its execution was Gordon's, the monk being an unwilling tool. Gordon himself could write and even forge signatures, but he was not competent to forge a charter. His Latinity may not have been equal to the task and he would be ignorant of formulas. It was essential that the deeds should be drawn in proper form, and though Leirmont is not known to have been a notary he must have been employed by the convent in the frequent task of drawing the many documents required for a great estate. His handwriting must have been familiar to them all. The art of forgery must have been a new experience to the monk, for Gordon had to tell him what to do, and apart from writing the documents Gordon, surely from past experience, did the rest. Lochinvar 'tuik his awin knyf and with his awin hand raisit [erased] ane lyne and ane half of the said chartour and causit me to raise the laif [rest]'. And again 'and als anent the seiling the laird had ane xix zeir tak of James Kennedeis as is foirsaid fra the quhilk the laird tuik the seill and held the faice of the sele to ane wet claith and pat the bak of it to the fyir and I tuik it fra the tak and put it to the greit charter'. Leirmont was a handy amanuensis acting under duress; Lochinvar would seem to have supplied the experience and the only motive. Nothing was overlooked. At that date there were no land registers, but it was the custom for the notary who drew up the grants to record them in his protocol book, which was valid evidence in the courts of law. So the protocol book of the deceased schir James Halthorne notary in Glenluce, who in 1556 had been clerk of the baron court of the abbey,¹ was produced by one of Gordon's henchmen and a forged entry of the faked charter inserted therein. The date on the forged charter was 31 Jan. 1557/8.² The confession and deposition of Leirmont was fortified by a declaration signed by the prior and convent to the

¹ *D. and G. Trans.*, xxi, 293.

² *Archaeological Collections*, v, 144.

effect that the only feu charter signed by them, in the abbotship of abbot James, was the charter of bailiery to Cassillis on 18 March 1558/9, and that Gordon had never sought or obtained a feu charter (see Nos. 66-68).

With all this evidence before us it seems remarkable that tradition, preserved in the anonymous *Chronicle of the Kennedies*, should have reversed the charges, alleging that the earl, having effected the forgeries, procured a carl named Carnoquhen to 'stick' the monk, and then got Bargany to accuse and hang Carnoquhen on some trumped up charge of theft. And 'so the landis of Glenluce was conquest'. But however apprehensive of Gordon may have been dene Michael Leirmont, he was not 'stickit', but lived to sign an abbey charter on 14 Sept. 1572.¹

THOMAS HAY was instituted as abbot on 29 Sept. 1560, one of the witnesses being significantly Cuthbert Kilpatrick, captain of the monastery and servant of the laird of Lochinvar.² Mr. Henry deals at length with this abbot, printing many documents from the Culzean muniments. Thomas Hay was dead by 1580 when the vacant commendatorship was conferred by the Crown on Mr. Gilbert Moncreif, H.M. Physician in Ordinary,³ who however only held it for a year, resigning in favour of Laurence Gordon, pensioner of Whithorn, who was about to cross the seas and was in ill health.⁴ Lest he should die before his return, the Crown appointed as his future successor William Gordon (of Glenquicken and Garrocher third son of sir John Gordon of Lochinvar).⁵ But Laurence Gordon survived his travels and made his will at Tungland on 5 Feb. 1620.⁶

With the advent of the Reformation the monks were left undisturbed. Some may have joined the reformed church. They were still a corporate body as they had to be convened to sign charters, but monastic life must have ceased very

¹ *Barnbarroch Charters*.

² *Archaeological Collections*, v, 143.

³ *R.M.S.*, 1580/93, 78.

⁴ *Ibid.*, 335.

⁵ *Ibid.*, 336, and *Scots Peerage*, v, 112.

⁶ *Archaeological Collections*, v, 152.

soon after 1560. They still were entitled to and claimed their 'monks portion'. In Dec. 1565 dene Robert Galbraith, 'ane of the convent professit in the abbacie of Glenluce', brought an action against Mr. Thomas Hay. Robert had been a monk for 26 years, and till 1559, when it was withheld, had received his portion. It amounted to 8 bolls of meal worth 30/ each boll, 8 bolls of beir worth 40/ a boll, £20 of money, 2 stones of butter and 2 stones of cheese each worth 12/ per stone, and 30 loads of peats worth 10d. a load. Robert won his case.¹ The same year dene Robert Broun a monk of Glenluce for 20 years was equally successful.² At Tungland abbey there were some variations of portion successfully claimed by dene Michael Cousing, canon thereof for five years before the reformation³; whilst at Sweetheart abbey the donator of the escheat of the deceased David Wryt, who had been given a monk's portion on 2 Nov. 1550, or alternatively was entitled to £40 yearly—perhaps as a pension—was also successful.⁴

¹ *Acts and Decrees*, vii, 34, f. 352^v.

² *Ibid.*, f. 141.

³ *Ibid.*, f. 114.

⁴ *Ibid.*, f. 148. See Dr. Gordon Donaldson's valuable paper 'The Galloway Clergy at the Reformation,' in *D. and G. Trans.* (1950-1), xxx, 38. In this case it is doubtful if David Wryt was a monk. On 2 Nov. 1550 the Abbot had given bond to provide David with a monk's portion in meat, drink, fire, candle and bedding with £10 p.a. as fee. There was a clause for registration and failing the abbot's compearance for registration he was to pay £40 yearly to David or his assignees. Registration took place without the abbot's compearance and he was charged with payment under the clause. So he brought an action of improbation against the Crown and the donator on the grounds of forgery of the bond and won his case. The court annulled the bond but found the donator not liable in expenses. The transaction may have been the purchase of an annuity from a religious house by payment of a lump sum in return for which the purchaser got maintenance and pocket money. This was quite a common device for raising money in English religious houses.

No. 37

1441, May 31

General Confirmation of charters in favour of Glenluce Abbey.

Charter of confirmation by James II, dated at Edinburgh, 31 May, 1441, and witnessed by James, bishop of St. Andrews, John, bishop of Moray, William, lord Crechtoun, chancellor, Alexander de Montgomery, kt., Mr. William Trumbull, 'dominus prebende' (prebendary or laird of Provand), and Mr. John Scheuleu (Scheves), clerk of the rolls and registers, *confirming*—

Charter of confirmation by Archibald, duke of Touraine, earl Douglas etc., dated at Wigtoun, 3 April, 1432, and witnessed by Alexander, bishop of Whithorn, William de Dowglas of Leswalt, John Dunbar of Mochrum, Patrick M'clellane of Gebilstoun, Gilbert M'cdowell of Spottis, John M'eduile of Egerness, Alexander Nemo and Elias M'culloch of Myrtoun, *confirming*—

Charter of confirmation by Margaret, duchess of Touraine, countess of Douglas etc., bearing that she has inspected a charter of confirmation by King Robert III, her father, confirming charters of Roland, Alan and Edward Bruis, lords of Galloway, and a charter of confirmation by King Robert de Bruis, with donation of lands to the Holy Virgin Mary of Glenluce, and the abbot and convent thereof, in the diocese of Whithorn, erecting the lands of Glenluce into a barony. She has also inspected a charter of confirmation by King David II, confirming a charter by Malcolm Fleming, earl of Wigtoun, erecting the said barony into a regality, and another charter by the said earl, granting 10 merks lands of Barnes. All of which she ratifies and grants in pure and perpetual alms, for the souls of James I, Robert III, Archibald, duke of Touraine, her spouse, her own soul and the souls of Archibald, her son and heir, and James, her son. The said abbot and convent performing no service for the lands except only the suffrage of prayer. Wishing to give to, rather than take away from, the Lamb of God, and to provide for the monastery and abbot and convent of Glenluce, to the honour of Almighty God and the Blessed Virgin Mary, and from further charity, she erects the said lands of Glenluce and Barnes into a pure and perpetual regality and barony, with all the usual liberties of secular and ecclesiastical regalities, to be held as freely as she holds the lordship of Galloway. Inhibiting, under pain of full forfeiture, all interference, except where necessary for the wars of the Lord King or for those of herself or her successors.

Witnesses : William de Dowglass of Leswalt, sir John Betoun,

doctor of decreets, rector of Dalry, her clerk, Alexander Hepbron, esquire and sir Nigel and sir Gilbert Agnew, monks of Glenluce.

At Crefe, 29 July, 1430. [Not in *R.M.S.*]

Copy in *Hay of Park Papers* (Reg. House), No. 2

No. 38

1498/9, Jan. 27

Charter erecting the vill of Ballinclauch into a burgh in barony.

Charter of novodamus by James IV, bearing that he had formerly erected the vill of Ballinclauch, belonging to the monastery of Glenluce, into a free burgh in barony, with all liberties and a public fair on the day of the Nativity of the most glorious Virgin Mary. But now it has been shown to him by the venerable father in Christ, Michael, the abbot, and the convent of the same, that the fair could not be held on that day well and easily, without grave damage and loss to the said abbot and convent and the lieges resorting to the same, in their harvests which are commonly at that time and which would be impeded by the fair. Therefore they have begged that the fair be changed from the day of the Nativity of the B.V.M. to the day of her Visitation, which is considered more convenient for holding the same. And he, having reached his perfect and lawful age of twenty-five years, after his general revocation, understanding this petition to be reasonable and according to justice, and for the special devotion which he bears to the B.V.M., patron, of the said monastery, and for the singular favour, zeal and love, which he has towards the said abbot and convent, and for the accommodation of the lieges gathering there, therefore of new erects the said vill of Ballinclauch, in the barony of Glenluce and sheriffdom of Wigtown, into a free burgh in barony, with power to the inhabitants to buy and sell wine, wax and broad and narrow cloth of linen and wool, and to have bakers, brewers, fleshers, sellers of flesh and fish and other tradesmen pertaining to the liberty of a free burgh in barony. Also he has conceded that they shall be burgesses and have power to elect bailies and other officers necessary for the government of the burgh, and that they shall have a cross and market on Saturday each week, with tolls and other liberties pertaining thereto, and a public fair on the day of the Visitation of the B.V.M. and the Octaves thereof. Further he has conceded that if, in future, any ships or small vessels shall put into the shores of Lochluce and Lochryan, the said father and convent shall have free power to buy things necessary for themselves and the said monastery from the merchandise in the same.

Witnesses : William, bishop of Aberdeen, keeper of the Privy Seal, George, earl of Huntlie, lord Badzenach, chancellor, Archibald, earl of Argyle, lord Campbell and Lorne, master of the Household (Patrick), earl of Bothuill, lord Hales, Alexander, lord Hume, great chamberlain, Robert Lundy of Balgonie, kt., treasurer, Mr. Richard Muirheid, dean of Glasgow, secretary, and Mr. Walter Drummond, dean of Dunblane, clerk of the rolls and registers and of the council.

At Stirling, 27 January, 1498/9. [Not in *R.M.S.*]

Copy in *Hay of Park Papers* (Reg. House), No. 3

No. 39

1509, June 8. At the monastery of Glenluce. Assedation by Robert Abbot of Melrose and of Glenluce and by the Convent of Glenluce in the diocese of Candida Casa, in favour of Michael Bruiss and Margaret Andersoun spouses, of the 4 merklands of Machyrmore and its stallange, the 2½ merklands of Carmaray and Balverarach lying in the barony of Glenluce, for the period of 19 years, paying 13 merks scots. A sum of 40 merks had been paid by the spouses towards the maintenance of the abbey by way of grassum.

Signed by Robert abbot of Glenluce, Robert Wrycht pensioner of Glenluce, Allan, vicar of Glenluce, John Lylburn monk, John Scalpi, sub prior, William [], Andrew Twynam, Andrew McCallon, Alexander Cunyngam, Gilbert McCro[], John Robertson, William Balvan, William Steynson.

Logan Charters

No. 40

1512/13, March 12. Anent the summons at the instance of Mr. Cuthbert Balze commendator of the abbey of Glenluce and the convent thereof *v.* sir Andro Lundy of Balgony son and heir and intromittor with the goods of the deceast sir Robert Lundy of Balgony his father for withholding 360 merks Scots pertaining to the said abbey and to the deceased dene Quintin Makcalbert abbot of the said convent and now to Mr Cuthbert as commendator and was wrongfully spulzeit by the said deceased sir Robert furth of a box from dene Robert Wryt as at mair length is contained in the said summons. The commendator and sir Andro Lundy being present, Andro alleged that the abbot for the time had granted discharge of the sum in the box to the said sir Robert. The lords assign 15 April to him to prove the same and to the abbot to prove the quantity of the sum.

A.D.C., vol. 24, f. 230

No. 41

1513, May 12. Anent the summons at the instance of Mr. Cuthbert Bailzie parson of Sanquhar as procurator and factor to the abbot and convent of Glenluce v. Gilbert Aheuchan and Sir Alexander Stewart of Garules for wrongful occupation of the lands of Reuchane in the barony of Glassertoun for 3 years and wrongful detention of the maills thereof. Mr. Cuthbert was present but the other parties did not compear. Defenders are decerned to pay 40 bolls mele and 40 bolls beir yearly for 1509, 1510 and 1511, for the profit of the said lands pertaining to the abbot and convent by reason of assedation of the deceased Sir Alexander Stewart because the said Gilbert being accused for wrongful occupation and uptaking of profits at the last Justice Air in Wigtoun took him to the composition of H.M. remission and found the said Sir Alexander as surety for satisfaction of party, as an act of Adjournal extracted by Mr. James Henryson justice clerk shews. 'And the said Mr. Cuthbert maid faith for the proffitis of the saidis landis extendis to samekle, and as to the price of the said victualis ordains that lettrez be direct to the shireff of the shir or his deputes' to take proof thereon and compel payment to the said Mr. Cuthbert.¹

A.D.C., vol. 25, f. 103v-104

No. 42

1519, June 13

Leo X to Dominic, Cardinal bishop of Porta.

Provision was made to Dominic by the pope to the abbey of Glenluce *in commendam* then vacant in a certain way. The Cardinal resigned this *commenda* before any bulls were issued hence the pope provided Walter Malynny *sub certo modo et forma*. Yet lest the cardinal suffer by such resignation and in order that he may be able to live up to the high dignity that is his, he reserves for him the entire fruits of the abbey with regress if Walter dies or cedes. If the abbot fail to pay the fruits or that price for which the cardinal will have agreed, then the cardinal to have regress. The cardinal is assured he will suffer no injury from the intrusion of bishop David of Lismore or any other.

Mandate to the bishop of Caserta, archdeacon of St Andrews and Gilbert Strathachin canon of Moray.

Reg. Vat., 1119, ff. 8-9

¹ The convent held the lands by virtue of a tack from the late Sir Alexander Stewart. Whilst the tack was still current the convent was dispossessed by Gilbert, who was had up at the Justice Ayre for the criminal offence, but compounded for a crown remission which however could not free him from the civil consequences of his act. Sir Alexander thereupon became cautioner for satisfaction of the party suffering damage.

No. 43

1519, June 13

*Leo X to Gualterus Malynny, abbot of Glenluce.*¹

The abbey of Glenluce being vacant *certo modo* the pope had conferred it to be governed and administered *in commendam* for life by Dominic cardinal bishop of Porto who today has resigned this *commenda* irrespective of whether he achieved possession or not. Also David bishop of Lismore who claimed a right to the said *commenda* today renounces whatever right he may have. The pope now seeks a suitable person to whom he may entrust this charge and as Walter seeks to pursue a higher way of life, and as John Duke of Albany Governor of Scotland, whose secretary he is, has warmly recommended his virtue and zeal, he confers on him the abbey (taxed at 66 $\frac{2}{3}$ florins in the books of the Camera). The pope overrules any complications arising from general reservations or from the way in which the abbey may have been vacant viz. :

- i. by the death of Cuthbert Balze who had already carried off a definite sentence (*sententia definitiva*) against bishop David with whom he was litigating anent the said abbey
- ii. by the death of Alexander Cunyham outwith the Roman Court
- iii. by their resignations
- iv. or the free resignation of whatever right bishop David may have had

The pope provides Walter as long as no final sentence has been given and an abbot canonically appointed. With derogation from the Statutes of the order which decree that none but a professed monk, a priest, duly elected and confirmed shall hold abbatial office. Walter is to be received by the community, given the habit of the order and make his religious vows. However before he is invested with power he must take the oath of fidelity to the Holy See and forward it signed and sealed to Rome. If he does not take habit etc within a year the provision is null.

Reg. Vat., 1119, f. 10-11

No. 44

1520, March 3

To Walter Malynny, abbot of Glenluce.

Since the pope has provided him by apostolic letters to Glenluce and allowed him to govern it for a year before making his

¹ From the bull it is clear that the Cardinal, bishop and Baillie were claiming a *commenda*. Walter was to be a full abbot. Cunningham's claim is passed over in silence.

profession and taking the habit, on condition that he accomplished those duties within the given year, at the same time the pope by other letters reserved all the fruits of the said abbey to Dominic cardinal of Porto. Walter however has replied to the pope that as long as such a reservation continues he cannot see his way to accept the monastic obligations. The pope, in view of his person and his merits, wishes to do him a favour and allows him to continue to hold the abbey, though the obligation of taking the habit etc. does not bind until the year following the cessation of the reservation of fruits. Meanwhile he may hold the abbey licitly.

Brev. Lateranensis, vol. 7, f. 196

No. 45

1524/25, Feb. 20. In the actioun and caus perseuit be ane venerable fader in God Galteir abbot of the abbey of Glenlus and convent of the sammyn againis James Gordoun of Lochinver; For the wranguis violent and maisterful spoliacioun be himself his servandis and compliceis being with him in company upoun the thrid, ferd, fift, sext, sevint and viii dais of Julii last by past, away taking and withhalding fra the said venerable fader and convent out of their plaice of Glenlus of thir gudis undirwrittin pertening to thame and being in thair possessioun in thair said plaice town and landis; That is to say half ane barell of mayn flour,¹ price iij li; vij. barellis of foir flour,² price of the barell xxxiii s; xi punciouns of wyn price of the puncion viii li; xx speris,³ price of the pece iii s. and diversis uther gudis victalis wynis and uther stuff lyk as at mair lenth is contenit in the summondis therapoun. The said Galter abbot of Glenlus being personaly present for him self and als comperand for his said convent and the said James Gordoun of Lochinver comperand be Maister Henry Wemis and Maister John Lethame his procuraris; Thair richtis resonis &c. The lordis of counsale decretis and deliveris that the said James Gordoun of Lochinver has done wrang in the recent and maisterfull spoliacioun of thir gudis underwrittin fra the said venerable fader and convent And therefor sall restor and deliver the sammyn agane to thame and place at thai war takin fra, als gid as thai war the tyme thai war takin or the avale and prices as eftir followis.

That is to say xx speris, price of thaim pece iv s;
ane dressing knyfe and ane flesch ax, price of thaim x s;

¹ mayn flour=fleur of the finest quality; see O.E.D. *maine*, also *maine bread*; pain demaine from Anglo-French *pain demaine*, lord's bread.

² foir flour=probably an inferior quality.

³ speris=spurs or spears, probably the latter.

ane flakkat of curbulze ¹ with lok and key, price xviii s ;
 xxiv schune for horsis with thair nalis, price of the scho and
 nalis v d ;
 xii sperris and pecis of tymmir, price of the pece ii s ;
 ane lamp and thre glassis, price v s ;
 v pair blancatis, price of the pair xviii s ;
 iv pair shetis, price of the pair xxv s ;
 v coddis with codberis, ² price of the pece vii s ;
 xiv coppis, ³ price of the pece iv s ;
 vi tyn platis, v tyn dischissis, iv tyn salsaris, ii tyn saltfattis,
 iii tyn pecis weyand xlvi li, price of the pund ii s. iv d ;
 thre gymmeletis to pers wyne, ⁴ price of the pece iii s ;
 ane grammer buke, price vii s ;
 ane quarter barell of pik, ⁵ price xvi s. vi d ;
 ane quarter barell of saip, price iii li ;
 stane hemp cordis, price of the stane viii s ;
 vi stane of leid, price of the stane iv s iii d ;
 vi stok lokkis, ⁶ price of the pece iii s ;
 ix franche schod schulis, ⁷ price of the pece xvi d ;
 vi franche speddis, price of the pece iv s ;
 vi stane of yrne, price of the stane ix s. iii d ;
 ii hors collaris with heidstalis, price of the pece ii s. vi d ;
 Twa chandelaris, price xviii s ;
 ane burd claith contenand iv ellis and ane half price of the
 eln ii s vi d ;
 xvii seruiettis, price of the pece ii s
 with insichtis and other small gudis, price x li ;
 and for breking and distroying of the durris, windois and lookis
 of chambris and office housis and scaith sustenit therthrow,
 x li ;
 the brekking and distroying of dykis and clausoris, etting and
 distroying of cornis and medowis and for the dampnaige and
 scaith sustenit therthrow, xviii li ;
 and for distructioun of the zardis and scaith therthrow, iv li ;
 quhilkis gudis pertenis to the said abot convent and plaice of
 Glenlus and war spulzeit and distroyit be the saidis James his
 servandis and compliceis ; And therfor ordanis lettres be direct
 to compell and distrenze him his landis and gudis therfore
 Becaus the said James tuk apoun him to preif sufficientlie that
 the said abbot and convent had maid transactioun of the said

¹ flakkat of curbulze = flagon made of leather hardened by boiling.

² coddis with codberis = pillows and pillowcases.

³ coppis = cups.

⁴ gymmeletis to pers wyne = gimlets to pierce wine barrels.

⁵ pik = pitch.

⁶ stok lokkis = locks enclosed in wooden cases.

⁷ franche shod schulis = french shovels.

hail spulze contenit in the said summondis with Alexander Stewart of Garreles and Thomas Mclellane of Bondby or ane of thame, and failzeit therintill as was clerely understand to the saidis lordis, and as to the victalis mete drink and uther stuff spendit be ane Reverend fader in God David bischop of Galloway and his complicis forsaide the tyme at the said spulze was committit, apoun the quhilkis and prices therof the said abbot has gevin his aitht ;

That is to say—half a barell of mayn flour, price iii li ;

vi bollis of foir flour, price of the boll and cariage xxx s ;

xxxi bollis of ait meil, price of the boll xviii s ;

lx gallonis of ail, price of the gallon xx d ;

x punciouns of wyne and ane half puncioun, price of the puncion viii li ;

ane steik of wyne sek, price xii li ;

ane fed ox, price vi li ;

tua uther oxin, price of the pece iii li ;

xxxiv wedderis, price of the pece vi s ;

xxvi lambis, price of the pece ii s ;

v salt martis, price of the pece ii li ;

vi zowis, price of the pece iv s ;

ix score salmont, price of the pece iii s ;

tua mais (i.e. 1200) macrellis, price therof ii li. x s ;

ane quarter of stur,¹ price xx s ;

x dry scait² and xvi hard keling,³ price of the pece xvi d ;

iv stane of stok fische,⁴ price of the stane viii s vi d ;

iv stane of buttir, price of the stane viii s ;

x stane cheis, price of the stane iv s ;

the third part of ane barell of vinakir, price x s ;

vi bollis of aitis, price of the boll ix s ;

three stane candill, price of the stane viii s.

Because it is understand to the lordis that the said Reverend fader has excedit his nomer cuming to the said plaice mair than resone wald and the said James with him to greit nomer aganis quhem the said abbot has intentit his actioun of spulze. Thairfor ordanis the saidis abbot and James Gordon his party cheis freyndis and be way of compositioun aggrie with the said abbot and convent and satisfy thame resonabli as accordis anent the saidis victalis quhilk gif he failzeis to doo the saidis lordis will tak the said mater befor thame and deliver therintill as thair think expedient conform to Justice resone and gud

¹ stur = sturgeon.

² scait = skate.

³ hard keling = codfish.

⁴ stok fische = dried fish (stoque fisc) for export (*Early Travels in Scotland*, p. 44). The fish were split open and dried in the air without salt.

conscience betwix and the feist of Witsunday nixt to cum.
And that lettres to be direct heirapoun.

Ibid., f. 206^v

1524/25, Feb. 27. Mr. Henry Wemys for James Gordon of Lochinver protested that he have place to reduce the decreet given for the abbot of Glenluce.

Ibid., f. 210

No. 46

1531, Jan. 16

Clement VII to the king of Scots.

As the General Chapter of the Cistercian Order, recently held, has for certain reasons appointed Walter abbot of Vallis Lucis alias Glenluss visitor of the order in Scotland with the power of the faculties granted by the General Chapter; and as the pope desires most earnestly that the order flourish, he has confirmed this commission in other letters given to Walter. He now wishes to inform the king and to assure him that by aiding the abbot he will be most acceptable to the Holy See.¹

Armarium XL, vol. 32, f. 42 (*Ep*, No. 37)

No. 47

1535/6, March 2. Walter abbot of Glenluce v. John Kennedy, Alexander Kennedy brother to Hew Kennedy [] laird of Kilquhynzie, Robert Richart, [] Richart his brother, Thomas McCrekane in Slewdonye, Cuthbert McNele, Nartyne McIlaffy, Thomas McKie, Gilbert Stewart, Fergus McRewell, Alexander McNele, Heuchone Kennedy, John Cochran, Alexander Kennedy brother to the laird of Kirkmichael and schir Rolland McNely chaplain, who served on an assize anent cognition taken before Patrick Barroun sheriff *in hac parte* under the quarter seal in the tolbuith of Edinburgh on 12 Oct.

¹ Papal confirmation of Walter's faculties as visitor was granted on 30 Sept. 1530 both as to men and women—empowering him to use the papal authority on monks, seculars and commendators (*Minuta Brevium*, 931). Malim seems to have carried out his visitations conscientiously and with great vigour. Amongst the Laing MSS. (III, 21, f. 168-9) are copies of supplications by the Archbishop of St. Andrews in 1556 against the Abbot of Glenluce, one directed to the Pope, the other to the Cardinal promoter, both telling the same story. They state that Walter, abbot of Glenluce, having power of visiting in Scotland committed to him by the principal house of the order, abused his power by using 'the profane force of laymen' to seize, six monks from the Abbey of Newbattle, and after beating them he imprisoned them in vile prisons in which thieves and other criminals had been accustomed to be confined. I am indebted for this reference to Dr. Donaldson.

1531 at the instance of the said abbot. The said sheriff had called before him Hector Fergusson and Patrick McLowney tenants to Gilbert earl of Cassillis upon his lands of Lital Larg masterfully occupied by them and part of the abbot's fishing in the water of Luce. The sheriff had decerned then to desist from fishing the said water. The earl had forthwith removed them from the lands marching with the fishings and placed other tenants there who continued to fish the waters.

Decreet for the abbot ordaining the defenders, in place of the said Hector, to desist.

A.D.C. et Sess., vii, f. 130v

No. 48

1539, []. Instrument of resignation at the hand of Patrick McCulloct N.P. narrating that Symon McCulloct of Mertoun freely resigned in favour of John Vaus of Barinbarach and Janet McCulloct his spouse daughter of the said Symon, all his kindness and possession of the 7 merklands of Clonare in the parish of Inch and barony of Glenluce.

Done in the lower chamber of the tower of Mertoun.

Witnesses : George Campbell of Karintray, John Vaus and Dom. Gilbert Makguffok chaplain.

Barnbarroch Charters

No. 49

1540, May 11. Copy, certified by James Ker notary, of crown letters under the Signet addressed to the venerable father in god and endorsed 'Glenlwis', narrating that the deceased Symon McCulloch of Myretoun and his predecessors had in assedation from the crown the steading of Glennery and had given the same to John Vaus of Barnbarroch and Janet McCulloch his spouse, daughter and heir of the said late Symon, who enterit therein till warned by the abbot to flit and remove under summons of violent occupation.

Ze sall understand yt albeit yor mynd be gud and dois for ye weill of ye Place as ye suppose. It is not ye weill of us nor our realme for als necessar is to have on ye ground men as riches and gudes for and everie man wauld do swa it war realme wtout fensable men. Praying you heirfor tak regard yt mony tenents ar put further of ye lands of yor abbey in tymes bypast and tane in yor awin hands plenisit wt yor awin guds and yt ye hail abbay lands be swa, thairfor yt ye suffer yis gentleman bruk his kyndle steding quhilk is ryt able to do service to us and to yor Place and dasist fra sik process as ye led upone him and his tennets taking con-

tentatioun of him resonably for ye tyme bigane as efferis and mak him and his said spous new takkis of ye said steding for malis and dewiteis aucht and wount swa yt we be nay fordir impeschit yrwt in tyme cuming, as ye will do us implessour and report our special thanks and yor answer agane in writ wt ye berer. Subscrivit wt our hand and under our signet, at Sanct Andrews.

Barnbarroch Charters

No. 50

1540, June 17. Anent the term assigned to ane venerable fader in God Galter abbot of Glenluce and convent of the samin aganis Jhone Vaus of Barnbarroch, Gilbert alias Gibbon McCrakane elder, Donald McCulloch, Gilbert McGibboun, Jhone McRedy and Jhone McCrakane younger to prove the violent and maisterful occupation, lauboring, manuring and withholding fra the said venerable fader and convent of the 7 merkland of Clanery with the pertinents likas at mair lenth is contenit in the summons acts and letters maid therupon; the said venerable fader for himself and the said convent being personaly present and the said Jhone Vaus for himself and persons forsaidis being also personaly present quha allegit that eftir the persewing of the said summons he menit him to the kingis grace, makand mention that umquhile Symon McCulloch of Myrtoun his gudfader and his predecessors had in assedation of the said venerable fader's predecessors and himself the said steding past memour of man and gaif his kyndnes and rycht therof to the said John Vaus and Janet McCulloch his spouse, dochter and heir to the said late Symon, and put thaim in possessioun of the samin before his deceiss and that the said venerable fader callit thaim for violent occupatioun of the samin befor the lordis of counsell and to desist and ceis therfra and his grace maid his letters of request and send to the said venerable fader requestand him to desist and ceis fra all calling or proceeding aganis thaim in the said mater and to sett thair kindly steding to thaimselfis, thai doing resonably thairfor and payand use and wont, likas at mair lenth is contenit in oursaid souerane lords letters of request desirand answer of the premisses and intimat to the said venerable fader and ressavit be him; quha ansuerand therto wrait to the kingis grace's secretar to schaw his grace that and the tenor of thair narration war of verite or could be provin before the saids lords quhar now the mater depends thay suld be favourit at his grace's plesour, and his grace acceptand his said ansuer and premisses be writing again to the said venerable fader that he is content thairof, as at mair lenth is contenit in the saids

writings quhilk naratioun viz.—that the said umquhile Symon McCulloch his gudfader and his predecessors had the said steding of Clenry in assedatioun of the said venerable fader's predecessors and himself past menmour of man and that the said Symon befor his deces dispoit his kyndnes and rycht of the samin to the said Jhone Vaus, and Jonet his dochter and air, and enterit thaim to possession therof and offerit thaim to prove the samin sufficiently; and onto the tyme probatioun be led in the premisses the said venerable fader suld not be hard to persew and the samin being provin the mater aucht to be referrit to his graces plesure likas the said venerable fader hes consentit thereto. Therfor the lords of counsale assignis to the said Jhone Vaus the 15 day of July nixttocum with continuation of dais for proving of the premisses sufficiently and ordainis him to have letters to summon sic witnes and probation and to produce sic writs rychts resonis and documentis as he hes or will use for proving therof sufficiently agane the said day, and to require the said venerable fader and convent to geif to the said Jhone Vaus the authentic copy of the rentale buke of the said abbay quhar that umquhile the said Symon McCulloch his broder gudshir, grantshir and forgrantshir hes bene rentallit in the lands forsaidis and als the copy of the said rentale quhar that the said umquhile Symon and the said Jhone Vaus was rentalit togidder for proving of the said exception or ellis that thai produce the principal rentale buke the said day to be sene and considerit be the saidis lordis with certification to thaim and thai falze the lordis will hald the forsaid as rentalit therin. And in the meintyme continues the said mater in the samin form force and effect as it is now but prejudice of party and the partyis presents and thair procurators ar warnit herof apud acta.

A.D.C. et Sess, xiii, f. 3

1540, July 19. Anent the term assigned in the above mater and anent the command given to the said venerable fader and convent to gif to the said John Vaus the authentic copy of the rentale buke of the said abbay. The venerable fader produced ane rentale buke of the date 30 May 1531 bearing the said umqule Symon was rentalit in the said lands of Clanery of the quhilk the tenor follows—That day Symon McCulloch of Myrtoun hes tane the 7 merkland of Clanery to himself and his assignais quhilk salbe Johne McCulloch of Balfair and Johne Vaus of Barnbarroch for the space of 5 yeiris nixt efter follow-and, the said Symon or his assignais as said is payand for the saidis landis yeirlie 14 merks of mail, 28 caponis with service and dewties as uther tennentis that ar at double mail payis kepand the stilis of the witsondays maid of the auld and the

new ; and mairatour gif it happinis the saids landis is vaik in the handis of the Place within the saids 5 yeiris and than sall leif the saids landis in the abbotis handis and renuncis thair kyndnes therof at the ische of thair takkis and the said Symon sall pay to the said abbot at the feist of Sanct Andro nixt to cum for the entres and gressume the soun of £20 of money and sall fynd plegis for him in the premisses Gibboun McCrekane and Gibboun McGibboun conjunctlie and severalie. The quhilk rentale beand producit the said venerable fader denyit that he his said convent and place had na uther rentalis of thair landis of Glenluce. It wes allegit be maister Hew Rig prelocutor for the said John Vaus and his collegis that thair wes uther rentalis of the said Place, into the quhilk the said umqle Symon and his foirbearis wes rentalit past memour of man and offerit him to preve the samyn lauchfullie and sufficientlie as efferis. Thairfore the lordis of counsale assignis to the said maister Hew the 16 Nov. next and ordains him to have letters to summon such witness and probations and produce such writs as he will use for proving therof and to summon the witnes that were summoned of befor for proving the exception under greater pains, that is to say Niniane McIlveane, Alexander McKynnay, Gillespy McCrekan, Gilbert Dunnyel, Patrick McIlcaffy, Johne Gibsoun, Johne McMaken, Alexander Mure, Johne McMaister, Gilbert McKynna, Thomas Parker, Thomas Cawen, schir Gilbert McGuffok, Andro McGe, dene Sampson Cunynghame, dene Johne Sanderson, maister Patrik McCulloch, schir James Hawthorne, Finaly Schelen, Thomas McMewin and schir David McBlane, to compeir the said day with continuation of dayis and in the meyntyme continewis the said mater in the samin form force and effect as it is now but prejudice of party, and parties warned *apud acta*.

The abbot of Glenluce askit instruments of the date of the assignation produced by the laird of Barnbarroch quhilk wes in the inner chalmer of Myrtoun the ferd day of May 1539 yeiris, and allegit that umqle Symon McCulloch at that tyme had nouthar tak nor kyndnes of Clanery becaus his takkis therof wes furth runnyn before the date of the said assignatioun.

A.D.C. et Sess., xiii, f. 101

No. 51

1450, Sept. 10. In presence of the lords of counsale comperit ane reverend fader in God, Henry bishop of Galloway on that ane part takand the burding on him for his fermoraris of his kirk of Insch, and Galter abbot of Glenluce takand the burding on him for his convent tenants and servants of his lands of Balnab, and submittit thame to the lords of Counsale in all

materis debatabill betuix thame tuiching the teyndis of the lands of Balnab clamit be the said reverend fader to pertane to him as persoun of the Insche and his fermoraris be reson of tak and assedation made to thame thereupon ; and he and his predecessors has been in possession therof past memour of man and is iniustly spoilzeit as he alleges therof be the said abbot and convent ; and be the contrar the saidis teynds allegit to pertene to the said abbot and convent be ressoun of thair privilege and grantit to the haille ordour of Cisterciensis tutching their propir lands occupyit with their awin gudis to be teynd fre and the teinds therof to pertene to thameselffis and siclike all utheris materis debatable or may gener pley amangis thame. And therefore the saidis lords has assignit to baith the said parties of thair awin consentis the 8 Dec. nixt to cum with continuation of dayes to gif in thair clames in forme of bill libellat that ilk ane of thame hes to say aganis utheris and ilk ane to ansuer to utheris clames as it wer peremptour summondis without dilatours and the allegit spoilzie to be first decidit, and in this meyntyne ordanis baith the saids parties of thair awin consent ilk ane of thame to send twa factoris quhome thair pleis best to the berneyard of Balnab quhair the stok and teyndis ar stakkit and gadderit and divide the teynd fra the principal and stakkit be the self in the said berne yard thair to remane unintromittit with be ony of the saids partyis thair tenantis and fermoraris quhill the final decision of the pley before the saids lordis and thai to be deliverit to thame that beis fundin havand rycht therto. Attour the lordis with consent of the saids partyis dischargis all decretis, all rolmentis of courtis, process befor spirituall jugis or temporal executorials fra the court of Rome and all uther sentence and process and execution therof unto the fynall decision and end of the said pley before the lordis foirsaidis and baith the saids partyis has assignit for dividing of the teynd fra the stok upoun the morne efter Michealmes day nixt to cum and four dayis thereftir or sounar as the partyis can aggre.

Signed Henry bishop of Galloway, Galter abbot of Glenluce.

A.D.C. et Sess., vol. 13, f. 209

No. 52

1546, July 8. Registration at the request of Gilbert earl of Cassillis and James Gordon of Lochinvar of a contract of submission to arbitration dated at Edinburgh 22 May 1546 betwixt the earl, his kinsmen, assisters, servants and partakers on the one part and Lochinvar and his ditto on the other part as to diverse and sundrie debaits between the said parties Both parties agree and choose the following as judge arbiters

and amicable composers to decide in the said matters,—for the earl, Alexander Master of Glencairn, John master of Uchiltre, Hew Campbell of Lowden sheriff of Ayr and Thomas Kennedy of Bargany or any two of them ; and for Lochinvar, Robert [Boyd] of Kilmarnock, James Douglas of Drumlanrig, James Ogilvie of Cardell and Roger Gordoun of Troquhane or any two of them ; and in case of discord the parties have chosen William earl of Glencairn and Robert lord Maxwell as oversmen. The arbiters are to consider all actions quarrels and debates one against the other before the date hereof and specially for the earl, anent the wrongful and unkindly taking away of the tacks of the abbey of Genluce and putting of him from the possession thereof ; and for Lochinvar, the wrongful withholding of the steading called ye Mule from Blak John James Gordon ; and all other debates as given in bill to the said arbiters. The arbiters to convene in Glasgow 7 June next and deal with the matters by 13 June, with power to them to prorogue the deliverance and sentence, by which both parties are to abide. The parties agree that the Place of Glenluce be delivered on 2 June to William Hamilton of Sanquhar as a neutral man for both parties to be held by him till the decreet be delivered. If there be discord amongst the arbiters they are to submit the cause thereof to the lord Governor and lords of council. Gordon is to withdraw all his men from the barony of Glenluce. With clause of registration. No witnesses.

A.D.C. et Sess., xxvi, f. 6

No. 53

1546, July 20. Tack by Walter abbot of Glenluce with consent of the convent to Sir William Hamilton of Sanchquhar, William Hamilton his son and their heirs of tailzie and assignees (provided that the last named be acceptable to the granters) of the 20/ lands of Dougrie in the barony of Glenluce for 19 years, paying 3 merks maill and teind maill and dues. Lower down the land is described as a 21/ land.

At Glenluce.

Witnesses : Doms. Henry Prior, Romane Coodyer, George Lermouth and Mr Alexander Simerless notary.

Signed by the abbot and Fr. James Kinpoint, prior, Fr. William Bawin, Fr. Patrick Brounhyll, Fr. John Walcar, subprior, Fr. William Halkarstoun, Fr. Alexander Cairnis, Fr. John Canbreth, Fr. David Bowak, Fr. William Steynsone, Fr. Henry Brus, Fr. William Bailze, Fr. Henry Crawford, Fr. Robert Mylbryd, Fr. Michael Leirmonth.

Tag and seal.

Lochnaw Charters

No. 54

1546/7, Feb. 11. Robert McKe, Patrick McCaill, Gilbert McBlane, John Hendersoun and Herbert McCrekane and the rest of the parishioners of Glenluce *v.* dene John Sanderis monk of Glenluce and schir Andro Ahannay chaplains anent production of letters charging the pursuers to pay the fruits of the curatorship to the party having most right thereto. Continued to 3 March.

A.D.C. et Sess., xxii, f. 115

1546/7, March 12. Schir Andro Ahannay curate of the parish church of Glenluce, Schir Donald McBlane chaplain, Gilbert Ahannay elder and younger, William Ahannay, Mychael McAlane, Donald McSkalie and the rest of the parishioners of Glenluce *v.* Dene John Sandersoun monk of Glenluce. Schir Andro had long been curate and had ingathered the fruits under letters from the ordinary. Sandersoun claimed to be provided to the curateship and had obtained the ordinary's letters warning the parishioners to pay their dues to him under penalty of horning. Appeal was pending before the official of Glasgow. The lords suspend the letters and the horning raised by dene John.

A.D.C. et Sess., xxiii, f. 20

No. 55

1547, May 30. Assedation by Walter abbot of Glenluce and the convent thereof to John Vaus of Barnbarach and his assignees 'which salbe his wyf and bairnis', of the 7 merks worth of the lands of Clannary in the barony of Glenluce for 19 years from whitsunday 1545, paying 81 merks as maill 'with 28 capons, 2 days peting, 16 ladis leding, 14 carriages thereof each carriage extending to 18 miles to go from the abbey and 18 to return, 2 days schering and one baillie day with service of cottrellis usit and wont'; provided that John Vaus makes no other assignation without license of the granters. Sealed with our common seal and subscribed by the convent in token of assent.

At Glenluce.

Witnesses: George Levinnax, Alexander Levinnax, John Mure, Patrick Angus, Anthon Frankquovill, schir William Baille and Mr. Alexander Smerles (?).

Signed by the abbot and Frater James Kinpont, prior, fr. William Bawne, fr. William Swyntone, fr. William Bailzie, fr. John Walker supprior, fr. Andrew Langlands, fr. John Sanders cellarer, fr. Henry Bruce, fr. Henry Crawford, fr. Robert

Aulbraycht, fr. Patrick Brounhyll, fr. Michael Leirmonth, fr. Alexander Carnis, fr. John Caubraith, fr. William Halkerstane, fr. David Bowak, policronitudo basileos.

Tag and seal

Barnbarroch Charters

No. 56

1547, Dec. 5

Paul III to Walter Malim (sic) abbot of Glenluce.

Today Walter has resigned his abbey of Glenlucose and the pope has provided James Gordon who will hold the abbey in a certain manner and fashion for a time and then be provided as abbot. Walter will however hold the abbey and administer all its goods, fruits, revenues and property, and direct its monks and all things attached and will retain full status as abbot—title, stall in choir, and jurisdiction over the monks—all as if he continued normally, and James Gordon may interfere in no way. James Gordon has given his consent and he will have full rights when Walter cedes. If Gordon die or cedes, Malim will have full rights.

In order that James be enabled to live up to his new dignity, abbot Walter will assign to him such a portion as he may need—if he need it.¹

Reg. Vat., 1698, f. 179-181.

No. 57

1547, Dec. 9. To James Gordon cleric Candida Casa diocese '*Apostolice Sedis providentia circumspecta*. . . .' It is the duty of the Holy see to take vigilant care that all monasteries and churches be provided with suitable pastors and especially that they should not suffer the inconveniences of a long vacancy. Since today, WALTER MALIM, until lately abbot of Glenluce ('*nuper abbas*') C.C. DIOCESE has resigned the abbey into the pope's hands and the pope seeking for a suitable pastor has chosen him, James, who is a minor, but to whose virtues, fitness and promise for the future, trustworthy witnesses have borne testimony, and for whom also Mary, Queen of Scots, with the consent of her guardian, the Earl of Arran, has petitioned. Therefore, the pope in consistory, with the advice of the cardinals, has provided him to the abbey '*in commendam*' until he reach his 22nd year. He will then receive the monastic habit and make the accustomed profession (i.e. make the vows

¹ This bull to Malim meant that he would have to pay double the 'common services', whilst Gordon paid nothing until he came into full possession. Had Malim taken a pension of half of the fruits of the abbey he would have paid nothing, whereas Gordon would have had to pay all.

of the Cistercian Order) and be received into the community as their lawful abbot, notwithstanding his defect of age, the constitutions of the Cistercian Order which require that none but expressly professed priests of the Order, of at least 30 years of age be chosen as abbots, the decrees of the Holy See and the privileges of the abbey of Glenluce. The pope wishes however, that on account of this derogation, the normal fulfillment of the divine office and the monastic duties to be in no way injured, and that none of the obligations of the monks and the abbey be neglected. Hence he decrees that $\frac{1}{3}$ of the common table, or $\frac{1}{4}$ of the Abbatial, if that be separate, be laid aside annually for the maintenance of the community, the upkeep of the buildings and the divine service, and for the alms of the poor according as necessity will demand. Mandate to the Bp. of C. Casa, and Bp. of Dunblane. Before installing him they will receive his oath of fidelity to the Holy See.¹

M. Caud Crescentius. N. Richardus

Reg. Vat., 1698, ff. 125-129^v

No. 58

1549, No. 19. Uchtred McDowell son and heir of the deceased John McDowell of Garthland *v.* Gilbert earl of Cassillis bailie

¹ I am indebted to Father J. O'Dea for the above bull and the following note: *Resignatio cum retentione*. The reigning prelate in order to ensure that there would be no flurry and disputes at his death went through the form of resigning to the pope, who accepted, nominated his successor, but then allowed the 'resigning' prelate to retain the whole government of the prelacy, the use of its revenues, etc., and often even the title of abbot, etc., for his lifetime with a pension or the equivalent to the new nominee until he obtained possession. The new nominee got his bulls as if he were already abbot at that date—sometimes they mentioned that the former abbot or prelate would retain the benefice for life, but sometimes they did not. The resignee had his separate bulls which accepted his resignation but granted him retention of the benefice or of a pension as he desired (or more probably as the king or council permitted).

This usage was common from 1490 to 1562. In theory it could do away with a lot of the disputes at the vacancies of prelacies or other benefices, but it could give rise to many abuses. It was abolished by the council of Trent.

In the above case it was obviously the Gordon friends who used their influence at court to have resignation in favour of James 'suggested' to Walter Malim and because of the support of the royal letters it was accepted without question at Rome. Note that this bull makes no mention of the fact that Walter was granted full retention of the abbey and the abbatial dignity (which he had in a bull addressed to himself and which effectively prevented James Gordon from using his title until the death or free cession of Walter). Hence things at Glenluce would continue as if nothing had happened—only James would have a title to the abbey dating from 1547. This loose use of the above title, without paying much attention to the canonical niceties of the situation, explains the apparent conflict of the later documents.

of Glenluce and Walter abbot of Glenluce for his interest, narrating the death of the said John McDowell at Pinkiecleucht and that he had been bailie depute under the earl of the abbey and its temporal lands and was in possession of the office at his death. By the General Act before that battle Uchtred should bruik his father's office and be baillie depute but the earl would not enter him therein Continued to [] Nov.

Acts and Decrees, iii, f. 182^v

No. 59

1555/6, Jan. 14. Registration of a decret arbitral, dated at Dumfries 22 Aug. 1555, anent the wrongs done betwixt the parties viz. Gilbert earl of Cassillis his brethren, kith and kin on the one part and John Gordoun of Lochinvar for himself and for dene James Gordon titular of Glenluce his brother and their kith and kin on the other part. The Regent of Scotland is chosen as the sole oversman to hear the earl's claim to the feu fermes of the bailiery of Glenluce and the £10 land of the same and the restitution of the laird of Garthland to his steading of [] in Galloway and also the claim of the laird of Lochinvar for restitution of his tacks of the kirks of Kells and Balmaclellane, the lands and bailiery of Erlstoun, and for his friends the £5 lands of Mule of Galloway alleged to be their kindly steading. The decret decerns Lochinvar to obtain infestment of the earl and his successors, to the bailiery of Glenluce with its unlaws, escheats etc just as the earl had held it in tack before, provided he appoints two deputies residing within the bailiery. Lochinvar is to infest the earl in the best £5 land within the bailiery and as shall best please the earl, excepting the ferme lands used for sustentation of the Place (of Glenluce) and the lands occupied by the following friends of Lochinvar viz. William Gordon of Creachlaw and his bairns, Patrick McCrekane in Seuchane and his bairns, Patrick Agnew sheriff of Galloway, Alexander McCulloch of Killasteris and Robert McKye in Glenluce: the said £5 land to pay to the Place the former dewties. Full title to the same to be given when dene James Gordon as titular shall enter to full administration of the said abbey or have power to set lands in feu, or sooner if the earl obtains consent of Walter now abbot of Glenluce and that before any other lands are set in feu. Lochinvar to obtain as well the consent of the convent under conventual seal which must be ratified by the said titular who is to enter James Kennedy and Hew Kennedy brothers to the said earl in the steadings that they presently occupy viz—the 5 merkland of Enerlay pertaining to the said James and the £5 land of Carskreach pertaining to the said Hew, at the

mailles and dewties due and wont and give them 19 years tacks therof.

And the earl is to labour and solicit the two parsons of Kells and Balmaclellan to set both the parsonage and vicarage to Lochinvar and his friends who had the same before, on the old terms, they paying entry silver; and the earl having right to the abbacy of Salset shall not alter Lochinvar and his friends in the just possession therof. The earl to help Lochinvar to a reasonable address at my lord Robert's hands for tacks of his three kirks which Lochinvar is obliged to obtain to the laird of Bomby. The earl to assign to Lochinvar a tack by the countess of Bothwell of the lands and bailiery of Erlistoun, and Lochinvar is to find caution for the rent to the countess in place of the earl. The earl's claim concerning the laird of Garthland's steading is to be reformat and Lochinvar's claim to the £5 lands of Mule is to be superceded.

Witnesses: William master of Glencairn, John Dunbar of Mochrane and James Kennedy of Uchilure. Also signed by James archbishop of Glasgow, John Maxwell, Drumlanrig and Roger Gordon of Troquhen.

Register of Deeds, i, f. 258

No. 60

1557, May 4. Assedation by James abbot of Glenluce with the consent of the convent thereof 'to our lovit cosing and servand' George Levynnax¹ and his assignees, which shall be Katherine Levynnax his spouse and William Levynnax his son conjointly whom failing his bairns male whom failing his daughters and their heirs 'providit that gif I the said George staikis contentis and plesis ye said William in any uyer equivalent place the said William renouncis yis tak in yat cais alanerly of the 4 merks worth of the lands of Glenhoill in the barony of Glenluce for 19 years from Whitsunday 1557, paying 8 merks mail, 40/ for a horse's work and 18 bolls of teind meal, 16 great fowls, a man's work and a horse at long carriages and short, a quarter of an acre making $\frac{1}{2}$ an acre of tilling, 6 bolls of oats harrowing, 12 rudes of dyke making, a servant daily at peiting, 80 loads of peit leading, one horse daily at corn leading, with a sufficient servant 6 days sheiring and the service of cotteralls as use is; reserving the use of the moss of Glenhoill as before to the convent. George is to dwell on the land and not alienate the kindness without leave of the convent and to find Hew Kennedy in Casreach as surety.

¹ In 1556 George Lennox was deputy baron bailie of Glenluce (*D. and G. Trans.*, xxi, 293).

At Glenluce sealed with the common seal of the convent.

Witnesses : Dene Alexander Cairnis wardane, George Burell, Alexander Levynnax and John Acarsane.

Signed by James, Vallis Lucis Abbas, and fratres David Bowak *more solito*, William Stenstoun, Patrick Brounhyll, John Lauder vicar, Richard Broun, Alexander Glay, Robert Gylbacht, John Walcar cellarer, William Bailzie, Michael Leirmonth, John Galbrath, Alexander Cairnis, William Halkarstone, Adam Gunnoquhen, David Frissell and John Wilsoun.

Barnbarroch Charters.

No. 61

1558, May 16. Instrument at the hand of William McGowynne N.P., narrating that James abbot of Glenluce went to the toun (villam) of Dronganour in the parish and barony of Glenluce and there, conform to an assedation for the space of 5 years to his cousin Roger Kirkpatrick, received at the end of the said tack the said lands relinquished by Roger according to his obligation.

At the mansion of Drongangour.

Witnesses : Dom. John Sanderis vicar of Glenluce and master of the herdsmen (*magister armentorum*), James Gordon in Balneill, William Twedy in Ganoch, William McIlroy in Over Torris, Andrew Thorbrand in Torris and Gilbert McClenoquhan in Drongangour.

Barnbarroch Charters

No. 62

1558/9, March 18. Charter by James abbot of Glenluce with consent of the convent thereof, in favour of Gilbert earl of Cassillis and his heirs of the office of a bailie of the lands of the abbey with the right of the escheats and fines of the court.¹

Signed by the abbot and the following brethren : Michael Leirmonth, William Halkarstoun, Adam Gunnoquhane, David Frissell, John Wilsoun, William Stevinsoun, Richard Brotwy, Robert Galbrath, William Bailze, Patrick Brounhill, John Galbrath, John Walcar subprior, Andrew Langlands, David Bowak, Alexander Cairns, Alexander Gray.

Tag and very fine seal.

Cassillis Charters (uncalendared)

¹ Abbot James was dead by 22 March 1559/60 (*Ayr and Galloway Coll.*, v, 143) and in May 1560 Pope Pius IV issued a bull directed to the abbot and precentor of Sweetheart and Mr. David Gibson, canon of Glasgow, to enquire whether it was to the utility of the abbey of Glenluce that abbot Thomas Hay should alienate in feu to the earl the office of bailiery and the lands thereof of the yearly value of £120 Scots and not exceeding £20 sterling, and if so to ratify and confirm the feu (*Cassillis Charters*, No. 583).

No. 63

1560, Oct. 25. Grant of pension by Thomas abbot of Glenluce of the Cistercian Order and convent of the same gathered in the church of St. Mary of Maybole, to Mr David Gibsoun rector of Ayr, for the whole of his life of a monk's portion just as a claustral monk of the monastery has, extending to £20 scots from the fermes and teinds of the abbey commencing at the feast of St Martin in winter. The grant is made in return for arduous negotiations, counsel and help rendered to the abbot and convent. Gilbert earl of Cassillis as trustee (*fidejussor*) confirms the grant.

At Maybole sealed with the chapter seal.

Signed by the granter, G. Erlle of Cassillis and John Walcar, Patrick Brounhyll, John Sanders vicar of Glenluce, Adam Gunnoquhen, Andrew Lauder, David Bowak, Alexander Carnis, John Galbret subprior, Michael Leirmonth, William Halkars-toun, David Frissell, Alexander Gray, John Wilsoun.

Tag and fragment of seal.

Barnbarroch Charters

No. 64

1560, Nov. 2. Commission by Thomas abbot of Glenluce to Gilbert earl of Cassillis constituting him and his heirs heretable bailie of the abbey and barony and of the whole lands and possessions thereof, for which there is payable to the earl a yearly pension of 3 chalders of flour and oats as fee for executing the office of bailiery, with power to hold, fence and continue bailie courts, appoint deputes and clerks etc. to fine and amerciate and punish transgressors and to apply the fines to his own use.

At Maybole.

Witnesses : David Kennedy of Culean, Hugh Kennedy of Cascreoch, James Kennedy of Ochterlour, William Kennedy of Coif and David Kennedy in Brounston.

Cassillis Charters, No. 591

No. 65

1560, Nov. 7. Assedation by Thomas abbot of Glenluce with consent of the convent 'to our lovit servitor Hew Kennedy of Bochquhone' and his heirs, of the teind sheaves of the parsonage and vicarage of his steading of the £5 lands called ye Kerskrew in the barony of Glenluce pertaining to the granters as parsons and vicars thereof, for the space of 3 years and similar periods thereafter for 19 years in all, from the feast of

St Michael 1560, paying yearly 50 merks ; discharging Hew of all the teinds due from the said lands since the death of James Gordon last abbot.

At Maybole, sealed with the common seal of the convent.

Witnesses : George Campbell of Leffynnoreis, John Cunyng-hame, Mr. David Gibsoun parson of Ayr and John McGhe.

Signed by the abbot and Fr. John Galbrayth subprior, Fr. Alexander Carnis, Fr. William Halkarstoun, Fr. Alexander Ander (sic) Gray, Fr. John Wilsoun, Fr. David Frissell, Fr. William Bailzie, Fr. John Sanders vicar, Fr. Andrew Langlandis, Fr. David Bowak prior, Fr. Michael Leirmonth, Fr. Patrick Brounhyll, Fr. Adam Gunnoquhen.

Tag and fragment of seal.

Barnbarroch Charters

No. 66

1561, July 15. Instrument in the hands of Herbert Andersone, priest of Glasgow diocese, notary public, narrating that Dene Michael Leirmonth, professed monk of Glenluce, of the order of Cistercians, of his own free will, not compelled by my lord of Cassillis nor any other man in his name, for 'exonerating and dischergeing of his saule and conscience in presens of Almightie God and for to stop the schedding of mekill innocent bluide' declared that he had forged a charter, precept of sasine, instrument of sasine and five year tack of the fruits of the abbacy of Glenluce, with an instrument of ratification by the convent of the same. The said Dene Michael has presently written with his hand the manner of the same and has subscribed it, which writing was also subscribed by certain witnesses. Upon which Gilbert, earl of Cassillis, asked instruments.

Done at the monastery of Saulseat, in the abbot's chamber, at the ninth hour before noon or thereabouts.

Witnesses : John Maxwell of Terreglis, knight, John, abbot of Newabbay, Finlay Campbell of Corswald, Uthred Medowll of Garthland, James McClellane of Mcartoun, John Makknaycht of Kilquhonite, Master Thomas Makillelane of Blakmerk, and John Glendonyng of Drumrasche, Neill Makdowell, notary, also subscribes.

Ailsa Muniments, Supp., No. 118

No. 67

1561, July 15. At Saulseat. Dene Michael Leirmonth, monk of Glenluce, testifies that John Gordoun of Lochinver came to him on 7 November, 1560, or thereabouts, and said that he had been informed that my lord of Cassillis had obtained a feu of the

lands of Glenluce from the abbot and convent. Then he passed to the abbey kirk and took Leirmonth with him to the north side, before St. Ninian's Aisle, where he desired him to make him a feu charter of part of the lands of Glenluce and he would never permit him to want. Leirmonth, who had not yet fully recovered from the sickness which had troubled him, and who had been debarred by Gordoun from his living and put forth of his place, agreed to do this, because of his extreme poverty. He asked Gordoun where the seals might be obtained, to which he replied that he had an old charter of bailiary granted to my lord of Cassillis and a 19 year tack to James Kennedy of the lands of Arehullen, sealed with the common seal and subscribed by the abbot and convent, which he promised to bring out of the Kennivar within eight days. He came from Kennivar and sent for Leirmonth on a Sunday morning and delivered the two documents to him in the chamber called 'the Abbotis Chalmer'. On the same Sunday afternoon he came in person to Leirmonth's chamber in the dorter and erased one and a half lines of the charter with his own knife, then caused Leirmonth to erase the rest down to the subscriptions and also to scrape the back 'anent' (behind) the subscriptions, so that the whole parchment might be the same thinness. Because the space was so limited ("so little of bounds") Gordoun made him write a precept of sasine above the subscriptions, containing 168 merk 10s. lands, to be given to him and his heirs in feu and heritage, after the form and tenor of a charter to be made thereupon. Alexander Gordoun of Mindork delivered two skins of parchment, on one of which Leirmonth wrote a 'great' feu charter and forged the subscriptions of all the monks, save four, whose subscriptions the said laird forged. On the other skin he wrote an instrument of sasine, purporting to be by Sir James Halthorne, who died long ago and forged his sign and handwriting. Roger Gordoun of the Cuill brought Halthorne's protocol book, which was procured from the laird of Killasser, into which Leirmonth inserted the instrument, as if Halthorne had done so. The seal was taken off the tack, by holding the face to a wet cloth and the back to the fire, and then it was put on the charter. This was done in the old abbot's chamber and the forgeries were completed in the month of February (1560/1). Gordoun also caused Leirmonth to make out a five year tack of the whole fruits of the abbacy, forging the handwriting of the abbot, who was then dead, and also an instrument, purporting to be by Sir James Halthorne, whereby the convent ratified this tack, which was witnessed by Roger Gordoun of Troquhain, who was dead, Patrick Agnew, sheriff of Wigtoun, Alexander Gordoun in Barquhill and Roger Gordoun of the Cuill.

This he testifies before Sir John Maxwell of Terraglis, knight, Finlay Campbell of Corswell, Uthrid Mcdowell of Garthland, Richard Mcke of Martoun, James Mcclellane of M'eurtoun, John M'knecht of Kilquhonite, Master Thomas Mcclellan of Blakmark, John Glendownyng of Drumrais, John Gordoun in Barnbord, Master Patrick Waus, parson of Wigtoun, Sir Hew Kennede of Girvan Manis, knight, and the notaries, Sir Neill Mcdowll, parson of Steinkirk, Sir Herbert Anderson, vicar of Keltoun, and John, abbot of New Abbay.

Signed by Jhone Maxwell, Corswall, Garthland, James Makelellane, Girvan Manis, Johne abbot of Sweethart, Jhone Maknacht of Kilquhonyte. (Attested by Herbert Anderson and Neill Makdowell, notaries.)

Holograph ratification of the above by the said Michael Leirmonth, Master Patrick Richertsone, in name and behalf of Gilbert, earl of Cassillis, having asked instruments. The said Michael binds himself to appear before any judge or judges competent to raify the same.

At Innermessan, 22 July, 1561.

Witnesses: Uthred Mcdowall of Bunghenge (?), Gilbert Mcdowall in Balcar, Edward Kennede in Inner(messan ?), John Gillesoun and Gilbert M'cmulren, Alan Hamylton, Malcolm Kirkland, Martin M'cmvrre, all dwelling in Innermessan, and Sir Neill Mcdowall.

Signed by the said Michael Leirmonth and attested by Sir Neill Mcdowall and David Gibsone, notaries.

Ailsa Muniments, Supp., No. 117

No. 68

1561, July 17

'This testimoniall is maid for informatioun and to schaw the verite to the nobilite of this realme and lordis of Counsel and all utheris quhome it efferis and in speciall to the lordis commissioneris betwix the lord of Cassillis and the lard of Lochinver.'

The prior, subprior and remanent of the convent of Glenluce make known that they have learned that John Gordoun of Lochinvar has produced before the lords commissioners for concord between him and Gilbert, earl of Cassillis, a feu charter of the greater part of the lands of Glenluce. They have never granted, nor indeed has Gordoun ever asked for, such a charter. But when concord was made between him and the earl, Gordoun bound himself to obtain for the latter a charter of bailiary, together with a £10 land of the lands of Glenluce, and a tack of the 5 merkland of Arehullen for James Kennedy, the earl's brother. By virtue of this agreement, when James Gordoun,

his brother, became abbot on the death of abbot Walter, Gordoun drew up the deeds and presented them to the abbot and convent. Although the abbot subscribed them in the Queen's presence, the convent would no wise consent to do so until they knew the Queen's mind. Accordingly the prior and Dene Alexander Cairnis rode to Edinburgh and consulted the Queen, who desired the same to be expedite. They remained in Edinburgh and wrote telling the convent to seal the documents and to send them to Edinburgh. Alexander Gordoun of Mindork brought them to Edinburgh, where the prior and his brother subscribed, the prior last of all, contrary to the usual practice. But the charter and tack were never delivered because of the earl's hasty departure for France.

Long afterwards, alleging that he had lost the first, Gordoun presented another charter and tack. He procured the Queen Dowager Mary's "requeistis" that the same should be subscribed and sealed, which was notified to the prior and convent by Ross Herald. The charter, with its precept of sasine, and the tack were sealed and subscribed by the convent and delivered to the abbot (James Gordon), who was then lying sick. Therefore the prior and convent make known that they subscribed and sealed no feu of any lands of Glenluce for any man (especially Gordoun, who never asked for a foot of the lands of Glenluce) other than the feu of the bailiary. This was the only charter in whole or in part given or consented to by abbot James in his lifetime and if any other feu charter is produced it is false and forged.

At [blank], 17 July, 1561.

Witnesses: Alexander Wauss of Barnbarrocht, David Kennedy of Culzeane, Finlay Campbell of Corswell and Duncan Kennedy of Dalquharran.

Signed by Den Rychart Brown, Den David Bowak, Alexander Cairnis, Michael Leirmonth, Johannes Galbraith, Guillelmus Halkarstoun, David Frissell, Johannes Vilsoune, Alexander Gray.

Ailsa Muniments, supp. No. 119

No. 69

1561, Nov. 4. Decreet arbitral dated and recorded in the Books of Council and Session, 4 November, 1561, by James, commendator of the priories of St. Andrews and Pittenweem, judge arbiter between Gilbert, earl of Cassillis and John Gordoun of Lochinver, their friends and servants; whereby it is ordained:

(1) John Gordoun is to remove himself and his servants from the Place and Yards of Glenluce by 10 November and to deliver the same with the registers, evidents, letters and rentals and

the insight plenishing to the said Earl as bailie of the abbot. He is also to deliver the 'bowsteidis' and 'stoirsteidis' of the abbey, together with cattle, corn and plenishing, conform to the 'Beltyme Buikis' [Beltane Books] and his own receipt, providing that if there shall not be sufficient on the lands, he shall make up the deficiency at the sight of the arbiter.

(2) As both parties claim the lands of the abbacy of Glenluce, according to their respective charters, John Gordoun is to renounce in favour of the Earl and his heirs male, all the lands contained in his feu charter, dated 31 Jan., 1557 (8). And the Earl will discharge him, and procure a discharge from the abbot and convent, for all his intromissions therewith preceding 10 August, 1561, excepting the plenishing of the Place and the present crop, which he shall deliver, deducting necessary expenses.

(3) The Earl is to grant John Gordoun a 19 year tack of his lands of the Mule of Galloway, at a rent of £7 : 10s., with entry at Whitsunday next, and vacant possession. He shall grant warrandice and procure a discharge from his aunt, Jonet Kennedy, and Alexander Waus of Barnebarrocht, her spouse, of all their rights thereto. The tenants are to make payment to Gordoun of the 'fermes' of the Mule of Galloway. Gordoun shall cause a gentleman of his house to dwell on the lands, who shall serve the Earl at his own expense in the Queen's wars and at other times at the Earl's expense.

(4) The Earl shall grant feus of their tacks and rooms to Gordoun's 'anciantt' friends:—Patrick Agnew, sheriff of Wigtoun, Alexander Gordoun in Barquhill, James Gordoun in Barneill, Gilbert Agnew, the laird of Craychlayiss and his brethren, Alexander Macculloch of Killasseris, Patrick McCrekane and his son, Roger Kylpatrik and Roger Gordoun in the Cuile, for payment of the duties in the rental, with augmentation conform to the custom of the realm. Any disputes arising therefrom are to be referred to the arbiter.

(5) The Earl and Gordoun are each to choose two, three or more judges arbiters for all disputes involving the friends of both. In case of disagreement the present arbiter will nominate an oversman. The causes are to be accepted before 30 November and are to be decided within six months.

(6) The parties are to be reconciled and are to stand in all time coming in 'perfyte lufe, amitie, kyndnes and Cristeane nychbourheid'. They are to take each other's part in all things.

(7) The Earl and his heirs, as having right to the abbacy of Salsett, are not to disturb Gordoun and his friends in their just possessions.

(8) This decret is to stand in fulfilment of all prior contracts

and communings between the parties, whether recorded in the Books of Council or otherwise.

(9) The arbiter reserves to himself the interpretation of this decret, and his interpretations are to be as valid as if they were inserted therein, and he ordains the decret to be recorded in the Books of Council.

At Halierudhous.

Witnesses : William, earl Merschell, James, earl of Mortoun, John, earl of Athole, James Douglas of Drumlanerig and William Maitland, apparent of Lethington, Secretary of Scotland.

Signed by James Stewart, Cassillis, Lochinwar.

Register of Deeds, iv, 391 ; original warrant damaged.

No. 70

1561, Nov. 17. Instrument in the hands of James Ross, clerk of Glasgow diocese, notary public, wherby John Gordoun of Lochinvar, for fulfilling his part of a decret arbitral by James, earl of Murray, judge arbiter between him and Gilbert, earl of Cassillis, 2 November, 1561, delivers possession to the said earl and Thomas, abbot of Glenluce, of the abbacy of Glenluce, reserving to himself, nevertheless, the old duties and rests.

At the place of Glenluce.

Witnesses : David Kennedy of Culzeane, James Kennedy of Uchrelour, Roger Gordon in Cwill, Roger Kirkpatrik and Master David Gibsone, notary.

Ailsa Muniments, Supp. No. 120

DOCUMENTS RELATING TO SAULSET

THE site of Saulset Abbey will always be associated with St. Malachy, whose *Life*,¹ composed within a few months of his death, was written by St. Bernard in whose arms the saint died. He had carried out great reforms in Ireland, where he was bishop of Down and had three times traversed Galloway, and though neither Fergus nor bishop Gille-aldan is directly mentioned in the *Life* it is incredible that St. Malachy did not meet them or visited Whithorn. Practically nothing is known of the outward journey of the saint's first visit to Rome in 1139. But Malachy must have kept his eyes open and learned much of the ecclesiastical conditions in Galloway. He does not seem to have met King David, but it is possible that he passed through Annan, met Brus there and delivered his curse on that family and house as recorded by the Lanercost chronicler.² On his way back from Rome he stayed at Clairvaux with St. Bernard, and we may be sure that church matters both in Ireland and in Scotland were fully discussed. It is probable that it was with the approval of St. Bernard that Malachy decided to extend his reforming efforts into Galloway. The decision may well have been made at Clairvaux, and to St. Bernard—that great Cistercian—must be attributed the inspiration that caused Malachy to found in 1142 the first Cistercian monastery in Ireland at Mellifont.

But if Malachy was to extend his influence into Galloway it was essential, from his Irish experiences, to seek the co-operation and active assistance of the church and rulers of Galloway. The moment seemed propitious, for Fergus, lord of Galloway, had been reconciled to King David after a long estrangement. But it was obvious that Malachy

¹ S.P.C.K., edited by Lawlor; see also *Scot. Hist. Review*, xviii, 69 and 319.

² *D. and G. Trans.*, 3rd series, xxxii, 155.

should visit both of them if his scheme was to make progress. His recorded movements on his return journey from Clairvaux indicate this policy.

‘Malachy having set out from us [i.e. Clairvaux] had a prosperous journey through Scotland, and having found King David, who is still alive today, in one of his castles and whose son [prince Henry] was sick unto death etc.’

Malachy cured the sick prince and so earned and received the respect and veneration of King David. It must have been with the king’s approbation and perhaps letters of credence that the saint set forth to visit Fergus, if he had not already done so. One may expect a stay of several days at Cruggleton and Whithorn. In the *Life*, however, is no mention of Fergus but only of his village of Cruggleton. This implies a detour from the direct line from Cree to Glenluce. Its object surely is obvious.

‘As he passed therefore through the village of Cruggleton a dumb girl met him.’

There can be little doubt that he saw Fergus and Gille-aldan and sought their help and concurrence with his plans. The sequel will show with what success.

‘Then he entered a village which they call St. Michaels church . . . and cured a woman mad and bound within cords.’¹

¹ Sir Herbert Maxwell, quoted by Lawlor, asserts that Mochrum church, some twelve miles from Cruggleton, on the direct route from Cruggleton to Stranraer, was anciently dedicated to St. Michael. I have been unable to check that identification, but it seems reasonable, though there might be other claimants. Thus the church at Glenluce was dedicated to St. Michael and the church of Longcaster, though described on 1 Jan. 1433/4 as the parish church of St. Nicholas of Longcaster (*Barnbarroch Charters*), figures in another document from the same source as ‘the high altar of St. Michaels kirk of Longcaster’ (dated 27 June 1546). Longcaster, which goes back to the 10th century on the evidence of the cross now in Whithorn Museum, was probably dedicated in the beginning to St. Michael. Built into the barn of the farm of Boghouse of Mochrum—the ancient Kirklands—are two or three corbels which in 1950 were very dilapidated, belonging to what is known as a corbel table that ran externally round the top of the walls of a church, supported at intervals by carved blocks or corbels. In the 12th century it was a course of stone projecting some six to twelve inches. This was a regular feature of English Romanesque practice during

Till he reached the coastal port we learn no more of Malachy's movements. But he must have passed through the parish of Inche always on the look out for a suitable centre for his future activities. And beside the Green Lake he decided to plant a community. Its choice may have been influenced by the fact that it lay within a mile or so of the manor of Inch, which was a seat of the bishop of Galloway and perhaps the earliest endowment of the bishopric. If so, one may detect the hand of Gille-aldan in its selection. Then Malachy passed on to the coast.

'But when he came to Portus Lapaspari he waited for a passage some days. But the time of delay did not pass idly. In the interval an oratory is constructed of twigs woven into a hedge, he both giving directions and himself working. When it was finished he surrounded it with a wall and blessed the enclosed space for a cemetery.'

Lapaspari is obviously the genitive of *Lapasper* a corruption of *Lapis Asper* (rough stone). Lawlor suggests that this is a Latin rendering of Cairngarroch = carn garbh, which name occurs three times on the shores of Wigtownshire. It is clearly not Cairngarroch Bay close to Dromore. Ireland is invisible from this point and the dangerous currents round the Mull, well known to shipping, renders this site most unlikely. Lawlor selects Cairngarron Bay between Portayew and Money Head, south of Portpatrick. Agnew on the other hand (p. 59) strongly states the claim for a

the second half of the 12th century. In the museum at Whithorn are some similar corbels, larger, finer and earlier examples from that 12th-century cathedral, one depicting a cat's head that is remarkable. There is also a voussoir built into the byres at Boghouse c. 1200. That Romanesque church at Mochrum may not have been the church visited by St. Malachy. But there must have been a previous church there—perhaps of wood, for in Whithorn cathedral museum are two 12th-century tomb slabs with crosses on them, rescued by the late Sir Herbert Maxwell from a farm at Boghouse (see Official Guide, Nos. 53 and 63). Only four parish churches in Galloway can be assigned on architectural grounds to this period—Mochrum, Cruggleton erected in the second quarter of the 12th century (*D. and G. Trans.*, 3rd series, xxviii, 94), Dunrod (*Inventory*, No. 217) and Kirkeudbright, in which museum is a capital and other fragments from St. Michael's Church now in that town's Museum, c. 1150 or a little earlier. Mr. Raleigh Radford has suggested that there are possibly some 12th-century remains at the Chapel of Isle of Whithorn, and at the Cathedral.

site at the southern end of Larbrex Bay. A recent survey of that site and the suggestion of an even earlier track from Lochryan directly aligned on Larbrex Bay seem to justify the identification.¹

Not till 1148 did Malachy feel free to fulfil his plans in Galloway. But in the eight years that had passed since he was in that province he can never have forgotten that objective. In May the Synod of Innispatrick authorised him to go to Rome to bring back the pall for Ireland. He must have set out from Bangor, but was driven back by a storm.

‘on the third day [the first day after landing in Scotland] he reached a place which is called *Viride Stagnum* which he had caused to be prepared and leaving there some of his sons our brothers, as a convent of monks and abbot—for he had brought them with him for that purpose—he bade them farewell and set out.’²

From this statement of St. Bernard it has been properly inferred that St. Malachy planted at Saulset a convent of the Cistercian Order, and the fact that until 1393 Saulset is not known to have had any parish churches forming its spirituality, supports this inference. Yet there is nothing to show that Malachy brought brethren from Mellifont the first Cistercian house in Ireland.³ The difficulties he experienced there would scarcely encourage him to draw on its ranks, which admittedly were not sufficiently instructed for an establishment at Saulset. It is possible that Malachy may have drawn on Clairvaux itself, but in that case he is not likely to have appointed as first abbot of Saulset, Michael, who is definitely stated by St. Bernard to have been cured of recurrent dysentery by Malachy at Bangor, adding

‘and at present, as we have heard, he presides over a

¹ *D. and G. Trans.*, 3rd series, xxxv, 130.

² On leaving Saulset Malachy travelled on to Yorkshire, contacting again his friend King David and visiting Guisburn. He never reached Rome, dying at Clairvaux on 3 November.

³ Mellifont was founded in 1142 by Malachy and its first abbot, Christian, had to be sent back to Clairvaux for further training. The abbey was not consecrated till 1159.

monastery in the parts of Scotland; and this was the latest of all Malachy's foundations.'

If Michael came from Bangor, he must surely have been an Augustinian.¹

But whether Augustinian or Cistercian, the venture could not have been successful. If insufficiently trained Cistercians were brought from Mellifont, it is more than likely that the new foundation proved unsatisfactory after Malachy's death and bishop Gille-aldan must have intervened to establish a new order at Saulset. That bishop who is today credited with the establishment of Augustinians at Whithorn may have done the same at Saulset, especially when the predilection of Fergus for that order at Holyrood is borne in mind.² But there is no evidence of this. Gille-aldan may have been quite unacquainted with Premonstratensians whose first known appearance in Scotland was at Dryburgh in 1152. It has been claimed that Saulset was the first Premonstratensian house in Scotland and even that Fergus *c.* 1150 brought the Canons from Prémontré, but our knowledge of the church in Galloway at this date does not permit any conclusion. Yet it is clear that Saulset was the mother house of Premonstratensian Whithorn and that Whithorn went over to that order *c.* 1177. Mr. Raleigh Radford is of opinion that both Saulset and Whithorn became Premonstratensian in the episcopate of Christian (1154-86).³

¹ Lawlor, p. 79.

² There is no evidence to associate Fergus with the Premonstratensian Order other than the obits in which he is commemorated as founder of Whithorn and Saulset. This could equally apply to his benefactions before those monasteries became Premonstratensian. The Whithorn evidence points to this having happened some years after the death of Fergus.

³ *D. and G. Trans.*, 3rd series, xxvii, 104. Father O'Dea has pointed out that, unlike the Cistercian system, which was pretty well crystallised by 1119, the constitution of Prémontré was much more fluid and was not stabilised until quite late in the 12th century. In the early days it did great work, absorbing a lot of bodies of canons already in existence with peculiarities of their own. Hence it is possible that Saulset existed as a body of canons *sui generis* until it was absorbed into the Premonstratensians. The brethren who accompanied Malachy may have been his own clerics who visited Clairvaux, but were never fully formed Cistercians. They may have been Augustinians or even secular clerics with an admiration for the Cistercian ideal.

Saulset was a small abbey geographically isolated in a remote part of Scotland. It was a poor benefice that could not compare with the wealthy abbeys of other orders in Scotland. Yet its early foundation and the fact that it was the mother church of Whithorn gave it a status in the circary of the Premonstratensian order. It has been suggested that Saulset consequently claimed the right of visitation of all the houses in Scotland, but there is little evidence of such a claim having been made. It seems to have been the practice of the General of the order—the abbot of Prémontré at Laon in France—to have granted commission to a Scottish prelate of the order to visit and reform the houses within the circary; but no house seems to have been granted this particular privilege. During the papal schism Scotland supported the anti-pope, England, which then dominated France, adhered to the pope. So the commission of the General at Prémontré was invalid in Scotland. Such were the conditions in 1414 when no visitations of the Scottish houses took place. Robert, duke of Albany, as Governor accordingly petitioned the anti-pope to appoint visitors and the abbots of Dryburgh and Holywood were given papal commission (see No. 72).

Henry McDowell, who became prior of Whithorn in 1503, persuaded the Crown in 1505 to ask the General of the order to support the claim of Whithorn to the power of visitation which the abbot of Saulset had recently exercised, mainly on the ground that Whithorn was the richest house of the order in Scotland in buildings and equipment and that the Crown desired to see the pre-eminence of Whithorn increased.¹ The General complied with the request of the Crown and granted to the prior of Whithorn a commission of full jurisdiction in visitation and reformation which the abbot of Saulset, despite his much inferior status, then held. But Dryburgh took exception apparently on the ground that it was the first Premonstratensian house to be founded in Scotland,² and in May 1507 James

¹ *Letters of James IV*, p. 1.

² The Premonstratensian Order came to Dryburgh 10 Nov. 1150 from Alnwick (*Early Sources*, p. 210), but the *Chronicle of Melrose* says that the order came to Dryburgh 13 Dec. 1152 and Roger was first abbot.

IV again wrote to the General stating that his previous letter of 1505 had been extorted from him by prior Henry McDowell and he was not alive to what he wrote at the prior's supplication.¹ The prior must have made good use of the royal pilgrim when at Whithorn.

The very same day the Archbishop of St. Andrews also wrote to the General desiring that the old pre-eminence of Dryburgh should be revived and its former authority in visitation and reformation restored; the prior of Whithorn had presumptuously and illegally resorted to harsh treatment, not mere correction, and now exercised superiority in his province of St. Andrews encroaching on Dryburgh's old freedom. It seems that the powers of visitation were not so much objected to as the methods adopted by prior Henry in his reforming zeal. The General's reply is unknown, but he probably yielded for the moment; for in 1524 Quentin, abbot of Saulset, is described in a Crown letter as 'father superior of the Premonstratensian order in Scotland'.² Again in 1532 David, abbot of Saulset, received Crown letters ordaining everyone in authority to assist and protect him in visitation of the order's houses on commission from the father abbot and general chapter of Prémontré. He dreaded that the houses would not obey him without Crown assistance.³

The site of Saulset abbey—on a spit of land jutting into the Green Loch of Saulset—may well have been an early Celtic Christian community long before the 12th century, but there is nothing on record or on the site to warrant the suggestion. Surface indications are of a cruciform church of normal Premonstratensian type, with transepts of two bays and an aisleless nave. It is possible that the back half of the present manse is built on the line of the west range. A certain amount of indiscriminate excavation, of which no record was kept, was done on the site many years ago.⁴

¹ *Letters of James IV*, p. 72.

² *Letters of James V*, p. 109.

³ *R.S.S.*, ii, 1349.

⁴ *D. and G. Trans.*, 3rd series, xvii, 170.

THE ABBOTS

Father Backmund has given a list of the abbots, recording merely the names.¹ He commences with 'Christian, 12th century'. But there seems little to support this inclusion and one suspects some confusion with Christian, bishop of Galloway, who died on 7 Oct. 1186 and was buried at Holm Cultram at his own request.² The first known certain abbot was

JOHN, abbot of Saulset, who on 10 April 1273 witnessed the foundation charter of Sweetheart Abbey.³ Thereafter is a distressing gap of over a century.

FINLAY, abbot of Saulset, in 1393 secured the annexation of the parish church of Kirkmaiden in 'le Rynnis' to the abbey on the grounds that the fruits of the abbey could not sustain the abbot and convent in comfort and that owing to the wars the conventual edifice was in a dilapidated condition. The moment was appropriate because Finlay Ahannay had just resigned the living (see No. 71). Ahannay cannot have held Kirkmaiden long if he was the same person as the Finlay Ahannay 'of Scotland', a canon of Whithorn and for three years a scholar of civil law, who in 1390 petitioned for a benefice in the gift of the bishop and convent of Whithorn.⁴ Thereafter Kirkmaiden was served by a canon of Saulset. But within fifty years of this annexation Cornelius Macmaken, the then vicar of Kirkmaiden, died and for a long time no one was inducted in the cure, so long indeed that John abbot of Prémontré the parent foundation claimed the right of collation and provided to Kirkmaiden Gilbert Makdonyl, canon of Saulset. The new vicar is recorded to have been a son of a priest and an unmarried woman, and to regularise his illegitimacy and set at rest any doubts as to the validity of his provision, Gilbert obtained papal dispensation and ratification.⁵ Three years later Gilbert appears again on

¹ *Innes Review*, iv (1953), 36, relying on *Obituaire de Prémontré* and *Beauchief Obituary*.

² *Reg. of Holm Cultram*, p. 54.

³ *Laing Charters*, No. 46.

⁴ *Papal Petitions*, i, 574.

⁵ *P.L.*, ix, 410.

the scene complaining of the inadequacy of his parochial stipend. Kirkmaiden is stated to have been worth £20,¹ but this, after annexation, went to Saulset abbey and the vicar was paid only £3 sterling by the abbey augmented perhaps by his canonry. Still, £3 was a poor reward for a cure of souls in a parish 'eight Italian miles around and very populous'. So Gilbert petitioned to be allowed to hold another benefice as well. This was granted, provided the benefice was governed by the canons of Whithorn or the monks of Holywood but not exceeding 25 merks sterling.²

PATRICK MAKCHQUHIRTY was abbot prior to 1458. That November he was transferred to Tungland abbey and consequently resigned Saulset.³ In his place

GILBERT MCWILNANE was admitted by the Crown to the temporalities of Saulset⁴ and would no doubt receive papal provision.

GILBERT KENNEDY, abbot of Saulseat, is mentioned by Dr. A. I. Dunlop in her *Life and Times of James Kennedy, Bishop of St. Andrews* as figuring on 8 April 1460 in the *Acta* of the Faculty of Arts. No other reference to him has been found.

QUENTIN VAUS, abbot of 'sedes Animarum', in 1493 received a Crown grant of a croft called 'the croft of the Blessed Virgin Mary' in the parish of Kirkmaiden resigned by Nevin Agnew of Creach.⁵ Its name implies that the croft had been church lands alienated at an earlier date and now restored to the abbey. In 1500 abbot Quentin disposed to one Ninian Vaus the 3 merkland of Cullintach or Cullinganoch in the barony of Saulset (see No. 73), and in 1504 added to this the 2½ merkland of Tibberquharrane in the parish of Whithorn (see No. 74). Ninian's place in the Vaus pedigree is still undecided, but he was clearly a member of the Barnbarroch family, for in 1538 he transferred these lands to John Vaus of Barnbarroch in a document wherein many members of the Vaus family are recorded (see No. 79). In 1521 Quentin gave a feu charter

¹ *Scottish Benefices*, 133.

² *P.L.*, x, 276.

³ *R.M.S.*, 1424/1513-651.

⁴ *Ibid.*, 652.

⁵ *Ibid.*, 2161.

to John McGowin, burgess of Whithorn, of some croft land in Whithorn adjoining the 5 merkland of Skeoch (see No. 75). In 1525 abbot Quentin was getting old and infirm and took to himself a coadjutor and successor.¹

DAVID VAUS, abbot of Saulset, having been coadjutor to Quentin, succeeded him by the end of 1529. The following January he received a Crown gift of the ward of the lands of the deceased Patrick McDowell of Logan.² By 1533 abbot David was dead, and in the absence of the appointment of a successor three churchmen acting as administrators on behalf of the convent claimed that David till his death enjoyed the ward and that John Vaus was an intruder. They also sued Henry McCulloch for his possession of some of the abbey lands and charged them both with despoiling the place of Saulset and going off with its jewels, charters and evidents (see No. 77). The charge of spulzie does not seem to have been denied; perhaps John Vaus had secured these valuables to preserve them during the interregnum. As one of these administrators of Saulset was schir John Lawsoun, vicar of Johnston, it would appear that he had been appointed to represent the Commendator designate pending induction. Another of the administrators, schir Andrew Quhyte, was chaplain to Henry bishop of Galloway.³

In 1531 abbot David had been infeft in the lands of Dumbreddan held of the laird of Myrtoun.⁴ He died between 24 July and 21 Sept. 1532.

¹ Agnew, *Hereditary Sheriffs*, i, 349 n. 2.

² *R.S.S.*, ii, 535.

³ In 1527 David as 'coadjutor' acted as arbitrator for Ninian, prior of Whithorn, whilst Michael McQuhon, burgess of Edinburgh, figured as such for David and Archibald Dunbars, anent the lands of Portyarrok and Over Wig (*A.D.C.*, vol. 38, f. 61). David seems to have had right to half of the fermes of the priory and had given a lease thereof to the prior (*A.D.C. et Sess.*, vol. 8, f. 136) whilst McQuhon was assignee of the prior of the other half (*A.D.C. et Sess.*, vol. 7, f. 66v). The collection of the fermes from the two halves seems very involved and it is by no means clear how David secured his rights unless from prior Gavin Dunbar before his elevation to the archbishoprick of Glasgow. For on 11 Aug. 1530 Malcolm, lord Fleming, as factor for prior Ninian, called on Michael McQuhon for himself and for David, abbot of Saulset, to prove before a competent judge the violence which they alleged had been done to them, amounting to £487, 7s. 4d., in uplifting the fruits of the Priory (*Inventory of the Charter Chest of the Earldom of Wigton*, No. 73).

⁴ *Hereditary Sheriffs*, i, 349.

On the death of David Vaus there is some uncertainty as to the new provision, for the Vatican registers record on 19 July 1533 the provision to Saulset of James Thonson, canon of Sympyll, to whom the bull was directed (see No. 78). The text implies that Thonson, otherwise unknown, was to be the new abbot. But there must be a clerical error and the surname of Johnston must have slipped out of the text, for he is described as of noble parents on both sides and legitimate. There seems to be no other reading of this puzzle.

JAMES JOHNSTON, lay parson of Johnston and brother to John Johnston of that Ilk, on 18 Sept. 1532 received a Crown gift of the temporalities of the abbey 'till the samyn be lawfully providit with a pastour',¹ and on 21 Sept. the Crown requested the pope to provide Johnston as commendator to Saulset 'whose elder brother acts with great vigour on the Borders', also seeking that he should retain the rectory of Johnston along with Saulset.² Papal provision must have been forthcoming, for by 1539 James, commendator of Saulset, was feuing some abbey lands to John Vaus of Barnbarroch (see No. 80). A lease of the 5 merkland of Skeoch was given to Duncan McGowin (see No. 81) and of Oldbrek in the barony of Drummaston to the sheriff of Wigtoun (see No. 82). In 1532 royal letters were issued to the abbots of Saulset and New Abbey and the prior of Whithorn to send their households to the border to join the king's lieutenant on 7 Feb. and remain there a month for defence.³ Saulseat's fighting quota is stated to have been 20 men who were liable to be called up for service by the Crown.⁴ The taxation imposed on the abbey must have been a severe strain on its finances, and in 1536 commendator James was summoned by letter to account to the auditors for his tax.⁵ This may have been a variable amount from year to year. In 1533 and 1534 it was £35, 6s. 8d.,⁶ the entry for 1531—£16—can only refer to a second payment of a balance owing.⁷ In 1512

¹ *R.S.S.*, ii, 1414.

³ *L.H.T.*, vi, 123.

⁶ *L.H.T.*, vi, 307.

² *Letters of James V*, p. 231.

⁴ *Hereditary Sheriffs*, i, 345.

⁵ *Ibid.*, iv, 146, 227.

⁷ *Ibid.*, v, 453.

it had been £46, 13s. 4d.,¹ whilst in 1502 it had amounted to £66, 13s. 4d.²

It is suggested in *Scots Peerage*, i, 242, that this commendator was an illegitimate son, as there was another son of James Johnston of that Ilk named James Johnston of Wamphray, who was undoubtedly legitimate. This commendator could have been but little at Saulset. There are frequent references to his actions on the Border. In Lord Wharton's well-known report of 1542 he figures as 'the abbot of Salsyde, his house of £100 yearly, his pledge James Johnston his son and heir—for 20 men'. He may therefore have been taken prisoner at Solway Moss. This is the only reference to his son, who may have died in confinement in England. The commendator became an 'assured Scot'. In 1544/5 Wharton offered him a bribe of 100 crowns. He probably accepted, for his chief and brother accepted one of 300 crowns.³ Neither brother fought at Pinkie, for both were captured at the Wamphray ambush⁴ when Lochwood was taken. Carleton at once released the commendator and delivered Lochwood to him 'whom I have found the best sort of Scots since they were won'. In 1548 he was called on as 'sometime abbot of Saulset to answer a charge of treason'.⁵ He resigned the commendatorship in 1546 seeing that he had recently contracted a lawful marriage, and Arran on behalf of the queen of Scots asked the pope to confer the abbey on John Johnston and to sanction a pension of 40 merks from the abbey for the resigning prelate (see No. 84). But the position of Arran was very insecure, faced with the hostility of the queen mother and the constant scheming of Cardinal Beaton. To strengthen his position, Arran wanted to win over Cassillis to his party. Cassillis demanded his price. So on 29 Dec. 1548 Arran, ignoring his previous recommendation on behalf of

¹ *L.H.T.*, iv, 453.

² *Ibid.*, ii, 191. This was in no sense annual taxation. Until much later taxation was imposed only at irregular intervals and the amount naturally varied. In the 1530s there was the special Great Tax, imposed not by the Crown but by the Pope for the use of the Crown; many religious houses were in arrears for years with the payment of this tax.

³ *Annandale*, Bk. I, xli.

⁴ *Ibid.*, I, xlii.

⁵ *A.P.S.*, ii, 481.

John Johnston, urged the pope to confer the abbey on James Kennedy, legitimate son of the Earl of Cassillis (see No. 85). It was by no means rare that two royal letters should go from Scotland to Rome demanding in the name of high heaven and the privileges of Scotland that two different persons be appointed to the same prelacy, and these cases were multiplied in the regencies of Albany and Arran. James Kennedy who may be identified with James Kennedy of Uchterlure was not successful and seven years later was to try again.

JOHN JOHNSTON, commendator, but really abbot of Saulset. On 30 April 1545 the Crown requested Cardinal Beaton, who had papal authority to confer certain monasteries in Scotland, to give to John Johnston, priest, Saulset, void by the demission of James Johnston last possessor thereof,¹ and on 11 Dec. 1546 the proctor of commendator John Johnston obliged himself for the annates of Saulset with a mandate in form of a notarial instrument recalling all previous resignations and mandates anent the commendatorship in favour of 'John *etiam* Johnston cleric of Glasgow diocese'.² He was a son of Cuthbert Johnston of Courance and was closely allied to the Johnstons of Wamphray. A few months after his induction he granted a charter to James Johnston, the previous commendator, of a 10 merkland in the parish of Whithorn receiving 1000 merks in return (see No. 83). This may represent some arrangement for the change of commendatorship. James Johnston had already placed several of the Johnston clan on the abbey lands, one of whom, Mr. Gilbert Johnston of Uchterlure, had been slain at Pinkie, and in 1550 abbot John issued precept for infeftment of Robert Johnston as brother and heir of Mr. Gilbert in those lands (see No. 86).

In 1555 the Kennedies returned to the attack. They charged John Johnston, with simony probably in connection with the resignation of James Johnston. No royal letters in support of their claim seems to have been issued, but the pope could not ignore such an accusation and

¹ *Letters and State Papers, Henry VIII, part i, p. 295.*

² *P.R.O. Roman Transcripts, vol. 33, f. 197 and 201.*

referred it to the provosts of Dunclas and Corstorphine with the official of St. Andrews to hear and decide the case. James Kennedy, however, confidently obliged himself, by proctor at Rome, to pay the annates of Saulset (valued at £70 sterling) vacant *certo modo*.¹ The decision must have been in favour of Johnston, for he remained abbot undisturbed, thereby earning the undying enmity of the Kennedies.

Unlike so many of the prelates of the church at the Reformation, abbot John remained true to the ancient faith and was charged with celebrating mass 'on prelatical fashion'. He was kidnapped by the Kennedies and Adairs and tortured in the castle of Dunskey.² But like the abbot of Crossraguel, who also suffered from the Kennedy's tortures, he lived long enough to take action against his tormentors. He died in 1600, having made his testament on 14 April. He had two illegitimate sons, one if not both by Janet Cristison—John a student, dead by 27 June 1606,³ and Mr. William Johnston, parson of Lochmaben, who was slain on 4 March 1596 by the Johnstons of Hesilbray.⁴

The names of a few later commendators can be given, but they had no connection whatever with the pre-Reformation church. They were just laymen to whom the Crown gifted the remaining emoluments of the abbots.

Mr. JOHN KENNEDY younger of Baltersane received a Crown charter of the commendatorship on 25 Oct. 1598.⁵

By 23 March 1598/9 Mr. JOHN JOHNSTON, advocate, had succeeded Kennedy.⁶ He had lent 3500 merks in 1590 to Kennedy which may not be altogether unconnected with the commendatorship. Mr. John Johnston demitted office before Sept. 1601, probably on appointment to the more important commendatorship of Holywood.⁷

WILLIAM ADAIR younger of Kinhilt on 3 Sept. 1601 received Crown grant of the commendatorship.⁸

¹ *P.R.O. Roman Transcripts*, vol. 33, f. 317.

² *D. and G. Trans.*, xvii, 172.

³ *R.S.S.*, lxxv, f. 126.

⁴ *R.P.C.*, v, 287.

⁵ *R.M.S.*, 1593/1608-785.

⁶ *Annamdale Peerage Case*, 282.

⁷ *History of the Johnstons*, p. 35.

⁸ *R.M.S.*, 1593/1608-1235.

JOHN HAMILTON, eldest lawful son of the deceased Gavin Hamilton, bishop of Galloway, was granted in 1612 by the Crown the commendatorship.¹ In 1630, when a new church was being built at Portpatrick and the abbey, of which little could have remained, was dissolved, the emoluments were transferred to the new church, the rights of presentation being retained by the Crown. Thus terminated the commendatorship of Saulset. The 'new' church is now a ruin, whilst of the abbey not a stone remains.

THE TEMPORALITY

From some inventories amongst the Culzean papers we learn that the abbey lands consisted of a 40 merkland 'above and beneath Luce' with some other small properties.

ABOVE LUCE

This was a 25 merkland surrounding the abbey and must represent the original endowment. It consisted of

- 2 merkland of Kerrimanoeh,
- 3 merkland of Culmen,
- 1 merkland called Smith's merkland,
- 20/ land of Barsolis and its mylne,
- 1 merkland of Drumdoith,
- 2½ merkland of Barmulto,
- 2½ merkland of Glenquhapill,
- 2½ merkland of Culhorn,
- 5 merkland of Aird,
- 2 merkland of Kilmoring,
- 2 merkland of Makilquhair.²

On 20 Nov. 1545 abbot John Johnston granted the above lands to James Johnston of Pocornel, later of Wamphrey, brother to John Johnston of that Ilk, who on 12 Feb. 1548 gave a feu charter of them to Gilbert, earl of Cassillis. On 7 March 1575 James Johnston of Wamphray, as heir to his father, was infeft by Crown precept owing to the refusal of abbot John to issue a precept of *clare constat*, and in 1598

¹ *R.M.S.*, 1609/20-673.

² *Culzean Charters*, 401 and 520.

Gilbert Johnston of Wamphray disponed his right of superiority to the earl.

BENEATH LUCE

This 15 merkland lay in the parish of Whithorn and was gifted to the abbey by Robert I. Of the charter only a note survives—‘of the lands of Skeagmorechky and Tyber in free barony’.¹ The entry is corrupt and the place-names probably refer to Skeach and Tybberquharrane, which are known to have lain in what later was called the barony of Drumastoun. The lands consisted of

- 5 merkland of Skeoch,
- 5 merklands of Dunnace and its myln,
- 2½ merkland of Drumastoun,
- 2½ merkland of Balnab.²

On 20 Nov. 1545 abbot John granted these merklands to James Johnston of Wamphray for 1000 merks. Papal ratification followed at Kirkcudbright, 20 May 1546.³ In 1575 James Johnston of Wamphray, as son and heir of the late James, was infeft on Crown precept in the 15 merkland on the abbot’s refusal. In 1598 Gilbert Johnston of Wamphray infeft the earl of Cassillis therein and later that year disponed to him the superiority.

There is a note in the Culzean papers dated 1633 stating that

‘Skeoch, feued by Cassillis to John McGowine,
Dunnance feued by Cassillis to Fergus McDowell,
Balnab feued by Cassillis to Patrick Ahannay of Kirkdale,
Drumastoun and Chipperwharane feued by Cassillis to
Anthony Houstoun.’

MAINS OF SALSET

It would appear that this 6 merkland was not comprised in the 25 merkland ‘above Luce’, for it had a very different destination. With it went St. John’s mylne and apparently

¹ *R.M.S.*, 1306/1424, app. ii, 750.

² *Culzean Charters*, 459.

³ *Ibid.*, 472.

Barsollis mylne, for the Mains and the mylns on 5 Aug. 1557 were granted by abbot John to Thomas Johnston son to the deceased Cuthbert Johnston in Courance, and confirmed by the pope in Nov. 1557.¹ Thomas Johnston, who is believed to have been a brother of the abbot, was dead by 1598 and his brother John Johnston succeeded,² having sasine on 22 May 1599.³ That June John Johnston renounced the feu in favour of Ninian Adair of Kinhilt under Great Seal charter, and Ninian's grandson, Sir Robert Adair, in 1628 disposed the lands to the earl of Cassillis.⁴

OLDBRECK AND LITTLE GANOCH

In 1543 James Johnston, commendator of Saulset, gave a 19 years' lease of the 2½ merklands of Oldbreck in the barony of Drumastoun to Andrew Agnew sheriff of Wigtown. It was turned into a feu on 6 Sept. 1575, with it went the office of bailie of the barony of Saulset.⁵

The 40/ land of Little Ganoch 'in the parish of Inch and lordship of Saulset' was also a part of the abbey lands and had been acquired by the Adairs of Kinhilt. Little Ganoch provided a patrimony for William Adair, a younger son of the Kinhilt family and his decendants.⁶ It must be distinguished from the 20s. lands of Ganoch in Glenluce held by a branch of the Kennedy family.

UCHTERLURE AND ST. JOHN'S CROFT

This 5 merkland abbot John granted on 21 Nov. 1545 to Mr. Gilbert Johnston, and in 1550 Robert Johnston of Newton (Moffat) was served heir to Mr. Gilbert, who had been killed at Pinkiecleuch.⁷ Robert Johnston and his brother John were tutors to John and Janet, natural

¹ *R.M.S.*, 1593/1608-920.

² *Pt. Bk. of James Glover*, f. 8.

³ *Ex.R.*, xxiii, 68, 698-9.

⁴ *Reg. in Books of C. and S.*, 3 July 1623.

⁵ *Lochnaw Charters*.

⁶ *Pt. Bk. of James Glover*, f. 107v.

⁷ *Culzean Charters*, 536.

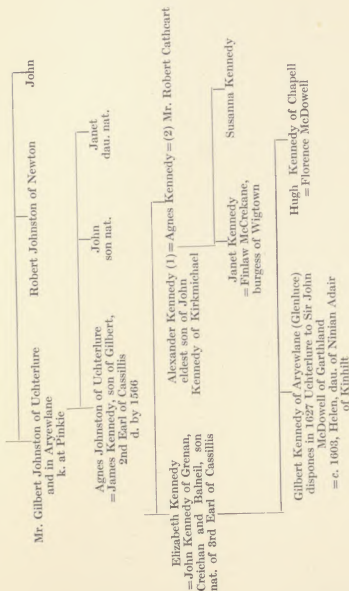


children of the deceased Mr. Gilbert, and the tutors disposed whatever interest the minors might have had for 360 merks to James Kennedy son of Gilbert 2nd earl of Cassillis.¹ Mr. Gilbert must also have had a lawful daughter, Agnes Johnston the heiress of Uchterlure, who married the above James Kennedy. Their grandson Gilbert Kennedy in 1627 disposed the property to sir John McDowell of Garthland, who a year later transferred the lands to the earl of Cassillis. On 16 Dec. 1617 Gilbert Kennedy gave a charter of St. John's croft to the provost and bailies of Stranrawer, who in 1627 infeft sir John McDowell therein.²

¹ *Reg. of Deeds*, viii, f. 438.

² *Culzean Papers*.

THE LAIRDS OF UCHTERLURE



No. 71

1393, June 17

Confirmation of the Annexation of the Church of Kirkmaiden in the Rynnis to Saulseat Abbey.

Confirmation by Pope Clement 7th of Annexation by Walter Presbyter Cardinal of the Holy Roman Church then acting as legate *a latere* in the kingdoms of Scotland and Ireland, on the petition of Finlay Abbot of Saulseat and Convent thereof, of the Premonstranensian order, in the Diocese of Whithorn, representing that the fruits of the said Abbey are not sufficient to sustain the said abbot and convent in comfort, and that the same by many wars is in a dilapidated condition—desiring therefor that the church of Kirkmaiden in the Rynnis in the said diocese, vacant by the resignation of Findlay Ahanna last possessor thereof, be united and annexed to the said Abbey that the fruits, rents and profits thereof may be applied to the use of the said abbot and convent for reforming the destruction caused by said wars, providing the said church be not defrauded of the due obsequies, but that divine service be done according to use, and if any presume to attempt anything contrary, the indignation of Almighty God and of the blessed Apostles Peter and Paul shall be incurred.

Dated at Glasgow 11th April 1386. Confirmation dated at Avinione 15 July 1393.

Reg. Aven, 273, f. 548, and Transcripts from Vatican at *R.H.*, vol. i, p. 233.

No. 72

1414, Oct. 19

Commission to John, abbot of Dryburgh, and William, abbot of Holywood, in the dioceses of St. Andrews and Glasgow, to visit the Houses of the Praemonstratensian Order in Scotland.

The Pope willingly turns his mind to matters relating to the condition of churches, monasteries and other ecclesiastical places and persons, especially those serving the Lord in regular habit, so that they may conform to rules and discipline, both in head and members. He understands that the abbot for the time being of the monastery of the Praemonstratensian Order, in the diocese of Laon, used to appoint a certain visitor or visitors and corrector or correctors of the monasteries, priories

and other ecclesiastical places of the said order in the realm of Scotland and the persons living in them. But the said monastery [of Prémontré] is in a region tainted by schism and the abbot is disobedient and a rebel against the Pope and the Holy Roman Catholic Church and the abbots of the said order in the said [Scottish] realm, being from the realm of England, are also disobedient and rebels. Since he wishes, with God, to provide, as far as is possible, for the said churches, monasteries, priories, places and persons, in the realm of Scotland, who are, as he perceives, clearly much in need of correction both in head and members, and also being moved by the dutiful requests of his dear son, Robert, Duke of Albany, Governor of the Realm of Scotland, he orders the two abbots to visit the said churches etc. in person and to correct and reform by his authority, in head and members, whatever they find in need of correction and reform, according to the ordinances, constitutions and statutes of the said Order; dealing with those guilty of opposition and disobedience by ecclesiastical censures, without appeal, and doing all things in the premises which the visitors deputed by the abbot of the said monastery of the Praemonstratensian Order were in the habit of doing. Notwithstanding any privileges to the contrary. Also he wills and commands them strictly, in virtue of Holy Obedience, to visit each other's monastery and reform it and the persons therein in like manner. The present commission is to lose all validity when the aforesaid abbot of the Praemonstratensian Order has been brought back to due obedience to the Pope and the Roman Church.

At St. Matthew, in the Diocese of Tortosa, 14 Kal. Nov., 21st Year.

Reg. Aven., 347, f. 287^v

No. 73

1500, No. 3. Charter by [Quintigern] abbot of Salset (sedes animarum) with consent of the chapter thereof, of the 3 merkland of Cullyntach lying in our barony of Salset for the life of the grantee, paying yearly 6 merks scots with service, homage and presence of himself his subtenants and cottars in our court, —in favour of Ninian [Vaus] and his assignees. Ninian had paid £100 as grassum for the lands. Sealed with the chapter seal of Salset and the seal of the prior of Candida Casa as commissary of the Father abbot of the Praemonstratensian Order.

Witnesses: Mr. Henry Makdowell rector of Wigton, Alexander Makculloch, George Graham, Dom. William Mak[guf]fok,

William Makclanachen, Robert Ahannay of Sorbye,¹ Duncan Murra and Dom. John McCrekan notary.

Barnbarroch Charters

No. 74

1504, April 10. Precept by Quintin abbot of Salset directed to Patrick Agnew, Patrick Murray, George Grahame and John Hannay as bailies, to infest Ninian Vaus (undescribed) in the

¹ The family of Hannay claim descent from Gilbert de Hannethe and Gilbert Hannethe, both of whom figure in juxtaposition in Ragman Roll (Bain, ii, 205), perhaps a clerical redundancy. The same man served on the assize at Berwick a day or two earlier that served Alan la Zouche as heir to Elene la Zouche (Bain, ii, 824). Gilbert is supposed to have been lord of Sorbie. That parish, however, belonged to the Veteriponts from c. 1186. In 1251 it is on record that they held it of John Baliol and that half of that manor had been wadset to John de Fraunceys. They must have lost the lands in the Edwardian wars. Till mid 15th century there is only record of churchmen. In 1390 Fynlaw Ahanna of Scotland, canon of Whithorn and for three years a scholar of civil Law, petitioned for a benefice in the gift of the bishop and convent of Whithorn and in 1394 Brice Ahanna priest sought a benefice in the gift of Paisley (*Papal Petitions*, i, 574, 591).

The earliest known member of the family to own Sorbie was Ethel Hannay of Sorbie, who witnessed an obligation by George Douglas of Leswalt in March 1459/60 and as late as 22 Jan. 1484/5 served on an assize with William Hannay of Kippenach and others (*A.D.C.*, 1478/95-97). He was succeeded by a Robert Hannay, who must have been his son. But there is a puzzling entry in *A.D.C.*, p. 118, where a Robert Sorby (*sic*) son of the deceased Odo Sorby (*sic*) is stated to have leased the 4 merkland of Ingliston of Sorby to schir William Hannay chaplain, a lease disputed in 1488/9 by Robery Hannay of Sorbie. There is insufficient material to decide who this Odo Sorby was, but it is not possible to say he was the Odo Hannay of Sorbie mentioned by McKerlie.

Robert Hannay of Sorbie must have been a man of substance for he acted as a curator for Quentin Agnew, sheriff of Wigtown 1498/9, who was *non compos mentis*. He shared the curatorship with Nevin Agnew, son and heir of William Agnew of Creich (*R.S.S.*, i, 319). Robert Hannay was dead by July 1503, when the ward of Sorbie and the marriage of his son Patrick was granted to Alexander and the parson of Parton. Alexander was an uncle of the minor (*R.S.S.*, i, 965), a burgess of Wigtown and acquired from his nephew Patrick in 1539 the 4½ merkland of Kilantringan in the parish of Inch (*R.M.S.*, 1513/46-1970) and was ancestor of the Kirkdale family. Patrick Hannay of Sorbie succeeded his father Robert, but was not infest till 1520 in the 15 merklands of Sorbie and the 20 merklands of Craigboy in the parish of Inch (*Ex.R.*, xiv, 623). By 1543 he had been slain by Patrick McClellan of Gelston (*R.S.S.*, iii, 1242, 1383), leaving three known sons. William Hannay of Kirkdale, burgess and later provost of Wigtown, secured the ward of Sorbie and the marriage of Alexander the son and heir in 1545 (*R.S.S.*, iii, 1222). Alexander was infest in the lands in 1569 and had two brothers, Patrick Hannay of Sorbie (*sic*) a tax defaulter in 1553 (*R.S.S.*, iv, 2175) and Andrew a son natural. For later generations see the chart on p. 167 of this volume based on the researches of Major S. F. B. Francis, who is compiling a fully documented history of the family.

3 merklands of Cullyngannach in the barony of Salset and in the 2½ merkland of Tebyrquharrane in the parish of Quhitherne.

Witnesses: Henry McCulloch of Killasser, Alexander McCulloch, William Hannay and William McClanochan.¹

Tag, on seal.

Barnbarroch Charters

No. 75

1521, Sept. 24. Feu charter by Quintigern abbot of Saulseat (sedes animarum) and the convent thereof in chapter gathered, for the augmentation of rental etc. to John McGowine burgess of Quhitherne and Cristina Houstoun spouse the longer liver and their heirs, of a croft of land lying near the burgh of Quhitherne on the [] side thereof, between the 5 merklands of Skeoch and the 3 rocks called the Craggs on the east, the lands of the deceased Ninian [] on the south, and the lands of Adam Spottis on the west and Beschoptoun on the north, paying yearly 12/ scots.

At Saulseat.

Witnesses: Mathew Stewart vicar of May(bole), [] N.P., Mathew Agnew, Dom. John Robison dene and Michael Stewart.

No tag or seal.

Myrton Charters

No. 76

1530, May 3. Instrument of resignation at the hand of Duncan Murray N.P. narrating that David Vaus abbot of Saulset (sedes animarum) resigned into the hands of the crown in favour of John Vaus of Barnbarach the ward and relief of the lands of Loggan previously granted to the said abbot and his assignees.

Witnesses: Alexander Campell, William McCulloch, Adam Spottis, Dom. Andrew Aschelane N.P., John Vaus elder, Gilbert Makguffok and Michael Makkewin.

Barnbarroch Charters

No. 77

1532/3, Feb. 12. Anent the supplication given in by dene Thomas Golythly, schir John Lawsoun and schir Andro Quhyte

¹ On 17 April Ninian was infeft in the above lands, at the manor of Ganach on the said lands of Cullyngannach. Thomas Makgeyth was notary and the witnesses were Ffylna Makculluch of Torhous, Andrew McBryd, Patrick Vaus, Thomas Agnew and Gilbert McBryd. On 20 April there was a similar sasine at the hand of Duncan Murray, N.P., and Patrick Agnew the sheriff acted as bailie for the abbot; witnesses Thomas Ahannay of Tak Capynnacht, Patrick Vaus, Thomas Agnew, Thomas McCallane, John Ahanny and [] Makcord.

yeconomus of the abbey of Saulset *v.* John Vaus of Bernbarro, narrating that the deceased David abbot of Saulset received to him and his successors a crown gift of the ward of the lands and lordship of Logane then in the hands of the crown by decease of Patrick McDowell of Logane, which ward David enjoyed and died in possession of, and also in heretable possession of the 2½ merkland of Drumbrawden, the 4 merkland of Carne, and also had in assedation from Walter abbot of Glenluce the 6 merland of Barnab (Balnab) for terms to run, nevertheless the said John Vaus and Henry McCulloch will not suffer the tenants of the lands to answer for the maills and in Sept. last spulzeit from the place of Salset the infeftments, charters and evidents and divers jewels. The lords with consent of parties ordain the complainers to raise summons as they please and the same to be called on 21 days notice.

A.D.C. et Sess. ii, f. 84^v

1533, Sept. 30. Dene Thomas Golytly and others as before *v.* John Vaus of Barnbarroch. The said John Vaus and Henry McCulloch troubled the said administrators, and the lords directed officers to take cognition. But John Vaus calling himself assignee of the said ward lands of Logane had taken action in the sheriff court. John Vaus not appearing the lords suspend his letters till they are produced in court.

A.D.C. et Sess., iii, f. 76

The same *v.* the same, though in this entry schir John Lawsoun is described as vicar of Johnstoun, for removing in Sept. last of diverse goods belonging to the deceased David abbot of Saulset which should belong to the said administrators for the behalf of the intrant of the said abbey, viz.—ane stope of silver weighing 12 ounces and a mekill masur of silver orgilt with gold weighing 24 ounces at 17/ an ounce. Vaus not appearing continued to 10 January.

A.D.C. et Sess., iii, f. 78^v

1533/4, Jan. 11. The same *v.* the same. The lords with consent of John Vaus assign to the pursuers 1 March next to prove the avail.

Ibid., iii, f. 150

No. 78

1533, July 19

Clement VIII to James Thonson (sic) *canon of Sympil.*

The Abbey of Souleseat of Praemonstratensian Order is vacant by the death of David Waus, late abbot, outwith the Roman Curia. Hence the Pope provides James [Johnston]. The abbot

of Soulseat as is reported (*ut accepimus*) whether by reason of foundation or otherwise, to be superior and primal abbot (*primus abbas*) of the prior and chapter of Candida Casa same order, and he may visit¹ and correct and reform them as his normal duty. James is 25 years old, of legitimate birth from noble parents on both sides, and James king of Scots has written petitioning for him. Fruits £50 sterling in common estimation. The benefice is given *in commendam* with retention of all benefices. $\frac{1}{3}$ of the common mensa or $\frac{1}{4}$ of abbatial if it be separate, is to be reserved to support the divine cult, the upkeep of the buildings, the maintenance of the monks and the entertainment of the poor. With derogation from the Statutes and privileges of the order and the abbey.

Mandates to the bishops of Glasgow and Caserta and the official of Glasgow. He will take the oath of fidelity and send it sealed to the Holy See before begining to administer.

Reg. Vat., 1410, 9-13^v

No. 79

1538, June 26. Charter by Ninian Vaus, for a certain sum of money in his necessity, to John Vaus of Barnbarach, of the 3 merklands of Cullingganoch in the parish of Inch and the barony of Salset and also of the 2 merk and 6/8 lands of Tibberquharn in the parish of Quhithern. Tha grant is to John Vaus and his heirs male, whom failing to John Vaus son and heir of the said Ninian and his heirs male, whom failing to Robert Vaus brother german to the said John son of Ninian, whom failing to Patrick Vaus son and heir of the deceased Thomas [Vaus] of Quhithillis, whom failing to Blasius Vaus brother german to the said Patrick, whom failing to John Vaus burgess of Whithern and his heirs male, whom failing the nearest lawful heirs male of the said Ninian bearing the name and arms of Vaus. With common pasturage on the lands of Keremanoche, paying 6 merks scots to the granter and to the abbot and convent of Saulset the dues that are used and wont.

Sealed at Cullingganoch.

Witnesses: Mr John Vaus rector of Wigtoun, George Campbell of Karyntray, Mr. Patrick McCulloch vicar of Wigtoun, John Pere and Donald Carsan.

Signed Ninian Waus of ye Cousganacht.

Tag, made from an old deed, no seal.

Barnbarroch Charters

¹ The Crown evidently supported Soulseat's claim to visit at this date as the words in the bull would be taken from the royal letters.

No. 80

1539, June 19. Feu charter by James commendator of Salset (*Viridis Stagni alias Sedis Animarum*) and the convent thereof in favour of John Vaus of Barnbarrot of the 3 merkland of Colinganocht in the parish of Inche and the 2 merk 6/8 lands of Tybirquharan in the parish of Whithern which formerly belonged in feu to John Vaus son and heir of the deceased Ninian Vaus and had been resigned by the said John into the hands of the commendator as superior, with pasturage on the lands of Keremanoeh, paying 6 merks scots. The grantee had paid £200 towards the reparation of the abbey.

Sealed with the common seal of the chapter.

Witnesses : William Jonstoun, Mr. Gilbert Jonstoun, John Pere, Thomas McCulloch and Mr. Patrick McCulloch.¹

Signed by the commendator and Thomas Galytly, George Ffrebarin.

Tag and good seal.

Barnbarroch Charters

No. 81

1542, Aug. 18. Instrument of sasine at the hand of David McBlain N.P. narrating that Robert Murray as bailie of James commendator of Saulseat on precept under his seal and signature, infest Duncan McGowin, his heirs and assignees, in the 5 merkland of Skeoch in the parish of Quhitherne for all the period of his letters of assedation.

Witnesses : Dom. John Mertene vicar of Gelstoun, Andrew Dunbar burgess of Quhitherne, Robert Kent chaplain, Alexander Cusing, James Maxwell, George Mertein, Dom. Nicolas McBlain chaplain and John Mertein.

Monreith Charters

No. 82

1543/4, Feb. 14. Tack by [James Jhonistoun] parson of Jonistoun and commendator of the abbey of Saulset to Andrew Agnew sheriff of Wigtoun and Agnes Stewart his spouse and the longer liver and to Patrick Agnew apparent heir to Andrew, of [] merkland and a half of land of old extent of Oldbrek in the said abbot's barony of Drumastoun and parish of Quhitherne for the period of 19 years from Whitsunday 1544, paying 5 merks scots yearly to the granter and his successors. The

¹ Sasine followed on 30 June, Patrick McCulloch being notary and Mr. Gilbert Johnston the bailie. The precept describes Salset as 'the monastery of *Viridis Stagni alias Sedis Animarum*'. The witnesses were John Pere, Thomas McCulloch and William Johnston.

common seal of the abbey is stated to be appended with the subscription manual of 'us and our said convent'.

Witnesses : Mr. Gilbert Jonistoun, Roger Jonistoun, Andrew Agnew in Kylstay schir Andro Quhyte and Nicholl Murray notaries public.

Signed by the commendator and Dom. Thomas Galatlay, Dom. George Ffrenbarin.

Tag and fragment of seal.

Lochnaw Charters

No. 83

1545, Nov. 20. Charter by John commendator of Saulsett and the convent therof to James Johnston brother german to John Johnston of that ilk whereby for 1000 merks scots the commendator grants to James Johnston the 5 merkland of Skeoch, the 2½ merkland of Drumhaston, the 5 merkland of Dunans and its mill, the 2½ merkland of Balnab in the parish of Quhitherne extending yearly in rental to £32, 6/ scots to be held of the commendator with augmentation and suit at 3 head courts of the barony of Saulset held yearly upon the lands of Bordland within that barony.

At Saulset.¹

Witnesses : Mr. Gilbert Johnston in Uchelbrae, William Maclellan of Myreton and Ninian Murehead notary.

Cassillis Charters, No. 459 (copy)

No. 84

1546, Sept. 22

May Queen of Scots to Paul III.

Most holy Father, John (*sic*) Premontratsensian abbot of Soulsac (*sic*) is sending thither (i.e. to Rome) a mandate for the resignation of his abbacy. We beg that the resignation be admitted and the monastery given wholly to John Johnson, illegitimate, with a pension of only 40 merks scots reserved for the resigning prelate. The rest of the details concerning this transaction may be learned by your Holiness from Cardinal Carpi. May your Holiness long bear the splendour of your papacy.

¹ On 8 Feb. 1545/6 Apostolic letters were issued by the cardinal legate addressed to the abbot of Sweet Heart, the provost of Lincluden and to David Heron and Bartholomew Makilvan canons of Quhitherne, to enquire if the above grant was to the evident utility of the abbey and if so to ratify it (*Ibid.*, 462), and on 20 May John abbot of Sweetheart and the said Bartholomew Makilvan confirmed the grant at the church of Kirkcudbright. Witnesses: schir Gilbert Dun vicar of Kirkcormock, Mr. Gilbert Johnston of Uchelbrae, Thomas McClellan of Bomby and the said notary (*Ibid.*, 472).

Given at Stirling and signed by the Governor at the siege of St. Andrews.

Royal Letters, *Blairs MSS.* 1524-48, No. 85, f. 113, and
cf. *Epp. Regum Scotorum*, ii, 252-3

No. 85

1548, Dec. 29

Queen (Arran signing) to Pope Paul III.

At Edinburgh.

Most holy Father, James Johnston, commendator of Souleseat, a monastery of the Premonstratensian order, having received only first tonsure, has lately contracted a lawful marriage. Hence we have now the duty to name one whom Your Holiness may provide to the said little abbey (*monasteriolo*) and as we pass in review the merits of our subjects, there is none who commends himself more to ourselves and to our Governor, than Gilbert, Earl of Cassillis, to whose legitimate son James, may it please Your Holiness to confer the abbey. This deed will be most grateful to us. May Your Holiness reign long and prosperously.¹

Signed Arran.

Royal Letters, *Blairs MSS.*, f. 142, Ep. No. 117

No. 86

1550, Dec. 6. Instrument of sasine at the hand of Nigell Makdowell N.P. narrating that John Hauchill as bailie on precept from John commendator of Saulset directed to the said bailie and William Boyd, dated at the monastery 5 Dec. and signed by the commendator and Dom. Thomas Galytlie, infest Andrew McCreichan as attorney for Robert Johnston as brother german and heir to the deceased Mr. Gilbert Johnston of Uchillure who died in the field of Pinkycleucht, in the 5 merklands of Uchillure in the parish of Inch and in the croft called St John's Croft in the parish of Saulsett.

Witnesses : Gilbert Mure, John McQuhone, John McGee and Andrew Symson.

Culzean Charters, No. 537

No. 87

1555, Feb. 14

Paul IV to John (sic) Kennedy cleric Glasgow Diocese.

It has been brought to the ears of the pope that Soulsyt, alias Sedes Animarum, lies vacant owing to the fact that the

¹ Cf. the Introduction to the *Scottish Correspondence of Mary of Lorraine* by Dr. A. I. Dunlop (S.H.S.) for Arran's attempt to win himself supporters. This shows how he got them—by abusing church benefices to the benefit of various families.

papal provision made to John Johnston was nullified because of the inability of John—probability arising from his being involved in simony (*ex symoniaca pravitate forsan proveniens*). Despite this John held the monastery for over a year though his title was invalid (*ut asseritur*). The pope who elsewhere decreed that in disputed successions he who is in peaceful possession for over a year shall have priority of claim, now derogates—if necessary—from that decree and by apostolic power provides Kennedy to the monastery 'in commendam'. Mandate to the provosts of Dunglas and Corstorphine and the official of St. Andrews to convoke the parties and hear the accusation. If they find that Johnston is already deprived then they are to provide Kennedy and install him, expelling if necessary Johnston. If he is not already deprived they are to examine the accusations and if found true are to deprive Johnston and provide Kennedy. With absolution etc. In order that divine service and monastic duties do not suffer in the event of such commendation, 1/3rd of the common tables or 1/4th of the abbatial if that be separate is to be reserved for the upkeep of the community, the maintenance of the buildings and the embellishment of the divine service and the alms of the poor.¹

Reg. Vat., 1849, f. 322-324^v

No. 88

1560, []. Decreet and final sentence pronounced by Thomas abbot of Glenluce chosen by James Kennedy of Ochterlour at the request of Gilbert earl of Cassillis to decide on the heretable rights of the lands of Ochterlour and others in the sheriffdom of Wigtoun belonging to the said James Kennedy, and narrating that conform to his obligation dated 12 Jan. 1560/1 the abbot undertook to decide the matter. Considering that the said James Kennedy had no heirs male and that Agnes Johnston his wife was not likely to have more children and considering that James had had and has great yearly assistance from the earl, his brother's son, therefor the abbot ordains that James should infest the earl and his heirs male in the lands of Ochterlour and the 5 merklands of Stranraer and Marscluvy, reserving liferent to the said Agnes Johnston and James Kennedy spouses. The earl is to dote Kennedy's daughters according to their rank at the sight of four landed gentlemen nearest of kin to the house of Cassillis.

No witnesses.

Cassillis Charters No. 594

¹ The judges must have maintained Johnston and held Kennedy to be an intruder depending on the support of the Earl of Cassillis. It may be noted that the absence of the usual phrase of this period 'on the petition and recommendation of the Queen and Governor', is ominous.

DOCUMENTS RELATING TO THE BURGH OF WIGTOWN

WRITING to General Hutton on 8 April 1789, William McConnell, commissary of Wigtown, stated that the burgh Charters of Wigtown were largely destroyed by vermin thirty years before that date.¹ Wigtown is a burgh that has allowed its records to rot away through neglect. A similar fate has overtaken the earlier sheriff court records kept at Wigtown. The earliest known charter of 1457, which has happily survived, was produced on 8 Sept. 1656 by provost Thomas Stewart for registration in the books of the Exchequer and then for nigh a century it lay in Wigtown endangered by vermin. But in 1749 Alexander McConnell, town clerk of Wigtown, seems to have realised the importance of records of the past and took to Edinburgh the 1457 charter as well as the confirmation of 1661 for registration in the register of Probative Writs. He must have had some genuine interest in the papers, for he also seems to have taken with him a number of fascicules of proceedings in the burgh court as well as some rentals and the like. He must have permanently lodged them at the Register House, for the burgh court papers and the rentals were bound up in two volumes and became part of the Public Records. The two charters in an envelope were placed in a press and then forgotten, till recently they came to light at the Register House. Today we are grateful to the shade of Alexander McConnell for saving these few records. Some other papers relating to Wigtown have been published by Gordon Fraser in his *Lowland Lore* (1880), pp. 53-70. They cover 1580-1603 and were supplied to him 'by a leading county gentleman'. They were apparently loose official records of the burgh before the bound Minute-Books commence.

The earlier history of the burgh has been dealt with in

¹ Gen. Hutton's MSS. at Nat. Lib., vol. i, No. 106.

*Notes on Pre-Reformation Wigtown*¹ and the origins and status of the burgh have been admirably studied by Professor G. S. Pryde.² The burgh ferme was £20, the same as Dumfries. The royal charter of 1457 (see No. 89) confirmed all previous grants, though none of them are mentioned, and it lists the burgh lands. The limits of the burgh's privilege to control the right of buying and selling merchandise are clearly stated as 'from the midstream of the water of Cree to the sea of Ireland', i.e. up to the Ayrshire coastal boundary.

Of the other documents printed here, most refer to the transmission of tenements within the burgh. They are not sufficient to indicate the layout of the town, nor do they throw any light on the sites of the convent and the castle. In 1559 the burgh council came to an agreement with Patrick Agnew, the sheriff, to lease to him their 3 merklands of Culquhork on condition that all the courts held by the sheriff should be held in Wigtoun and that that important official should take a 'sincere' part in all actions concerning the town. The sheriff was charged the singularly modest rent of $4\frac{1}{2}$ merks for the land, perhaps to ensure that he exercised a sincerity beneficial to the burgh (see No. 103), for a previous sheriff in 1524, Mr. Mathew Agnew, had shewn a reprehensible disregard for his duties in a dispute with the rector of Wigtown relating to the lands of Gallowhill, which are here shewn to have been part of the kirklands of Wigtown (see No. 97). These kirklands prove that the rectory was well endowed amounting in all to a £10 land which included the 5 merkland of Maidland (see No. 105).

The church of Wigtown was dedicated to St. Machutus (St. Malo), and Mr. Raleigh Radford has suggested that the parish dates from Norse times and illustrates the connection between Galloway and the Isle of Man. On geographical grounds he argues that the parish of Wigtown was originally embraced in the older Celtic ecclesiastical district of Penningham, which extended between the rivers Cree and

¹ *D. and G. Trans.*, xii, 239.

² *D. and G. Trans.*, xxix, 86.

Bladenoch, from the sea to the moors.¹ The church had within it at least two chapels on the south side, dedicated to the Blessed Virgin Mary and St. Ninian, founded by Mr. William McGarve, vicar of Penningham, and endowed with burgh tenements.² It had been a rectory from the earliest times and the Crown or the lords of Galloway must have been the patrons. In April 1298 Edward I presented to the church of Wygeton an Englishman, John de Stokis, under letters to the bishop of Galloway.³ Edward Bruce, when lord of Galloway, granted the benefice to Whithorn. It still belonged to Whithorn in 1451.⁴ But the appropriation must have been revoked by the earls of Douglas, though no record of it has been found. In 1307/8 the abbot of Sweetheart petitioned Edward II for a gift of the church of Wigtown to compensate the convent for its losses at the hand of Edward's army.⁵ In 1420 the earl petitioned the pope that Alexander de Cairnis, provost of Lincluden and prebendary of Lyntoun, who had held the church for seven years, should be allowed to hold it for another period of three years.⁶

Hugh Kennedy rector of Wigtown was dead by 1454 when the rectory was stated to be £30 sterling of value for taxation.⁷ Papal provision was then made to Gilbert Smerles, vicar of Inch in the diocese of Aberdeen, but for some reason he cannot have taken possession.

William Hereis, rector of Wigtown and son of Herbert Hereis of Terregles, on 25 Oct. 1459 paid the annates of the parish church to the apostolic camera void by the death of Hugh Kennedy.⁸ He was dead by 1463 and the Crown put forward a nominee for succession, but Ninian, bishop of Whithorn, had already collated a rector in the person of Gilbert Magdonale, the rectory being void by the death of Hereis.⁹ But Magdonale's provision was not to hold good, for Gilbert Smerles at last got possession on paying

¹ *D. and G. Trans.*, xxvii, 101.

² *R.M.S.*, 1424/1513-2273.

³ Bain, ii, 262.

⁴ *R.M.S.*, 1424/1513-461.

⁵ *Scottish Supplications*, i, 221.

⁶ *Scottish Benefices*, 137.

⁷ Bain, iii, 69.

⁸ *P.L.*, x, 725.

⁹ *P.L.*, xi, 498.

on 29 May 1464 the annates, and was collated therein 'through restitution'.¹

Mr. Peter Vaus parson of Wigtown was a witness in 1477.²

George Vaus was rector in 1481.³ He was tutor to Patrick Vaus of Barnbarroch and became bishop of Galloway shortly after.

Schir Alexander Scott was rector in 1484.⁴ He was son of Sir Walter Scott of Kirkurd and clerk register till 1488.

Mr. Henry McDowell, rector of Wigtown, was a witness on 3 Nov. 1500.

Dom. Allan Adare (Adair) resigned the rectory in 1506 and Mr. John Vaus was inducted (see No. 93). Vaus must have been an old man when he resigned in 1545. It is possible that he was a layman, for during his rectorship vicars of Wigtown appear. Mr. Richard Aikenhead was vicar in 1510⁵ and the deceased John McCrakane vicar of Wigtown—probably long dead—is mentioned in 1551⁶; Patrick McClellane was vicar on 4 Sept. 1547,⁷ whilst Mr. Patrick McCulloch was vicar till the Reformation.⁸

Mr. Patrick Vaus, the last rector, was certainly a layman, and on the death of his brother Alexander Vaus in 1568, succeeded to the Barnbarroch estate. He was quite young when he became rector in August 1545, having been at school at Musselburgh, and in 1549 he obtained leave to go to Paris to study. After a distinguished career as Commissary of Wigtown, Senator of the College of Justice, ambassador and knight, he died in 1597. In his testament sir Patrick directed his body to be buried 'in my Iyle att Wigtoune'.⁹

Of the Dominican convent, no vestige now remains.

¹ *Scottish Benefices*, 147.

² *Cardiness Charters*.

³ *Galloway Charters*.

⁴ *Laing Charters*, 193.

⁵ *Hereditary Sheriffs*, i, 333.

⁶ *R.S.S.*, iv, 1338.

⁷ *A. and D.*, xv, f. 60.

⁸ *Laing Charters*, 408.

⁹ *Correspondence of Sir P. Vaus*, ii, 548.

Even the site is uncertain. But it must have been a feature of the burgh. Very few friaries were endowed with lands of consequence. One of the rules was poverty, and the community was maintained not from a landrent roll but from humble gifts, often of a few shillings drawn as annual rents from the tenements of devout burgesses and others. At the Reformation the convent consisted of a prior and certainly four friars, who in 21 Dec. 1560 gave to sir Alexander Stewart of Garlies a feu charter of their possessions for £1000 Scots, containing a long list of their meagre endowments, the bulk of which consisted of bolls of meal for their sustenance (see No. 107). The fishings on the Bladenoch must have been an important asset. They had long possessed the south side of those fishings by an early royal grant. In 1526 the Crown gave them a thirteen-year lease of the north side as well, which was twice renewed and then turned into a gift in 1541 (see No. 101). On this fishing stood the mill of Bladenoch, which in or before 1471 had been destroyed by floods. It was held of the Crown.¹ The floods seem to have seriously damaged the fishings, for when the friars renewed their fishing lease in 1474, they complained of 'the sterility of the water of Bladenoch'.² It seems that the mill had not been repaired by 1500.³ Prior to 1441 there had been a series of wooden bridges over the water mainly for the use of pilgrims, but they had all been swept away by 'the dangerous river of Bladnau' and Margaret, countess of Galloway, got a papal indulgence to those who assisted her to build a stone bridge.⁴ It may have been sited between 'lie But' and Culmanoch, which were the limits of the fishing rights (see No. 107). King Robert I had granted to the friars 12 bolls of oats from the grange of Baldune⁵ perhaps only for a term of years, for it is not recorded in the rental of 1560 (see No. 107). In 1528 the Comptroller allowed £10 to the Friars.⁶

The names of only 5 priors are recorded, viz.: 1479, Ninian Schankis (*Ex.R.*, viii, 640); 1506, William Dee

¹ *Ex.R.*, viii, 217.

² *Ibid.*, 606.

³ *Ex.R.*, xi, 194.

⁴ *D. and G. Trans.*, 1948/9, xxvii, 153.

⁵ *Ex.R.*, viii, 606.

⁶ *Ex.R.*, xv, 428.

(*Ex.R.*, xii, 478); 1525, Alexander Barcar or Barclay (*Ex.R.*, xv, 189 and 279); 1527, Robert Lyle (*Ex.R.*, xv, 370); 1560, James Doddiss (see No. 107).

Another edifice of the Reformation burgh has also disappeared though it must have been a feature in its day. William Ahannay, burgess of Wigtown in 1549, must have been a prosperous merchant in the burgh, for he sought and received from the Crown a licence to crenellate his house 'to rais and sett furth the heid of his hous lyand within the burgh on the north side of the Hie Gaitt fornentis the Mercate Cross with bataling and corbell sailzie (projecting) in the maist honest and substantious maner he plesis', i.e. adding another storey with corbelled battlements.¹ It is a pity that this imposing structure has not survived.

A number of the more important lairds may well have had houses in the county town. The sheriffs, for instance, living at Lochnew must have had some residence in Wigtown when engaged on official work there. It may well have been the house that formerly pertained to Gilbert Wricht, chaplain, alias Mak-Murray, bastard, and later to Dom. John Wricht, chaplain, his son, gifted by the Crown on the chaplain's death to Patrick Agnew, sheriff of Wigtown.² The laird of Bomby and the McCullochs of Torhous also owned property in the burgh. Some younger members of the Carlile family also figure in the vicinity intermarrying with the McCullochs and other families. Their advent may be due to the Crown gift in 1473 to Sir John Carlile of Torthorwald of a tenement and garden in Wigtown formerly belonging to William Murray, bastard son of John Murray, burgess of Kirkcudbright. When a bastard died intestate, his effects were escheated to the Crown as *ultimus heres*.³

Though Wigtown must have been a considerable port⁴

¹ *R.S.S.*, iv, 502.

² *R.M.S.*, 1424/1513-3401; and see No. 94.

³ *R.M.S.*, 1424/1513-1144.

⁴ This may be an overdignified description, as it is sometimes described as the creek of Wigtown, when in August 1591 John Mure, son of Alexander Mure in Areolland, brought a ship's load of flour to the port (*Lowland Lore*, p. 57).

there are only occasional references to shipping in the existing records. Thus in 1512 there is a reference to a ship of Biscay called the *St. Marie de Biscay*, which unloaded at Wigtown and Whithorn.¹ An earlier reference in 1483 relates to a dispute over a charter party. John Tapy, merchant of Spain, sued the master of a ship called the *Mary of Guerrand* named Oliver Boddo or Laboddo and the consignee, Bartholomew Cairns, for 405 crowns. The shipment was 15 tuns of wine bought by Cairns from Tapy and transported to Wigtown, where there was some hold up or dispute. The court ordained the master to deliver the wine to Cairns, and Cairns to pay Tapy for it within 15 days, and also to pay 4½ crowns, valued at 10s. Scots per crown, for the freight of each tun of wine. The decret judiciously included a provision for leakage and any wine drunk by the crew, which may have been a material factor in the dispute.²

Only a tentative list of the provosts of Wigtown can be offered :

1330, Gilbert Webster tixtoris (*Ex.R.*, i, 303); 1331, Henry son of Michael (*Ibid.*, 358); 1331, Patrick McEwyn (*Ibid.*, 358); 1471, John Makcristyne (*Ex.R.*, viii, 103); 1474, Andrew Agnew (*Ibid.*, 261); 1485, mention of deceased Andrew Agnew provost (*Ex.R.*, x, 349); 1488, Quentin Agnew (*Ibid.*, 66); 1490, Quentin Agnew (*Ibid.*, 245); 1500, Allan McClellane (*A.D.C.*, 1496/1501, 466); 1508, Patrick Murheid (*Ex.R.*, xiii, 104); 1515, Patrick Mure (*Ex.R.*, xiv., 93); 1516, Patrick Mure (*Ibid.*, 273); 1518, Ludovic (or Lowis) McIlhauch (*A.D.C.*, xxxi, 95); 1519, Patrick Mure (*Cardiness Charters*); 1523, Patrick Mure (see No. 96); 1526, Patrick Mure (*Ex.R.*, xv, 279); 1529, Patrick McKie (*Culvennan Writs*); 1532, Patrick McKer (*Gen. Huttons MSS.*); 1536, Alexander Ahanna (see No. 100); 1549, Alexander Ahannay (*R.M.S.*, 1546/80-324); 1551, William Hannay (*A. and D.*, vi, 63); 1552, William Hannay (*Ibid.*, 295); 1554, William Hannay (*Barnbarroch Papers*, i, No. 105); 1559, John McMyllane

¹ *Ex.R.*, xiii, 491.

² *Acta Aud.*, 23.

(see No. 103); 1575, William Gordon (Test. of John McKie, burgess); 1581, Patrick McBlane (see No. 106); 1582, Patrick McBlane (*A. and D.*, vol. 89. f, 63); 1585, John Hannay (*Barnbarroch Papers*); 1587, John Ahannay (*Lowland Lore*, p. 53); 1591, Sir Alexander Stewart of Garlies (*Ibid.*, pp. 59-61); 1593, Sir Alexander Stewart of Garlies (*Ibid.*, p. 58); 1600, Patrick Hannay of Kirkdale, slain in Dec. (*Pitcairn*, ii, 119); 1608, John Hannay (*Ibid.*, 540); 1618, Alexander Tailzefer (*R.M.S.*, 1609/20-1861).

No. 89

1457, April 28. Charter of confirmation by King James II, ratifying all grants made and conceded by his predecessors in times past to the burgesses and community of his burgh of Wigtowne, as well of their lands of Borowmers, Culquhork, Braidefeilde, Clachary, Creveny and Philliplande, near the said burgh, and the rest of the acres of the common lands of the burgh and of the mill and fishings of the said lands, as of all other concessions, donations, liberties, privileges and profits conceded by his predecessors in the past to the said burgh. To have and to hold the said lands and acres of lands and the mill and fishings, with lesser customs, burghal fermes, tron, market and cross and all other profits and liberties pertaining to the said burgh, of him and his successors in fee and heritage for ever, with power to buy and sell merchandise and other goods appertaining to the burgesses of a burgh, as freely as the said burgh was infeft by his predecessors in times past. Also he wills that in future the burgesses shall in future possess all and singular their limits and bounds from "le mydstreme" of the water of Cre to the sea of Irelande . . . [illegible] . . . as they have used and enjoyed these bounds in the past. Rendering annually to the King . . . [illegible] . . . and other services anciently due from the burgh.

Witnesses: (George, bishop of Brechin), chancellor, . . . [illegible] . . . Andrew, lord Avandale, the king's guardian, James de Levingstoun, great chamberlain, William de Edmondstone of Luntrethin, knight, . . . [illegible] . . . of Tulibardin.

At Stirling.

(*In dorso*). Note that the charter was produced for registration in the books of Exchequer, 8 Sept. 1656, by Thomas Stewart, provost of Wigtown, and for registration in the register of probative writs for the shire of Wigtown, 15 April 1749, by Alexander McConnell, town clerk of Wigtown.

Original at Reg. House.

Not in *R.M.S.*

No. 90

1474, Nov. 16. Instrument of sasine at the hand of Thomas Amuligane N.P., narrating that Bricius McGarvy resigned into the hands of Gilbert Buyt bailie of Wigton ¹ his tenement on

¹ Gilbert Buyt the bailie was dead by 1495 when his two daughters, Janet Buyt, spouse of Henry Mondwell burgess of Wigtown, and Beatrice Buyt brought an action against Rankin Mure, Alan McClellane and Gilbert Dykkyson of Clontis for withholding a tenement on the north part of the burgh between the lands of Finlay Makblain on the east and the lands of Alan McCulloch on the west, pertaining in heritage to the said Henry Mondwell (*A.D.C.*, 1478/95-391).

the south of the burgh between the tenement of Thomas Murdochsoune on the east and a tenement of the said Thomas on the west. Whereupon the bailie gave sasine therein to Mr. William McGarvy.

Witnesses : Uchtred McDowell of Logan, Thomas McKelle of Barskeach, Thomas Murdochsoune, Malcolm McGillauch, Finlay McGillhauch, John Logane, Thomas McCalman, Dougall McRovdyr and Thomas Agregan.

Lochnaw Charters.

No. 91

1490, Feb. 9. Instrument of sasine at the hand of William Makgarwe N.P. narrating that Adam Fresale burgess of Wigton freely resigned into the hands of Alexander McClellane bailie of Wigton an a/r of 18s. from a tenement of Clare Murheid, 5s. from a garden thereof and 4d from the said tenement lying beside the said burgh between the tenement of Ninian Vaus on the east and the tenement of John McCallman on the west in favour of Gilbert McDowell of Machyrmore.

Witnesses : John McCristin, Macholm McGilhaut, Alexander McClonche, Nevin Makbirnie, John Makcache and Dom. Patrick Sprote.

Barnbarroch Charters

No. 92

1503, Sept. 23. Instrument of resignation at the hand of John Wrycht N.P., narrating that Simon Makeristin of Corsregan resigned into the hands of John Makcoullach, then bailie of Wigtown, his manor house or habitation of Monkhill¹ with orchard and meadow and the mote of Monkhill in favour of Margaret Schaw, his spouse, in liferent, who was then infeft therein by the said bailie.²

¹ In a duplicate the lands are described as—all his lands of Mote (montis) of Monkhill with the orchard adjoining, paying 18d. yearly to the community of Wigton.

² The family of McCristin is one of the oldest in the burgh, John McCristin, burgess and provost of Wigtown, received in 1471 a charter from Gilbert McDowell of Remiston, of the 2 merkland of Carsregane in the parish of Kirkcowan 'from the midstream of Bladnacht to the midstream of Duffpoll' (*R.M.S.*, 1424/1513-1624). He was succeeded by his son Simon, who in 1484 had a charter from the provost and bailies of the lands of Monkhill resigned by his father (*R.M.S.*, 1424/1513-1623). In 1499 he acquired from Patrick Dikonson of Clontis and Mariot Hannay spouses, the 4 merkland of Kilsture in the parish of Sorbie, resigning to the spouses a 2 merkland of Clontis which Simon held on charter from Gilbert Dikonson, father of the said Patrick. Gilbert had been infeft in 1461. Much earlier at the close of the reign of Robert I the Crown had gifted these lands to one Richard McGuffok (*R.M.S.*, 1306/1424, app. i, 101). There were several dealings between the two families before the

Witnesses : John Makkimay, Alexander Schankis, Robert Buchane, James Portare and John Dyksoun.

Barnbarroch Charters

No. 93

1506, Aug. [4]. Precept of Collation by George (Vaus), bishop of Candida Casa and of the Chapel Royal, directed to Mr. William McGarve vicar of Penninghame and Commissary of Farnes, to collate John Vaus or his lawful procurator into the possession of the rectory of the parish church of Wigton in the diocese of Candida Casa and all the fruits thereof, vacant by simple resignation of Dom. Allan Ardare last rector and possessor thereof, the presentation of which belonged to the prior and convent of Candida Casa.

Sealed at our manor of Penninghame.

Witnesses : Mr. William Stewart rector of Kirkgunzean, Dom. Laurence Waus rector of Gyrtoun, Michael McIlquhen burgess of Edinburgh, John Wudwod, Alexander Murheid, Thomas McCowlot and Dom. John McCrekane notary public.

Upon the same deed is endorsed an instrument at the hand

property came into the possession of the McCristins. It was a $7\frac{1}{2}$ merkland and included Kilsture (a 2 merkland) and Blair (*R.M.S.*, 1424/1513-769). Gilbert's son Patrick in 1491 received from his father a grant of the whole property (*R.M.S.*, 1424/1513-2056). In 1506 Patrick finally sold out to Simon McCristin of Carsregane and Monkhill (*Ibid.*, 2975). As early as 1497 Simon had been a baillie of Wigtown (*Ex.R.*, xi, 62) and figured again as such in 1510 when he and Cuthbert Cunyngham were joint customars of Wigtown (*Ex.R.*, xiii, 373, 379). In 1513 Simon along with Dominick McClellane had to compound in the Justice Ayre for the oppression of the community of Wigtown. They had taken the best merchandise coming in ships to Wigtown, hiding it in their cellars, ingathering the profits of the town and burgh lands and the common liberty of the community. They were also charged with oppression of the McKies (*Pitcairn*, i, 98). There were many temptations for a customar. Simon must have died in 1513 when William McCristin was infeft in the $7\frac{1}{2}$ merkland of Clontis (*Ex.R.*, xiv, 539). William in turn was dead by Nov. 1517, when the Crown gifted the ward of his lands, as to half, to his widow Elene Gordon along with William Gordon of Craichlaw, and as to the other half to his brother Simon (*R.S.S.*, i, 2943). William apparently had no issue and was succeeded by his brother Simon, who in turn was followed by his son William, who had a lawsuit as to Carsregane on the death of Gilbert McDowell of Freugh, the superior (*A.D.C.*, xxix, f. 74, and xxx, f. 221^v). His son John McCristin in July 1534 resigned Kilsture for a new infeftment with Egidia Kirkpatrick his spouse (*R.M.S.*, 1513/46-1991). John died in 1545 and the ward of Clontis, Kilsture and Blair with the marriage of his son John was gifted to a relation, John McCristin, burgess of Wigtown, whilst the ward of Carsregan was granted to Fergus McDowell of Freugh (*R.S.S.*, iii, 1346, 1999). Two sons are recorded, John and Simon. John McCristin of Monkhill was dead by 1624, having married Jean Cunyngham. His son John was served as his heir in 1630 (*Retours*). The later history of this well-known family can be easily followed.

of John McCrekane narrating that the said commissary on [] Aug. 1506 inducted the said John Waus into the church and rectory and its fruits by handing him the keys of the church, the bell, baptismal font, missals and ornaments of the principal altar.

Witnesses : Dom. Gilbert Aschelan and Gilbert McYlhance chaplains, Alexander Murheid, Gilbert McYlnay, Thomas McCowloct, William McGarwe and Dom. John McCrekane N.P.

Two tags, no seals.

Barnbarroch Charters

No. 94

1511 Feb. 12. Instrument of sasine at the hand of John McCrekane N.P., narrating that Thomas Foster passed to the presence of the alderman and one of the bailies of Wigton sitting in judgement in high court for service of a brieve of one Makmurrawe in a tenement which pertained to the deceased John Makmurrawe or Wrycht and asserted on the king's behalf that this tenement pertained to the king through objection of bastardy against Makmurrawe pending undecided in the spiritual court and protested that the service should not prejudice the kings claims.

The witnesses, mostly illegible, include James Portuss, John Gibsone and Patrick Dugl[].

Endorsed—anentis Wrychtis Houssis 1522.

Lochnaw Charters

No. 95

1515/16, Jan. 12. Instrument of sasine at the hand of John McNely N.P. narrating that William McClen, burgess of Wigtoun, resigned into the hands of Alan McClairsche, bailie of Wigtoun, his half of some burgh barley lands lying in the north part of the burgh, between the barley lands of the laird of Bomby on the north and the common vennell next the " serroris " on the south, in favour of Ludovic McGilhauch and Margaret Dalzell, spouses, whom failing the heirs and assignees of the said Ludovic, to whom the bailie gave sasine.

Witnesses : Alexander Hanna, Patrick McKie, Malcolm McCristen, Clement Lityll, Robert [], James Portare, Alan [], Cuthbert McClellane and Fergus McDowell.

Galloway Charters

No. 96

1523, Sept. 30. Instrument of sasine at the hand of Michael McKinquhay N.P., narrating that Finla McCullact of Torhous¹ and Patrick McCullach, his son, resigned 2 acres of burgh beirland of Wigton into the hands of Symon McCristen bailie of Wigton in favour of Patrick Mure, provost of that burgh, and his heirs, lying between an acre of Thomas McGuffok extending to Tromenfurd on the north and an acre of the deceased Mr. William McGarve on the south, an acre of Finlay McBlayne on the south (*sic*) and the lands of the deceased William McCristen called Lytlands on the east.

Witnesses: James Porter, Robert Portwyse, Donald Thom-soun and Andrew Hannay.

Lochnaw Charters

No. 97

1523/4, Feb. 19. Extract by Gavin Dunbar, bishop of Aberdeen and clerk of the rolls, of a decret of the lords of Council in the cause pursued by Mr. John Vaus, parson of Wigtoun, v. Mr. Mathew Agnew, sheriff of Wigtoun, Andrew Agnew Patrick's son, Andrew Agnew Nevin's son, Robert Waus, Gilbert Heuchane, John Reid, Nichol Fresall, Patrick McCreish and Nevin Agnew,—for the slaughter and destruction of three oxen at the plough on his maling of Gallowhill in the freedom of Wigtoun, preventing the cultivation of the land and damage amounting to £20; craving that the pursuer and his friends be exempted from the jurisdiction of the sheriff. Defenders not appearing, the lords ordain them to pay £3 for each of the oxen together with £20 damages. In their decision the lands are described as kirklands. Exemption was granted.

Barnbarroch Charters

¹ The lands of Torhous were a 20 merkland divided amongst three families, the 10 merkland of Torhous—McCulloch the 6 merkland of Torhous—Mure and the 4 merkland of Torhous—McKie. Before division the lands must have belonged to the McDowells, for in 1459 Affrice McDowell had sasine (*Ex.R.*, ix, 666-7). In 1495 she was described as 'Affrik dochter of Makdowall, lady of Torhous' (*R.M.S.*, 1424/1513-2273) and in 1500 as 'Affrik, McDowell(s) dochter, lady of Torhous' (*A.D.C.*, 1496/1501-438). Her husband was Finlay McCulloch of Torhous, in right of his wife, a Crown tenant of some lands in Leswalt (*Ex.R.*, viii, 298, and ix, 122). She apparently married secondly prior to 1491 Patrick McKie of Camlodan, who may have given his name to Torhous-Kie. Finlay McCulloch had 4 sons, George (*Acta Aud.* i, p. 3-4), Norman, mentioned as son and heir of Affrice (*A.D.C.*, 1496/1501-438), and Elise, described as brother to Norman (*Ibid*). Norman married Mirabell Adair (*A.D.C.*, xiii, f. 89v) with 2 sons, Finlay McCulloch of Torhous, infest in 1503 (*Ex.R.*, xii, 712), and Norman McCulloch of Larglecastell. The descendants of this Finlay can be traced to the 19th century.

No. 98

1531/2, Jan. 31. Instrument of transumpt at the hand of Gilbert Gibsoun N.P., narrating that Patrick McCulloch, son of the deceased Finlay McCulloch of Torhous, appeared in presence of Dom. John McCrekane commissary of Wigtoun for extraction and transumpt of a protocol from the protocol book of the deceased Mr. Michael McKynquhay, as follows :—

1513, Aug. 16. Instrument of resignation and sasine narrating that Finlay McCulloch of Torhous resigned an acre of beirland in the burgh acres of Wigtoun, between an acre of the deceased Finlay McBlayne on the south and an acre of the deceased Mr William Makgarwe on the north, and also another acre of beirland between an acre of Thomas McGuffok on the south and an acre of the said Mr William McGarve on the north, into the hands of Patrick Mure, provost of Wigtoun, in favour of the said Patrick McCulloch, his son, who was infeft therein by the provost.

Witnesses : Gilbert Abodan, Herbert McMerke, William McIlchoneill, Andrew Ahannay and John Wod.

Whereupon the said Patrick McCulloch as son to the said deceased Finlay now asked instruments.

Witnesses : Doms. John McNely, John McCrekane, Patrick Sprot and Robert Logan chaplains.

Lochnaw Charters

No. 99

1531/2, Feb. 10. Instrument of sasine at the hand of Gilbert Gibsoun N.P., narrating that Patrick McCulloch son of the deceased Finlay McCulloch of Torhous resigned his two acres of beirland between an acre of Dom. Gilbert Gibsoun on the north and an acre of the deceased Dom. William McGarwe on the south, an acre of John Blayne on the west and an acre of the deceased Symon McCristene on the east, into the hands of John Ahannay of Capanach bailie of Wigtoun, in favour of Finlay Campbell of Corswell and his heirs to whom the bailie gave sasine.

Witnesses : John Ahannay, John McBlayne, Norman Young, Maurice Gibsoun and Michael McCrekane.

Lochnaw Charters

No. 100

1536, July 22. Instrument of sasine at the hand of John McNely N.P., narrating that George Acarson and Agnes McCawman, portioners and heirs of the deceased Dom. James

McCawman, chaplain and burghess of Wigtoun, resigned into the hands of John Hanna of Capanach, bailie of Wigtoun, in favour of Dom. Gilbert Gibsoun, chaplain, the following lands viz. a croft of barley land lying on the east of the house of the rector of Wigtoun, and also an a/r of 6s. from the said croft pertaining to the deceased John McCleiss; and a tenement on the south side of the high street, between the tenement of Thomas Gibsoun on the east and the tenement of John Aschellane on the west, reserving $\frac{1}{2}$ pound of wax to the altar of the Blessed Virgin Mary in the parish church of Wigtoun yearly, and 5s. a/r to the heirs of the deceased Patrick Mure; also resigning the tenement of the said deceased James McCawman on the north of the high street, between the tenement of John McCrekane on the east and the tenement of the deceased Michael McGarwe on the west, reserving free tenement of the back booth thereof to the said George Carson for life, whereupon the said bailie infest Dom. Gilbert Gibsoun in the above.

Witnesses: Mr. John Vaus rector of Wigtoun, Alexander Hanna alderman of Wigtoun, David Monypenny, Dom. Adam Smerles rector of Cummyrtreis, Thomas Fynlaysoun, George Anderwod, Michael McConyll, Fergus Henriessoun, William Stoup and Dom. Robert Logane chaplain.

Galloway Charters

No. 101

1541, Aug. 4. Crown gift to the Friars Predicators of Wigtoun, who had in the past been granted by the crown the fishings on the south half of the water of Bladenach in the lordship of Galloway, of the crown's fishing on the north half of the said waters, of which they had assedation from 'our guidsir' for 13 years and thereafter for similar terms. The friars are to sing orison for the late king and queen and their predecessors; with warrant to the Comptroller and auditors of Exchequer to make due allowance in their compts for Galloway. Under the privy seal.¹

Tag, no seal.

Galloway Charters

No. 102

1550, Dec. 2. Instrument of sasine at the hand of Michael Cochrane N.P., narrating that William Andersoun resigned into the hands of Richard Campbell, bailie of Wigtoun, a tenement and garden, the description of which is badly blurred, in favour of his mother Agnes Storie who was infest therein.

¹ See *R.S.S.*, ii, 4149, where the date of the original Crown lease of the north half of the fishings is given as 12 July 1526.

Witnesses : Henry Wallace in Wigtoun, Andrew Clugstoun servitor to William Dunbar in Culmalzew, and James Logane, son of Patrick Logane weaver.

Lochnaw Charters

No. 102a

1557, June 2. Elizabeth McCristie, daughter to the deceased John McCristie, burgess of Wigtown, and schir Nichol McClellane, his tutor testamentar for his interest, v. Robert Livingstoun of Litill Ardis and Katherine Make, his spouse. Persuer's father, who fell at Pinkie, constituted the said schir Nichol tutor testamentar to his children, by virtue whereof he has acted since the said father's decease and has raised signet letters charging the tenants of the £5 lands of the ward lands of Clentis, Kilstur and the Blair to pay rent to the said Elizabeth and her tutor during her pupillarity. Robert Livingstoun and Katherine Makke purchased a tutory dative to the said Elizabeth and have proceeded to diligence thereon, although the said tutory is obtained wrongfully without any cognition. Persuers crave for suspension of letters and produce the said John's testament constituting Fergus McDowell of Frewcht, Andrew Fullartoun of Carlton, Alexander McCristie his brother, schir Nichol McClellane chaplain, Gilbert McCristen, Elizabeth McCristen and Marion McDowell his mother, tutors testamentary to his children, which testament is subscribed by Patrick McClellane vicar of Wigtoun 4 Sept. 1547 and confirmed by the bishop of Whithorn on 28 March 1548. Defenders claim that the testament is forged. The Lords assign 1st July next for improving the testament and ordain letters to summon the witnesses in the testament, namely Mr. Gilbert McCrekane, Nicholl McClellane and Mr. Patrick McCullocht, Alexander Wallace, William Gordoun, John Nesbit, William Campbell and Gilbert McCullocht.

Acts and Decrees, vol. 15, f. 59-60

No. 103

1559, Dec. 19. Court haldin at the Burgh Court. At Wigtoune 19 December 1559 yeiris, the quhillk day the provost John Macmyllane and William Gordon, ane of the baillies, with assent and consent of George Mackee dene and John Martein thesaurer, Adam Hanay, John Ahannay elder, Roger Gordon, William Dalzeil, Arthur Sympsoune, Laurence Thorbrand, Thomas Mure, Moris McCrekan, with consent of the maist part of the community, hes set the 3 merkland of Culquhork to Patric Agnew, the sheriff of Wigtoun, for ane yeir, conform to

auld rentales maid be our predecessors of befoir to the said Patric's predecessors of befoir, the said Patric payand yerelie to the toun and common purse the soume of foure merks and ane half, the entries to be at whitsunday nexte to cum efter the dait hereof. For the quhilk tak and sett the said Patric sall tak ane awfald¹ part in alle and syndre actionis concerning the toun and ouris men² and sall fortifie and manteine the tounes officers quhen he is requyrit thairto, and sall hald all sheriff courtis in the toun of Wigtoun in all tyme coming. Plege for the forsaide mail yeirlie and the said Patric's pairt therof, Adam Ahannay and sicklyke the saide Adam pleg for the saide Patrik 40s. of entries

Ita est Michael Mackracken notarius publicus.

MS. Rental Book of Wigtoun at Register House

No. 104

1559/60, Jan. 13. Obligation dated at Edinburgh by John Gordon of Lochinvar to become cautioner and surety in £1000 Scots that Patrick Makblane, John Martyne, John McCrakane, Alexander Hannay, John Hannay, William Gordoun, John Makilhauche and John Waus, burgesses of Wigtoun, are true and obedient subjects of the crown and so may safely pass to the parts of France and use their leissum business without trouble and impediment, and that they will bring their goods furth from France to the port and haven of Wigtoun and not traffic any of their goods with any persons who are rebels.

Witnesses: Patrick Agnew sheriff of Wigtoun, Mr. Robert Stewart and John Stewart.

Reg. of Deeds, vol. 3, f. 290^v

No. 105

1560/61 (March 15).³ Feu charter by Mr. Patrick Waus rector of the parish church of Wigtoun, for the sum of £800 scots paid for the reparation of the said church, to Alexander Waus of Barrynbarrocht, his heirs male and assignees, of the 10 merklands of the said rectory called Kirklands and the 5 merklands called ye Maidland extending to a £10 land, reserving to the rector and his successors the mansion-house and garden of the glebe, paying yearly for the Kirklands 20 merks scots,

¹ *awfald* = sincere.

² *ouris men* probably = oversman.

³ The date is taken from the Crown confirmation of 4 March 1565/6 (not in *R.M.S.*).

for the Maidland 10 merks scots with 40s. in augmentation or £22 scots in all.

Sealed at Wigtoun. No witnesses.

Signed by granter, Tag and fragment of seal.

Barnbarroch Charters

No. 106

1581, Aug. 20. Instrument of sasine at the hand of Michael McCrekane N.P. narrating that Paul McMorran as bailie on precept and charter by Dom. Donald Mur, vicar of the parish church of Kells and perpetual chaplain of the altar of St. Michael the archangel in the parish church of Wigtoun founded by the deceased Dom. William McGarwe, with consent of sir John Gordon of Lochinvar *eques auratus* and patron of the said altaraige and with consent of the provost and bailies of Wigtoun, which charter was dated at Ruscau and Wigtoun 10 and 11 November 1578, infeft William Gordon, burgess of Wigtoun, in 2 acres of beirland and $\frac{1}{2}$ another acre (whose description is illegible owing to damp) near the lands of the deceased Duncan McKee and the lane leading to the chapel of St. Bride. The witnesses to the charter were Alexander Mure of Carse, Symon Gordoun, John Mc[], Laurence McKee, William Dalzell and John McDowell coburgesses of Wigtoun.

Witnesses: Patrick McBlane provost of Wigtoun and [].

Galloway Charters

No. 107

1584/5, March 20. Crown confirmation of feu charter dated 21 Dec. 1560 by James Doddiss prior, Allan Peter, Rolland Tailzeor, John Gibson and Thomas Wryt, friars predicators of the convent of Wigtoun, with consent of the chapter and of brother John Greirsoun, Provincial of the Order, in augmentation of the rental etc. and for £1000 Scots, in favour of sir Alexander Stewart of Garroleis elder and dame Katherine Stewart, spouses, conjointly for their lives and Robert Stewart, their son, and his lawful heirs male, whom failing William Stewart, brother to the said Robert, whom failing Anthony Stewart, also their brother, of the following lands and annual-rents, ecclesiastical and secular viz.: (i) the lands of Corwar in the parish of Sorbie extending in our rental to 7 merks scots; (ii) the meadow now occupied by John Makkilhauch and Janet Makkilhauch his sister, being part of the 8s. land of Cassingilsie extending in the rental to 30s. yearly; (iii) an acre and a half occupied by the said John and Janet between the lands commonly called Magdalene land on the west and an acre belonging

to Michael McClellane on the east, extending to 35s. in the rental ; (iv) the lands of Cruik called Friars Cruik extending in the rental to 2 bolls barley ; (v) the crofts and about an acre around our Place ; (vi) the salmon fishings in the water of Bladnoch from ' lie but ' to Culmanoch on both sides of the water worth 40s. in the rental ; and the following annualrents : (vii) 24 bolls meal and 22s. yearly from the lands of Cardene ; (viii) 6 bolls meal and 3s. from the 5 merklands of Miltoun ; (ix) 7 bolls meal and 2 quarters meal and 3s. 6d. from the 5 merklands of Skeith ; (x) 6 bolls meal and 3s. from the 5 merklands of Kerimanocht ; (xi) 4 bolls 2 pecks meal and 2s. from the 4 merklands of Castlecruike ; (xii) 18 bolls meal and 6s. from the 10 merklands of Librik ; (xiii) 4 bolls 2 pecks meal and 2s. from the 4 merkland of Knokincur ; (xiv) 6 bolls meal and 3s. from the 5 merkland of Knokafrik ; (xv) 6 bolls meal and 3s. from the 4 merkland of Blairmaking ; (xvi) 6 bolls meal and 3s. from the 5 merkland of Drumgergane ; (xvii) 6 pecks meal and 9d. from the 16s. land of Slewhebert ; (xviii) 6 pecks meal and 9d. from the 16s. lands callit Little Hillis ; (xix) 3 bolls meal and 1s. 6d. from the 2½ merkland of Barnbarrach ; (xx) 6 bolls meal and 3s. from the 5 merkland of Barjareg ; (xxi) 6 bolls meal and 3s. from the 5 merkland of Kildarroch ; (xxii) 3 bolls meal and 1s. 6d. from the 2½ merkland of Capinock ; (xxiii) 6 bolls meal and 3s. from the 5 merklands of Baliverenocht ; (xxiv) 3 bolls meal and 1s. 6d. from the 2½ merkland of Clutag ; (xxv) 6 bolls meal and 3s. from the 5 merkland of Ardlis ; (xxvi) 6 bolls meal and 3s. from the 5 merkland of Culinalzeocht ; (xxvii) 6 bolls meal and 3s. from the 5 merkland of Kerebroun ; (xxviii) 6 bolls meal and 3s. from the 5 merkland of Kerequhern ; (xxix) 12 bolls meal and 6s. from the 10 merkland of Barness ; (xxx) 6 bolls meal and 3s. from the 5 merkland of Kerwolcop ; (xxxi) 6 bolls meal and 3s. from the 5 merkland of Clauchrie ; (xxxii) 6 bolls meal and 3s. from the 5 merkland of Barglass ; (xxxiii) 6 bolls meal and 3s. from the 5 merkland of Knoctim ; all in the sheriffdom of Wigtoun, paying £77, 6s. 3d. and £3 in augmentation as feuferme, with precept directed to James McCulloch. The witnesses to the charter were Mr. John Stewart of Barchly, Dom. John Stewart chaplain, Mr. Peter Stewart and George Williamson in Clacharie.

Witnesses : James, earl of Arran, chancellor, Patrick, archbishop of St. Andrews, Walter, prior of Blantyre keeper of the privy seal, sir John Maitland of Thirlstane, secretary. Alexander Hay of Eister Kennet, clerk of council, sir Ludovic Bellenden of Auchnoule, justice clerk, and Robert Scott, director of chancery.

Tag, no seal. Not recorded in *R.M.S.*

Galloway Charters

No. 108

1661, May 23. Charter of confirmation with clause of novodamus by King Charles II, with the consent of the principal treasurer and depute of his realm of Scotland and the rest of the lords and commissioners of his Exchequer, in favour of his burgh of Wigtoun, and the provost, bailies, councillors and community thereof, confirming all charters, donations, acts and ratifications by his predecessors to the said burgh and the magistrates and inhabitants thereof, of all and singular their lands, acres, tenements, gardens, mills common possessions, lesser customs, deanery (*decanatu*) and all other things appertaining to the common good of the burgh and of their accustomed annual and weekly markets; and he wills that this confirmation shall be as efficient and sufficient as if all the lands etc. were contained in his present charter. Furthermore, for the good and commodity of the said burgh and for the increment of trade there he of new gives them all the liberties, privileges, profits, emoluments and casualties which they possess or have possessed and especially their deanery (*decanatum suum*) without prejudice of the generality (*generalitatis*), that is to say 6s. 8d. annually 'de unoquoque bruerio *lie* frie stallage' and 13s. 4d. 'pro unoquoque alio zithiario *lie* breware' for visiting and inspecting their jars and measures and annually bringing them to a just measure '*lie* Jugg', with 'bludewites *lie* bloodes batteries' and the amercements of the said burgh and the usual custom of 2s. for each bullock or cow or other cattle bought within the liberty, taken out of it or sold in the market, and 12d. for all beasts brought into the burgh or liberties thereof, or passing through. Also he grants them their annual fair, called the Palmefair, Midsummerfair, Lambas and Mertimas fair, and two other horse fairs on the Tuesday before *lie* Midsummer and the Wednesday before the feast of St. Peter ad Vincula, *lie* Lambas, a weekly market on Thursdays from 1 May to 25 December, for the buying and selling of all kinds of cattle, sheep, wools, butter, cheese and other country produce, and a weekly market on Mondays for the selling of victual of all sorts, especially barley, meal, oatmeal (*polenti avenarum*), wheat, beans peas and rye, both growing and for sale (*tam crescentium et venalium*), and for selling victual brought into the bounds of the said burgh, with customs, tolls and book money (*libri moneta*) '*lie* buiking silver' of the said annual fairs and weekly markets. He prohibits all other markets and buying and selling anywhere else within the liberties of the burgh of Wigtoun, outwith the market of the same, granting power to levy customs and casualties and to apply them to

the common good of the burgh, to restrain all buying and selling and holding of markets elsewhere, to take and sell all goods offered for sale outwith the market, and to punish and fine transgressors; commanding the Lords of Session and Exchequer to direct letters of horning and poinding at the instance of the treasurer and procurator fiscal of the burgh on a charge of three days to command payment as above and observation of the premises under pain of rebellion.

Witnesses: William, earl of Glencairne, Lord Kilmawers, chancellor, William, earl Mariscall, lord Keyth and Altrie, marshall of the realm and keeper of the privy seal, John, earl of Lawderdaill, viscount Maitland, Lord Thirlestane and Boltoun, secretary, Sir Archibald Prymrois of Chesters, knight clerk of the rolls, registers, council, session, exchequer and parliament, and Sir William Ker of Haddin, knight, director of chancery.

At Whitehall, 23 May 1661.

(*In dorso*). Note that the charter was presented for registration in the register of probative writs for the shire of Wigtoun, 15 April 1749, by Alexander McConnell, town clerk of Wigtoun. Original in Reg. House. Not in *R.M.S.*

WIGTOWN *v.* WHITHORN

THE following papers relate to litigation between Wigtown and Whithorn concerning their trading rights.¹ The 'freedom and liberties' of a Scottish burgh were always jealously guarded and preserved, though they were not always clearly described in their charters. The problem of jurisdiction was always a thorny one and the Court of Session was frequently called on to adjudicate on conflicting claims. The 'freedom' of a burgh was of course the very antithesis of freedom to trade. It was in reality a rigorous protection. Wigtown's jurisdiction extended from the Ayrshire boundary to the Cree, and from the Cree to the Nith was the freedom of Kirkeudbright. Both burghs were frequently called on to defend their rights.² These rights included the collection of customs, a valuable source of burgh revenue. Wigtown did not directly collect the customs, but seems to have followed the practice of Kirkeudbright, which leased the customs to the highest bidder, retaining a sub-custumar at Monygaff.

But the coast-line of Wigtown's freedom was far longer than that of Kirkeudbright and the surviving records are silent as to how Wigtown managed to control its area. Perhaps its control was inadequate, for in 1500 the Crown appointed custumars in so far as exports and imports were concerned. The innovation was resented by the burgh and that year John Lindsay, custumar of Wigtoun, was de-forded by Thomas McClellan of Bomby, Alan McClellan, provost of Wigtown and a number of burgesses.³ Three years later the Crown appointed John McKie of Myrtoun custumar within the burghs of Wigtown and Innermessan and all other places in the sheriffdom.⁴ Apart from the

¹ Of this prolonged litigation Mr. J. H. Shearer has printed only the final stages in his *Select Cases from A.D.C. et Sess.* (Stair Society).

² 'Early Records of Kirkeudbright' in *D. and G. Trans.*, xxii, 142.

³ *A.D.C.*, 1496/1501-406.

⁴ *R.S.S.*, i, 926.

'freedom and liberties of the burgh', the Crown reserved the right to license traders. Thus a burgess of Wigtown in 1541 was licensed to 'fraucht' a ship from Brittany with fish from the Outer Isles.¹ In internal trade Wigtown, like all burghs, fought a losing battle. Within its huge liberty the burgh claimed that all trading should take place at her mercats. But the chapmen carrying their packs could easily avoid payment of dues. In 1503 Crown letters were issued to the sheriff and provost prohibiting all chapmen from selling and buying wax, iron, tar, skins or victuals under pain of escheat, half of which was to go to the Crown and half to the burgh.² This was renewed in 1517 against chapmen and other unfree traders who buy or sell in land-wart places and do not bring their goods to the burgh mercats, thus defrauding the customs and rights of burgesses.³

Similar steps were taken with regard to overseas trade and at once there was a clash with Whithorn. At the close of the 15th century that cathedral city had come into prominence as a centre for pilgrimages rendered almost fashionable by royal exemplar. In 1499 the Crown granted to Patrick Vaus, prior of Whithorn, and to the convent and his successors, the customs of all skins, hides, fish, cloth and wool and for all other their goods *transported in their own ships*. This was a ratification of a previous grant dated 3 January 1491/2.⁴ A definite limitation was imposed probably to protect Wigtown. But the prior and burgesses of Whithorn cannot have been content with the grant and soon began to stretch and outreach the limitation. They sought to have similar trading rights to Wigtown. In 1510 Wigtown brought an action against Whithorn for diverting shipping to the Isle of Whithorn. Whithorn retorted with an unspecified counter-action. There the matter rested till 1513. That year Wigtown brought a fresh charge of making merchandise with men from Ireland and the Isle of Man. Whithorn declared that Mungo Murray of Broughton, customar of Wigtown, was irregular in his

¹ See No. 119.

² *R.S.S.*, i, 927, 928.

³ *Ibid.*, 2924.

⁴ *R.M.S.*, 1424/1513-2075, 2486.

dealings with an Englishman, one Thomas Bavirlaw. Wigtown even alleged that the burgesses of Whithorn had deforced the provost and bailies of Wigtown within the haven of Wigtown and taken goods to the Isle of Whithorn and marketed them there. The Crown called for production of charters. On 14 July 1518 decision was given in favour of Wigtown by default, Whithorn not being represented in court. But the jubilation of Wigtown was short-lived, for the record was speedily deleted and on the margin is inscribed 'This act orderit not to be pronouncit'. By 25 August the parties were as fully engaged as before. Early in 1519 the Crown continued the case in the hopes that Symon McCristin and Patrick McKie for the burghs could reach agreement. But that failed and Wigtown produced its charter of 1457. Litigation burst out afresh in 1532, when Whithorn produced two charters, one of 1325¹ and the other of 1511,² the latter confirming the former in even stronger terms. As Wigtown could produce no earlier charter than 1457, Whithorn's charter of 1325 had to prevail and Wigtown, which had claimed 2000 merks damages, lost the case.

In 1535 the Crown issued letters in favour of Mr. Archibald Stewart, parson of Kirkmaho, and Mr. Peter Stewart, his cousin, appointing them custumars of both the burghs of Wigtown and Whithorn 'between Glennop and the water of Cree and the west seycost of the oceane sey and Lochryane and the Rynnis of Galloway' for seven years, relative to all customable goods passing in or furth the said bounds, paying yearly to the Exchequer 48 merks scots.³

¹ *R.M.S.*, 1306/1424, App. I, 20.

² *R.M.S.*, 1424/1513-3569.

³ *R.S.S.*, i, 1758.

No. 109

1510, June 1. Continues the summons of the crown *v.* the alderman and bailies and community of Quhitherne for wrongful occupation of the crown's proper lands of the common extending to 20 merks worth of land lying between the water of Ledinauch (*sic*) and the kings burn beside the burgh of Wigtoun, for the space of 40 years—on to the day of the said alderman's and bailies next compt at the Exchequer.

Continues to the next compt at the Exchequer the summons by the alderman and bailies of Wigtoun *v.* Rolland Makdowall, Cuthbert Cunynghame and other indwellers of Quhitherne, and also *v.* Henry prior of Quhitherne for wrongfully usurping and using the privilege of the said burgh (of Wigtoun) and defrauding the crown of the customs in the drawing of strangers and their ships from the burgh and freedom thereof to the Isle of Quhitherne.

Memorandum that the summons raised by the prior of Quhitherne and convent thereof and the provost and bailies thereof *v.* the alderman and bailies of Wigtoun is continued to the same day in form as it is now.

A.D.C., vol. xxi, f. 184

No. 110

1513, July 7. Mr. Adam Otterburn forespeaker for the prior of Quhitherne and procurator for the toun of Quhitherne protestit as far as the summons raised against them by the crown and the community of Wigtoun concernit the action of parties, that they might have their priveleged defences there against.

John of Dunbar in name of the toun of Wigtoun asked ane instrument that Alexander Adare bailie of Quhitherne granted that 5 or 6 of the young men of Quhitherne took with them to the Yle of Man 5 or 6 puntions of wyn.

The said John of Dunbar asked ane instrument that Henry prior of Quhitherne granted that baith he and diverse others of the toun of Quhitherne made merchandise with Yrlandmen and of ye Yle of Man, that is to say that bocht merchandise in by them, and gave them in payment thereof stuff and merchandise as they had agreit.

Duncan Murray burgess of Quhitherne asked instrument that Mungo Murray of Brochtoun customar of Wigtoun grantit that he had Thomas Bavirlaw inglisman pas and tak certain wyne where he plesit and he should pay therefore.

Henry prior of Quhitherne asked instrument that he offered to show their old infeftments and older than the toun of Wigtoun had, as he allegit.

Anent the summons by the crown and the alderman and bailies of Wigtoun *v.* Albert Cunynghame John Makgilwane, Alexander Adare, John Makgoune, Adam Spotts, Duncan Murray, Thomas Makdowall, John Makge, Donald Makblane, Robert Vaus, John Vaus and Donald Makallane indwellers of Quhitherne anent the deforcing of the said alderman and bailies in the execution of that office and breaking of the act of Parliament in buying of diverse ships within the haven and freedom of Wigtoun, taking the same to the Ile of Quhitherne and making market thereof and furnishing of our sovereign lordis enemies of Ingland, Yle of Man with wyne, salt and wool in time of derth in great hurt to the realm and the said burgh ;— to hear them decerned to refund to Wigtoun the skaith and damage. Mr. James Henryson appeared for the crown and Symon McCrystein as procurator for Wigtoun and Mr. Adam Otterburn for Quhitherne. The lords decreet that the inhabitants of Quhitherne have broken the act of parliament because they sauld wyne and merchantdise to Manmen and Irlandmen and ordains them to enter ward wherever the crown plesis. And because they sauld wyne to other Inglismen, Manmen and Irlandment assigns to H.M. advocate the 20 July to prove the selling thereof attour ye quantitie of ye license granted by the kings grace. And as to the action of Wigtoun *v.* Quhitherne continues the summons. Both burghs to procure charters and infeftments.

A.D.C., vol. xxv, f. 190-1

No. 111

1515, July 26. Patrick Mure alderman of Wigtoun protested that the ratification of the prior of Quhitherne's charter should not turn them nor their freedoms to prejudice.

A.D.C., xxvii, f. 48

No. 112

1516/17, Jan. 22. The crown and the alderman and bailies of Wigtoun *v.* Cuthbert Cunyngham, John McIlviane, Alexander Adair, Duncan Murray, John McGowin, Adam Spotts, Lucas Elgemont and the rest of the inhabitants of Quhitherne for usurping the privilege of the burgh of Wigtoun, defrauding the crown and the community of Wigtoun of the customs and duties thereof by soliciting and drawing off strangeris and their ships from the havens of the said free burgh of Wigtoun and freedom thereof, to the Isle of Quhitherne, Portzarroch and other unfree places and there making mercat ; and especially 2 ships in 1513, other 2 ships in 1514, 3 more ships in 1515 and

3 more ships in 1516, of France and Brittany laden with Gascon wine, iron, salt and other merchandise, from the haven of the said burgh called Innerwell and other havens of their freedom, selling and dividing the same in great and small particles to Inglismen, Irlandmen and Mansmen and other men of the country within the sheriffdom of Wigtoun, defrauding the crown of customs and the said burgh of Wigtoun of their privilege and the profits they might have had of the said strangers and ships, extending to 100 merks of skaith. Hugh McIlhauch and Mr. Thomas Hamilton appeared as procurators for Wigtoun but defenders did not appear. Continued to 5 Feb.

A.D.C., xxvii, f. 120

No. 113

1518, July 14. The alderman bailies etc of Wigtoun *v.* Cuthbert Cunynghame and others as above and also *v.* Alexander prior of Quhitherne and the convent thereof, for breaking acts of parliament, defrauding the crown of its customs and hurting the freedom of Wigtoun by inbringing of ships and merchandise of strangers into the freedom of the burgh by soliciting and drawing the ships and strangers from the harbours of the free burgh to the Ile of Quhitherne, Portyarrok and other places making mercat and losing and lading the ships against the privilege and use of the burgh of Wigtoun which has had the same past memory of man to draw all ships that come from whatsoever part betwixt the Ireland sea and the midstream of the water of Cree, which are the bounds of the burgh. Within the last 13 years the inhabitants of Quhitherne had troubled the burgh by drawing ships to Quhitherne and having landings, against the infettments of the burgh.

Quhitherne was not represented in court. Decreet for Wigtoun conform to its charter under the Great Seal dated 28 April 1457 produced.

A.D.C., xxxi, f. 104

No. 113a

1518, Aug. 25. The alderman and bailies of Wigtoun *v.* Alexander prior of Quhitherne and inhabitants thereof (as above) for defrauding the customs and acting contrary to the privileges of Wigtoun. Lowis McGilhauch alderman of Wigtoun, Alexander Hannay bailie and Patrick Mure appeared with Mr. Thomas Hamilton as their procurator as did Alexander prior of Quhitherne, dene Andrew Stevinsone subprior and Cuthbert Cunynghame provost of Quhitherne, John McGilwyane and John McGoun with Mr. Francis Bothwell as their procurator. The lords with consent of parties continue to 3 Feb.

A.D.C., xxxi, f. 177

No. 114

1518/19, March 3. Continues the summons and actions betwixt Quhitherne and Wigtoun til 13 March. Symon McCristyne and Patrick Makke are empowered to seek agreement betwixt the towns.
A.D.C., xxxii, f.106

No. 114a

1518/19, March 15. Mr. Francis Bothwell for the toun of Quhitherne asked instrument of the date and reign of the king contained in the charter produced by the toun of Wigtoun, which was at Stirling 28 April 1457 and of the reign of James ii 21 years.

Mr. Thomas Hamilton for the toun of Quhitherne protested that since the community of Wigtoun had summoned the community of Quhitherne for wrongful drawing of ships to their port of Quhitherne and that he produced a title, he desired a term to prove the points of the summons. Mr. Thomas Hamilton protested that the summons might be first called. Mr. Adam Otterburn in name of the toun of Edinburgh asked instrument and protested that if the lords would admit the toun of Quhitherne ane free burgh, that it was or should be by virtue of evidence making them a burgh, before the evidence and privilege of burgh granted to the said toun of Wigtoun.

A.D.C., xxxii, f. 127

No. 115

1532, Dec. 2. The lords by sentence interlocutor decern that they are competent judges in the summons raised at the instance of the community of Wigtoun v. the community of Quhitherne for reducing their instruments notwithstanding the exceptions proponit. Mr. John Letham for Wigtoun asked instrument that Mr. Thomas Marjorybanks for Quhitherne granted he would use no dilators against the relevancy of the summons. The date of the charter of king James ferd making Quhitherne a free burgh was at Edinburgh 1 May 1511; the date of another charge given to the said toun by king Robert the Brus was at Arbroath 20 May a.r.20 (1325). The date of the charter of Wigtoun as a free burgh, at Stirling 28 April a.r.21 (1457).

The lords continue to last of January the summons by the provost of Wigtoun v. the provost of Quhitherne and Ninian now prior of Quhitherne anent production of the charters of Quhitherne.

A.D.C. et Sess., ii, f. 19-20

No. 116

1532/3, Feb. 5. 'The said Maister (Robert Leslie) exceptit again ye summons raised be the toune of Quhitherne allegand yat the said summons was intentit at the kingis instance and at ye instance of the toune of Wigtoun againis Quhitherne and ye actioun myt not be dividit and therefore ye lordis myt not proceed without ye kingis advocate wald persew ye summons. The lordis by sentence interlocutor decerns yat yai myt proceid because the kingis advocate was present and was redy to persew for ye kingis grace insafer as the summondis concernit his hienes.'

Mr. John Letham for Wigtoun asked instruments that the charters of Quhitherne bear that James ferd created the toun of Quhitherne and its bounds a free burgh to be called the burgh of Quhitherne with the port of the same and that the charter confirmed previous donations by the kings predecessors and was enough to verify the first point of the summons.

'Mr. Robert Leslie procurator forsaid askit instruments upoun ye second allegiance.

Mr. John Letham perlocutor for the toun of Wigtoun askit instruments that the charter of king Robert Brucis producit be ye men of Quhitherne purportit and contenit yir wordis in effect—concedimus etiam confirmamus eisdem villam de Quhitherne que dicitur clauhance quam predictus frater noster dedit eis in liberum burgum cum die fori singulis septimanis et die nundinarum semel in anno et ex dono ejusdem fratris nostri sex petras cerce percipiendum annuatim de Cregiltoun et de Mochrome ad lumenare Sancti Niniani etc.'

Mr. Robert Leslie for Quhitherne protested that Wigtoun was created a free burgh by James ii and his predecessors by a reserving charter of that king and therefore if Wigtoun could produce no other evident they should have no place for production of others in time to come, and offered to prove that Quhitherne had been in peaceful possession as a free burgh before James ii ans sensyne past prescription. The lords continue the matter betwixt Wigtoun and Quhitherne till Tuesday next.

A.D.C. et Sess., ii, f. 74-5

No: 116a

1532 3, Feb. 18. In the action of Wigtoun *v.* Quhitherne and the prior thereof, to produce charters creating Quhitherne a free burgh for retraction because Wigtoun was made a free burgh by James ii with all priveleges within the bounds of Quhitherne and Galloway from mid stream of Cree west to the Ireland sea and the inhabitants of Wigtoun had been in posses-

sion of that freedom past memory of man which freedom it will not give over to Quhitherne.

The provost and bailies of Quhitherne had been wrongfully buying of skins, wool, hides, cloth and other staple goods to landwart within the freedom of Wigtoun thus defrauding Wigtoun of small customs for which they pay the crown yearly 10 merks and get no profit therefrom; and for drawing of strangers and their ships from the havens in the freedom of Wigtoun to the Ile of Quhitherne, Portzarrok and other places, making merchant there, lousing and lading ships. This infraction had gone on for 28 years and especially 2 ships yearly in 1513, 14, 15, and 3 ships in 1516 and 2 ships yearly since then, laden with wine salt etc from the haven of the said burgh called Innerwell. The lords assoilzie Quhitherne from the petition of Wigtoun because the crown and Wigtoun had not verified nor proved the points thereof. Damages between 2000 and 3000 merks were claimed.

A.D.C. et Sess., ii, f. 94.

No. 117

1533/4, March 4. Crown v. Patrick McKie alderman of Wigtoun, John Hannay young laird of Capannoch, Roger Gordoun, John McIlhauche, Moreis McCrekane and Gilbert Blain, for breaking the crown's arrest of merchandice and goods in a ship in the haven of Quhitherne and disposing of the same. Defenders not appering continued to 24 April.

A.D.C. et Sess., iv, f. 66

No. 117a

1533/4, March 14. Crown and Patrick McKie alderman, Symon McCristin and John Ahannay bailies of Wigtoun v. John McGoun provost of Quhitherne, Patrick McIlweyane and James Maxwell bailies of Quhitherne and Ninian prior to Quhitherne and the convent thereof—to produce a charter to Quhitherne given by the late king James, for retreatment. Continued to 2 May.

A.D.C. et Sess., iv, f. 71

No. 118

1540, Nov. 21. Anent the term assigned to Archibald Stewart parson of Kirkmahoe and Mr. Peter Stewart customars of Wigtoun and Quhitherne within the bounds and freedom (thereof) and of all the bounds betwixt Glenepe and the water of Cre, the west sea coast and the occiane sea (at) Lochryan and

the Rynis of Galloway *v.* John Ahannay, Michael McClellane, John McCristiane, Symon Gordoun, John McGilhauch, James Maxwell, Edward McDowale, John McKie provost of Quhit-herne, Alexander Adair, Duncan McGoune and Robert Murray, for proving the defrauding of H.M. customs of certain ships and gudes within the said bounds and the said custumars of their dues. Continued to 20 Jan.

A.D.C. et Sess., xiv, f. 18

No. 119

1541, Aug. 9. James Corsby burgess of Edinburgh becomes surety for John McYlhauch burgess of Wigtoun who has obtained crown license 'to fraucht ane schip of France or Brittany in ye Outer Isles for taking of fisch'; the said John is to appear yearly in Exchequer and on oath to declare what fish were taken by him and the crew of the ship, and to pay his true customs thereof.

A.D.C. et Sess., xvi, f. 125

No. 119a

1541, Aug. 30. The crown and the provost and bailies of Wigtoun *v.* Thomas Kennedy and William Nesbit, to pay to the crown or provost in its name a half of 400 bolls of salt or its value at 8s. a boll belonging to the crown by escheat through their buying of certain Frenchmen within the freedom of Wigtoun and selling it to the lieges after they had been inhibited by the crown.

A.D.C. et Sess., xvi, f. 136^v

No. 120

1546, July 2. The provost and bailies of Wigtoun *v.* John Gammill for production of letters purchased by him committing to him full freedom to make merchandice and buy and sell all manner of goods outwith the freedom of Wigtoun where he pleases, to the hurt and damage of the customs of the crown and the freedom of the burgh. Schir George Richertoun vicar of Kilgour is procurator for the burgh, defender not appearing. The lords suspend the letters purchased by the defender till they be produced in court.

A.D.C. et Sess., xxi, f. 13

DOCUMENTS RELATING TO CRUGGLETON

THE story of Crugiltoun Castle and the lands associated with it has already been told in some detail.¹ The following documents throw some further light on the struggle for possession of castle and lands. Robert Stewart, illegitimate son of James V, the commendator was an absentee and the affairs of the priory were administered by a chamberlain also named Robert Stewart whose identity has not been established. From 1525 to 1568 the Fleming family had held the priory in the persons of Ninian and Malcolm Fleming. Lord Fleming desired to keep the commendatorship in the family and supported his relative William Fleming who claimed the priorship under Privy Seal gift of 1566 of the reversion of the priory on the death of his uncle Malcolm Fleming last prior who died in 1568. The Crown had promptly gifted the office to its illegitimate offspring Robert Stewart *in commendam*. The times were troublous and Whithorn was a long way from the capital. Fleming seems to have been in possession of the priory whilst Robert Stewart the chamberlain held Crugiltoun for the commendator. Early in 1569 the Regent wrote urgently to sir Patrick Vaus of Barnbarroch to the effect that Lord Fleming with an armed force was attacking Crugiltoun castle and prayed sir Patrick to collect his friends and go to the assistance of the chamberlain 'and releve our said brother of the said assege'.² Barnbarroch must have arrived too late for in 1578 it is stated that Lord Fleming had held the castle for about ten years.³ The commendator took legal action, the plea being referred to the Commissaries of Edinburgh. That court was so dilatory that in 1578 at the instance of the Regent the Crown issued a summons to the commissaries to show cause

¹ *D. and G. Trans.*, xvi, 152-160.

² *Correspondence of Sir Patrick Vaus*, i, 62.

³ See No. 121.

for the delay. Accompanying the summons is a bundle of memorials, defences, answers thereto and papers in the process.

It was claimed that William Fleming had never been lawfully provided to the priory before Malcolm's death and that the gift bore no name of the donee nor a date, contrary to Act of Parliament anent annulment of gifts purchased on blanks, and it was alleged that William Fleming's name had been put in the register by another hand long after the date of entry and death of Malcolm. The resignation by prior Malcolm to William Fleming was at the hand of the deceased Patrick Porterfield. All the witnesses were dead except John Fleming of Boghall, who had been convicted of treason and so was unable to bear witness. The notary was said to have confessed the forgery of the resignation in presence of a number of his neighbours. Today the Register of the Privy Seal (vol. xxxiii, f. 107) reveals that no name of a donee is filled in and that there is inserted in the register a slip with a special royal command to make the entry.

Such was the case that the commissaries of Edinburgh were called on to decide. Their decision has not been found, but it surely must have been adverse to the claims of Fleming.¹

A few months later the commendator feued the castle and lands to Andrew Stewart, Master of Ochilttrie, who was dead by 10 Sept. 1578.² His widow Margaret Stewart failed at first to get access to the castle held by the chamberlain under the order of the commendator. So the chamberlain refused to obey the order of the Privy Council in favour of Margaret. But the widow must have been given possession, for in Aug. 1579 Alexander Stewart of Garlies, his sons and others, fully armed, under silence of night hid themselves in the outhouses and at dawn when

¹ When in Jan. 1577/8 Sir John Stewart of Minto contracted to dispose the 10 merkland of Apilbie in Glasserton parish to Sir Patrick Vaus for £400 it was stipulated that the last £100 be not paid till the commendator lord Robert Stewart gains his action before the Commissaries of Edinburgh against William Fleming for possession of the lands (*Barnbarroch Charters*).

² *Scots Peerage*, vi, 514.

the yett was opened seized the castle.¹ Again the law was invoked. Ultimately Margaret and the commendator came to terms in Feb. 1580/1.²

In the British Museum is a coloured sketch of a castle of the priors of Whithorn, reproduced by the author of *Hereditary Sheriffs of Galloway*, ii, p. 68. It can only apply to Crugiltoun. From this illustration the central tower is entirely a 13th-century keep with ordinary upright medieval battlements. The battlements of the enclosing wall have been modified and are low, with outward-splayed openings for use with hand guns, a typical development of the 16th century. The prominent quoins and voussoirs of the entrance are also likely to result from a reconstruction of the 16th century; in fact, it seems possible that the whole of the angular wall is a new construction of that century. The long narrow loups in this wall might be openings for hand guns of the 16th century, and not medieval arrow slits.

The medieval outer ditch—a prominent feature of the present site—survives in the foreground, but the outer wall with its flanking towers recorded in 1264 is not shewn save in one corner. It is possible that this wall was demolished to provide stone for the reconstructed buildings and to improve the field of fire. There is still some suggestion on the site of walling of an outer ward.

There is no proof on the site of anything going back beyond the 12th-13th century, though the origin of the outer ditch might be much earlier. We may attribute with reasonable certainty the 16th-century reconstruction to Malcolm, third Lord Fleming, whose family reached the zenith of its power in his lifetime. He was a court favourite and accompanied James V on his matrimonial expedition to France in 1537. He married Janet, natural daughter of James IV, and fell at Pinkie in 1547. When Gavin Dunbar, prior of Whithorn, was elevated in 1524 to the archbishopric of Glasgow, Fleming must have secured the priory for his brother Ninian Fleming (1524-1536). On

¹ *R.P.C.*, iii, 275-6 and 292.

² See No. 122.

Ninian's death Lord Fleming again secured the priorship for another of his brothers Malcolm, dean of Dunblane 1536-68. Indeed, Lord Fleming may well have regarded the priory as a perquisite of his family. This may have been the reason why his son in 1566 put forward another member of the family as prior on prior Malcolm's death and held the castle till 1579.¹

¹ *D. and G. Trans.*, xxvii, 146. Ninian is omitted in the Wigtown article in *Scots Peerage*, viii, 557.

No. 121

1578, Oct. 30. Summons directed to Archibald Edgair messenger to charge the commissaries of Edinburgh to show reasonable cause for their delay in hearing and deciding the dispute between the earl of Moray then Regent who had been provided ten or eleven years ago to the priory of Whithorn but had been frustrated 'first during the troublous time of oure minorite by John sometime lord Flemyng and his accomplicis who withheld the hous of Crugiltoun against us and our authoritie, and last by order of sequestration during the dependence of the pley befor certane of our commissaries of Edinburgh to whom the lord Provand president of our Sessioun and Mr. David Borthwick our Advocat wer adjonit; and albeit the said lord Robert hes awaitit upon their decreit thir sundrie zeiris bigane and-obtenit divers of our awin effectuus letters requiring to do him justice zit hes he bene and still is put of be unnecessar delayes and last under pretens of oure proclamatioun of the raid to oure bordouris qlk now be us is continwit, and maid unable to await upoun our service without we provide remeid.'

Endorsed with execution on fourth Nov. 1578 of charge upon Mr. William Bailie lord Provand, Mr. David Borthwick advocate and Mr. Clement Litell and Mr. Edward Hendersoun two of the commissaries of Edinburgh.

Witnesses: George Johnestoun, James Stalker and Gilbert Were.

No. 122

1580/1, Feb. 4. Registration of Contract dated at Edinburgh Feb. 3 between Robert commendator of Quhitherne on the one part and Margeret Stewart relict of the deceased Andrew master of Uchiltree on the other part. Margaret had raised action before the lords of C. and S. against the commendator for deliverance of the castle, tower and fortalice of Crugiltoun Castell and for violent eviction from the 10 merklands of Crugiltoun Castell in the month of December 1579,—and now to staunch all debates, the commendator taking burden on him for all those named in the summons viz. Alexander Stewart elder of Garlies, Anthony Stewart, Robert Stewart and John Stewart parson of Kirkmahoe his sons, Alexander McKie of Stranord, Mr. Robert Stewart chamberlain of Crugiltoun, Alexander Hawthorne in Powtoun, William Maxwell, Gilbert Mertine, Henry Makesoune, Alexander Galbraith and Thomas Bell smith in Crugiltoun—agrees to remove from the lands, mains, castle and fishings of Crugiltoun Castell and to allow

Margaret to repossess the same and also to possess undisturbed the 5 merkland of Portcarrik and its myln and the 5 merkland of Quhithillis and its myln in time coming. The commendator is to pay Margaret the maills for 1578, 79, 80, and to disclaim any right or title to the lands under obligation made to him by the late James earl of Moray and is to ratify an infeftment made to the deceased master of Uchiltree or to Margaret of the lands and castle and also of Portcarrik and Quhithillis. The commendator is to find Adam Cunynghame of Clolynane and Patrick Vaus of Barnbarroch as sureties for observance of contract.

On the other part Margaret withdraws all actions for recovery, damages, maills or duties and consents that the commendator shall have the use and occupation of a piece of green called the Ballgrene lying adjacent to the said toun and fortalice and place, estimated to be an acre of land 'without the fawsyde of the said castell for pasturing his horses or gudis ganging passing and playing thereon'. If Margaret lets the 10 merkland of Crugiltoun to tenants, she is to give the commendator a preference provided that he offers no less rent at the sight of the laird of Garthland, sir Lewis Bellenden of Auchnoul justice clerk, Patrick Vaus of Barnbarroch and the said Adam Cunynghame. Margaret is to deliver to the commendator a sufficient discharge for the money wherein he is taxed for the reparation of the Brig of Sanct Johnstoun.

Witnesses : Uchtred McDowell elder and younger of Garthland, Hew Kennedy of Barquhane, Mr. James Donaldsone, Mr. Archibald Broun and Abacuch Bissett W.S.

Reg. of Deeds, vol. 19, f. 111^v

DOCUMENTS ANENT PARISH CLERKS

THIS small group of documents throws some light on one of the minor offices of the pre-Reformation church. In Scotland the office of parish clerk terminated at the Reformation, though in England it continued in a very modified form as parish beadle and precentor. The term *clericus* signifies anyone who took part in the church services whether in major or minor orders. The parish clerk belonged to the minor orders, assisting the priest at church services, and their main function was to serve the priest and carry the Holy Water, the stoup and sprinkler.¹

The appointment of these clerks was the only spiritual patronage possessed by parishioners in papal times, for they alone in theory had the power of election. It has been suggested that their exercise of this right was perfunctory and merely nominal, but there is abundance of evidence that it was real and effective.² The office was often served by persons of family and condition. At Kirkynner sir Patrick Vaus then a young man and rector of that parish was presented to that clerkship previously held by Patrick Mure, brother to Mungo Mure of Rowallan (see No. 125). At Longcastell William Ahannay, provost of Wigtown, had been clerk till his death in 1556 and was succeeded by Patrick Mure of Cairnfield (see No. 126). No explanation can be offered why the Crown should have presented Patrick Vaus to the clerkship of Kirkynner in 1554. The Crown had done the same there in 1544 on the death of John Inglis,³ but the Register of the Secret Seal shows that the Crown was quite active in such presentations. The intervention of the Crown, if such it was, at Bothkennar in 1538 in favour of Troilus Stewart⁴ was reviewed by the

¹ P. H. Ditchfield, *The Parish Clerk*.

² For analysis of the evidence see *D. and G. Trans.*, xxxiv, 22.

³ *R.S.S.*, iii, 729.

⁴ *R.S.S.*, ii, 2905.

official of Lothian who decided against the Crown's nominee.¹

The emoluments of these clerks may have varied in different parishes. In Selkirk (1489) the fee amounted to 20 merks,² but at St. Ninians near Stirling (1492) it was stated to have been worth £20 Scots.³ When in 1583 John Vaus, late parish clerk of Tostartoun, sued Godfrey McCulloch of Ardwell for his portion of his past fee, the amount is not stated. McCulloch's share of the total is declared to be only 2 pecks of oats yearly (see No. 128).

¹ *Liber Officialis St. Andree*, 137.

² *Acta Aud.*, 129.

³ *A.D.C.*, 1478/95-289.

No. 123

1529, May 10. Compeared Henry Arnot, parish clerk of the Inche,¹ summonsed at instance of Mr. Walter Kennedy to produce letters purchased by him. He was ready to produce same and protested that he should not be held to answer until he was summonsed again and that his expenses should be paid since he was summonsed to this day 'as day peremptour'.

1529, May 12. Anent letters purchased at instance of Mr. Walter Kennedy, parish clerk of the Inche, against Henry Arnot, claiming said parish clerkship to pertain to him. He had 'trublit' the said Mr. Walter and the parishioners before the bishop of Galloway and his commissaries from whom they had appealed to the archbishop of Glasgow and his commissaries, where the plea was then depending. And said Henry had purchased letters charging them to answer to him for the fruits of the said clerkship, or else to enter in ward, and failing thereof to put them to the horn. Therefore said Henry was to produce the letters to see if they had proceeded orderly. 'The said Maister Walter [*blank*] and the said Henry lauchfullie summonsd to this action oftymis and nocht comperit,' the Lords of Council suspend the letters until they be produced.

A.D.C., vol 40, f. 21 and 24

No. 124

1531, June 9. Confirmation under the hand of Thomas Foulis N.P. by Henry bishop of Candida Casa and of the chapel royal of Stirling and perpetual commendator of the abbey of Dundrennan, of a notarial instrument at the hand of Ninian McIlquhinze presbyter of the diocese of Candida Casa and notary, concerning the election of Henry McCulloch as parish clerk of the parochial church of Kirkmadane by resignation or demission of Fergus McGachane last clerk and possessor thereof made into the hands of the parishioners; and recording that bishop Henry on the humble request of the said Henry McCulloch admitted him to the said clerkship.

At Wigtoun. Sealed with the bishop's seal (tag and seal missing).

Adv. Ch., No. 21

¹ There are but few references to the church of Inche. In 1257 Master Simon de Claipol rector of Insula (Inche) in the diocese of Whithorn, chaplain of J. Cardinal of St. Laurence in Lucina, had a suit before the sub-dean of York against S. dean of Wiketon (Wigtown) in the same diocese. On appeal the pope sent letters to the abbot of Fauleset (Saulset), who remitted the cause to the Official of Whithorn. The decisions were contradictory and related to a moiety of the church of Insula. Mandate to the prior of Kelso and to the archdeacon of Tevidale to decide the dispute (*P.L.*, i, 344).

No. 125

1554, Sept. 16. Crown precept of presentation under the privy seal directed to Andrew bishop of Candida Casa and of the chapel royal to admit and induct Patrick Waus rector of Wigtoun into the office of parish clerk of Kirkynner vacant and in the hands of the crown by the death of the deceased Patrick Mure¹ last holder thereof.

At Edinburgh.

Barnbarroch Charters

No. 126

1556, June 20. Notarial instrument at the hand of Patrick McCulloch N.P. narrating that Alexander Vaus of Barnbarroch as procurator for Patrick Mure of Carinfeild elder passed to the dwelling houses of the underwritten parishioners of Longcastell and in their presence declared to them that the office of clerkship of Longcastell was then vacant in their hands by the death of William Ahannay provost of Wigtoun last clerk and possessor thereof and asked the parishioners to elect the said Patrick Mure and give him their vote. Whereupon the parishioners freely elected him and severally gave their votes as follows,—Patrick Mure of Carinfeild, Patrick Wilson, Andrew McClellan in Aringelsche, John S[], Thomas Brig, John McIlroy, William [], Andrew McQuhaire, John McMurthe, Thomas Broun, Peter Mc[], Simon Maxwell, Gilbert McCalvie Andrew Cunynghame and Andrew McCowane, Dougall McConnill, Patrick McCangellis, Cristian Maktailzeroch and Katherine Mc[], Robert McIlroy, Janet Dunbar, Patrick NeChrulle, Thomas McQuhenzie, John Halhorn, Gilchrist Smyt, [] McClellan in Culgare, Thomas Carole, Cristiane Rentoun, Donald McIlroy, Thomas Amuligane and John Makchrulle.

Witnesses : Patrick Vaus servant to Barnbarroch, Archibald McCulloch in Kerevallog, Andrew McClellan in Culgare and schir William Vaus curate in the said parish church for the time.

Monreith Charters.

No. 127

1556, June 25. Instrument at the hand of schir Edward Seyme (?) N.P. recording the ratification by Andrew bishop of Candida Casa and of the chapel royal of Stirling, of the election by the parishioners of the parish church of Longcastell of

¹ Brother german to Mungo Mure of Rowallane (*R.S.S.*, iii, 729).

Patrick Mure clerk to the office of parish clerk of that parish, vacant by the decease of William Ahannay last possessor thereof, which election is contained in an instrument under the subscription and sign manual of Mr. Patrick McCulloch N.P. recording the votes of the said parishioners and dated 21 June 1556.

Sealed at the monastery of Tounkland in the 14th year of our consecration. No witnesses.

Monreith Charters

No. 128

1583, May 6. Gothray McCulloch of Ardwell v. Cuthbert Dungalson son to Roger Dungalson burgess of Edinburgh and John Vaus burgess of Wigtoun tutor to the said Cuthbert narrating that Gothray had been put to the horn by the said John Vaus parish clerk of Tostartoun for payment of his clerk's fee conform to contract between the laird of Killasser and Gothray on the one part and the said John Vaus on the other part in 1548. Vaus upon an old horning had obtained pursuers escheat most craftily after it had lain over more than 30 years. Pursuer averred there was never any contract about the clerks fee and if it be for his fee that he is denounced 'then the said letters are evill execute agains him for the said clerks fie of all zeiris sen the reformatioun of the religioun' because pursuer had never been charged at his dwelling house with the said letters in four forms, at least never lawfully charged and denounced therewith and no letters or charge at the instance of the said John Vaus against pursuer had been made for 30 years for the said clerks fee; and if the horning had lain over for 30 years the same is prescribed by the law of the realm. The horning was not registered in the sheriff court books within the time appointed, and before any registration the pursuer paid John Vaus his clerks fee for all years resting owing and if anything be found unpaid pursuer has found caution in the books of council for payment. Gothray further stated that John Vaus being a papist left the office of clerkship and passed to Wigtoun where he yet remains and never exercised the office of parish clerk of Tostarton, 'but ane uther providit yrto who had servit the cure thereof sensyne; marover his fie [due] from the pursuer would never have exceedit 2 pecks of oats yearly whereof no intimation is made gulk is too mean a matter to put his whole geir in escheat'. Gothray appeared by Mr John Russell who produced an acquittance by John Vaus to Patrick Blayne burgess of Wigtoun in name of Gothray for £8 for his clerks fee for all years bygane dated 27 June 1579 (*sic*).

The lords suspend the letters in four forms purchased by the said John Vaus because the acquittance produced was dated long before the registration of the lettere which was on 26 March 1579, but find the gift of escheat obtained by Cuthbert upon the horning to stand as valid in respect that the letters of horning are execute before the date of Acquittance.

Acts and Decreets, xcv, f. 92

APPENDIX

No. 129

1189-96. Charter by William King of Scots whereby he grants to [] de Trellesholm and the Canons thereof the church of [Egernesse] with the lands teinds offerings and other privileges pertaining thereto which Rolland son of Uchtred gave to them, and further two carrucates of land in the said toun of Egernesse with common pasturage and other easements as contained in the charter of the said Rolland, saving the King's service therefrom ; also the tenth of the provisions of the said Rollands house in food and drink, in wax and tallow, and everything else pertaining to his table at Kirkeudbright. At Edinburgh (castellum puellarum). Witnesses: Hugh the Chancellor, Archibald Abbot of Dunfermline, Simon Archdeacon of Glasgow, Richard de Prebenda clerk, Earl Duncan, William de Lindsay, William de Moreville, Philip de Valonis, Randolph de Solis, Walter Corbet, Walter de Berchelay chamberlain, William de Vallibus and William de Cunnicheburc. Portion of seal remains (Laing, i, No. 9).

Reg. House Charters, No. 14

No. 130

[1306-29], February 6. Translation certified by T. Hamilton Clerk Register of a Crown Charter by—

Robert be the grace of God King of Scottis, Wit ye us to have given, grantit and be this present chartour to have confirmed to John son to Nigellus for his homage and service that pennie land of Killichaffie in Galloway with that farthing land near Bearch with the pertinents ; Having and holding the samen be the said John and his aires of us and our aires in feu and heritadge Be all rights and divisions thereof, freely, quietly, fullie and honorably, with all meiths liberties, comodities, easments and just pertinentis alseweill not named as named which to the saids pertaines or may pertaine in tyme comeing anie maner of way ; giving therefore yierly to us and our aires the said John and his aires at our warre quhen the same shall happin ane footman with sword and lance and maintainance fourtie dayes and forraigne service used and wont, In witness grof given at Turneberrie the sixth day of February.

Dalquharrane Writs, No. 1

No. 131

1363/4, January 2

Dispensation to Fergus Makduell and Margaret Conyngham

Mandate to the bishop of Whithorn to grant dispensation to Fergus Makduell, a young man of noble birth (domicellus) of his diocese, and Margaret, daughter of William de Conyngham, knight, of the diocese of Glasgow, who had contracted a marriage *per verba de praesenti*, which they had consummated, although they knew themselves to be in the fourth degree of consanguinity. Their petition to the Pope was supported by David, king of Scotland, whose kinswoman the said Margaret was, and it urged that if dispensation was not granted their separation would be followed by loss, scandal and slaughter. At Avignon.

Reg. Vat., 251, f. 303^v (Vatican Transcripts at Reg. House)

No. 132

1410, June 9. The Pope willingly attends to those matters which relate to the utility and commodity of ecclesiastical dignities and other benefices and the persons obtaining them. For this reason, being moved by the petition of his dear son, Thomas de Butil, archdeacon of the church of Whithorn of the Praemonstratensian Order, doctor of Canon Law, he incorporates, annexes and unites to the archdeaconry of the said church, by apostolic authority, the moiety of the parish church of Peningham, in the diocese of Whithorn, obtaining it from either half of the fruits, rents and revenues and not residing in the said parish church. The moiety, £40 sterling, so the said Thomas asserts, is annexed to the archdeaconry of the said church of Whithorn. So that when John de Penigham, alias Dobynson, rector of the parish church, resigns, dies or in any way demits the other half of the church, which he has obtained, it shall be lawful for the said Thomas or the archdeacon for the time being of the said church of Whithorn to take and hold corporal possession of the said moiety, united as aforesaid, and to convert the fruits revenues and profits to his own use and utility and that of the archdeaconry and parish church aforesaid, by his own authority and without asking leave from the diocesan of the place or any other, notwithstanding any provisions made to benefices in those parts. Provided that the said parish church shall not be deprived

of its due services and the cure of souls shall not be neglected in it but diligently exercised and maintained.¹

Reg. Aven., 335, f. 371 (Vatican Transcripts at Reg. House)

No. 133

1421, October 20. Charter by Archibald Earl of Douglas, lord of Galloway and of the valley of Annandale, confirming charter dated at Trarinzean 30 Sept. 1419 and witnessed by John of Schaw of Hale, John Lockard of le Bar, and Mathew of Foullardtoun, granting to his cousin John of Carnis son of the deceased William of Carnis, the lands of Cultis in the lordship of Galloway and sheriffdom of Wigton, which lands were resigned by the said William; to be held of the granter in feu and hereditary paying 1d scots as albe ferme. Witnesses: Mr. Alexander of Carnis provost of Lincluden, Alexander of Howme, James of Dundas, George of Pringell *scutiferos* and Mr. William of Foulis our secretary. Tag, no seal.²

Lochnaw Charters

No. 134

1426, November 10. Charter by William de Douglas lord of Leswalt, to Andrew Agnew *scutifero meo* of the office of Con-

¹ In 1331 the crown made a gift of 100s. to an unnamed rector of Penningham, but he died before the gift arrived (*Ex. R.*, i, 358). In 1359 Gregory Macenwugan was provided by the pope to the church stated to be void because James Boyd and Thomas Macdewyll had held it successively for many years without being ordained priests and without dispensation (*P.P.*, i, 347). Macenwugan asserted that he had been collated by the Ordinary many years before the issue of the Bull and admitted that he also had never been ordained a priest (*ibid.*, 325). The internecine wars in Galloway clearly had caused laxity in the church. Indeed it may have been difficult to man the church adequately. John de Penigham, alias Dobynson, was rector in 1410 and the union was not to be operative till he died or resigned. This annexation of a moiety of the church may have been inoperative, for in a supplication of 1425 it is stated that the pope had agreed to annul the letters of annexation of the church to the archdeaconry as from the death or resignation of John Gray the archdeacon (*Scottish Supplications*, ii, 68). Gray had demitted office and at once there was a scramble for it. David Hamilton, rector of Cumnok, was in the forefront. Other competitors were Patrick Young, rector of Penningham, in 1425 (*ibid.*, ii, 79) and John Beton, rector of Dalry, who had the archdeaconry but not the church and asserted that Young held the church and archdeaconry (*ibid.*, ii, 209). For this complex situation see article on *The Archdeacons of Galloway* (*D. and G. Trans.*, xxxiii, 70). Young finally achieved both church and archdeaconry and the union may have been effected c. 1425. It must have comprehended both moieties of the church for by 1500 it was served by a vicar.

² The deceased William de Cairns was a brother of Alexander de Cairns, provost of Lincluden, whose heir was the above John (H. C. Lawlor, *History of the Cairns Families*, p. 49). This is the earliest notice of the lands of Cultis as held by a Cairns. At a later date Cultis, or a part of it, belonged to the Knights of the Hospital of St. John.

stable of Lochnale with the 4 merk and 20d lands of Lochnale and the lands of Garruchquere in the barony of Leswalt, excepting and reserving the lake of Lochnale, with all the fees and duties of the said office and with the office of heritable bailie of that barony. The grant was to Andrew and his lawful heirs male whom failing to revert to the granter and his heirs, in feu and heritage. At Wigton. Witnesses: Alexander Cambel lord of Corswel, Thomas Makdowel of Garflen, Nigel Adare of Pertare, Adam of Dalzel of Elocstoun and Mr Gilbert Park our secretary. Tag and seal missing.¹

Lochnaw Charters

¹ This is the foundation charter of the family of Agnew and it shows that Sir Andrew Agnew was wrong in claiming that his ancestor was an esquire of the countess of Douglas and lady of Galloway (*Hereditary Sheriffs*, 1893). There is no historical evidence to associate the family with Lochnaw at an earlier date. The above charter was confirmed by Margaret, duchess of Touraine and lady of Galloway, on 30 July 1427 and both these charters received crown confirmation on 31 Jan. 1430/1 (*R.M.S.*, 1424/1513-183/4).

Leswalt with some lands in the Rhynnes was erected into a barony in 1426 by the lady of Galloway in favour of William Douglas of Leswalt, who had already been in possession (*ibid.*, 86). His paternity is not yet established, but it seems likely that he was close in blood to the Drumlanrig family. William Douglas of Drumlanrig in 1427 was sent to England as a hostage for James I. On 9 May 1429 at Middleham as a hostage he was visited by William Douglas of Leswalt, who in Drumlanrig's confinement had been given charge for 10 years of the castle of Drumlanrig. The two Williams entered into an indenture discharging the 10 year grant, replacing it with a mutual obligation that Leswalt was to have free access to Drumlanrig castle at any time whilst the same liberty was accorded to the other party with reference to the castle of Lochnaw (*Hist. MSS. Com.*, app. part viii, p. 10). William Douglas of Leswalt witnessed a charter on 29 July 1430 (see No. 37). There is some reason to think he may have married Katherine, daughter to Herbert lord Maxwell. He must have been dead by 1438 when Katherine became first wife of Gilbert lord Kennedy. William was succeeded by George Douglas of Leswalt, who married Christiane Ruthven and died without lawful heirs before Oct. 1463, when the crown granted his lands to the Queen Mother (*R.M.S.*, 1424/1513-762).

By 1477 the widowed Christiane had married Sir John Campbell of Wester Loudon (*ibid.*, 1286) and she was still drawing her terce in 1488 (*ibid.*, 1718). At the death of George Douglas the Kennedies claimed the lands as heirs to George on the ground that John lord Kennedy and George Douglas were *fratres ex parte matris* and Alexander Kennedy, son of John, was given a crown feu which he resigned in 1506 in favour of his elder brother David, 3rd lord Kennedy (*ibid.*, 2954). This charter gives the lands of the barony, outwith the parish of Leswalt, as Mule, Gartrowen, Drummokloch, Balcar, Mekill Larg, Auchmattill, Pollanregane and Culmore in the Rhynnes. In 1507 Patrick Sinclair, servitor to the crown, was granted an annualrent of £27 furth of the fermes of Leswalt. As late as 1545/6 Patrick Sinclair of Woodhouslie was still drawing this annuity when he gifted it with Woodhouslie and Spottis in Butill to his natural son John Sinclair (*R.M.S.*, 1514/46-3198).

No. 135

1448, September 20. Charter by Alexander [Vaus] Bishop of Candida Casa with consent of the Chapter to Thomas McDowell son and heir of Uchtred McDowell of Garthland and Margaret wife of Thomas and daughter of Robert Waus and the heirs procreated betwixt them, whom failing the heirs of the said Margaret, of the lands of Lekkyngurum and Achyfe in the parish of Kirkcum, rendering three suits in three of our head courts yearly and 9 merks 5s scots. Sealed with the seals of the Bishop and Chapter. No tags or seals.

Galloway Charters

No. 136

1451/2, January 26. Charter by William Earl of Douglas, of Wigton and of Annandale and lord of Galloway for a certain unstated sum of money to Robert Vaus, of the lands of Barglass and Barnbarroch lying in the barony of Carnismule and sheriffdom of Wigton, rendering yearly a white or red rose on the feast of the Nativity of St John the Baptist. At Edinburgh. Witnesses : Thomas bishop of Candida Casa, Masters Thomas Cameron and Adam of Auchinlek canons of Glasgow, William Lawedyr of Haltoun, James Rutherford of that Ilk, George of Ormystoun and Merk of Halyburtoun. Tag and seal missing.

Barnbarroch Charters

No. 137

1451/2, January 28. Precept following on above charter directed to Archibald of Halyburtoun, Fergus Makgawchane and Uchtred McDowele of Garsletoun. No witnesses. Tag and seal missing.¹

Barnbarroch Charters

¹ This is the foundation charter of the family of Vaus of Barnbarroch. When Nisbet was writing his *System of Heraldry* he found nothing of earlier date. The editor of *Correspondence of Sir Patrick Vaus* claimed that a John de Vallibus or Vaus was the first of the name at Barnbarroch in 1384. Nisbet on heraldic grounds affirms that the family must have descended from a younger son of the de Vallibus of Dirleton, which family ended in heiresses c. 1392. In 1422 Alexander Vaus, bishop of Caithness, was translated to the diocese of Galloway and was doubtless instrumental in obtaining this grant of Barnbarroch to Robert Vaus. A John Vaus esquire acted as a Scottish envoy in arranging a truce in London. On 26 March 1438 he was presented there with a silver gilt cup. His seal is on record (Bain, iv, 1103, 1109, 1111).

No. 138

1451/2, March 8. Crown charter to Alexander Cambell and Cristiane his spouse conjointly of the lands of Carule, of Carnebrocht, of Knoktume of Balservacht, of Knokbrek, of Ayrae, of Carnebrok, of Finlocht, of Dowlocht and the lands commonly called the twa Glengiris, in the Lordship of Galloway and sheriffdom of Wigton, and also the lands of Carboly, Ballingat and Garlarg in the Stewartry of Kirkcudbright which were resigned at Dumfries by the said Alexander. At Castle of Mortoun. Witnesses: William Lord Creichtoun chancellor, Andrew Lord Gray, Herbert Lord Maxwell, John Lord Lindesay, of Biris, Sir Alexander de Hume of that Ilk, Sir Symon de Glendynwyn of that Ilk, Sir David de Hume of Wedderburn and George Schoriswode rector of Cultis our clerk. Tag, no seal. Not recorded in *R.M.S.*

Galloway Charters

No. 139

1452, July 29. Crown charter to Andrew Agnew, for services rendered, of the office of sheriff of Wigtown for his life and thereafter to Andrew Agnew his son and heir apparent and his lawfull heirs male of the body, whom failing to Patrick Agnew son natural of the said Andrew elder and the heirs male of the body, whom failing Gilbert Agnew son natural of the said Andrew elder, in feu and hereditie with all the emoluments and fees of that office; with power to appoint deputes. At Edinburgh. Witnesses: James, William, John, and Thomas, Bishops of St. Andrews, Glasgow, Moray and Whitherne, George Earl of Angus, William lord Crichton chancellor, Patrick Lord le Grahame, Thomas Lord Erskin, William Lord Somerville, John Lord le Lindesay of Biris, Andrew Lord Gray master of the household, Mr. John Arous archdeacon of Glasgow and George of Schoriswod rector of Cultis our clerk. Tag and seal missing. Not recorded in *R.M.S.*

Lochnaw Charters

No. 140

1452, August 18. Crown charter confirming a charter by William earl of Douglas etc to Robert Vaus, of the lands of Barglass and Barnbarauch dated 26 Jan. 1451/2 (see No. 136). Witnesses: William bishop of Glasgow, William lord Creichtoun our cousin and chancellor, John lord Dernlie, Andrew lord le Gray master of the household, Mr. Nicholas of Otterburn

secretary and Mr. George of Schoriswod rector of Cultre, clerk. Tag, no seal. Not in *R.M.S.*

Barnbarroch Charters

No. 141

1453, October 26. Charter by James earl of Douglas and of Wigton, lord of Annandale and of Galloway, confirming a charter by his deceased brother William earl of Douglas etc. to Robert Vaus, of the lands of Barglass and Barnbarach dated 26 Jan. 1451/2 which charter is recited verbatim. At Kirkcudbright. Witnesses: Thomas bishop of Candida Casa, Sir Symone of Glendunwyn of that ilk, John Schaw, Mark Hali-burtoun, John Corry, John Murrase (or McRase) and Robert Schaw. Tag, no seal.

Barnbarroch Charters

No. 142

1455, May 16. Precept of C.C. in vernacular by George Douglas of Lesswalt directed to Fergus McGachin conform to the finding of an inquest held in his court at whitsunday at Corsmeggachin in Glenluce, to infeft Andrew Agnew as nearest lawful heir to the deceased Andrew Agnew his father sheriff of Wigton, in the lands of Salcare, Lochnail and Garkerwe with the office of Bailie of the barony of Lesswalt. Sealed with the seal of Gilbert Kennide of Dunowyr. Witnesses: Thomlyng McDowell, Gebon McDowell, Gebon Kennide Alexander's son, Gebon Rollandson, Andrew Neilsoun, Fynlaw McCulach, Fergus McGachin, Alexander Gordoun, Patrick McDowell of Logane and William of Twynam notary. No tag or seal.

Lochnaw Charters

No. 143

1456/7, February 24. Crown charter to John Cambel of the 25½ merklands of Corswell viz. the lands of Auchinnis, Knokbrek, Lagan, Carnley, Dounsevr, Gaireclauch, Carbor, Knoktyn, Ballinseroch, le Arys, Carnbrok, Fynloch, Dowloch and the lands of Glengiris in the sheriffdom of Wigton resigned at the monastery of Glenluce by the said John. At Wigton. Witnesses: George Bishop of Brechin chancellor, Gilbert Kennedy of Dunnure, Andrew Lord Avandail warden of the West Marches, William Moray of Tulibardin, Mr Thomas Waus dean of Glasgow our secretary and Ninian Spot canon of Dunkeld comptroller. Tag, no seal. Not recorded in *R.M.S.*

Galloway Charters

No. 144

1456/7, March 8. Crown charter reciting that Robert Vaus had resigned at Kirkcudbright his lands of Barglass and Barnbarach. The crown now grants the said lands to Blaseus Vaus son of the said Robert and to his lawful heirs male whom failing to Thomas Vaus brother german to the said Blaseus and his heirs male, whom failing to George Vaus brother german to Blaseus, and his heirs male, whom failing to Patrick Vaus also brother to Blaseus, whom failing to Mr. Alexander Vaus brother to Blaseus, which Alexander dying to John Vaus his brother german, whom failing to the heirs male lawfully procreated of the body of the said Robert Vaus, whom failing to John Vaus of Lochslyn brother of the said Robert and his lawful heirs male, whom failing to the sons and heirs of the deceased James Vaus also brother of the said Robert, whom failing to John Vaus son of the deceased John Vaus burgess of Aberdeen and his heirs male, whom failing to Gilbert Vaus, elder, son of the said John Vaus—all whom failing to the nearest heirs male of the said Robert Vaus bearing the name of Vaus. At Kirkcudbright. Witnesses: George bishop of Brechin chancellor, Patrick lord le Grahame, Andrew lord Avandale, James of Levingstoun of Calentare chamberlain, Robert lord Boid, William of Moravia of Tulibardin, Mr Thomas Vaus dean of Glasgow secretary and Ninian of Spot canon of Dunkeld. Tag, no seal. Not in *R.M.S.*¹

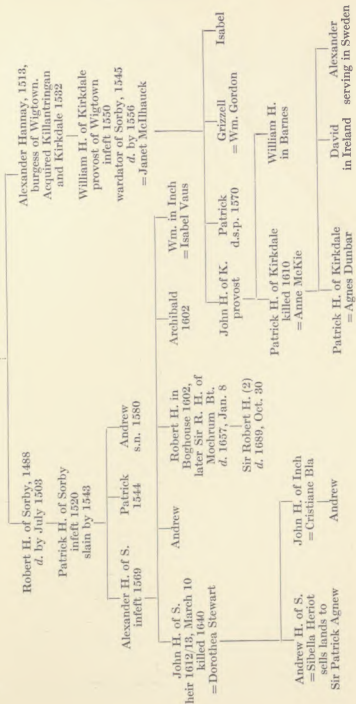
Barnbarroch Charters

¹ It has been surmised that there was a link between Vaus of Barnbarroch and the northern Vauses represented by Vaus of Lochslyn and Vaus of Many (Aberdeenshire). Lochslyn, in the sheriffdom of Inverness, is now established as a brother of Barnbarroch. The family only figures at intervals. In 1498 John Vaus of Lochslyn with Angus McCulloch of Plaids were decreed to pay to a burgess of Disert 35 merks (*A.D.C.*, 1496/1501, p. 277). In August 1512 he resigned Lochslyn for a new charter granted for good services (*R.M.S.*, 1425/1513-3764), but the following March along with McCulloch of Plaids was called on to produce his evidents. The crown summons was deserted (*A.D.C.*, xxiv, f. 187, 235). In 1514 along with William McCulloch of Plaids he served on an assize that served Elizabeth Sutherland as heir to her brother John earl of Sutherland (*Sutherland Book*, iii, 55). Perhaps a son of the same name married Elizabeth Urquhart and received a crown precept in 1536 (*R.S.S.*, iii, 2189). He left three daughters, Katherine, Margaret and Agnes whose marriage was gifted to Mr. Patrick Vaus parson of Wigtown (*R.S.S.*, iv, 2885). He was succeeded in Lochslyn by Jasper Vaus, burgess of Inverness, in 1543 (*R.M.S.*, 1513/46-3233) who had a gift of £10 yearly from the burrow mails of Inverness (*R.S.S.*, iv, 2245). In March 1553/4 Jasper resigned the lands of Middlethrid of Arbol in favour of Elizabeth Dunbar (? his wife) for life (*R.S.S.*, iv, 2474). In 1590 a John Vaus of Lochslyn served on the assize that served Alexander Gordon as 11th earl of Sutherland (*Sutherland Book*, iii, 167).

The family of Vaus of Many was more ancient than Barnbarroch. In 1406 Richard de Vaus lord of Mane was a witness (*Reg. Ep. de Aberdeen*, i, 210).

THE FAMILY OF HANNAY OF SORBIE

Ethe Hannay of Sorbie
1460-85



No. 145

1457, July 15. Crown charter to Dougall Hannay of the lands of Kepennach, Slewheubert and a merkland of Carsle in the sherifffdom of Wigton, resigned at Linlithgow by the said Dougall, to be held by service due and wont. At Linlithgow. Witnesses : George bishop of Brechin chancellor, John bishop of Moray, Thomas lord Erskin, Patrick lord Grahame, Andrew lord le Gray, James lord Hamiltone, Master Patrick Vaus dean of Glasgow secretary and Ninian Spot comptroller. Not in *R.M.S.*¹

Barnbarroch Charters

No. 146

1459, March 16. Obligation by George Douglas of Leswalt lord of Barquhone to his lovit friend Robert ye Vaus of Barnbarach that when he and his heirs shall quit the lands of Barquhone which Robert has of the granter in wadset for 200 merks scots, that sum having been repaid the said Robert shall have the said lands in tack for 6 years. Witnesses : Andrew Anegnew sheriff of Wigton, Richard Syncler of Longaster, Ethe Ahanna of Sorby, Alexander Ridal of Aryuling and Gebone Ahanna of Wigton. Tag, no seal.²

Barnbarroch Charters

¹ This branch of the Hannay family has not been affiliated to Sorbie. The first known member was Dougall Hannay of Capenach, who was alive in 1470 having married Elizabeth Carlyle (McCulloch MS.). He was succeeded by William Hannay of Capenach 1484, then by Thomas Hannay of Capenach 1498, 1504, married to Margaret Vaus. His son John Hannay of Capenach was a baillie of Wigtown 1531/2 and was dead by 1544, being succeeded by his son Alexander 1551, 1561/2, who had a son and daughter, Thomas Hannay of Capenach infeft in 1565 in the 2½ merklands of Capenach, and Margaret Hannay who on the death s.p. of Thomas succeeded and married Patrick Mulein. They sold Capenach to Barnbarroch.

² The family of Hannay claim descent from Gilbert de Hannethe and Gilbert Hannethe, both of whom figure in juxtaposition in Ragman Roll (Bain, ii, 205), perhaps a clerical redundancy. The same man served on the assize at Berwick a day or two earlier, that served Alan la Zouche as heir to Elena la Zouche (Bain, ii, 824). Gilbert is supposed to have been lord of Sorbie. That parish however belonged to the Veteriponts from c. 1186. In 1251 it is on record that they held it of John Baliol and that half of that manor had been wadset to John de Fraunceys. They must have lost the lands in the Edwardian wars. Till mid 15th century there is only record of churchmen. In 1390 Fynlaw Ahanna of Scotland, canon of Whithorn and for three years a scholar of Civil Law, petitioned for a benefice in the gift of the bishop and convent of Whithorn and in 1394 Brice Ahanna, priest, sought a benefice in the gift of Paisley (*Papal Petitions*, i, 574, 591).

The earliest known member of the family to own Sorbie was Ethe Hannay of Sorbie who witnessed an obligation by George Douglas of Leswalt in March 1459/60 and as late as 22 Jan. 1484/5 served on an

No. 147

1470/1, March 13. Instrument of sasine at the hand of John Murray N.P. narrating that Dougall Hannay lord of Capanach and of Slouhoabert in the sheriffdom of Wigtoun resigned into the hands of the Crown those lands in favour of his son and heir apparent William Hannay, reserving liferent to the resignor and Elizabeth Carlile his spouse. Done in the King's Hall (*camera regis*) in the Castle of Edinburgh. Witnesses: Sir John Colquhoun of Lusse and John Carlile of Torthorwald, Knights, Humfrey Colquhoun, Archibald Edmonton, Robert Hunter, Alexander Barrone, Nicolas Abernethye and William Caryeris.
Culvennan MSS.

No. 148

1471/2, February 6. Supplication by Hugh Douglas narrating complicated litigation over the church of Kirkinner before John Athilmer provost of St. Salvators,¹ between Thomas (Levingston) formerly bishop of Dunkeld and then in the universal church and Patrick Lokart. After the death of

assize with William Hannay of Kippenach and others (*A.D.C.*, 1478/95, 97). He was succeeded by a Robert Hannay who must have been his son. But there is a puzzling entry in *A.D.C.*, p. 118, where a Robert Sorby (*sic*), son of the deceased Odo Sorby (*sic*), is stated to have leased the 4 merkland of Ingliston of Sorby to schir William Hannay chaplain, a lease disputed in 1488/9 by Robert Hannay of Sorbie. There is insufficient material to decide who this Odo Sorby was, but it is not possible to say he was the Odo Hannay of Sorbie mentioned by McKerlie.

Robert Hannay of Sorbie must have been a man of substance for he acted as a curator for Quentin Agnew, sheriff of Wigtown 1498/9, who was *non compos mentis*. He shared the curatorship with Nevin Agnew, son and heir of William Agnew of Creich (*R.S.S.*, i, 319). Robert Hannay was dead by July 1503 when the ward of Sorbie and the marriage of his son Patrick was granted to Alexander and the parson of Parton. Alexander was an uncle of the minor (*R.S.S.*, i, 965), a burghess of Wigtown and acquired from his nephew Patrick in 1539 the 4½ merkland of Kilantringan in the parish of Inch (*R.M.S.*, 1513/46-1970) and was ancestor of the Kirkdale family. Patrick Hannay of Sorbie succeeded his father Robert, but was not infeft till 1520 in the 15 merklands of Sorbie and the 20 merklands of Craigboy in parish of Inch (*Ex.R.*, xiv, 623). By 1543 he had been slain by Patrick McClellan of Gelston (*R.S.S.*, iii, 1242, 1383), leaving three known sons. William Hannay of Kirkdale, burghess and later provost of Wigtown, secured the ward of Sorbie and the marriage of Alexander the son and heir in 1545 (*R.S.S.*, iii, 1222). Alexander was infeft in the lands in 1569 and had two brothers, Patrick Hannay of Sorbie, a tax defaulter in 1553 (*R.S.S.*, iv, 2175), and Andrew, a son natural. For later generations see the chart based on the researches of Major S. F. B. Francis, who is compiling a fully documented history of the family.

¹ John Athilmer (or Aymler) the elder, became provost of St. Salvator's College in 1450 and died in 1474 (*Baxter's Copiale*, p. 485).

Thomas pope Pius II surrogated (i.e. substituted) Hugh Douglas to whom he had previously provided the said church and the executors (of Thomas) proceeded against Patrick as if a sentence in favour of Thomas had been promulgated for Hugh. Nevertheless Patrick appealed (Hugh not having been called etc.) and carried off two definitive sentences, from which a procurator of Hugh then in the Curia appealed. Patrick by purchase of certain letters evicted Hugh from possession of the said church. But as Hugh was at a distance he was unaware of the foregoing he hastened to the Curia but was seduced by a certain merchant of those parts, and detained in prison until he paid some pledges formerly made by him and he was forced to return to his own parts.¹ Wishing to go again to the Curia he was detained for a long time with a quartain fever and wishing to defend his cause he sent his own messenger with his rights and sufficient money; but the messenger was captured and imprisoned for a time in the parts of England and Germany and there all Hugh's rights and money were taken from him. For the redemption of the messenger Hugh was forced to pay a sum of money beyond the foresaid moneys, and for 6 years he could not prosecute his appeal. Because the foregoing can be proved more clearly *in partibus* than in Curia, Hugh supplicates that the pope would call up his cause and give mandate to some good men *in partibus* to hear and finally determine the appeal etc. Fiat ut petitur.

Reg. Supp., 665, f. 275

No. 149

1475, April 5. At Edinburgh. Tack (in vernacular) for a period of 19 years from the date of redemption, by Ochre Makdowele of Logane to Thomas Makelle of Barskeauch, his heirs and assignees, of the 2½ merkland called Achagilzan within the lordship of Logane now wadset to the said Thomas by charter and sasine. Witnesses: Mr. Richard Lermouth parson of ye Hauch, Schir Thomas Fermour vicar of Quhittyngeam, Thomas

¹ Lokart's painful experiences of a journey to Rome illustrates the dangers of travel at this period. Even bishops were not immune from the peril. John Donkan, bishop of Sodor and Man, had gone to Rome for his consecration. The journey was always hazardous. In France, apparently on arrival, he was seized and imprisoned in Boulogne till late in 1376 when his ransom of 500 merks was paid. To raise the money he must have given a bond to the abbot and convent of Furness for £24 sterling (Duchy of Lancaster, *Ancient Deeds*, i, 227). When the previous bishop of Man, William Russell, had to pay 1200 gold florins to meet the necessary expenses for consecration at Rome he had to pledge all the church property of the diocese for two years (Dowden, 283). For Lokart and earlier incumbents of Kirkinner see *D. and G. Trans.* xvi., 141.

Mondvale, Schir Henry Mondvale chaplain and Robert Marciale
N.P.

Logan Charters

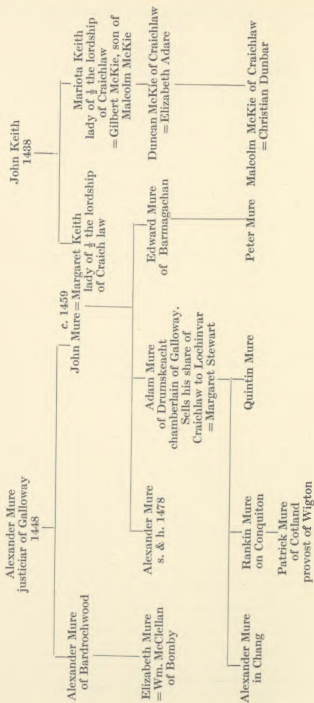
No. 150

1477, December 9. Obligation by Alexander Mure of Bardrochwood to his near cousin Archibald Mure of Bawwnerne to help and assist him in the 'bruiking and manuring' of the 6 merks worth of the lands of Crachlaw called Bawwnerne, Barlenny, Barbury, Barquhaple, Culssra and ye Canmore; and Alexander will not disturb him in the 6 merklands of Auchinflour any more than in his lands of Crachlaw; the profits of the mill are to be equally divided between them, and Alexander binds himself to pay Archibald in St. Giles Kirk in Edinburgh £100 scots and a like sum to both the crown and to the Bishop of Galloway at the Kirk of Quhitherne and yet another £100 to Archibald for the Friar's Kirk at Kirkeudbright, if he fails to fulfill the contract. Witnesses: Ninian bishop of Quhitherne, Mr. Patrick Lokart parson of Kirkenyr, Mr. Peter Waus parson of Wigtoun, Donald McLelan of Gelstoun, Finlaw McCouloch of ye Torhous, Adam Mure of Mouchrum, Quintyn Auchinw, Gilbert Dikinsoun of ye Clountis, Alexander McLelan and John Auyne (?). Tag, no seal.¹

Cardiness Charters

¹ The family of Mure first appears in Galloway in the régime of the Douglasses. Their progenitor was an Alexander Mure of the Polkelly family in Ayrshire. He was Steward of Kirkeudbright in 1424 (*R.M.S.*, 1424/1513-138) and a cousin of the Duchess of Touraine (*ibid.*, 86). In 1448 he is described as justiciar of William Douglas, lord of Galloway (*Bk. of Caerlaverock*, ii, 431). He owned the lands of Bardrochat or Bardrochwood by which designation he was known. It was probably his son Alexander Mure of Bardrochat who, in a lawsuit in 1471 relating to the 6 merkland of Auchinflour, failed to prove that Archibald Mure of Auchinflour was a bastard (*Acta Audit.*, 19). There is mention of a brief of service of the lands of Bardrochwood in an action by Alexander Mure v. William McClellane of Bomby who had distrained some of Alexander's oxen (*ibid.*, 50). The second Alexander left an only daughter, Elizabeth Mure, who married William McClellane of Bomby. She sold to her husband's father, Thomas, the 6 merkland of Bardrochwood and the 3 merkland of Glenturk, Carsley and Chapelton in 1492 (*R.M.S.*, 1424/1513-2138). Another son of the first Alexander Mure of Bardrochat must have been the John Mure who c. 1459 married Margaret Keith, heiress of half of the large lordship of Craichlaw, Longcaster and Barmagachan (*D. and G Trans.* xxi, 391) inherited by his sons, one of whom sold his portion of Craichlaw in 1498 to John Gordon of Lochinvar, from whom the Gordons of Craichlaw were descended. Yet another son of the first Alexander was Adam Mure of Drumskeacht, who failed in Feb. 1501/2 in his claim to the lands of Polkelly against his cousin Margaret Mure, wife of Robert Cunyngham of Cunynghamhead (*Reg. House Charters*, 642). He was Chamberlain of Galloway 1462-96 (*Ex.R.*, viii, 605). In 1486 he was given by the crown, a special grant for his great labours and the burning of his house by robbers. He died in 1504, leaving a widow Margaret Stewart. One of his sons had some claim to the 5 merklands of Chang in Mochrum parish.

THE MURES IN GALLOWAY



No. 151

1478, November 10. Instrument at the hand of Robert Stubile clerk of the diocese of Quhitherne narrating that Alexander Maccouloch of Bailsallach compeared on the lands aftermentioned and broke a precept of sasine granted by him to Andrew Maccouloch his brother in a 10 merkland viz.—the one merkland of the manor or mansion of Myretoun with the close (clausura) thereof and other 9 merks of the lands of Fayrgarth and Drumtrodan, by breaking a certain plate (disce) as use is, declaring that the said Andrew was unwilling to have possession or sasine of the said lands until a certain contract and condition contained in certain writs between the said Alexander and Andrew were fulfilled. Witnesses: Alexander Mure son and heir of John Mure of Crauchlew, Thomas Maccowloch and John McMun.

Myrton Charters

No. 152

1478/9, March 17. Crown charter to Alexander Makkee son and heir apparent of Patrick Makkee of Camlodane and Agnes Stewart spouse of the said Alexander and daughter of Alexander Stewart of Grenane, of the 5 merkland of Barzarrath, and the one merkland of Culclathak in the sheriffdom of Wigtoun which lands belonged in heritage to the said Patrick and had been resigned by him at Edinburgh. Witnesses: John bishop of Glasgow, William bishop of Moray keeper of the privy seal, Thomas bishop of Aberdeen and 'our cousins' Andrew lord Avandale chancellor, John earl of Argyll lord Campbell and Lorne master of the household, David earl of Crawford lord Lindsay, James lord Hamilton, John lord Carlile, Sir John Colquhone of Luss, Mr. Archibald Quhitlaw archdeacon of Lothian secretary, Mr. Alexander Inglis dean of Dunkeld clerk of rolls. Tag, no seal. Not recorded in *R.M.S.*

Myrton Charters

No. 153

1479, October 21. Crown charter to Alexander Stewart¹ son and heir apparent to Sir William Stewart of Dalswinton of the lands of the barony of Glasserton which belonged to Thomas Stewart brother of the said Alexander in heredity and were resigned by Thomas at Edinburgh, in true and lawfull excambion for the 12 merkland of the barony of Mynto and for a 7½ merkland of Merbotill in the sheriffdom of Roxburgh and

¹ The wife of this Alexander Stewart was Elizabeth Douglas (*Scots Peerage*, iv, 151).

for the 5 merkland of Duncalmer being dominical lands of Merbotill and for the £10 lands of Synlawis, all which belonged to the said Alexander and Elizabeth his spouse and were resigned by them. Witnesses: William Archbishop of St Andrews, John Bishop of Glasgow, [] Lord Lyndesay, John Lord [], Archibald Quhitlaw archdeacon of Lothian and secretary and Alexander Inglis dean of Dunkeld clerk register. Tag and fragment of seal. Not recorded in *R.M.S.*

Galloway Charters

No. 154

1481, October 24. Crown charter to James Campbell¹ son and heir apparent of Alexander Campbell of Corswell, of the £20 lands of Corswell and the 2½ merkland of Drummamrow in the sheriffdom of Wigton and the 25 merkland of Catebule, Knockreuch and Knokallen in the Stewartry of Kirkeudbright which belonged to Alexander heritably and had been resigned by him at Edinburgh, reserving his liferent and terce to Margaret his wife. Witnesses: William Archbishop of St. Andrews, John Bishop of Glasgow, William Bishop of Moray keeper of the Privy Seal, Andrew Lord Avandale chancellor, Colin Earl of Argyll master of the Household, David Earl of Crawford, John Lord Carlile, Mr. Archibald Quhitlaw archdeacon of Lothian secretary and Alexander Inglis archdeacon of St. Andrews clerk register. Tag and fragment of seal. Not in *R.M.S.*

Galloway Charters

No. 155

1482, March 31. Instrument at the hand of William Farnly N.P. narrating that Thomas Cunyngham son of Alexander Cunyngham of Aikhed and Elena Knox spouse of the said Thomas in the presence of the Lords of Council sitting in judgement viz. William archbishop of St. Andrews, William elect of Ross, Andro Lord Avondail chancellor, Robert Lord Lyil, John Lord Dernely, John lord Carlile, Mr. Alexander Inglis clerk register, John ye Ros of Montgrennan and Mr. Richard Lawson—resigned and according to decreet of the Lords, delivered to Edward Maxwell of Tynwald a charter of conjunct infeftment

¹ On 6 Nov. Quintin Agnew, sheriff of Wigton, in that part infeft James Campbell in the above, Uchtred Macdouell being his attorney. wit.—Mr. George Waus, rector of Wigton, Alexander McCowloch, lord of Myretoun, Dom. John McCalwee chaplain, John Kennedy, Rolland Macdouell, Ninian Waus, Patrick Knollis, Andro Cambell, Gilchrist McGlychallum, Thomas McKylchallum and Arthur Cambell.

made by the spouses to Alan de Cunyngham brother to the said Thomas and to the heirs gotten betwixt the said spouses, of the ferde part of the lands of the barony of Muroch and the 'chemes' of the same callit Ballingreg in the sheriffdom of Wigton, together with a precept and instrument of sasine and Crown charter of Confirmation, renouncing all rights thereto, and gave oath that they had no other charters or writs thereof. Witnesses: Brother William Knollis preceptor of Torfiching, Herbert Gledstanis of that ilk, Thomas Stewart, John Tuedy, William Richartson, Alexander Cunyngham of Aikhed, William Cumyng and Hector Meldrum macers and Alexander Scot clerk of Council.

Monreith Charters

No. 156

1482/3, February 26. Instrument of sasine at the hand of William Makgarve N.P. narrating that John Murheid deputy for Andrew Agnew sheriff of Wigton infeft Patrick Vaus of Barnbarrach in the 7½ merklands of Bernberach and Barglass in the sheriffdom of Wigton conform to crown precept under the Quarter Seal. Done on the grounds of the said lands and at the messuage of Bernberach. Witnesses: Robert Hanna, Thomas King, Dom. Morice MacKillipe chaplain, John Portus and John Makgarvie.

Barnbarroch Charters

No. 157

1483, May 10. Charter by Sir William Knollis preceptor of the Hospital of St. John of Jerusalem of Torffichen to Thomas McDowell of a certain templar croft of about 6 acres commonly called the Spitale croft of Creachmor in the parish of Leswalt, between the land of Chalach on the one part and the land of Creachmor on the other part, which belonged in heredity to Gilbert Makgarrach and was resigned by him; to be held on the same terms as by the said Gilbert, rendering to the lords of Torfichen the annual rents used and wont. No witnesses. Tag and seal missing.

Lochnaw Charters

No. 158

1484/5, February 5. Instrument of sasine, much injured by damp, at the hand of William Megarwe N.P. narrating that Andrew Makdowell of Elrig as sheriff of Wigtoun *in hac parte* on crown precept directed to Ethe Ahannay of Sorbie, the said Andrew Makdowell and John McCristine, dated at Edinburgh 30 Jan. 1484/5, wherein they were commanded to take security for 24 merks as relief, infeft George Ahanna as attorney for

Quintin Agnew as heir to the deceased Andrew Agnew his father in the 13½ merklands of Salchary, Lochnaw and Dundwning in the sheriffdom of Wigtown and in the offices of sheriff of Wigtown and bailie of Leswalt, held in chief of the crown. Witnesses : William Agnew younger, Patrick McCullach of Large, William Wallace, James Hert, John Mcgarwe laymen and Dom. John Aschenane vicar of Leswalt and Dom. Henry Mundwell chaplain.

Lochnaw Charters

No. 159

1484/5, February 25. Precept by George bishop of Galloway directed to Uchtred Makdowell of Garchtlone as bailie, to infeft Quintin Agnew as heir to the deceased Andrew Agnew sheriff of Wigton, in the 3 merk lands of Gargarrane, the 20/ lands of Mekill Tung and the ½ merklands of Little Tung conform to the tenor of the charter by the deceased Alexander bishop of Galloway [1422-1450] to the deceased Andrew Agnew grandfather to the said Quintin. At Quhitherne. Witnesses : Adam Hepburn, William Colvil of Cumstoun, Ninian Waus, Nevin Agnew, Rolland Makdowell and Dom. Henry Mundvel. Tag, no seal.¹

Lochnaw Charters

No. 160

1487/8, February 15. Procuratory of resignation by Quintin Agnew of Salchare sheriff of Wigton, directed to John Eccles of that Ilk, Alexander Gordone, George Gordone, Robert Henri-sone, Gilbert MakIlva and Nevin Agnew to resign into the hands of the Crown as superior the 3 merklands of Salchary, Lochnaw and Creauchmore with the office of sheriff of Wigton. At Quhitherne. Tag and fine seal (unrecorded).

Lochnaw Charters

No. 161

1488, April 26. Instrument of sasine at the hand of William Makgarwe N.P. narrating that Uchtred Makdowell of Garthlone on crown precept under the Quarter Seal, infeft Nevin Agnew as attorney for Patrick Agnew as son and heir of Quintin Agnew sheriff of Wigton, in the bailliary of the barony of

¹ Sasine followed on March 12 in which Quintin is described as burgess of Wigton and Gargarrane is called Carn-garrane. John McGachin is the notary and the witnesses are John Makkee of Myrtoun, Andrew Makdowell of Myreth, Uchtred Makdowell of Derrhegill, Uchtred Makdowell of Mondork, Rolland Makdowell in Knokincross and Thomas Makdowell in Stronraver.

Leswalt by delivery of a wooden wand. Witnesses : William Agnew younger, Elizeus Gordoun, John Makdowell, Dom. Finlay McBrid chaplain, James Hert and Thomas Crukschank.¹

Lochnaw Charters

No. 162

1489/90, February 26. Instrument of sasine at the hand of Finlay McBryd N.P. narrating that John Cambell son of Hugh as bailie on precept from Marion Kennedy of Broghjarg with consent of Archibald Wallace her spouse, infest Thomas Wallace son and heir of the said Archibald and Marion in the 10 merkland of Burchjarg in the sheriffdom of Wigton. Witnesses : Quintin Agnew sheriff of Wigton, Gilbert Cambel, Androw McNele, Andrew Cambel, Thomas Makilbryd and Donald Makilminton.²

Galloway Charters

No. 163

1491/2, February 25. Precept by Thomas Kennedy of Bargany directed to Robert Hannay, John Mure, George Mure and John Hannay as bailies to infest John Kennedy of Carnlok, for good services rendered, in the 5 merkland of Balnwdercasdow lying in the barony of Ardstinchell and sheriffdom of Ayr. Sealed at Edinburgh. Signed by granter. Tag and seal missing.

Barnbarroch Charters

No. 164

1492, September 11. Charter of alienation by Thomas Kennedy of Barchany, lord of the lands of Portincalze, in favour of George (Vaus) bishop of Candida Casa and his heirs male, whom failing of Ninian Vaus brother to the said bishop and his lawful heirs male, whom failing of Patrick Vaus of Barnbarroch and his lawful heirs male, whom failing of Patrick Vaus brother of the said Ninian and his heirs male, whom failing the heirs male whatsoever bearing the name of Vaus—of his 4½ merkland of

¹ The said Patrick Agnew with the same notary, bailie, date and witnesses is infest in the lands of Salchary, Lochnaw and Creachmoyr reserving liferent to Quintin and reasonable terce to Marion Waus his spouse. On Aug. 16 Patrick was infest in the offices of sheriff, bailie of the barony of Leswalt and constable of the manor house and lake of Lochnaw, with the above lands, same witnesses.

² In the Crown confirmation Burghjarg is described as a 5 merkland (*R.M.S.*, 1424/1513-1884). The other 5 merkland is perhaps referred to in a crown confirmation of 1498/9 where James Mure of Monyhagane grants to his son James Mure of Clongall and Margaret Wallace spouses the 5 merkland of Borouchgearge in the shire of Wigtown (*ibid.*, 2484).

Portincalze and the 20/ land of Loft (or Lost), except the $\frac{1}{2}$ acre of Portincalze lying on the north part of the said toun, in the parish of Kirkcum; paying 2d scots at the feast of Pentecost as albe ferme. At Candida Casa. Witnesses: John Dunbar of [], Mr. William Makgarwe vicar of Pennighame, Walter Makcouloch, John Makcouloch, Patrick Hereot, Donald Maklurg, John Hamiltoun and Dom. [] Makgilhauch chaplain. Tag, no seal.

Barnbarroch Charters

No. 165

1494, October 21. Instrument of sasine at the hand of Patrick Sprot N.P. narrating that in the messuage of Druchtag and in the hall thereof John Dunbar of Mochrum as superior infest Archibald McCulloch of Druchtag in the 6 merklands of Druchtag belonging to the said Archibald (excepting a 2d land) viz.—a $1\frac{1}{2}$ merk $\frac{4}{2d}$ lands of Druchtag, a $2\frac{1}{2}$ merkland of Mekyll Kerintray and a $1\frac{1}{2}$ merk $\frac{2}{4d}$ lands of Cloneronycht. Witnesses: George Ahannay, John Muir, Nevin Agnew, Alexander McCowlach, John Calendare and John Rankyn.

Mochrum Park Charters

No. 166

1496, November 20. Instrument at the hand of William McGarwe N.P. narrating that Janet daughter of Makmechein (*sic*) and spouse of Gilbert Vaus, of her own free will went to the presence of Mr. Fergus Makdowell official general of Quhitherne sitting in court and there having previously resigned by her own unnamed procurator into the hands of the crown the 6 merklands of Kyrkdail in favour of her kinsman Patrick Vaus of Barnberach his heirs and assignees, swore by the evangel in the absence of the said Gilbert Vaus her spouse that she was in no way under compulsion in alienating the said lands. Done in the cathedral church of Quhitherne *in loco judiciali*. Witnesses: Robert Ahanna of Sorby, Patrick Vaus of Irsag, Cuthbert Cunynghame, Robert Schaw, Thomas McDowell, Robert McCarly and John Sclaiffierd.¹

Barnbarroch Charters

¹ The crown grant that followed this resignation describes the lands as the 6 merklands of Kirkdale and Browoch (*R.M.S.*, 1424/1513-2335). In 1506 Elizabeth Murray, daughter of the deceased Cuthbert Murray of Cokpule, apprised from Duncan Murray in Whithorn the 2 merk and 10s. lands of Kirkdale and 2 merkland of Borouch (*ibid.*, 2964).

No. 167

1496/7, January 9. Tack, in vernacular, by Margaret Keith lady of Crechlew and Longcastill to her carnal son Adam Mure of Crachlew of the 5 merks worth of the lands of Carnenfeild, 4 merks worth of the lands of Culgare and 2 merks worth of the lands of Cuylbeir in the barony of Longcastyll, for the period of 19 years, paying 11 merks scots of maill; with power to remove tenants and cottars. Sealed by Margaret at Wigton. Witnesses: Malcolm McGilhaus burgess of Wigton, John Ramsa, Sand[] jure clerk, George of Keith, Andro McKynna, Schir John Wryt notary and Schir Allan Adare chaplain. Seal missing.

Barnbarroch Charters

No. 168

1496/7, January 30. Discharge by Rankine Mure to Archibald Mure of Barnerene for the sum of 80 merks paid for resigning a 2 merkland of Auchinflour into the hands of the superior James Makecullach of Cardines in favour of the said Archibald. At Wigton. Witnesses: Symone McCristyne, schir Gilbert Makgilhauch chaplain, Patrick Mure son and heir apparent of the said Rankine Mure and Patrick Makrachen. Tag, no seal.

Cardiness Charters

No. 169

1497, April 7. Charter by Adam Mure of Crachlew in favour of Patrick Vaus of Barbarach, of his merkland of lie Park of Longcastell in the sheriffdom of Wigton and lordship of Longcastell with its lake, in feu and heritage, rendering a red rose at the feast of St. John the Baptist as albe ferme. At the manor of Mochrum. Witnesses: John Dunbar of Mochrum, George Ahannay, George Dunbar, Peter Ottyrburne, John Kalendare, Dom. Alexander Drumunde chaplain and Schir John Rankyne.¹

Monreith Charters

No. 170

1497, August 27. Disposition by Adam Mure of Crachlew who had alienated by charter and sasine the merkland of Park of Longcastill to [Patrick] Vaus of Barneberach and his heirs for a certain sum of money paid to him in his necessity so that he

¹ Sasine followed on 14 April on precept to Patrick Vaus of Iresyk, George Dunbar and Ninian Vaus. Done at the shrubbery (*virgultum*) on the said lands. Witnesses.—Cuthbert Cunygame, John Douglas, George Hawthorn and David Johnstone.

could redeem other lands to his profit. Adam now warrants the lands to Patrick and is to hold the merkland of Patrick free of maill during the lifetime of his mother Margaret Keith, who has the franktenement thereof. And if Patrick cannot obtain the favour and goodwill of the overlord to receive resignation of the said merkland, Adam will forthwith resign the same. And if Adam fails in any of the articles and conditions hereof he shall refund to Patrick 300 merks scots on the altar of St. Martin's Kirk of Quhitherne being the sum of money paid him by Patrick. At Penninghame. Witnesses : John Dunbar of Mochrum, John Dunbar younger his son and heir apparent, Mr. William McGarwe vicar of Penynghame, Mr. Richard Akynheid, John Unyrwod, John McNacht and Donald McNele.

Barnbarroch Charters

No. 171

1497, November 10. Instrument of sasine at the hand of Patrick Sprot N.P. narrating that a discreet widow Margaret Keyth spouse to the deceased John Mure of Crachlew resigned into the hands of the crown all her lands in favour of her son Adam Mure, excepting the 5 merk land of Bordlands of Longcastell disposed to John Dunbar of Mochrum and Janet Stewart spouses as contained in a letter under the seal of the said Margaret. Whereupon the said Adam Mure demanded instruments. Done in the hall of Monshunsione-Crachlew. Witnesses : John Calendyr, John Keyth, George Keyth and Edward Mure.

Barnbarroch Charter

No. 172

1497, November 21. Instrument of resignation at the hand of Patrick Sprot N.P. narrating that Adam Mure of his own free will resigned the 5 merkland of Bordland of Lomgastill into the hands of Margaret Keyth lady of Crachlew as superior. Whereon John Calindaire procurator for John Dunbar demanded instruments. Done in the hall of Manhunscion in Crachlew. Witnesses : John Keyth, George Keyth and Edward Mure.

Monreith Charters

No. 173

1497/8, February 26. Charter by Margaret Keith lady of half of the lands of Crachlow and of Longestire to her grandson (nepos) Alexander Mure of her 5 merkland of Karnsfeild, the

4 merkland of Culgare and the 2 merkland of Culbey extending to a 11 merkland in the sheriffdom of Wigtoun. To be held of the crown by ward and relief. Sealed at Monyhunchoun. Witnesses: Alexander Stewart of Gargolis, John Dunbar of Mochrum, John Dunbar his son and heir apparent, George Hannay, Peter Otterburne, John Callander and John Keith. Stump of tag, seal missing.¹

Myrtoun Charters

No. 174

1497/8, March 10. Precept by Margaret Keith lady of half of the lands of Crachlew and Longestoun directed to George Hannay, Michael Acolterane, Nevin Agnew and John Callander as bailies, to infest John Dunbar of Mochrum and Janet Stewart spouses and the survivor in conjunct fee in the 5 merklands of Bordland of Loncastell with its lake and island, conform to charter. Sealed at Monyhunchon. Tag and seal missing.

Monreith Charters

No. 175

1498, May 15. Charter by Adam Mure of Monihowsione to his friend Archibald Mure of Barnereny of a 40d land of his lands of Drumaongane in the parish of Kirkcowane, paying 1d silver. At Barnereny. Witnesses: Cuthbert Sprot, Patrick Mure, Michael Makgeyth and Dom. Patrick Sprot notary. Tag, no seal.²

Cardiness Charters

¹ The Cairnfield branch of the Mures was descended from Alexander Mure, grandson of John Mure and Margaret Keith of Craichlaw. His father's name is unknown, but it too may have been the Alexander who was son and heir of Margaret in 1478 but not otherwise recorded. Alexander inherited an eleven merkland all in the parish of Longeaster viz—the 5 merklands of Cairnfield, the 4 merklands of Culgare and the 2 merklands of Culbae (*R.M.S.*, 1424/1513-2392). His son Edward Mure of Cairnfield in 1530 disposed Culbey to Alexander Baillie (*Monreith Charters*) and in 1546 wadset Culgare to John Vaus of Barnbaroch. He was succeeded by Patrick Mure, elder, of Cairnfield, who was dead by April 1566 when the ward of Cairnfield and the marriage of his son Patrick was gifted to Alexander Vaus of Barnbaroch (*Barnbaroch Charters*). Patrick Mure the younger died in April 1583 leaving his wife Margaret Houston, sister of William Houston of Cottreoch, to act on behalf of Jane, his only daughter and executor. At his death he was tenant of Arequhassine (*Edin. Tests*, 21 July 1586). It was not till 1603 that Henry Mure was infest in Cairnfield as heir to his father Patrick, and in 1644 Henry for 2600 merks sold Cairnfield with consent of his son Patrick to John Hathorn in Barquhony (*Monreith Charters*).

² The following day sasine was given to Archibald by Michael McGeyth as bailie of Adam Mure 'lord of the fee of $\frac{1}{2}$ the lands of Crachlew'.

No. 176

1498, May 21. Instrument of sasine at the hand of Patrick Sprot N.P. narrating that John Calendayr bailie of the sheriff of Wigtoun, conform to crown precept, infeft Ninian Mure in the 3 merklands of Cotland, held of the Crown. Witnesses: Rankin Mure, Thomas Mure, Brice Watte and Morice Makmurke.

Cardiness Charters

No. 177

1498, June 10. Charter by Thomas Ahannay of Kepanach to Margaret Vaus daughter to the deceased Blasius Vaus of Bernberach and to her heirs procreated with the said Thomas, whom failing to the heirs of the granter, of the 2½ merkland of Slewhebert in the sheriffdom of Wigton and a one merkland of Achinflour in the Stewartry of Kirkeudbright, rendering a red rose at the feast of the Nativity of St. John the Baptist. Sealed at Quhitherne. Witnesses: Sir Alexander McCullach of Mertoune, Robert Ahannay of Sorby, Kentigern Murra of Brochtoune, Andrew Dunbar, George MakCullach and Cuthbert Cunynghame. Tag and seal missing.

Barnbarroch Charters

No. 178

1498, November 1 (Allhallows Day). Obligation by John Dunbar of Mochrum to Patrick Vaus of Bernberach whom he had infeft in the 5 merkland of Bordland of Longchastill in return for 500 merks, that if the said lands be recovered by law he will infeft Patrick in the 6 merk 9/ land of Meikle Arewlene in the barony of Mochrum within 40 days of the said recovery, or else to repay Patrick 500 merks on the altar of the parish church of Quhitherne, all under penalty of 600 merks payable on the high altar of St Martins kirk aforesaid. Sealed at the Park of Mochrum. Witnesses: George Ahanna, Nevin Agnew, Sandy McCoulach, Peter Otterburn and John Callinder. Signed —John dunbar of Mochrum with my hand.

Barnbarroch Charters

No. 179

1499, April 6. Charter by Adam Mure of Drumscheach to his son Quintin Mure, of a 5 merkland of his lands of Crachlew viz. —a merkland of Muyll, a merkland of Barmeyre, a merkland of Drumquhore, a merkland of Dirremure and a merkland of

Barley—in the parish of Kyrkewane, reserving to Adam and to Margaret Stewart his spouse their liferents and also an acre lying in the west part of the said lands,—to be held by the said Quintin and his heirs male, whom failing by Rankin Mure ‘my son’ and his heirs male, whom failing by Alexander Mure ‘my son’ and his heirs male. Paying 1d scots. Sealed at Drumscheach. Witnesses: John Mure, David Cambell, Alexander Mure brother german to the said Rankin, Doms. Gilbert Maknab and Patrick Sprot notary. Tag, no seal.

Cardiness Charters

No. 180

1499, May 18. Instrument of sasine at the hand of Patrick Sprot N.P. narrating that John Dunbar of Mochrum superior of a $6\frac{1}{2}$ merklands viz.— $2\frac{1}{2}$ merklands of Druchtag, $2\frac{1}{2}$ merklands of Mekill Kerintray and a $1\frac{1}{2}$ merkland of Cloyn, being of lawfull age and of his own free will, infest David Campbell son of David Campbell son of George Campbell in the said lands. Done on the grounds of Mekyll Kerintray. Witnesses: James Dunbar son of John Dunbar of Mochrum, Adam Mure, John Mure, Alexander McCowlach, Peter Ottyrbwrn, Donald McBlayn and Symon Gybson.

Mochrum Park Charters

No. 181

1500, April 1. Papal Indulgence by John bishop of Ostia in favour of Patrick Vaus temporal lord of Barnbarroct, to have a portable altar to celebrate Mass and the divine offices with his friends and servants. At Rome in the 8th year of the Pontificate of Pope Alexander VI.¹

Barnbarroch Charters

No. 182

1500, June 10. Obligation in vernacular by Doncan McKe of Crachlew to Patrick Vaus of Barnbarach that at what time granter or his heirs is removed or put out of the sasine that he is in at the time of the wadsetting of 3 merks worth of the lands of Arnegylche by Katherine Edzar or any others, he will enter the said Patrick and his heirs and assignees therein within 20 days of the granter's entry, with penalty of £40 scots in case of failure, of which £40 Patrick had given him £20 in gold and silver and other £20 represented the skaith of Patrick in fault

¹ Pope Alexander VI was crowned on 26 August 1492.

of entry. Sealed with his seal of arms at Kirkyner. Witnesses : Thomas McKe brother german to Doncan McKie, John Woyd, Doncan McMalren, Schir Patrick McCalve chaplain and Schir Patrick Sprot vicar of Kirkyner and notary public.¹ Seal impressed.
Barnbarroch Charters

No. 183

1500, October 7. Instrument of sasine at the hand of Patrick Sprot N.P. narrating that Alexander Stewart sheriff of Wigton *in hac parte* conform to crown precept under the privy seal dated at Stirling 14 July 1500 infest Duncan Makke of Crachlew and Elizabeth Adayr spouses conjunctly at the principal house of the toun of Camquhart, in the 16 merklands of Longastare, the 16/8 lands of Markbane, the 13/4 lands of Mundybbryd, the 6/8 lands of Drummawnane and the 40d lands of Crumlew in the sheriffdom of Wigton. Witnesses : John Makke, James Makcowlach, Thomas McKee, John Makylroy, Gilbert McClere and John Makclere.²

Monreith Charters

No. 184

1500, October 7. Letter of reversion by Thomas Maklellane of Bondby to John Dunbar of Mochrum and John Dunbar his son and heir apparent who had alienated to Thomas the 5 merkland of Lytyl Kerowtray in the barony of Mochrum by charter, declaring that when they shall pay to him 300 merks scots on any Whitsunday or Martinmas at even between sunrise and sunset upon the high altar of the Friars Kirk of Kirkeudbright, he shall at once resign to them the said 5 merklands and never thereafter claim any rights thereto. Sealed by the granter at Wigton. Witnesses : Allan McLellane alderman of Wigton, Rankin Muyre of Conquetoun, Mr. William McGarve vicar of Peningham, Patrick Clugistoun of Derrevrame, George Ahanna and Thomas Makcavatt. No tag or seal.

Mochrum Park Charters

No. 185

1500, November 29. Letter of reversion by John Dunbar of Mochrome to Ninian Mure of Torhous who had annaleit to Dunbar his 40/ worth of land called Cotland lying beside the

¹ On the same date Patrick Vaus received a charter of these merk lands in feu paying 1d. silver, to which a fragment of seal is attached; same witnesses.

² There was a crown confirmation on 13 July 1500 (*R.M.S.*, 1424/1513-2541).

brig of Bladnoch, obliging himself to renounce the said lands on redemption by payment of four score nineteen merks in gold and silver. If Dunbar wilfully absents himself from the redemption it will be lawful for Ninian to have free regress to the lands. At Edinburgh. Witnesses: Thomas Kirkpatrick of Closeburn, John of Kirkpatrick of Alisland his brother, Robert Nelesown of ye Hillis, schir John Walkar chaplain, James Young notary and John Monynes and John Gray. Signed and sealed by granter. Tag and seal attached.

Cardiness Charters

No. 186

1501, May 10. Instrument of sasine at the hand of John McKrekane N.P. narrating that Mr. Duncan Macke son and heir of the deceased Patrick McKe of Camlodan presented to John Makdowell, as depute to John Dunbar of Mochrum sheriff of Wigton, a crown precept under the Quarter Seal, whereat the depute gave sasine to the said Mr. Duncan McKe as lawful and nearest heir to the said Patrick his father, in the 2½ merkland of Drummergane according to the tenor of the charter of the predecessors of the said Mr. Duncan and the king's command. Witnesses: Andrew Acarsane, Patrick McKe, Gilbert McKe, John Akinzan and Thomas Bard.

Barnbarroch Charters

No. 187

1501, May 18. Transumpt of an instrument of sasine narrating that Archibald McKie of Strinord as bailie on precept from Alexander Stewart younger of Garleis and Glesterstoun, fiar of the barony of Glesterstoun and Alexander Stewart his father, 'tenementar' (*tenementarius*) thereof, infest Uchtred McDowell in the one merkland of Barnergort. No witnesses given.

Galloway Charters

No. 188

1501, June 1. Instrument at the hand of Patrick Sprot N.P. narrating that in presence of Mr. William McGirve commissary of Farnes in le Rennis within the parish church of Wigtown *in loco consistoriali*, appeared Margaret Keith lady of half of the lands of Crachlew having liferent thereof in widowhood and renounced all right and possession to the 40d lands of Drumahowgane and ratified a charter, precept of sasine and other evidents made to Archibald Murc [of] Barnerany. Witnesses: Gilbert Makdowell of Machermoyre, Dom. Alan Ardare chaplain,

Patrick Mure and Dom. John Makcrekan scribe of Court and notary.

Cardiness Charters

No. 189

1503/4, February 21. Precept by James Dunbar lord of Clugstoun and superior of the lands of Derregill directed to John McDowell of Barnnargort, Martin McDowell and John McDowell as bailies, to infest Fergus McDowell son and heir apparent of Uchtred McDowell of Derregill and his heirs in the 12 merklands of Derregill in the sheriffdom of Wigton which had been resigned at Trevethis by the said Uchtred. At Threif. Seal attached.

Logan Charters

No. 190

1503/4, March 21. Crown Charter of Confirmation on the supplication of Uchtred McDowell of Garthlone for the extraction of Charter confirming one dated at Logan 8 Dec. 1467 (see *R.M.S.*, 1424/1513-916). Witnesses: William bishop of Aberdeen keeper of the Privy Seal, John bishop of Ross, David bishop of Lesmore, Mathew Earl of Lennox, John prior and vicar general of the metropolitan church of St. Andrews, [], William lord St. John, John Ramsay of Trarinzane, John Ogilvy of Fyngask knights and Mr. Richard Lawson of Hie[] clerk of Justiciary and James Henderson our Advocate. Tag and Great Seal intact. Not in *R.M.S.*

Logan Charters

No. 191

1504/5, February. 13. Instrument of sasine at the hand of John McCrekane N.P. narrating that Patrick Dunbar of Loch son and heir of Patrick Dunbar of Kynnunquhar of his own accord went to the 5 merklands of Chang in the parish of Mochrum and infest therein John Dunbar of Mochrum. Witnesses: John Ahannay, Donald McBlain and John McCarale.

Mochrum Park Charters

No. 192

1505, November 4. Instrument of sasine at the hand of Thomas Makgeyth N.P. narrating that Patrick Muirheid as temple bailie on precept of C. C. dated at Torphichen 15 Sept. by William lord St. John of Jerusalem preceptor of the house of Torphichen, infest Thomas Makdowell as son and heir of the

deceased Uchtred Makdowell of Garachlone, in a croft called Blakeroft and in another croft called Croft Clyntag near to the church of Kirkcum and in a third croft established on the lands of Kylstair. Witnesses: Alexander Campbell of Corswell, Dungall Ahannay, Andro Murheid, John McCullach and Donald Makknaven.

Galloway Charters

No. 193

1505, November 18. Discharge by James abbot of Dunfermline to Dene Patrick Vaus sometime prior of Quhitherne and now pensioner thereof for 100 merks scots for the composition for the ward and marriage of Barnbarrach, in name of the crown. At Edinburgh, under our signet.¹

Barnbarroch Charters

No. 194

1505/6, February 2. Crown precept directed to Symon Makculloch, Eliseus Makculloch, Thomas Makculloch, Donald Ahannay and Robert Makculloch sheriffs *in hac parte*, to infest Alexander Campbell of Corswell and Mariota Makculloch spouses in certain lands (see *R.M.S.*, 1424/1513-2920). Two tags, fragment of seal.

Galloway Charters

No. 195

1505/6, March 2. Instrument of sasine at the hand of John McCrekane N.P. narrating that Dungall Ahanna as bailie of the deceased Alexander Campbell of Corswell conform to precept directed to Elezeus Makcullach, Dungall Ahanna, David Tempilman and Andrew Broun dated 31 Dec. 1505 and witnessed by John McCrekane vicar of Inch, Andro Broun, David Tempilman, Finla Loch, John McCarbre and Dom. John McCrekane N.P.—infest Nigel Campbell son and heir apparent to the said Alexander, and Janet Vaus spouse of the said Nigel conjunctly in the 40/ lands of Glengors, the 40/ lands of Dowloch and Finloch, the 40/ lands of Balserach and the one merkland of Carnboy. Witnesses: Andro Broun, William Agnew, Finla Loch and John McCarbre.

Galloway Charters

No. 196

1506, November 11. Instrument of sasine at the hand of John McCrekane N.P. narrating that John McCulloch sheriff *in hac*

¹ There is a copy of the above dated 30 May 1506 made at Crugiltoun by Dom. John McCrekan, NP.

parte on crown precept infest Patrick Mure, as son and heir of the deceased Rankin Mure, in the 3 merklands of Cotland which formerly belonged to Ninian Mure of Torhous, the said Patrick being of lawful age. Witnesses: Alexander Ahannay, Alexander Boyd, Patrick McKie, Richard Burn, David Gibsoun and Symon McKene.

Galloway Charters

No. 197

1506, November 12. Instrument of resignation at the hand of Thomas Nudrie N.P. narrating that Alexander McCullo of Myrton as procurator for Ninian Mure of Torhous resigned into the hands of the crown as superior his 3 merklands of Cotland in the sherifffdom of Wigton in favour of Patrick Mure of Conquhitoun and his heirs. Done in the abbey cloister of Jedworth in the chamber of the King. Witnesses: James and David abbots of Dunfermling and Cambuskynal, Robert Forman dean of Glasgow, John earl of Crawford, Andrew lord Avendaill Patrick earl of Bothwell and Mathew earl of Lennox.

Galloway Charters

No. 198

1506/7, March 1 and 8. Feu charter by George bishop of Candida Casa and of the Chapel Royal of Stirling with consent of the chapters, to Patrick Agnew sheriff of Wigton who had paid him £200 scots, and to Katherine Gordon his spouse conjunctly, of the £5 lands of Clanarie, Maslach and Kerowra in the parish of Kirkcum and the £3 lands of le Crag of Souchayn and 40/ lands of Garchclerie in the parish of Inche, paying £10 and 10s scots yearly as feuferme. At Edinburgh and Quhitheerne. Witnesses: John Gordoun of Lochinvar, Alexander Gordoun of Auchinreach his brother, Mr. William Makgarwy commissary of Fairness, James Hamilton, Andrew Fergusson, John Underwod and Dom. John Makcraken notary. Tag and seal.

Lochnaw Charters

No. 199

1507 []. Instrument of sasine, very stained and illegible, at the hand of Michael Agnew N.P. in favour of Patrick Agnew son of [?] sheriff of Wigton and Katherine Gordoun his wife and the longest liver in conjunct infestment of the £5 land of Creachmor, following on crown charter of 1506/7 Jan. 25 (*R.M.S.* 1424/1513-3031) on precept directed to Eth Ahannay, Nigel Maklune and Alexander Makmychane as sheriffs *in hac parte*.

Witnesses: William Agnew elder, Nigel Makbane, Maurice Makinrane and William Agnew younger.

Lochnaw Charters

No. 200

1507, October 30. Extract crown gift under the Quarter Seal to Patrick Sinclair our familiar servant and his heirs, of an annual-rent of £27 scots furth of the fermes of Leswalt and Monybrig in the lordship of Galloway, rendering one suit at the head court of the sheriffdom held next after the feast of St. Michael the Archangel. At Edinburgh. Extracted by Mr. John Skene, clerk of Rolls.

Barnbarroch Charters

No. 201

1507, December 20. Precept by George bishop of Galloway directed to John Underwod, John Gourlye, Alexander Mureheid, Thomas Makculloch, George Waus and Andro Fergusson as bailies, to infest Abrahame Waus son natural (carnalis) of the bishop in the 6 merkland of Portnecalze acquired by the said bishop, within the barony of Corswall. At Edinburgh. Witnesses: Mr. William Stewart rector of Kirkgunzeon, Patrick Dunbar of Clugstoun, Robert Colville of Hiltoun, Alexander Murheid, Thomas McCulloch, Andrew Fergusson, James Hamilton and Dom. John McCrekane chaplain and notary. Tag, no seal.

Galloway Charters

No. 202

1507/8, January 21. Decreets that Sir Alexander Stewart of Garules oy and heir to the deceased Sir Alexander Stewart of Garules his Grantschir shall keep skaithless Mungo Murray of Brochtoun at the hands of the crown for payment of unlawis extending to 120 merks for which Mungo was adjudged in the justice ayre at Wigtoun as surety for the persons dilated of the slaughter of the deceased Patrick McKie and Thomas McKie,—in the said deceased Sir Alexander's default through his reckless and negligent endorsing of the said Mungo with other pledges on the back of H.M. letters directed to him for the taking of the said surety, the said Mungo not being surety therefor nor yet being present at the taking of the said surety, as the said Alexander confessed in judgement before the justice, after the form of an instrument at the hand of schir Patrick Sprot notary, produced before the lords.

A.D.C., xix, f. 111

No. 203

1509, May 22. Instrument of sasine at the hand of Patrick Sprot N.P. narrating that Edward Mure of Carnfeld appeared in presence of Patrick Agnew sheriff of Wigton with a crown precept directed to the said sheriff and was infeft by him in the 11 merklands of Longcastill viz.—5 merkland of Carnfeld, the 2 merkland of Calbey and the 4 merkland of Culgary. Witnesses: Ninian Vaus, Ninian Roger, Patrick Agnew, Adam Ahannay, John McCerlle and Patrick Makmurawe.

Monreith Charters

No. 204

1509, October 4. Instrument of sasine at the hand of George Blair N.P. narrating that Patrick Vaus pensioner of the monastery of Candida Casa and tutor testamentar to John Vaus son and heir of the deceased Patrick Vaus of Barnbarrach, having the crown gift of the ward, relief and marriage of the said John Vaus, made Alexander Vaus and Margaret Kennedy spouse of the said deceased Patrick, assignees of the said ward and relief of Barnbarrach and of the marriage of the said John Vaus. This he did with the counsel of David Lord Kennedy and of Henry prior of Candida Casa. Whereupon the said David lord Kennedy demanded instruments. Done in the chamber of Patrick Vaus pensioner. At Crugiltoun. Witnesses: George Kennedy Atiquyn, Dom. John Kennedy prebendary of Maybole, John Mungumbery, John McIlveyan, Patrick Vaus of Iresyk and John Watsoun.

Barnbarroch Charters

No. 205

1509, October 25. Contract between Henry (McDowell) prior of Quhitherne and his eyme Patrick pensioner of Quhitherne. Patrick sets to his dearest nephew Henry his £20 worth of lands of Armyllan in the bailiary of Carrik for £40 yearly for his life; Henry is to assign to his eyme any kirk or land that he has in Galloway extending to £40 and to bring his eyme's sister out of Carrik. For which Patrick assigns to Henry the ward and marriage of Barnbarrach which he had purchased from the crown, and the tacks he has of the lands of Garlies in the parish of Monygoff viz.—the 5 merkland of Drumgandowe and the 10/ lands of Loerrachten. The prior to put his oxen on Loerrachten at Beltane paying yearly 30/ to Patrick and shall have yearly the meadow and moss of Crachdow; Henry to assign to Patrick

as much victual of any teinds he will choose in Quhitherne, Glasserton or Kirkmadin and give him power of bailiery on his pension lands. Patrick assigns to Henry the 300 merks owed him by the earl of Bothwell and all debts in Duncan Amuera's instrument. Witnesses : Uchtred McDowell of ye Garthland, William Coluyn of Ravynngis Crag, Mr. Uchtre Adunnell N.P., Patrick Vaus, Thom Vaus, Alexander Vaus, Dene Andro Tait and Dungall Cambell. Signed by the pensioner.

Barnbarroch Charters

No. 206

1509, November 12. Instrument at the hands of Patrick Sprot N.P. narrating that Patrick Dunbar lord superior of the lands of Derregill promised to Fergus McDowell of Derregill that he would receive no sums of money from the said Fergus for his lands of Derregill in as much as he would recover from the laird of Mundork for his lands of Mundork, and would make the said Fergus McDowell of Derregill and Uchtred McDowell of Mundork equal according to the quantity of the lands pertaining to them, in payment of money for redemption of the lands of Derregill which had been recognosed by the King. Witnesses : Uchtred McDowell of Garthlen, Dom. John Clerk N.P. Mathew Kennedy, Gilbert McDowell, David Dunbar and Fergus McDowell.

Logan Charters

No. 207

1510, April 17. Instrument of monition at the hand of Patrick Sprot N.P. narrating that Alexander Vaus spouse of Margaret Kennedy lady of Bernberach and of Bordland of Longcastell went to the presence of John Dunbar of Mochrum heir to the deceased John Dunbar of Mochrum his father and required the said John to vacate the said lands of Bordland of Longcastell conform to an obligation made by his said deceased father. Witnesses : Alexander Kennedy of Bargany, Rolland Kennedy, John McNaycht and Duncan Schort.

Barnbarroch Charters

No. 208

1510, June 24. Instrument of sasine at the hand of John Fayr, N.P. narrating that Thomas Kennedy of Bargany on crown precept infest William Colvil as attorney for Abrae Waus in the 6 merklands of Portinkailze held of the said Thomas as superior. Done in the burgh of Ayr in the garden of the house of the said Thomas. Witnesses : Robert Colvile of Uchiltre, Robert

Colville son and heir apparent of the said William Colville, John Kennedy and James Colville.

Galloway Charters.

No. 209

1511, April 3. Decreets that Alexander Campbell of Corswell, Uchtred McDowell of Deregill, Uchtred McDowell of Mundork as heir to the deceased Uchtred McDowell of Mundork his father and Huchone Nelesone as heir to the deceased Nele Nelesone of Cragcaffy shall keep skaithless Sir Alexander Stewart of Garoles as heir to the deceased Sir Alexander Stewart of Dal-swinton his grantschir at the hands of the crown for payment of 132 merks of the rest of certain unlaws in which the said persons were adjudged for nonentry of Gilbert Campbell, James Ros, Patrick Agnew, William Cruskchank, Thomas Crukschank, George Crukschank, John Makgeith, Alexander Maknethy, Fergus Makgachen and Thomas Makgeith complices to Quintin Agnew, to underly the law for the slaughter of Patrick McKie and Thomas McKie, as they the said Alexander, Uchtred and the deceased Uchtred and Nele that became surety to the said deceased Alexander Stewart for the entry of the said persons the time he was sheriff of Wigtoun in that part; and he and his lands and goods poynded and distrained for the said unlaws. Alexander Stewart appeared by John of Dunbar his procurator, Uchtred McDowell of Mundork in person but none of the others appeared.

A.D.C., xxii, f. 128

No. 210

1511, November 14. Precept by Alexander Campbell of Corswell directed to John Kennedy of Knokrevach, David Kennedy of Knokbane, Thomas Kennedy, Raneferus Cathcart, Duncan Makrinald and Finlaw Loch, to infest Archibald earl of Argile in the said Alexander's £3 lands viz.—the 40/ lands of Knokbrek and 20/ lands of Arye lying adjacent to Knokbrek within the parish of Kirkcum. At Wigton. Signed by granter. Tag, no seal.

Galloway Charters

No. 211

1512, June 14. Instrument of sasine at the hand of Gilbert Kennedy N.P. narrating that Florence Kirkpatrick as bailie of Alexander Campell lord of Corswell as superior infest Gilbert Kennedy of Kirkmichael as attorney for Thomas Kennedy of Bargane, in the 10 merklands of Knokvenoch and Knoknallyn

in the parish of Kells and Stewartry of Kirkcudbright. Witnesses : Gilbert Dalrympill, David Kennedy, Robert Ahanna, Donald Merchisone and John Lawmont.

Logan Charters

No. 212

1512, November 15. Registration of contract dated 14 Nov. in presence of the king between sir Alexander McCulloch of Mertoun on the one part and Alexander McCulloch 'familiar servitor to our sovereign lord' on the other part, whereby Alexander is to make assignation to sir Alexander of the ward of the lands and lordship of Cardiness and all other lands pertaining to the deceased Ninian McCulloch of Cardiness together with the nonentries of the said lands and the marriage of heirs, for which sir Alexander is to pay to Alexander the sum of 800 merks scots. Alexander is to marry Margaret McCulloch eldest daughter of sir Alexander and because there is impediment of consanguinity as to the third and third degree and of affinity as to the third and second degree Alexander shall within a year and a day secure a dispensation from the court of Rome. Sir Alexander is to pay [700] merks and infest the spouses in 20 merks worth of lands of old extent in the barony of Mertoun in complete payment of the above 800 and 700 merks, reserving liferent to sir Alexander and terce to Marion his wife. Alexander is to give to sir Alexander and his spouse sufficient evidents that they will not be disturbed by Alexander and his spouse in their peaceable possession of the said liferent and terce and Alexander is to deliver to sir Alexander a letter of regress in due form for resigning the lands on payment of the said sums and a letter of tack for 5 years after the outquitting thereof at a yearly rent of 40 merks. The king is to infest Alexander and Margaret in the 20 merks worth of land pertaining to the crown which sir Alexander and Marjory (*sic*) have in liferent of the king, reserving to sir Alexander and his spouse liferent thereof. Sir Alexander is to sustain Margaret for all the days of her life honestly in house, meat drink and clothes and keep Alexander in reasonable coming and ganging on the said sir Alexander's expenses. Both Alexanders are to discharge each other of all mutual obligations and especially of the escheat goods of James McCulloch intromitted with by sir Alexander and pertaining to Alexander by crown gift. Alexander is to resign to sir Alexander an obligation for 800 merks owed to Alexander by David McCulloch and do his utmost diligence to inbring that sum to sir Alexander. If Alexander dies before completing the marriage he constitutes Margaret his assignee to all his goods and lands and sir Alexander shall not

alienate any lands of his barony of Mertoun in prejudice of Alexander and Margaret prior to the arrival of the said dispensation. Lastly Alexander is to deliver to sir Alexander the said David McCulloch's obligation for 800 merks. With clause of warrandice and manrent by Alexander to sir Alexander saving his duty to the king. Clause of registration, no witnesses.

A.D.C., xxiv, f. 11

No. 213

1512/3, March 10. Decretis and deliueris with consent of party that Thomas Wause sall pay and deliver to Malcum Makge of Cragcleuch thir gudis efter following and in maner underwritten, that is to say ane siluer pece the said Malcum payand the four merkis quhilk it lyis in wed of the avale of als mony stanis as the said Malcum can preif the brewleid weycht quhilk he clamis in his summondis efter the sicht and estimation of the said Malcum's fader brother, ane Relique of Sanct Niniane, the remanent of ane bed furnist clamit in the summondis sa fer as is nocht deliuerit to the said Malcum ellis efter the sicht of the said Malcumis fadir brother, and ane pot and ane pan, and als sall pay to the said Malcum the avale of the hors siclik as his fadir haid the tyme of his deces as the said Malcumis fadir brethir will mak faith he was worth the said tyme, giff the said Malcum and his said fadir brether will mak faith he has nocht ellis gottin the hors contenit in the summondis, and with consent of party ordainis that the preif and knauleg apon the premissis salbe tane befor the official of Gallvay. And that the said Malcum haf lettres requiring him thairto and to sommond the parties befor him to that effect and as beis previt and done befor him that he compell the partiis to the fulfilling therof as accordis, baith the said partiis being personally present.

A.D.C., vol. 24, f. 193

No. 214

1512/3, March 14. In presens of the lordis of counsell comperit Duncane Makge burgess of Wigtoun and confessit and grantit this his obligation underwrittin and his sele appendit therto and consentit that he war compellit and distrenzeit be our souerane lordis lettres to the fulfilling therof. Therfor the saids lordis decernis our said souerane lordis lettres to be direct to compell, distrenze, command and charge the said Duncan for the fulfilling of his said obligation in dew form as effeiris, of the quhilk the tenour followis.—

Be it kend till all men be thir present letters we Duncan Makke burgess of Wigtoun to be bundin and oblist and be thir

present lettres and the faith and treucht in my body lelily and treuly byndis and oblis me to ane honourable man Malcum Makke of Craichlow, that forsamekle as the said Malcum has infest me heretably be charter and sasing of alienation in all and hale his 4 merkis worth of land of Blareschenauch of auld extent with ther pertinentis liand within the parochin of Löncastir and shirefdom of Wigtoun and upon the redemyng of the said landis I haf gevin and deliueret to the said Malcum ane lettre of reversion under my sele contenand in it the soun of 100 merkis like as the said reversion proportis. The quhilk infestment of the said landis the said Malcum has maid to me heretably as saidis, to that intent that I as assigna to his mariage sall warrand him the sammyn fra the claim of quhatsumeuer person or personis; and forsamekle as the said Malcum is allegit handfast with Katrin Makke the douchter of John Makke of Myrtoun and that it is understand that scho nocht be his lauchfull wife for certane impedimentis betuix thaim heirfor I bind and oblis me faithfully as said is that I sal with my trew diligence fynd ane lauchfull caus of divorce betuix thaim and caus thaim to be divorcit and partit lauchfully be the law of halykirk quharethrow the said Malcum may complete matrimony with quhatsumeuer woman he best plesis and uptak the hale profittis of his said mariage to his auin propir use without impediment of ony person or personis quhatsumeuer; And gif it sall happin the said Malcum Makke to be wexit, disturbit, inquiet, parsewit or followit for his said mariage or ony soumes of money therfor quharthrow the samyn beis recouerit and openit fra him be the law, than and in that cais I bynd and oblis me faithfully as said is myn airis executors and assignais to content and pay to the said Malcum McKe his airis executors or assignais the soun of 200 merks gude and usual money of Scotland for the plesure proffitt and avale that he nicht haf haid of his said mariage and the samin haid nocht bein recouerit fra him be law and for costis, skaithis, dampnage and expensis and interes that he sall happin to sustene thairthrow, to be pait in the parochie kirk of Wigtoun within 11 dais nixt efter that the said Malcummys mariage or the avale therof be recouerit and openit fra him be the law but careillatioun or langer delay. And I sal incontinent thereafter resigne renunce and ourgif to the said Malcum al and hale his saidis landis of Blareschenach with chartir sasing and all uther evidentis maid and gevin to me therupon and with al richt and claim that I my airis or assignais has or ma haf therto thereafter in ony maner of way. And in the meyntym quhil the said Malcum be lauchfully partit with the said Katrin I nor myn airis sal uptak na malis nor proffittis of the said landis, the said Malcum fyndand the said caus of partising and makand the hale costis tharapon to the observing keping and fulfilling

of the premissis and every poynt and part therof lely and treuly to be observit keptit and fulfillit in form and effect forsaid I bynd and oblis me myn airis executors and assignais, myn and tharis landis, rentis, possessionis and gudis movable and unmovable present and for to cum on quhatsumever stede thai may be fundin, to the said Malcum McKe his airis executors and assignais in the maist siker form and stratest stile of obligation that can be maid or devisit and na remeid of law to be proponit nor allegit in the contrar. In witnes of the quhilk thing to thir present lettres my sele is to hungin at Edinburgh the 10 Marche the zeir of God jmvexij (1512) before thir witnes—Robert Lauson of Hierigis, Alexander Wardlau of Waristoun, schir Thomas Myrtoun archdeacon of Abirdeen, William Wardlau person of Tulleallan, James Johnstoun burgess of Edinburgh, Alexander Mur and John Gray publict notar.

A.D.C., vol. 24, f. 215

No. 215

1513, April 28. Decerns that Henry McCulloch of Kyllasser shall pay to Symon McCulloch (of Myretoun) and Janet McKie his spouse and late spouse of Fynlaw McCulloch of Kyllasser, 4 bolls 2 firlots mele for the third part of the mails and profits of the myln of Kyllasser for 2 years bypast pertaining to the said Janet by reason of terce and to her said spouse (Symon) by reason of her; and assoilzies the said Henry from the claim of Symon her spouse for the remanent 6 years libellit. Henry is to desist from all occupation and intromissions with the said third of the myln.

A.D.C., vol. 25, f. 41

No. 216

1513, May 7. Decreets and delivers that Patrick Dunbar of Clugstoun shall infeft Uchtre McDowell of Mondork by charter and sasine in 7 merks worth of the lands of Mondork and Barnargart lying in the barony of Clugstoun after the form and tenor of the charter underwritten, and as to the 21 pounds claimed by Uchtre upon Patrick which he alleges he has paid more than extends to his part of the composition of the said barony, the remanent points of the summons still undecided are continued to 10 July next.

Charter by Alexander Fraser lord of Phillorth and of Clugstoun to his cousin (consanguineus) Janet Makgillumquha of half of the lands of Closerath and of Drumdowle lying in his barony of Clugstoun and sheriffdom of Wigtoun which lands were hers by heredity and were resigned by her into

his hands as superior. Held under ward and marriage and relief. At Perth 16 June 1460. Witnesses: John Stewart lord of Caull (Coull), Alexander Stewart lord of Provand, Michael of Nairn and John of Ochiltre.¹

A.D.C., vol. 25, f. 70

No. 217

[151]3, June 9. Charter by Patrick Dunbar of Clugstoun to Uchtred McDowell of Mundork of the 7 merklands of Mundork and Barnargorth in the barony of Clugstoun which lands together with the whole barony were recognosced by the crown for alienation of the greater part thereof without crown license and were therefor forfeited to the crown; whereafter the said Patrick obtained from the crown a new infeftment under the great seal and Uchtred had made payment to the king and his treasurer for his part of the composition. Wherefor according to promise this charter was issued. Witnesses: Symon McCristyn of Clontis, Alexander Ahanna, Ludóvic Makgilhauss, John Ba[torn] and Dom. James[torn] notary.² Signed [] Dunbar of Clugstoun.

Galloway Charters

No. 218

1513, June 16. Obligation by John Inglis 'marschale to the king' and Margaret Cameroun spouses in favour of Sir John Dunbar of Mochrum; narrating that Alexander Mure sometime of the Chang and burgess of Edinburgh had sold heritably by charter and sasine his 5 merklands of the Chang in the barony of Mochrum to the said John Inglis and his heirs to which charter the said Sir John had given confirmation by obligation to warrant the spouses at the hand of the crown from ward, relief, recognition, forfeiture and non-entry; and the

¹ Alexander Fraser third of Philorth who died c. 1482 was lord of the barony of Clugstoun, which may have come to him through his mother Elinore de Douglas, an alleged illegitimate daughter of James earl of Douglas and Mar, slain at Otterburn in 1388 (*Fraser of Philorth*, i, 122). On the other hand it is more likely to have been derived from the claim of his grandfather, Alexander first of Philorth, to the lands of the earldom of Buchan in Wigtownshire and elsewhere (*Scots Peerage*, vii, 431, and see the pedigree chart of the descendants of Alan, lord of Galloway, in this volume, p. xliii). A Sir John Fraser was seneschal of Treve before the surrender of that castle to the crown (*Ex.R.*, vi, 203).

² The date of this charter must be after 7 May 1513 (*A.D.C.*, xxv, f. 70), though it was mentioned in court on 14 June that McDowell was still awaiting infeftment (*ibid.*, f. 177). Dunbar was knighted just before Flodden on 9 Sept. 1513 and was alive on 17 Nov. 1513 (*A.D.C.*, xxvi, f. 19) but was dead by the end of that year (*Ex.R.*, vx, p. 675).

spouses had discharged Sir John of the warrandice of any alienation or tacks made by the said Alexander Mure before the date of these presents, except a tack made by Rankin Mure his brother, of the said lands of Chang of which there are still 2 years to run. The spouses had also given Sir John a letter of reversion for 300 merks gold and silver of Scotland and a letter of tack for 6 years after redemption.

The spouses now bind themselves not to make any alienation of Chang or any part thereof to Patrick Dunbar of Loch his bairns or brother except a letter of tack made of before by the spouses to Patrick for 5 years and the said tack 2 years ago which Rankin Mure has. There is mention of an instrument of compromise under the hand of Schir John McNeilly chaplain and notary made between the said Sir John Dunbar and Alexander Mure anent the lands of Chang and a decreet arbitral by Sir James Dunbar of Blakeraig and Sir Alexander Stewart of Garoleis, which documents are given to the said Jon Inglis in security of the said lands. And now lately Patrick Dunbar has produced a copy of the same before the Lords of Council who ordered the originals to be produced. Therefore John Inglis binds himself not to produce them till compelled by law. If the spouses break this obligation they are to pay to Sir John Dunbar 300 merks. At Edinburgh. Witnesses: Henry Congiltoun of that ilk, Patrick Scougal of that ilk, the said Alexander Mure, John Inglis servant to the said Patrick [Scougal] Adam Geilstoun, William Adesoun, Alexander Makneill writer, John Gray and James Young N.P.¹ Signed—John Inglis marchyall wt my hawin hand. The seal of Margaret Cameroun had been appended. No tag or seal.

Mochrum Park Charters

No. 219

1514, April 11. Instrument of sasine at the hand of John Clerk N.P. narrating that Mr. Michael Agnew sheriff of Wigtoun on crown precept dated at Edinburgh 24 March, infeft Fynlaw Cambell as son and heir of the deceased Alexander Cambell of Corswell in the 45 merklands of old extent of Corswell and the 2½ merkland of Mye, held in chief of the crown. Witnesses:

¹ John Inglis of Flashill in the sheriffdom of Fife was one of the king's marshalls, minor court functionaries. He held that office 1492-1529. In 1529 with consent of Jonet Drummond his wife he resigned Flashill and other lands in favour of his eldest son Mars Inglis (*R.M.S.*, 1513/46-822). The marshalls of the court in 1508 numbered thirteen and each received a fee of 20 merks (*Ex.R.*, xiii, 120). Inglis in 1492 had some interest in Culquhalze and his son William is mentioned (*Ex.R.*, x, 728).

Duncan Kennedy, Odo Hanna of Knokglas,¹ Andro Broun, Roger McCrochart, Andro McCullach, Gilbert McDowell and Gilbert McGown.

Galloway Charters

No. 220

1514, May 20. Instrument of sasine at the hand of John Clerk N.P. narrating that Mr. Michael Agnew sheriff of Wigton conform to crown precept dated 26 May (*sic*) 1514 wherein the sheriff was ordered to take security for 18 merks 6/8d for the fermes due by nonentry, and 37 merks as relief, infest Nevin Agnew as attorney for Andrew Agnew as heir to his father the deceased Patrick Agnew sheriff of Wigton, in the 5 merkland of Lochnaw, 5 merkland of Salchary and 2½ merkland of Dundunie with the offices of sheriff of Wigton, constable of Lochnaw and bailie of Leswalt. Witnesses: Thomas Agnew in Clanere, William Agnew, Nevin Agnew in Salchary and Donald Boill.

Lochnaw Charters

No. 221

1514, June 1. Instrument of sasine at the hand of Gilbert Macnacht N.P. narrating that William Coltart bailie depute of the steward of Kirkcudbright on crown precept, infest John Gordoun of Lochinvar as attorney for Finlay Cambell of Corswell in the lands of Balmigat, Knoknarlyn, Dirsallach, Garrolarge and Knokrewacht. Witnesses: David Chalmer, William Makeristen, Donald Copar and Alexander Cauldwel.

Galloway Charters

No. 222

1514, June 3. Instrument of sasine at the hand of Robert Clerk N.P. narrating that Patrick McDowell of Logan as lord superior, conform to crown precept, infest Thomas McDowell

¹ The Hannays of Knokglass were obviously scions of the Sorbie family. As late as 1626 the superiority of Craigbuy (Inch) and Knokglass was part of the Sorbie estate. Dougal Ahannay of Knokglass in 1493 was in St. Johns croft of Inglistoun and may be equated with the royal falconer of 1498/9 who received a crown gift of £20 yearly as his life fee (*R.S.S.*, i, 348). No pedigree can yet be drawn up. In 1514 Odo Hannay of Knokglass was a witness (*Galloway Charters*) and in 1547 there was an Ethe Hanna of Knokglass, a witness to a Culmalzie contract (*Barnbarroch Charters*). On 3 July 1568 a Dungall Ahannay of Knokglass witnessed a church feu by Dom. Robert Watson vicar of Clascant to Uchtred McDowell of Barjarg of the 16s lands of Kirklands of Clascant. On 3 Nov. 1598 Alexander Hannay of Sorbie gave to Uchtred McDowell of Barjarg a tack of the 2½ merklands of Knokglass (*Monreith Charters*).

as attorney for Uchtred McDowell of Garthland as heir to his grandfather the deceased Uchtred McDowell of Garthland in the 7½ merkland of Elrik.¹ Witnesses : Alexander Gordoun of Park, Finlay Makculloch of Killassir, Alexander Gordoun, James Butile, Alexander Boid and Symon Makculloch.

Logan Charters

No. 223

1515/6, February 20. Charter by Andrew McDowell of Spottis with consent of Cristiane Murray his spouse to Michael McQuhon burgess of Edinburgh and Janet Rynd spouses of the 5 merkland of Fyschgill in the sheriffdom of Wigtoun for a sum of money given by them to the said Andrew in his necessity, to be held in fee and heritage rendering to the crown service due and wont. Sealed with the seals of the granters. Witnesses : Mr. Adam Otterburn common clerk of the burgh of Edinburgh, John Makilwayne, John Makdowell burgesses of Quhitherne, Ludovic Makilhauch burgess of Wigtoun, John Merschale burgess of Edinburgh, Alexander Makculloch, Alexander Makneill and James Zoung N.P.² Signed by Andrew McDowell, seals missing.

Physgill Charters

No. 224

1518, May 21. Instrument at the hand of William Reid N.P. narrating that Alexander Kenneyde laird of Bargene faithfully promised to warrant Finlay Campbell of Corswel at the hands of Abrahe Waus and all others having interest in the 6 merkland of Portincallie. Done in the house (hospicio) of the said laird of Bargane. Witnesses : Andrew McCulloct, James Colville, Dom. Henry Huntare and Doms. George Blane and John Clerk chaplains and notaries public.

Galloway Charters

¹ The crown precept was dated 24 March and it is evident that Logan had refused sasine for some reason.

² The McDowells of Spottis had owned Physgill prior to 1470, in which year Andrew McDowell and his spouse resigned the lands for a new infeftment (*R.M.S.*, 1424/1513-990). This grant to Michael McQuhon was a wadset, the letter of reversion of same date showing it was for 260 merks. The lands were not redeemed till 1574, and in 1547 Janet Rynd after her husband's death resigned the lands in favour of Catharine Rynd, spouse of Michael McCrekane, burgess of Wigtoun. In 1576, following on redemption Peter McDowell, fiar of Machermore, was infeft as assignee of the heirs of James McDowell of Tonotrie—viz. Beatrice McDowell, spouse of John Maxwell in Gulliehill, and Cristina, wife of Allan McCroskrie in Barquharan. In 1626 Alexander McDowell of Machermore sold Physgill to Alexander Stewart in Larg, in the hands of whose decendants the property is still vested (*Physgill Titles*).

No. 225

1518, May 23. Instrument at the hand of John McNely N.P. narrating that Malcolm McKee of Crechlew produced an instrument subscribed by the hand of Dom. John Fayre N.P. dated 13 Jan. 1517/18 upon the premonition of John Vaus of Barnbarach son and heir to the deceased Patrick Vaus of Barnbarach to appear in the parish church of Wigtoun on Whitsunday 1518 to receive the sum contained in the reversion due to the said deceased Patrick Vaus by Duncan McKe of Crechlew for redemption of the lands of Aringilsche. And the said Malcolm acknowledged that he had warned the said John and the said John acknowledged that he had been warned to the said day and asked instruments. Witnesses: Dom. David Vaus vicar of Monygaff, Michael McChon burgess of Edinburgh, Archibald Underwod, William McCulluch and Mr. Michael Clymquha N.P.
Barnbarroch Charters

No. 226

1518, May 30. Instrument of Sasine at the hand of Thomas Makgeyth N.P. narrating that Nevin Agnew as bailie on precept from David bishop of Galloway, infest Andrew Agnew as son and heir of the deceased Patrick Agnew, in the 5 merklands of Dalzarrane, Little Tong and Mekill Tong of 'le Seuchane'. Witnesses: Mr. Michael Agnew, Andrew Agnew, Martin McMaiken and Thomas Agnew in Clenerie.¹

Lochnaw Charters

No. 227

1518, November 15. Charter by Patrick Mure of Cotland to Thomas Vaus in le Quhythillis of the 2½ merkland of Drumgergan in the parish of Kirkener, to be held of the crown. At Edinburgh. Witnesses: Sir Alexander McCulloch of Myrton, David McCulloch, Dom. David Vaus vicar of Mochrum, John McDowell, Michael McQuhon, Walter Chepman, Mr. John Chapman and Dom. Andrew Aschellane notary.² Tag and seal.
Barnbarroch Charters

No. 228

1518, November 22. Obligation by Patrick Mure of Cotland to Thomas Waus in Quhythillis and his heirs to warrant the 2½

¹ The bishop's precept of Clare Constat was dated 22 May and was directed to the said Nevin, Thomas Gordoun, John Mure and George Inglis.

² The precept was directed to Mr. Michael Agnew, Archibald McCulloch of Druchtag and Robert Vaus, sasine following on 26 Dec. witnessed by Robert McClausche and Dom. Patrick Sprot.

merkland of Drumgergan in the parish of Kirkener disposed by Patrick without reversion, to be held of the crown, for a certain sum of money in his urgent necessity, failing which Patrick is to infeft Thomas in his lands of Cotland or pay £200 scots or infeft him in other lands of like value to Drumgergan with 100 merks for skaith. Patrick is to deliver to Thomas the rights and evidents including those pertaining to Mertin Makmaken touching his interest in the said lands. Sealed at Edinburgh. Witnesses: Sir Robert Gordon of Glen, Sir Alexander Makculloch of Myrtoun, Dene David Vaus vicar of Mochrum, Michael Makquhon burgess of Edinburgh and schir Andro Scheill notary. Signed by granter. Good impression of signet.

Barnbarroch Charters

No. 229

1519, November 3. Assignment by Janet Mure daughter and heir of the deceased Ninian Mure of Torhous in favour of her lovit friend Alexander Mure of Barneranye of a certain sum owed to the said Ninian by Patrick Mure alderman of Wigtoun as son and heir to the deceased Rankin Mure his father, for the profits of the 9 merkland of Torhous and Cotland pertaining to the said Ninian her father, conform to a summons raised by Ninian against Rankin. At Kirkcudbright. Witnesses: Mr. Duncan Makkee of Camlowdane, schirs William Wardlaw parson of Dalry, George Hepburn parson of Partoun chaplains, Patrick Foster, Thomas Thomsoun burgesses of Kirkcudbright, Patrick Makkee burgess of Wigtoun, Mr. John Oliver vicar of Kirkcormok, schir Herbert Dune vicar of Kirkmabrik notaries, Michael Ramsay chaplain and Alexander Corbrik clerk and notary public. Tag, no seal.

Cardiness Charters

No. 230

1520 (?), August 26. Instrument of sasine at the hand of Michael McCrekane N.P. narrating that John Bell in Auchlair as bailie of John Mure of Cassincarie and Janet Mure his spouse infeft John Halyday in Glen conform to charter of sale, in the 20/ lands called Merkwilliam. Witnesses: John Hendersoun in Merkwilliam, John Slewan burgess of Wigtoun, Roger Murdoch senior, James Bell, John Heroun in Burnis and Alexander McConquht in Pebill.¹

Cardiness Charters

¹ This document must be of much later date, for Michael McCrekane notary flourished 1540-70.

No. 231

1520, December 6. Instrument of sasine at the hand of Andrew Schellen N.P. narrating that Alexander McSkymmyn as sheriff depute on crown precept dated 20 Nov. infest Patrick Dunbar of Loch and Janet Gordon spouses in the 5 merklands of Bar, 5 merklands of Elryg, the 5 merklands of Dyrie and the 5 merklands of Altnecroch and Gervery, extending in all to a 20 merkland lying in the barony of Mochrum, which lands had been resigned by the said Patrick. Witnesses: Dene David Vaus vicar of Mochrum, Thomas Maknacht, Andro McDowill, John Makquhirk and James Portare.

Barnbarroch Charters

No. 232

1521, December 19. Testimonial by Edward bishop of Orkney as commissioner of James archbishop of St. Andrews, of his ordination of Alexander MakYlwyane deacon of Quhitherne diocese, to the order of priesthood. Done in the old church and chapel of St. Andrews within the monastery thereof on Ember Saturday in Dec. 1521.

Barnbarroch Charters

No. 233

1523, May 20. Bond of manrent by Alexander Stewart of Garlies to his 'tender freind and kynsman' John Vaus of Barnbarroch who had become his man of household, agreeing to maintain and defend the said John in all causes save his allegiance to the crown and governor. Sealed with the seal of George Kirk of that Ilk, at Quhitherne. Witnesses: Thomas Vaus of ye Quhithillis, Walter Steward of Barchlie, Alexander McKie, David Wauch, James Portar and William Symer.

Barnbarroch Charters

No. 234

1515, June 12. Registration by Robert Leslie as procurator for Robert lord Maxwell and Thomas McClellane of Gelstoun of the following contract dated [] 1525.

Thomas McClellane of Gelstoun, for as much as Robert lord Maxwell has given me his 'guid will to enter to my land at this next term of witsounday and promises to mak me my land als fre as quhen he intromettit yrwt, yt is to say removand all tenants and specialie his broyer Hary Maxwell furth of the lands of Remystoun and ye land qlk ye said Hary occupiis

and als quhair yr wes spekin and commonyng for mariage betwix me and ye said Robert lord Maxwell sister, the said lord is content to quit me yroff and be yr presents quitclamez me of ye samyn ; quharfor be vertew of yr presents I quitclaim and discharge the said lord of all males' etc. uptaken by him from the lands or by his factors provided the said lord and none on his behalf 'molest nor inquiet me in ye entering to my said lands and uptakin of the males' etc. at the term of Whitsunday immediately following the date of this writ. Signed by both parties.

A.D.C., xxxv, f. 38

No. 235

1525, June 23. Crown precept directed to Florence Kirkpatrick, Finlay Leche and John Adonill sheriffs *in hac parte* to infest Finlay Campbell of Corswell and Margaret Kennedy spouses in the 3 merklands of Ardwell, 6 merklands of Portin-calze and Losset, the 4 merklands of Balliskallache, the 20/ lands of Aclyach and the 20/ lands of Kerowdow and the $\frac{1}{2}$ merkland of Myltoun, all in the parish of Kirkcum, which had been resigned by the said Finlay. Tag, no seal.

Galloway Charters

No. 236

1525, July 21. Charter by John Murray of Brochtoun to Blasius Makge burgess of Wigtoun, of the 5 merkland of Egirnes in the sherifffdom of Wigtoun for a certain sum paid to the said John in his urgent necessity, to be held from the granter, of the crown. At Quhitherne. Witnesses: Cuthbert Cunynghame, John McIlwyane, Duncan Murray and Alexander Aydare.¹ Tag, no seal.

Galloway Charters

No. 237

1525, July 21. Charter by John Murray of Brochtoun to Blasius Makge of a 5 merkland of his 10 merklands of Brochtoun Wall in special warrandice for his 5 merkland of Egirnes,

¹ On the same day Murray issued a precept to John Wilee, Patrick McGee and Gilbert McCulane, sasine following on 12 Aug. Witnesses: John McLyn, Dom. Andrew McCulnan chaplain, Thomas McConnyll, John Gibsoun in Kyrkland, John McBlayne elder and John McCerre.

paying 1d scots to the granter. Witnesses : Cuthbert Cunyng-
ham, John McIlwayne, Duncan Murray and Alexander Aydare.¹
Galloway Charters

No. 238

1526, May 18. Instrument of sasine at the hand of Patrick Sprot N.P. narrating that Symon Makerestyen sheriff depute of Wigtoun on crown precept dated 4 May, infest John Vaus of Barnbarroch as heir to his father Patrick Vaus of Barnbarroch in the 5 merkland of Bordland of Longcastell and the one merkland of Park of Longcastell on payment of £222 for the fermes of the lands which had been in the hands of the crown for 18 years for ward. Witnesses : Patrick Makcom, Patrick Acarsane, John Makteire, Alexander Duns, Mychaele McLelaue and Jonh MakCayn.

Monreith Charters

No. 239

1526, September 12. Instrument of sasine at the hand of Andro Quhit N.P. narrating that Sir Alexander Makcullact of Mertoun as bailie of George lord St. John of Jerusalem and of Torphichen, infest Finla Campbell of Corswell as heir to the deceased Alexander Campbell his father, and Margaret Kennedy spouses conjunctly in the temple croft of Dalkist 'lie templair of St. John', reserving liferent therein to Marjore McCullot mother of the said Finlay. Witnesses : Dom. Matho (?) Vaus, Andro Makcoullat, John Makcoullat, Finla Makcoullat, John Red and Dom. John Clerk vicar of Kyrkeum.

Galloway Charters

No. 240

1527, May 5. Charter by John Murray of Brochtoun to Blasius Makgee and Cristine Agnew spouses of a $1\frac{1}{2}$ merk $2/3$ d land of his lands of Eggirness with the principal mansion of Eggirness extending to a third part of a 5 merkland and inhabited by Quintin Mundwell, in the parish of Kirkmadryne and sherifffdom of Wigtoun, paying 1d scots as albe ferme. At Candida Casa. Witnesses : Cuthbert Cunynghame provost of Quhitherne, John

¹ The same day precept was issued to the same bailies as in the previous charter, sasine following on 12 Aug. Witnesses: John Gibsoun, John McLyn and Dom. Andrew McCulnan chaplain. On 23 July Murray issued precept of resignation to William Gordoun of Craichlew, Nicholas Crawford of Oxbang, Edmund Litol, Michael McQuhan, Andrew Symson and James Makgill burgesses of Edinburgh to resign to the crown his 5 merklands of Egirnes. Sealed at the monastery of Quhitherne.

MakIlwayne, Alexander Adair, Patrick Clugstoun, Odo Robinsone and John MakCallane.¹ Tag and seal.

Galloway Charters

No. 241

1527, August 8. Charter by John Murray of Brochtoun to Blasius Makgee burgess of Quhitherne and Cristiane Agnew spouses, of a 5 merkland of his lands of Eggirness now occupied by Gavin Murray and Quintin Mundwell. Witnesses: Cuthbert Cunynghame, John McIlwyane, Luke Eglymont, Alexander Adair, Duncan Murray and Gavin Murray.² Signed by granter. Tag and seal missing.

Galloway Charters

No. 242

1528, July 7. Extract registration in the commissary court books of Kirkcudbright of a contract of marriage dated at Myrtoun 7 June 1528 between Sir Alexander McCulloch of Myrtoun and David McCulloch of Conquhetoun having the ward and marriage of Alexander McCulloch of Cardirnes on the one part and William McClellane tutor of Bondby on the other part. Sir Alexander disposes to McClellane and his heirs the marriage of Alexander McCulloch or failing him of the nearest lawful heir male of the deceased Ninian McCulloch of Cardirnes, which marriage Sir Alexander has by gift under the privy seal. The marriage is to be between Alexander McCulloch and Elizabeth McClellane sister of the said William. Tocher is 800 merks to be paid as to £100 to Sir Alexander, 200 merks to Michael McQuhone burgess of Edinburgh in name of Sir Alexander for redeeming lands of Sir Alexander wadset to Michael extending in maills to 18 merks yearly; and a further 50 merks is to be paid to Sir Alexander at the feast of St Andrew next, in complete payment of 400 merks; A further 325 merks to be paid to Sir Alexander at the terms contained in an act of the said commissary court; the last 100 merks to be paid at Whitsun and Martinmas 1531. And if it happens that Sir Alexander should resign the baronies of Myrtoun and Achowand into the hands of the crown in favour of Alexander McCulloch of Cardirnes then William McClellane is to pay Sir Alexander as

¹ On 13 May Murray issued precept of sasine directed to James Hamilton and Gilbert McCulnane, same witnesses.

² The precept of sasine of same date was directed to William Forester, Duncan Forester, Gilbert Murdoch, and Patrick McGe and sasine followed on 15 Oct. Witnesses: Donald Makgee, Roland Dunce, John McCulle, Andro McDowell and Robert Matho, receiving crown confirmation on 14 Aug. (*R.M.S.*, 1513/46-490). Two reversions by McGee for 450 and 500 merks respectively were made in favour of Murray.

much money as John Dunbar of Mochrum, Henry McCulloch of Kyllasser, David McCulloch of Conquhetoun, Patrick Mure of ye Cotlands and John McClellane of Auchinlene 'makis be in conscience and discretioun that the said Alexander McCulloch of Cardirnes is mair worth by the said infeftment in the lands of Myrtoun and Achowand'. William McClellane and David McCulloch are to cause the crown to dispense with Alexander's marriage wherethrough Alexander and Elizabeth may be infeft by the crown in the 5 merklands of Drummukloch and the 5 merks of the 6 merklands of Bagbie and the 5 merkland of Glengoponach amounting to a £10 land. And the said William McClellane tutor of Bondby and Elizabeth Mure lady Bondby are to maintain Alexander and Elizabeth for 3 years from date of marriage, and the said Sir Alexander and David McCulloch shall have the mails of the said £10 lands for those three years, which are thereafter to be enjoyed by the said spouses. Witnesses: Henry McCulloch of Kyllasser, Patrick Mure of ye Cotland, John McClellane in Auchinlene, Thomas Parker, Schir David McBlayne chaplain and William McGowne chaplain and N.P. Extracted by Alexander Corbrik for the time clerk of court.

Barnbarroch Charters

No. 243

1528, July 12. Letter of reversion by John Vaus of Barinbarach who had been infeft by Malcolm McKie of Crechlaw in the 3 merkland of Aringilche in the parish of Longcastell, to renounce and resign the said lands when given 40 days warning to receive in the parish kirk of Wigtoun the sum of three score and twelve pounds of gold and silver scots which he had given Malcolm upon wadset. Witnesses: Symon McCullach, Robert Waus, Gilbert Affe, John Megill, John McKe, schir John Tait chaplain and schir Gilbert Gylisoun notary. Signed by granter. Tag and seal.

Barnbarroch Charters

No. 244

1529, April 22. Instrument of sasine at the hand of John McKe N.P. narrating that Alexander McKee as bailie of Andrew Agnew sheriff of Wigtoun on crown precept dated 6 march 1529 infeft Patrick McKee as son and heir of the deceased Mr Duncan McKee of Large, in the 6 merkland of Cloncard in the parish of Monygoff and stewartry of Kirkcudbright, the 3 merkland of Barnrawyr, the one merkland of Culclach, the 5 merklands of Barzarrak and in the 2 merklands of Drumgargane in the

sheriffdom of Wigtoun, held in chief of the crown and in the hands of the crown for 2 years; £670 was due to the crown for non-entry ferme and £335 for relief. Witnesses: Andrew Aheroun of Kereowthie, John McCharge, Finlaw McKee, Fergus Mckee and Donald Acarsane.¹

Barnbarroch Charters

No. 245

1529, April 23. Instrument of sasine at the hand of John McKe N.P. narrating that Margaret Dunbar lady of Clugstoun and superior of the lands personally infeft Thomas McDowell as nearest heir to the deceased Uchtred Makdowell of Mundork his brother in the 7 merkland of Mundork and Barnarghort according to the old infeftments of his predecessors. Witnesses: Walter Stewart of Barclye, Dom. Alexander Makcallon chaplain, Thomas McDowell, John Mure and Donald Makdowell.

Galloway Charters

No. 246

1529, October 8. Instrument of sasine at the hand of John Clerk N.P. narrating that Patrick McDowell of Logane as lord superior infeft John McDowell 'germano et heredi' of the deceased Uchtred McDowell of Garthlone his brother in the 7½ merklands of Elryk, Myroche and Ballingoun in the lordship of Logane and parish of Kirkmadin in Rennys. Witnesses: John McClelan, Robert McNeisch, John McDowell and John Haroun.

Logan Charters

No. 247

1530, April 4. Instrument of sasine at the hand of Andrew Quhit N.P. narrating that Edward Mure of Carnfeld lord of the 2 merklands of Culba infeft Alexander Bailzie son and heir of William Bailzie in Dunregat in the said 2 merklands. Witnesses: Quintin Mure of Culmalzow, Malcolm McKie of Crachlew, Dom. John Smyt vicar of Longcasell, George McKie, Thomas McCowet and Luke Spens.

Monreith Charters

¹ These feudal dues for a 17 merkland seem rather high but have been checked by the Responde Books of the Exchequer. The amount of non-entry was the annual value of the lands multiplied by the number of years the lands had been in non-entry. Relief was the annual value. Thus when lands are in non-entry for two years the non-entry is double the relief.

No. 248

1530, May 4. Precept by Patrick Makkee of Larg directed to Patrick Diksoun and Donald Carssan to infeft John Vaus of Baranbarach and his heirs in his 3 merkland of Clonchart in the stewartry of Kirkcudbright in warrandice for the 5 merkland of Barzarrok in the sherifffdom of Wigtoun, alienated by Patrick to John. Witnesses: Dom. John McCrekane commissary of Wigtoun, Quintin Mure, John McCrekane, George Campbell of Kerintray, Dom. Patrick Sprot vicar of Kirkynner, John Clerk McKe and Dom. Gilbert Gibsoun notary. Signed by granter.

Barnbarroch Charters

No. 249

1530, September 30. Crown confirmation of a charter dated at Glenluce 9 Aug. and witnessed by Walter abbot of Glenluce, Mr. John Murehede rector of Stanykirk, Alexander Murehede, John Bailze, John Mure, Andro Gray and David Wricht notary, by Malcolm McKe of Crauchlew lord of the lands of Blairschynnoch in favour of William Bailzie in Dunregat and his heirs, of the 4 merklans of Blairschynnot in the parish of Longcastell for a sum of money paid to Malcolm in his urgent necessity, to be held from the granter of the crown, rendering service due and wont. At Falkland. Witnesses: Gavin archbishop of Glasgow chancellor, George bishop of Dunkeld, Henry bishop of Candida Casa, Archibald earl of Ergyle, Hugh earl of Eglintoun, George earl of Rothes, Malcolm lord Flemyng chamberlain, Patrick prior of St Andrews, David abbot of Aberbrothoc keeper of the privy seal, Sir James Colville of Eister Weemys director of chancery and Mr James Foulis of Colintoun clerk of register.¹ Not in *R.M.S.*

Monreith Charters

No. 250

1531, November 9. Precept by Alexander Stewart of Garles with consent of Margaret Dunbar his spouse lady superior of the lands of Clugstoun, directed to Symon McCristeyne and Symon Dowry, to infeft Patrick McDowell as nearest lawful heir

¹ On an unknown day in 1530 William Bailzie gave charter to his eldest son Alexander and Margaret Bailzie spouses of both Blairschynnoch and Culba, sealed at Glenluce and subscribed for the granter by Dom. William Bailzie. Witnesses: Duncan Levynax of Balcorneth, George Levynnax, John Ahannay burgess of Wigtoun, Andrew Gray, William Tuedy, Robert Phillipson and David Wryt N.P. (*Monreith Charters*).

of Fergus McDowell in the 4 merklands of Dirzegill and in the 3 merklands of Crevox extending in all to the 12 merklands of Dirzegill, Crevox and Ballardi in the sheriffdom of Wigtoun. Sealed with the seal of the said Alexander at Dumfries. Witnesses : Robert Maxwell lord of that Ilk, William Maxwell [of] ye Tynwald, George Maxwell burgess of Dumfries and Dom. Jon Turnor rector of Annan. Tag, but seal missing.

Logan Charters

No. 251

1531 []. Tack by Henry bishop of Candida Casa and of the chapel royal of Stirling and perpetual commendator of the monastery of Dundrennan and by David bishop of Candida Casa and of the chapel royal and commendator of Tungland, with consent of the chapter of Quhitherne, in favour of Ninian Boyd and Mariota Arnot spouses of the 40/ lands of the toun of Auchrothry in 'our barony of Inch' and sheriffdom of Wigtoun, in return for good services and in augmentation of the rental—for the space of 19 years, paying to the bishops or their chamberlains £4 scots. At the monastery of Quhitherne. No witnesses. The seals of bishop Henry and of the chapter are stated to have been appended but are missing. Signed by the granters.

Lochnaw Charters

No. 252

1532, May 2. Precept by John Murray of Brochtoun directed to William Carnis of Orchardtoun, James Maxwell, and Patrick McIlwyzen as bailies to infest Blasius Makge and his heirs in his 3 merkland of Balteir in the sheriffdom of Wigtoun, held of the crown by service due and wont. At Edinburgh. Witnesses : George Knok, John McKe, James Lyndesay, Robert Murray, Alexander Cousing, John McBretny burgesses of Quhitherne and Mr. John Chapman and William Chapman. Signed by granter. Tag, no seal.

Galloway Charters

No. 253

1532, June 12. Charter by Margaret Dunbar, lady of Clugstoun and spouse of Alexander Stewart of Garrules, confirming charter dated at Edin. 6 May 1532 and witnessed by Mr. Hew Rig, John Aschennane of Park, Mr. Henry Lauder burgess of Edinburgh, Alexander Hereis, Thomas Martyne and Alexander Young notary, by William Makgee of Balmage to William Gordoun of Crauchlew of the 2½ merklands of Barquhill in the barony of

Clugstoun rendering to the granter as superior suit at her baron courts and ward and relief of the lands. At Garrules. Witnesses : Walter Stewart, Dom. Alexander McCulloch chaplain, Herbert Hereis and James Stewart. Signed by the granters, Tag and seal.

Galloway Charters

No. 254

1532, July 5. Instrument of sasine at the hand of Alexander Bowok N.P. narrating that Patrick Dunbar of Loch as lord superior, infest George Campbell of Karentray and his heirs in the $2\frac{1}{2}$ merkland of Meikle Karentray, the $2\frac{1}{2}$ merklands of Druchtag and the $1\frac{1}{2}$ merkland of Clone lying in the parish of Mochrum. Witnesses : Quintin Dunbar brother german to the said Patrick, Adam Mure of Drumskeoch, William Jardain, Andrew McCoche and Mychael Makeobryk.

Monreith Charters

No. 255

1532, October 21. Instrument of sasine at the hand of John Maknely N.P. narrating that Symon McCulloch of Mertoun personally infest Henry McCulloch of Kilasser and Margaret McCulloch spouses and their heirs male whom failing the heirs male of the said Henry, in the whole of the barony of Mertoun with its tower, reserving liferent to the said Symon. Done at the tower of Mertoun. Witnesses : John Vaus of Barnbarrach, George Campbell of Keryntray, John McGallelet, Thomas McCulloch, John Adair, Dom. David McBlane chaplain and Dom. Andrew Aschelane N.P.¹

Myrton Charters

No. 256

1532/3, January 23. Copy made by David Makgee N.P. of an instrument of sasine at the hand of John McGuffok N.P. relating that Thomas McDowell as bailie of Alexander Stewart of Garleis on precept directed to John Stewart, the said Bailie and Peter Makdowell dated at Edin. 10 Jan. and witnessed by Thomas McDowell of Mundork, John Stewart, John Waus, and Dom. Alexander McCallow, infest Walter Stewart in Barely in the 40/ lands of Barely and in half of his lands of Dalnaw extending

¹ The date on this document is 1523, which must be wrong. The charter from which the sasine flows was dated at Edinburgh 4 Aug. 1531 and received crown confirmation on 6 Aug. 1532 (*R.M.S.*, 1513/46-1213). The confirmation also reserves terce to Janet McKie spouse to Symon.

to a 25/ land in the barony of Garrules. Witnesses: Dom. Walter Stewart chaplain, John McQuhon, Patrick McColeyne, John McGachen and the said notary Dom. John McGuffok.

Galloway Charters

No. 257

1533, October 31. Obligation by Henry McCulloch of Merton and of Killasser and Margaret McCulloch spouses and their successors in the barony of Merton, that when John Vaus of Barnbarach redeems the 6 merkland of ye Dowrie from Mychell McQuhon of his heirs after the form of letters of reversion, and when the granters and their heirs are requested to infeft the said John and his heirs in the said 6 merkland, that they will make to him a charter and evidents in due form holding of the granters and their successors in the barony of Merton and paying 1d as blench ferme under reversion of 400 merks. The granters will fulfill the premises within 8 days of requisition and agree to be actit before the commissary of Wigtoun. And the said Margaret is sworn never to gainsay the premises. At Merton. Witnesses: George Campbell of Kerantray, Thomas McCulloch Alexander Campbell, John Adayre, schir Andro Aschelane notary, David McBlane chaplain and schir John McNele vicar of Gyrthton N.P. Signed by both granters.

Barnbarroch Charters

No. 258

1533/4, January 27. Gift by William lord St. Johnis, knight preceptor of Torphichen, to John Vaus of Barnbarroch, his heirs and subtenants, of the maills and nonentry duties of a templeland containing one acre beside the parish church of Sorby, bounded with the lands of Balseir on the south, the lands of Blais on the north, the said kirk on the west and the Quhithillis on the east, for all the years since the land has been in nonentry in his hands as superior and till the rightful heir recovers the same and obtains sasine, reserving to the granter the yearly duties of the said lands. Witnesses: Thomas Evin, Andrew Lindsay, Pate Thomsoun, Robert Robertstoun and schir John Maknakill notary. Signed W. Lord St. John.

Barnbarroch Charters

No. 259

1534, May 6. Charter by Patrick Vaus son and heir to the deceased Thomas Vaus in Quhithillis to John Vaus of Barnbarroch, of a merkland of Drumgergane in the parish of Kirk-

inner. At Barnbarroch. Witnesses: George Campbell of Kerintray, John Vaus, John Cor, Mr. Patrick McCulloch and Dom. Patrick Sprot vicar of Kirkynner and N.P.¹ Signed by granter. Tag, no seal.

Barnbarroch Charters

No. 260

1534/5, January 20. Anent the letters purchased at the instance of Odo Ahannay and Alexander McDowel against Henry Maxwell and Margaret Vaus his spouse who had obtained a pretended sentence against them as sureties for the deceased Uchtred McDowell of Garthland for non fulfillment of a contract between him and them, from which sentence Odo and Alexander appealed to Glasgow; and because the official wrongfully hurt them therein they appealed from him and his sentence to the court of Rome and have intimated their appellation in due time; and the same being 'dependand in pley as yit undecidit', the said Henry and Margaret 'raisit cursing agreeing and reagreeing' upon the said Odo and Alexander with letters of caption thereupon 'and therewith tends to gar tak, put and hald them in prisoun wranguish'; considering they 'are under their appellation fra the said sentence and cursing... and the pley dependant thereupon, no innovation should be made therein, and therefor the said letters of caption are purchest *tanta et suppressa veritate* making na mentioun of their appellation, and therefore the said Henry and Margaret [ought] to produce the said letters of caption to be seen and considerit geif thae be ordourly... like as at mair length is contained in the summons.' Odo and Alexander appeared personally but Henry and Margaret failed to compear. The lords suspend the letters purchased by the spouses and decern their effect to cease till they be produced and the parties lawfully warned to the production thereof.

A.D.C. et Sess., vi, f. 7

No. 261

1535, May 15. Instrument narrating that Archibald McCulloch of Drouchtage discharged Gilbert earl of Cassillis of all sums specified in a decret of the lords of council and act of adjournal in the last itinerant court at Wigtoun upon John Macmaster and James Dun servants to the earl and especially of the goods

¹ The above Patrick Vaus on 11 Feb. 1533/4 had been infeft as heir in the 2½ merkland of Drumgergane held of the crown and on 9 Aug. 1535 gave a charter therof to the laird of Barnbarroch; same witnesses with the addition of Henry McCulloch in *lie* Mariport.

of the said Archibald spulzied from the vill of Auchinmantle. And Archibald having given oath that he had not assigned the money and effects to any one, the earl sets to him in feu during his life the $2\frac{1}{2}$ merkland of Auchinmantle, paying yearly 5 merks scots and service to the crown, for which service Archibald grants letters of homage. Moreover the earl delivers to him 20 cows which James Dun had on the said lands. Witnesses : Andrew Agnew sheriff of Wigtoun, Fergus Macdowal of Freuch and David Blair of Adamtoun.

Cassillis Charters, No. 333

No. 262

1535, August 9. Charter by Malcolm McKie of Crachlew and lord of the lands of Blairschynnach to William Bailzie in Dunregat, of his 4 merkland of Blairschynnach in the parish of Longcastell, for a sum of money paid to Malcolm in his necessity, to be held of the crown rendering service due and wont. At Glenluce. Witnesses : Walter abbot of Glenluce, Mr. John Muirheid rector of Stenekir, Alexander Muirheid, John Bailzie, John Mure, Andrew Gray and David Wryt N.P.¹ No tag or seal.

Myrtoun Charters

No. 263

1536, March 27. John Nelesoun son of the deceased Hew Nelesoun of Cragcaffy and grandson to the deceased Nele Nelesoun of Cragcaffy v. Effrik Malcolm daughter and heir to the deceased Norman Malcolm and Andrew McCrekan now her spouse, anent a tenement in Innermessan on the east side of the street of the same betwixt the lands of Cragcaffy called McCrownys lands on the north, the lands of Thomas Gibbsoun on the south and the passage of the foregait on the west, annalit by the said deceased Hew Nelesoun to the said deceased Norman ; and also v. the said Andro McCracken as nevo heir and successor to the deceased schir John McRakin and now possessor and heritor of another tenement of the same betwixt the lands of Thomas McDowell on the south and the lands called McBrydes on the west and the passage of the hiegait on the east, annalit by the said deceased Hew to the said deceased schir John ; and also v. John McCulloch now spouse of the said Effrik,—for annulment. The lords annul the infeftment

¹ Sasine at the hand of Andrew Quhit followed on 8 Nov. on precept directed to John Bailzie and Michael Makkee of Croscerie, witnessed by Alexander Mellrane, John McMurthene, Stephen Loremar elder and younger.

and alienation made by the said late Hew to the said deceased Norman Malcolm and schir John McRaken because Hew was never entered or sasit therein.

A.D.C. et Sess., vii, f. 168

No. 264

1536, April 8. Instrument of monition at the hand of David McBlayn N.P. narrating that John Cor clerk and servant of an honourable man John Vaus of Barnbarych who had the ward and relief of the lands of Logan and Portnessok, demanded of Fergus McDowell of Frych that the said Fergus should remove from the occupation and bruiking of the lands of Portnessok. Whereupon the said John Cor demanded instruments. Done in the garden of the laird of Frych. Witnesses : Donald Smyt, John McDowell, Gilbert McDowell and Mertin Ashhynane.

Barnbarroch Charters

No. 265

1537, April 24. Feu charter by Henry bishop of Galloway and the chapel royal of Stirling with consent of Ninian prior of Candida Casa and the convent thereof, to Ninian Boyd and his heirs male procreated with Marion Arnot his spouse, of the 40/ lands of Ardquharquhair in the barony of Inch, paying £4.13.4 as feu ferme with duplication at entry. At Quhitherne. Witnesses : Mr. John Wemys, Doms. Herbert Dune and Thomas Foulis commissaries of Kirkeudbright and Wigtoun, Robert Malville rector of Kirkeum, William Craufurde and Andrew Quhyte chaplains and David Wryt notary. Signed by the bishop and Robert Stevinsone, William Telefeir, John Mertyne, William Cranstoun, Ninian Bentoun, Radulphus Persoun, George Stevinsone, Herbert Chotots, Henry Keicht, Alexander Darumpills, John Jonstoun, Andrew Steynsoun, subprior, Ffinlay Perisoun, Ninian Ahannay, Thomas Dowgall, Charles Cusyng.¹ Two seals attached.

Lochnaw Charters

No. 266

1537, June 22. Discharge by William Kirkpatrick to Mr. John Vaus parson of Wigtoun for £5 for the whitsun mail of Cars-

¹ Precept from the bishop had preceded the charter on 7 April to which one fine seal is attached and sasine followed witnessed by John Hendersone in Glenluce, Cuthbert McCarkren in Saulisete, Michael Kyngoure, Patrick McRogart smith, Gilbert McClere in Saulsete and Dom. Andrew McCullen chaplain. The sasine is remarkable for the artistic sign manual of the notary David Wryt.

malzew 1537, assigned to the granter by his Gudmother (unnamed) in part payment of tocher. At Wigtoun. Witnesses: Clement Edzar, Mr. Patrick McCulloch, Alexander Dowglas and Patrick Vaus. Signed by granter.

Barnbarroch Charters

No. 267

1537. November 22. Action by the crown and Patrick McClellane as heir to the deceased Thomas McClellane of Gelstoun his brother *v.* Andro Agnew sheriff of Wigtoun, Richard McKie of Myretoun, John Vaus of Barnbarroch, John Murray of Brochtoun, Alexander McDowall tutor of Gartlane, Thomas McDowell of Mundork, Patrick McDowell of Logan, Blais McGee of Egerness, Mungo Ekkilis of that Ilk, Gavin Murray, Cuthbert Murray, Herbert Murray, William Forster and Odo Ahanny of Knokglas—who were on an inquest that served Fergus McDowell of Freuch as heir to the deceased Gilbert McDowell of Freuch his father in the 10 merklands of Remistoun-McDowell alias Machir-Stewart, Bareness, Drumdoun, Berley, Drongen and Stanchous in the sheriffdom of Wigtoun—Firstly, for unjust service without 15 days proclamation, and that the said Thomas (McClellane) to whom the lands of Remistoun belonged was at the time in ward in the castle of Edinburgh. Yet in spite of the protest of Thomas's procurator the service proceeded finding that the said Gilbert McDowell younger of Freuch, father of the said Fergus, died vested as of fee in the said 10 merkland of Remistoun-McDowell, howbeit in verity the deceased Patrick McDowell (*lege* McClellane) father of the said deceased Thomas and Patrick (McClellanes) died vested in fee of the said lands pertaining to him in property, and the said deceased Thomas by decease of his said late father before the serving of the said brieve impetrate by the said Fergus McDowell is lawfully served and seised in the said lands in fee pertaining to him in property and the said deceased Patrick and Thomas and their predecessors, lairds of Gelstoun had peacefully brukit the lands. Secondly, retouring that the said lands of Remistoun are held of the said late Thomas McClellane of Gelstoun in chief; howbeit the time of the service they pertained to the said deceased Thomas in property and now to the said Patrick his brother, and no document was shewn to the inquest to show that the lands were held of the said Thomas in chief. The lords assoilzes the sheriff and inquest from the petition.

A.D.C. et Sess., ix, f. 30

No. 268

1538, September 20. Testament of the gudes of the deceased Ninian Vaus parishioner of Insche who died intestate, given up by John Vaus his son and heir and executor confirmed by John McCrekane dean of Christianity of Ferne and Rinnis. The confirmation includes John Vaus of Barnbarach as additional executor at the desire of the above John Vaus. There is a brief inventory of stock including 11 cows and a bull. The defunct was owed sums by John Vaus of Barnbarach, the laird of Corswell, Elizabeth McCulloch £4 for the fermes of Chebyrqharane, and Walter Vaus. He owed 40/ to the abbot of Sedes Animarum, 45/ to the parish church of Insche, to George Vaus his grandson (nepos) 40/ and to John Vaus his son 40/.

Barnbarroch Charters

No. 269

1538/9, February 14. Instrument at the hand of William Meldrum N.P. narrating that John Thorntoun prothonotary apostolic, sub dean of Ross, canon of Glasgow and special commissary depute *in hac parte* having papal authority to dispense impediments of marriage granted by Antonius cardinal of the *Quattuor Coronati* and dated at St Peters 4 April in the 4th year of pope Paul III (1538), gave dispensation to John Makke son and heir of Richard Makke of Myrtoun and Margaret Vaus woman of the diocese of Candida Casa who were related in the 4th degree and desired dispensation for marriage. The parties were represented by George Heriot burgess of Edinburgh as procurator for John and Dom. George Richertoun vicar of Kilgoure for Margaret under a procuratory bearing the sign and subscription of Patrick Makeculloch clerk of Candida Casa and notary public. Done in the collegiate church of St Giles of Edinburgh, diocese of St. Andrews. Witnesses: Mr. John Lauder Archdeacon of Teviotdale, John Merschell, John Chalmer and John Robesson laymen. Tag and seal.

Barnbarroch Charters

No. 270

1539, April 16. Letter of reversion by William Bailzie in Dunregat to Malcolm McKie of Craichlaw who had alienated to him the 4 merkland of Arequhassan, obliging himself that when Malcolm redeems the lands by payment of £140 scots on the high altar of the parish church of Glenluce and gave William a tack thereof for 7 years from day of redemption as a rent

of 8 merks, he will resign and renounce the lands to Malcolm or his assignees. Sealed with his seal at Glenluce. Witnesses : John Baillie in Fysgill, Alexander Mure in Innermessan, John Mure servant to the lord of Glenluce, John McBryde in Barnsailzie, John McCrekane in the Craig, John McBryde in Barlun, schir William Baillie chaplain and dene Sampson Cunynghame monk in Glenluce.

Monreith Charters

No. 271

1539, April 28. Instrument narrating that Henry McCulloch in Float appeared in the baron court of Leswalt held at Corry in Balker being cited by precept of Gilbert earl of Cassillis for violently deforcing Gilbert Macmichen the earl's officer in executing a precept directed to him upon the said Henry for the taking of certain goods and sums, as more fully contained therein. And after reading the precept Henry McCulloch having by advice of his friends come to the earl's will, the earl declared that he should remove his goods movable and immovable furth of the lands of Float. Whereupon the earl took instruments. At Corry in Balker. Witnesses : sir Andrew Agnew sheriff of Wigtoun, Fergus Macdowal of Freuch, John Macdowal of Garthland, John Kennedy in Larg and Andrew Philipson.

Cassillis Charters, No. 365

No. 272

1539, July 7. Contract of Marriage betwixt Patrick Dunbar of Craloch and Katherine Baillie daughter liberal of William Baillie in Dunraggit. Patrick is to infest Katherine and their heirs male in the 40d lands of Cralaich with its tower (turre manerio) in the barony of Mochrum. And when Patrick receives sasine from John Dunbar of Mochrum his overlord in the 5 merkland of Arequhoillart and its myln he is to infest Katherine therein in liferent, she renouncing the liferent of Cralaich. Tocher 250 merks. William Baillie agrees to maintain the spouses with him for the first year. At Dunraggit. Witnesses : John Baillie of Fishgill, Edward Story in Caskroach, schir William Baillze chaplain, Mr. David Forman chaplain and notary and Mr. David Wryt notary public who signs for both William and Patrick.¹

Barnbarroch Charters

¹ On the same day Patrick gave Katherine a charter of Craloch. Witnesses : John Dunbar, Gilbert McNaldi, John Baylze son of William Baylze fisherman, David Wrycht and Mr. David Forman N.P.s.

No. 273

1539/40, February 28. Instrument at the hand of Mr. William Meldrum N.P. narrating process of confirmation whereby Walter abbot of Glenluce and Patrick Arnot archdeacon of Candida Casa as judges and commissaries delegate together with the (unnamed) abbot of Saulset, proceeding upon a papal commission dated 23 Oct. 1539 issued by Antonius presbyter cardinal of the *Quattuor Coronati*, confirmed the feu granted by Henry bishop of Candida Casa to Ninian Boyd and his spouse of the 40/ lands of Ardquharquhat, after citation of John McCulloch and Gilbert McCrekane officers of the bishop, Patrick McYlhaffy, John alias Jenkyn Cauldwell and Michael Robysone to bear testimony. Witnesses : Dom. John Lermonth rector of Torrens. John Stirk, Thomas Story and Alexander Balfour chaplains.

Endorsed 20 March 1539/40 with execution of citation by Andrew Quhyte chaplain upon bishop Henry, the prior and convent, to appear on 16 April before the said judges. Witnesses : Thomas McDowell, Thomas Kennedy and Dom. Alexander McYlwyene chaplain. And on the said other parties. Witnesses : Fynlaus Jamesone, John McCrere, John Henrison, James Boyd and John Boyd.¹

Lochnaw Charters

No. 274

1540, November 1. Instrument at the hand of Robert Murray N.P., narrating that John McChonill, John McKynnan and Alexander Carsane, parishioners of Kirkmadryne in Fernes, compeared before Mr. David Abercrommy, official general of Galloway and parson of Rampatrick, who enquired of them what goods Blaise McGhe of Eggernes had in the lands of Eggirnes when William McGhe of Balmaghe came with a king's messenger to apprise for a certain sum of money which he alleged to be due to Beatrice McGhe, his sister, of the third part of the lands of Eggirnes. They deponed that the said Blaise had the following goods on the lands at that time, viz. 200 bolls of oats, 80 bolls of bear, 10 score sheep, 2 cows, 2 young oxen and a mare, which he offered as his own to be appraised ; but

¹ On 16 April 1540 the confirmation was transumed in the parish church of Wigtoun, Dom. John McCrekane vicar of Sorby acting as procurator for the bishop. Witnesses : Mr. John Vause rector of Wigtoun, Thomas Foulis commissary of Fernis and Rynnes, David Monypenny, David Wemys, John Ahanny of Capynoch, John Ahanny burgess of Wigtoun, John Sandis, Andro Quhyte chaplain, John Mure and Mr. Alexander Simerless notaries. Two seals in good order are attached.

they went instead to the horses harrowing the said lands of Eggirnes and took away from the harrows nine horses and a mare with their halters. And although the said Blaise asked them to leave the horses until he had sent to his wife at his mansion of Irsek to get the sum of money required by them, they led the horses away. And the said persons acknowledged that they were witnesses to the above. Whereupon Alexander Adair, burgess of Whithorn, asked instruments in name of the said Blaise. Done in the official's chamber in the burgh of Whithorn. Witnesses: Duncan McGoun, John McDowell, Thomas Murhed, Alexander Cusing, John Dun and Nichol Murray, burgesses of Whithorn. *Galloway Charters*

No. 275

1540/1, January 27. Action at the instance of John McDowell of Garthland V. Margaret Dunbar of Clugstoun and Alexander Stewart of Garlies now her spouse. When she was contracted to marry Uchtred McDowell brother to the said John, it was agreed to obtain dispensation; they did not abide by the agreement and never got the dispensation and were therefore not legally married. On Uchtred's death Margaret did not claim her terce from the lands of Garthland which John has broukit. She has now married Alexander Stewart and claimed to have been served in reasonable terce and issued letters charging the sheriff to ken her terce. Her alleged extract of service from the court books of Wigtoun is forged. Continued to 8 March. *A.D.C. et Sess., xiv, f. 116^v*

No. 275a

Anent the contract of marriage between Margaret Dunbar of Clugstoun and the deceased Uchtred McDowell of Garthland brother to John McDowell now of Garthland in spite of impediment for which dispensation was to be, but never was, obtained and therefore there never was lawful marriage. After Uchtred's death Margaret for long suffered John to bruik the lands of Garthland not claiming right to any terce. She now claimed terce as lawful spouse of Uchtred and charged the sheriff of Wigtoun to ken her to her third and produced extract from the sheriff court books of her service which was false and forged. Decreet for Margaret. *A.D.C. et Sess., xv, f. 20*

No. 276

1541, May 9. Instrument at the hand of Alexander Makylweny narrating that Malcolm prior of Candida Casa sede vacante

directed a precept to Dom. John McCrekan dean of Farnis and Renns to institute Dom. James McCallan presbyter of Candida Casa to the office of Vicar pensioner of the parish church of Kyrkcum vacant by the death of Dom. Herbert Jonstoune presbyter of Glasgow and last vicar pensioner. At Candida Casa. Witnesses : Mr. David Abercrommy official of Candida Casa, William Carnis of Orchartoun younger, Archibald Stewart of [], John Broun and Nicholas McCay. Tag and good seal.

B.M.Add.Ch., 63994

No. 277

1541, July 7. Instrument at the hand of David Cristison canon or prebendary of St. Mary the Virgin at Lincluden and of the apostolic penitentiary commissary depute *in hac parte* acting under the authority to grant dispensations of Antonius [Pucius bishop of Pistoia] cardinal titular of the church of the *Quattuor Coronati* at Rome, gave dispensation for the marriage of Charles McDowell layman and Alicia Maxwell of the same diocese who desired to be married but were related in the 3rd and 4th degree of consanguinity and had applied for dispensation through John Vause their procurator ; narrating also that George Cuik canon of Dunkeld had petitioned the pope that in Scotland and its Isles marriages between friends should be allowed for composing bloodshed and dissension between kinsmen, but as they are often hindered by consanguinity Cuik had petitioned that he should have a faculty to grant dispensations. The said George Cuik had delegated his powers to David Cristison. Witnesses : John Vance of Barnbarach, Peter Smyth, William Banatyne and John Auchinlek.

Logan Charters

No. 278

1541, July 20. Charter by Robert lord Maxwell baron of the barony of Tynwald and of the lands of Murreif, in favour of William Maxwell of Blairboy in liferent and of Margaret Maxwell and Mr. Herbert Maxwell her future spouse conjointly and to the heirs of their bodies with remainder to Margaret's nearest heirs, of his lands of Murreif with its mylns etc. extending to a £20 land in the shire of Wigtoun, formerly belonging in heritage to the said Margaret and her sister Elizabeth and resigned by them in favour of the said lord, to be held by service of ward, relief and marriage and 3 suits at the granter's head baron court at Caerlaverock. Sealed at Dumfries. Witnesses : Robert Maxwell and John Maxwell ' my sons ', John Maxwell

of Kowhill, John Douglas, George Maxwell burgess of Dumfries, John Kirkpatrick, Doms. John Turnor rector of Annan and official of Dumfries and David Makgee clerk.¹ Signed by granter. Tag and seal missing.

Monreith Charters

No. 279

1541, July 27. Charter by Walter lord St. John, preceptor of Torphichen, in favour of Margaret McCulloch lady of Mertoun and her heirs of 2 acres of templelands in the barony of Mertoun lying between the lands of Lanrig and the lands of Duntrodane, which had been held by Margaret and her predecessors who had lost the evidents necessitating new infeftment. To be held in feu of the preceptors of Torphichen paying 2/ scots yearly with service in our courts. Signed and sealed at Edinburgh. Witnesses : Andrew Lyndesay, Alexander Veddall, Robert Robert-sone and James Collison.² Signed W. lord Sanct John. Tag and seal missing.

Monreith Charters

No. 280

1541/2, March 20. Anent the letters purchased at the instance of Gothray McCulloch of Ardwell against Fergus McDowale of the Freucht and John Cochrane narrating that on 6 Feb. last the said John Cochrane as sheriff in that part constituted by letters purchased by Fergus charged the said Gothray to deliver up Gilpatrick Nile Irchman (Gilpatrick Neil, Irishman) to the sheriff of Wigtoun within 48 hours or failing that, to deliver him to the justice within 10 days under pain of rebellion and horn-ing; that Cochrane would not 'red or show' the said letters to Gothray nor deliver to him a copy thereof, whereby it appears that the same are purchased without cognition in the cause, the said Gothray never being called thereto for his interest, and that they are 'unordourly procedit' considering that Gilpatrick was never taken by him; And anent the charge given to the said Fergus and John Cochrane to produce the said letters to be seen and considered,—Gothray being personally present but Fergus and John not compearing, the lords suspend the letters

¹ On 20 Aug. Henry Maxwell, brother to lord Maxwell, as bailie infett Blairboy for life and the spouses in fee in the lands. Witnesses : William Adunyll, Thomas Parker, William McKynna, John Gluar, Thomas Thom-soun, Henry Mundwell and Robert Turnor. A notarial certificate of Marriage of Margaret and Herbert was dated 31 Jan. 1541/2 (*Monreith Charters*).

² Sasine on 4 Nov. by William Carnis lord of Orchardtoun as bailie shows that the croft was called 'croft of St. John'. Witnesses: James Hamilton, Arsald (*sic*) McCulloch and John McBlain *cliente*.

purchased by the said Fergus McDowale and decern their effect to cease in time to come till they be produced.

A.D.C. et Sess., xviii, f. 142

No. 281

1542, May 23. Reversion by Alexander Ahannay burgess of Wigtoun to Blays Makgee of Eggernes undertaking that when Blays shall redeem by payment of £296.6s.8d upon the high altar of the kirk of Wigtoun, Alexander will renounce a 3 merkland of the 10 merkland of Eggernes. At Wigtoun. Witnesses: schir John McCrekane N.P., John McBlane, Alexander Adayre N.P., Michael McCrekane and Adam Ahannay. Signed for the granter by schir Michael McCrekane.

Galloway Charters

No. 282

1542, August 9. Instrument of sasine at the hand of John McCrekane N.P. narrating that Roger Gordoun in the parish of Kirkewan (Kirkcowan) as bailie on precept from William Gordoun of Crachlew dated at Edinburgh 15 July 1540 and witnessed by Roger Gordoun, Ninian Edzar of Crequhan, John Dalzell, Thomas Lamb, Andrew Mertein and Mr. William Kene notary, infeft Alexander Gordoun second son of the said William in the 2½ merkland of Barquhill in the barony of Clugstoun, held of Margaret Dunbar lady of Clugstoun, reserving to William Gordoun the liferent thereof. Witnesses: George McDowell, Patrick Makkee, John McMertein, John Maklevenys and Gilbert McGledere.¹

Galloway Charters

No. 283

1542, October 23. Crown precept under the quarter seal directed to Patrick Ahannay of Sorby and [] Dunbar of Mochrum as sheriffs *in hac parte* to infeft Alexander Stewart of Garroles in liferent and Alexander Stewart his son and heir apparent in fee and his heirs male, in the lands and baronies of Glasserton and Clugstoun in the sheriffdom of Wigtoun and in the baronies of Dalswinton and Conhaith with the advocacy

¹ This grant was confirmed by Alexander Stewart younger of Garroleis as lord of the fee of Clugstoun on 29 June 1544. Witnesses: Patrick Hannay of Sorbie, Walter Stewart of Barclay, Adam Mure, Dom. Walter Stewart rector of Mynto and Roger Gordoun. Signed by the granter and both his parents.

of the rectory of Kirkmahoe in the sheriffdom of Dumfries and the superiority of the lands of Ormistoun in the sheriffdom of Peebles and in a $\frac{1}{2}$ merks worth of the lands of Mynto and the advocation of the rectory of Mynto in the sheriffdom of Roxburgh,—all belonging to the said Alexander in heridity except the said barony of Clugstoun which belonged to Margaret Dunbar his wife and which the said spouses resigned into the hands of the crown as immediate superior, and erecting all the said lands into a free barony called Dalswinton with single sasine at the fortalice of Dalswinton for all the said lands ; reserving to the said Margaret liferent of the lands of Clugstoun and reasonable terce out of the other lands. Tag, no seal.

Galloway Charters

No. 284

1542, October 29. Instrument at the hand of John McCrekane N.P. narrating that Margaret Dunbar lady of Clugstoun and spouse of Alexander Stewart of Garleis, shortly after giving birth lying on a certain bed in her chamber of Garleis (*paulo post ipsius partum jacens in quodam lecto in sua camera*) had been intimated of a procuratory or mandate sent to her under his seal of arms by the said Alexander requiring her without delay to constitute Patrick Ahanna of Sorby and Mr John Stewart as procurators to appear before king James V and resign her lands of Clugstoun into the hands of the crown as superior in favour of the said Alexander and herself and their heirs male whom failing the heirs of Alexander 'whatsumever'. Nevertheless Margaret refused to sign and seal a part of the procuratory viz.—'falzeand of ye ars male gottin or to be gott'n betwixt the said Alexander and me, the same lands of Clugstoun to return to my said ayrs whatsumever and not to ye ayrs of the said Alexander gottin uyerwyss nor betwixt him and me, protestand that my said procuratory signed and selit with my hand hurt me nor my ayrs whatsumever farder nor I haf consentit and is abone expremitt notwithstanding of largear mentioun maid in itself'. The subscription of the procuratory was with a view to the infetment promised to her by her spouse in liferent of the 5 merklands of Challachblewin and the 5 merklands of Climadde in the barony of Glassertoun and that she faithfully hoped in her said beloved spouse that he would obtain her infetment in those lands. Witnesses : Dom. Walter Stewart rector of Mynto, Mr. John Stewart son of Walter Stewart of Barelye, Dom. Alexander McCollo chaplain and N.P., John Herreoth and Allan Piper.

Galloway Charters

No. 285

1542/3, February 21. Instrument of sasine at the hand of Alexander Bowok N.P. narrating that Finlay Makmakine laird of one of the crofts called St Johns Croft in the parish of Kirk-madin in Rynnis, infest John Gordon of Auchinroch in the said croft. Witnesses: Alexander Lewnex, Thomas Chalmers and Andrew Stewart. Endorsed (John Gordons sasine in McMylannis croft).

Logan Charters

No. 286

1542/3, March 12. Obligation by John Hannaye of Capanoch to his special friend John Vaus of Barnbarroch who had paid him 40 merks scots, to infest Vaus in a merkland of Slewhyrbyrth within 15 days on Vaus making him a sufficient letter of reversion. Witnesses: John McKe of Myrtoun, Patrick Mure of Carnfeild, John Pirie and John Vaus.¹ Signed by granter.

Barnbarroch Charters

No. 287

1543, May 31. Charter by Walter lord St. John preceptor of Torphichen to Patrick Makmichen of the temple croft called Croft Grier lying adjacent to the church of Inch on the resignation of Borgil Makmichen to be held of the said preceptor, paying 6d scots. At Edinburgh. Witnesses: Henry Polwarts and John Swinton notary.²

Cassillis Charters, No. 444

No. 288

1543, July 30. Precept of C.C. by Andrew Bishop of Candida Casa and of the Chapel Royal of Stirling directed to his bailies of Regality, to infest Patrick Makmykane as heir to his father the deceased John Makmykane in a tenement in the Burgh of Innermessen on the west of the common road thereof, between

¹ Three days later Vaus was infest, the lands being in Kirkyunner. Witnesses: John Vaus elder, Partick Vaus, Walter Vaus, Mathew McMurche and Patrick Mure of Carnfeild. With unexpected promptitude Hannay repaid on 30 May 1544 (amount stated—£40); Witnesses: schir Gilbert McGuffok, schir Nicoll McGarwe and Mr. Patrick McCulloch notary.

² Sasine followed on 18 June. Witnesses: schir John Hathorn chaplain, John Neilson and Gilbert Makgibbon (*ibid.*, 446). On 20 July 1578 the superior issued precept to infest John Makmichen as heir to his father Patrick (*ibid.*, 863). In October 1599 John Makmichen in Markgoun resigned the croft in favour of the Earl of Cassillis (*ibid.*, 1096).

the lands of John Makdowell of Mundock on the south and the lands of Uchtred McDowell on the north sides; also in a foreland (*terre anteriori*) between the lands of the laird of Corswell on the north and the lands of Andrew Makcrekane on the south; also in another piece of land called lie Camrod within the burgh between the common road on the east and the sea shore on the west; also in a piece of land within the liberties of the said burgh lying in the Horsfeild between our lands (*terras nostras*) on the east, west, south and north; and in another piece in the Horsfeild between our lands on the south and the lands of Uchtred Makdowell on the north; also in 2 acres within the said burgh called Kincanzeraucht and Lagrobyne. Sealed at Edinburgh. No witnesses. Tag and seal.
Dalquharrane Writs, No. 6

No. 289

1544, August 18. Charter by Alexander Stewart lord fiar of the barony of Clugstoun with consent of Alexander Stewart of Garoless, my father, lord liferenter of that barony and of Archibald Stewart in Greinlaw 'my tutors' and with consent of Margaret Dunbar 'my mother' in favour of James McDowell brother german of the deceased Patrick McDowell of Dirzegill his heirs and assignees, of the lands of Dirzegill, Ballard and Crevox extending to a 12 merkland in the barony of Clugstoun and parish of Kirkinner, the mansion and mill of Dirzegill and the fishings in the water of Baldinock, rendering common suits at our head court of the barony. At Wigtoun. Witnesses: Dom. John McCrekane vicar of Sorbie, Patrick McKee of Larg, Patrick Hannay of Sorbie, Walter Stewart of Barchly, Robert Aschennane and Michael McCrekane notaries.¹ Signed by the granter, his mother and tutors. Three seals in good condition, a fourth missing.

Logan Charters

No. 290

1544, October 16. Contract between Alexander Stewart of Garles on the one part and William Maxwell of Tinwald on the other part whereby William makes a letter of bailiary to Robert Maxwell son to the deceased Henry Maxwell and to the said Alexander till the said Robert be of perfect age, for 5 years with the same freedoms, rights and crofts as Henry had when he died, except the profits of the meal of the $\frac{1}{2}$ merkland of Barmeill which William has given to Herbert Maxwell his son.

¹ The precept of same date is directed to Gilbert McKie in Beith and John Neilsone.

For which Alexander causes to be paid to William and his servants the profits of William's lands of Murethe and shall send a servant with a servant of William to gather the mails and profits and send them to Broughtoun to be delivered to William, the tenants of William riding with Alexander when he requires them in all lawful errands, reserving their service to William. Witnesses : John Vaus of Bairinbarrach, Patrick Hannay of Sorbie and schir George Rychertsoun. Signed by both parties.
Barnbarroch Charters

No. 291

1544/5, January 7. Instrument of transumpt at the hand of Michael McCrekane N.P. narrating that Mr. Gilbert McCrekane as prolocutor of Charles McDowell of Logan in presence of John McCrekane vicar of Sorbie, commissary and dean of Christianity of Farnes and Rennys, presented for transumption a protocol written by schir James Halthone chaplain and subscribed by the deceased schir Thomas McGeith N.P. as follows—

1534, July 22. Instrument of sasine narrating that Gilbert Agnew as bailie for Andrew Agnew sheriff of Wigtoun on crown precept reciting letter of attorney from chancery in favour of Quentin McDowell and Gilbert McDowall dated at Edinburgh 9 June 1534, infest the said Gilbert McDowell as attorney of Charles McDowell of Logane as son and heir of the deceased Patrick McDowell of Logan in the 2½ merklands of Portiniscraig which lands had been in the hands of the crown for 5 years before 10 Feb. 1533/4 by reason of ward. Witnesses : Henry McDowell, Andrew Agnew, Henry McDowell of Knokcross, William Mundwal and John McRegter.

Done in the choir of the parish church of Stenaker. Witnesses : Mr. John Murheid parson of Stennaker, schir Andrew Quhit notary, Andrew McCulloch, Finlay McCulloch and Gilbert McDowal.
Logan Charters

No. 292

1545, May 22. Instrument of sasine at the hand of Nicholas Murray N.P. narrating that Andrew Agnew sheriff of Wigtoun on precept from chancery infest [Ninian Carnis] as attorney of James Muir of Brouchgerg as heir to his grandfather the deceased James Muir of Brouchgerg in the 5 merklands of Brouchgerg and its myln in the sheriffdom of Wigtoun. Witnesses : Dom. Patrick Bard chaplain, Andrew McMurre, Robert Campbell, William McConnyll and Finlay McFadzean.
Lochnaw Charters

No. 293

1545, June 14. Instrument at the hand of John McCrekane N.P. narrating that a young man Patrick Waus, son of John Waus of Barneberach and perpetual rector of the parish church of Wigtoun, appeared with letters or bulls of provision by the Archbishop of St. Andrews as *legatus natus* dated 9 June 1545 in his favour, directed to the said notary, vicar of Sorbe, who gave to the said Patrick corporeal possession of the said rectory, vacant by resignation of Dom. John Vaus last rector and possessor thereof. Done in the said church and manse of Wigtoun. Witnesses: John Waus of Barneberach, Dom. John McBlayne vicar of Glasserton, Mr. Patrick McCullach vicar pensionary of Wigtoun, Dom. Blasius Waus chaplain, Dom. Robert Logane chaplain and Quintin Makgowin.

Galloway Charters

No. 294

1545, November 4. Indenture betwixt John McDowell of Garochlen and Fergus McDowell of Freach. Fergus assigns to John half of the ward and nonentry maills of the lands of Logane since the decease of Patrick McDowell of Logane 'gudcher' to Charles McDowell of Logane conform to letter of gift under the privy seal made to Fergus and his heirs. And both parties agree not to assign or dispoise either half of the said ward to anyone else. And John agrees to pay Fergus half of the expense of the plea before the Lords of C. and S. providing that after the plea be recovered it shall be lawful for either of the parties to dispoise of their half. Witnesses: Thomas McDowell of Mundork, Gilbert McDowell, Gilbert McCrystine, John Neilsoune and schir James Halthorn. Signed by Garthland.

Barnbarroch Charters

No. 295

1545, December 15. Precept directed to John Neilsoun as sheriff *in hac parte* to summon Andrew Agnew sheriff principal of Wigtoun, Andrew Agnew his depute, Patrick Dunbar of Loch, Alexander Makcullo of Killessar, Thomas Makdowell of Mundork, Patrick Ahannay of Sorby, William Gordoun of Crechlew, John Makdowell of Garochlen, Henry Makdowell of Knockros, William [A]Dayr of Kinheld, William Carnis of Orchartoun, John Makcristin of Clonch, Patrick Dunbar of Cralach, Andrew Fullertoun of Carlstoun, John Achenane of Park, John McKee and James Maxwell, for their manifest and wilful error on an inquest of 2 Nov. 1543 which served Charles Makdowell as heir to his father, the deceased Patrick Makdowell

of Logane, in the $2\frac{1}{2}$ merkland of Vazelane alias Logane, the 5 merkland of Kirkbryde, the 4 merkland of Garrouch, the 20/ lande of Grenane, the 16/ lands of Park Logane the 4 merkland of Auchnes, the $\frac{1}{2}$ merkland of Kilumquhy, the $2\frac{1}{2}$ merkland of Avazelane-McKelle, the $2\frac{1}{2}$ merkland of Kilumquhay-Agnew, the 20/ lands of Grenane, the 3 merklands of Kilstay and the $7\frac{1}{2}$ merkland of Elrig, Ballgown and Myroch. They had stated that the said Patrick died last vested and seised in these lands, whereas in fact at the time of Patrick's death about 16 years ago and for many years previously other persons were vested and seised in certain of these lands in property, holding of the said deceased Patrick and his predecessors in chief, Viz. the $7\frac{1}{2}$ merkland of Elrig, Ballgown and Myroch by John Madkowell of Garthland, Uchtred his brother and [] Makdowell of Garthland their father; the 4 merkland of Kilstay by the deceased John McCulloch of Kilstay and his predecessors; the $2\frac{1}{2}$ merkland of Kilumquhy-Agnew and the 20/ lands of Grenane by the deceased Ninian Agnew and his predecessors and the $2\frac{1}{2}$ merkland of Avazellane-McKelle by John Aschenane and his predecessors; and therefore the persons of inquest had erred in retouring that the said Patrick died vested and seised in these lands, as it were in property. Endorsed with execution upon the parties on 4, 5 and 6 Feb. 1545/46. Witnesses: Thomas Kynny, James Broun, Florence Lieche, Michael McClery, Gilbert McDowell, John McDowell and schir John Stowpe chaplain.¹

Logan Charters

No. 296

1546, May 11. Andro bishop of Galloway *v.* Gilbert earl of Cassillis. The bishop had the barony of Inche with its manor place and fortalice standing in a loch as part of the property of the bishopric, yet the earl had entered the fortalice and strength without any title and withheld it from the bishop. Mr. Thomas McCalzeane for the earl alleged that the deceased Henry bishop of Galloway granted the said Place of Inch as a habitation to the earl who was in possession till the bishop died. Decreet for pursuer.

A.D.C. et Sess., xix, f. 120

No. 297

1546, June 27. Letter of reversion by John Vaus of Barnbarrach to Edward Mure of Carnfeild that when paid £200 scots

¹ On 20 May Charles McDowell had obtained a great seal charter of his lands (*R.M.S.*, 1513/45-3112) sasine following on 21 July. Witnesses: Andrew Agnew of Kyllumquha, Cuthbert Heuchane, Donald McClellane, Quintin McDowell, Fergus McCauss and William Adair.

on the high altar of St Michael's kirk of Longcastill he will renounce to Edward the 4 merklands of Culgare. At kirkhous of Longcastill.¹ Witnesses: Andro McClellan, Andro Acarsan and Patrick Mure. Signed by granter. Tag no seal.

Barnbarroch Charters

No. 298

1546, July 12. Charter by Margaret Maxwell lady of Murreiff in favour of her eldest lawful son John Maxwell and the lawful heirs of his body, whom failing to Edward Maxwell son and heir apparent of Edward Maxwell of Tinwald and his heirs, of all her lands of Murreiff with its mill extending to a £20 land in the sheriffdom of Wigtoun to be held of Robert lord Maxwell in feu by service of ward, relief and marriage with 3 suits at the baron court of Caerlaverock, reserving liferent to the said Margaret. Sealed with her seal at Tinwald. Witnesses: Edward Carlile in Butill, John Carlile his brother, George Maxwell, Mr. John Moscrop and David McGee notaries who sign for Margaret. Tag and seal in good condition.

Monreith Charters

No. 299

1547, March 24. Andro bishop of Galloway showed that the said bishopric owed a certain contribution yearly to the seat of Session and therefore assigned to them the parsonage of Stanykirk for the yearly payment to them of £22, 8/ which whole benefice yearly gives 80 merks scots.

A.D.C. et Sess., xxviii, f. 83v

No. 300

1546/7, March 25. Letters by David archbishop of St. Andrews, primate of Scotland and papal legate, titular presbyter of St Stephens in Celio Monte, cardinal, addressed to the [bishop of Candi]da Casa or his vicar spiritual or official general, to give dispensation to James Makeculloch layman of the diocese of Candida Casa and Margaret Waus woman of the same diocese who wished to be married though in the 4th degree of consanguinity. 8 Kalends of April. Sealed at St. Andrews. Cord and fragment of metal seal cover.

Barnbarroch Charters

¹ The kirkhouse of Longcastell at that date was occupied by Dom. John Smyt vicar of Longcastell.

No. 301

1547, June 1. Instrument at the hand of Patrick McCulloch N.P. narrating that John Prestone of his own free will went to the 4 merkland of Barveranoch and there put out his own goods, geir, sheep and ky and left the lands void and red to be occupied by John Vaus of Barinbarach and his tenants at the said John Vaus's pleasure. Witnesses : Patrick Mure of Carnfeild, David Haltorne, John Pere, [] Ninian Levingstoun and Henry McMertein.

Barnbarroch Charters

No. 302

15[47, July] 26. Instrument at the hand of Patrick McCulloch N.P. narrating that John Vaus rector of Wigtoun of his own free will made John Vaus of Barnbarrach and his heirs his assignee of the 5 merkland of Barvannan and its myln commonly called the myln of Penynghame lying in that barony, to be held as freely as by the granter of Henry bishop of Candida Casa ; whereon Dom. John McBlayne vicar of Glasserton in name of the said rector demanded instruments. Witnesses : the said Dom. John McBlayne, David Haltorne in Areis, Archibald Underwod, Patrick Mure of Carnfield, Walter Waus in Slew-hirbyrt, John Pere, John Cor and the said notary.¹

Barnbarroch Charters

No. 303

1547, September 8. Testamentary instrument at the hand of Gavin Walker N.P. narrating that Patrick Dunbar of Craichloch freely ordained Patrick Dunbar his son and Katharine Balze his spouse as his executors to whom he referred the valuation of his goods at their disposal, Item he leaves to Mariota Dunbar daughter to Mr John Dunbar 20 merks scots from the fermes of his lands when she is contracted in marriage, whom failing to his son Patrick Dunbar. Item to Ninian Dunbar his bastard son £10 scots furth of his lands of Camquherd whom failing to his son Patrick. Item, to the said Katherine Balze the profits of his lands of Camquherd for life. He appoints the laird of Bombie and William McClennan of Nuntoun tutors testamentars to his son Patrick with the said William as chief

¹ The date of the above is taken from the endorsation of a very decayed duplicate in the Galloway Charters. John Vaus of Barnbarroch fell at Pinkie in 1547 and rector John Vaus resigned the rectory on 15 Aug. 1545.

governor. Done within the church of the Blessed Virgin Mary of Loreto at Mussilbrut. Witnesses : Dom. John Andersoun chaplain, Mr. Nicolas Crawford, James Crawford and William Baptye sergant of the said Burgh.¹

Barnbarroch Charters

No. 304

1547/8, Jan. 5. Instrument of sasine at the hand of Nicholas Murray N.P. narrating that Gilbert Agnew as sheriff *in hac parte* on crown precept dated at Edin. 20 Dec. 1547, infest Patrick Agnew as son and heir of the deceased Andrew Agnew sheriff of Wigtoun who died 'under our banner at Pinkiecleuct' on 10 Sept. last, in the 5 merklands of Lochnaw, the 5 merklands of Salquharrie and the 2½ merklands of Dundunine. The sheriff was to take security for £12.13.4. for fermes in the hands of the crown for non-entry and £25.6.8. for relief. Witnesses : Andrew Agnew burgess of Quhitherne, Robert Palmair, James McCulloch and Fergus Makmayken.

Lochnaw Charters

No. 305

1548, April 12. Letter of Tack at the hand of Dom. Andrew Ahannay N.P. by Marion Campbell lady of Garthlone confirming a tack made by her late husband John McDowell laird of Garthlone with her consent to Schir Neill McDowall, of the merkland of Downbay in the barony of Garthlone and parish of Inch, for 5 years from his entry at Whitsunday 1547 ; binding herself that the said Schir Neil, his heirs and assignees, shall have the said lands for all the days of her life, paying therefore the 'thre mails', and remitting all other dues and services. At Garthlone. Witnesses : Nevin McIlwechaige, Michael Gudaill, John McCunnill and Schir Andro Ahannay, chaplain.

Reg. House Charters, No. 1433A

No. 306

1548, April 26. Letters of remission by Mary queen of scots with consent of James earl of Arran as Governor of the realm, in favour of Alexander Stewart of Garrules and Richard McKie of Myretoun for remaining in England and intercommuning with the enemies of the realm. At Edin. No tag or seal.

Galloway Charters

¹ Patrick Dunbar of Crailoch died of wounds after the battle of Pinkie.

No. 307

1548, June 13. Instrument of sasine at the hand of Nicolas Murray N.P. narrating that Symon McCulloch son and heir apparent of Margaret McCulloch of Myretoun compeared in presence of Patrick Agnew sheriff of Wigtoun with crown precept directed to John McIlhauch and [] as bailies dated 3 July 1546 to infeft him in the lands and barony of Myretoun with tower etc. which lands belonged to Margaret heritably and had been resigned by her, reserving her liferent. Whereon the sheriff proceeded to the lands of Kilasser and Ardwell extending to a 40 merkland and infeft Symon therein. Done at Kilasser. Witnesses: Alexander McCulloch of Kilasser, John McCulloch son and heir apparent of George McCulloch in Torhous, Andrew Agnew in Kilstay, Andrew McCulloch and Dom. David McBlane chaplain.

Monreith Charters

No. 308

1548, July 27. Instrument of sasine at the hand of Michael McCrekane N.P., narrating that Patrick Agnew, sheriff of Wigtoun, infeft Alexander Vaus, now of Barrinberroch, as son and heir of the deceased John Vaus of Barrinberroch, in the 2½ merkland of Barrinberroch, 5 merkland of Barglas and 2½ merkland of Drumiargane, in the parish of Kirkyunner, following on Crown precept of sasine, dated 7 June 1548, in favour of the said Alexander of the above lands and of the 6 merkland of Bordland and Park of Longcastell and 4 merkland of Culgare, in the parish of Longcastell, the said Alexander being of lawful age in virtue of the Act in favour of the heirs of those who died in the battle of Pinkisleuch; all which lands had been in the Queen's hands for two terms by reason of non-entry; by which precept the sheriff was directed to take security for the payment of £15 for the non-entry duties of Barrinberroch and Barglas and 2 roses as the duplicand of the blench ferm thereof, and £25 for the non-entry duties of Bordland and Park of Longcastell, Culgare and Drumiargane and £25 as the relief thereof. Done at the principal house of Barnberroch, in the hall thereof, in the house of Malcolm Sproit in Barglas and in the house of William McCalwe in Drumiargane. Witnesses: John McKee younger laird of Myrtoun, Archibald McKee, his brother, Archibald McCullach, son of George McCullach of Torhouse, Patrick McCrekan, Patrick Vaus, rector of Wigtoun, Andrew

Agnew, John McMorran, James McCullach and Mr. Patrick McCullach N.P.¹

Barnbarroch Charters

No. 309

1548, September 22. Instrument of sasine at the hand of Michael McCrekane N.P. narrating that Hew Kennedy as sheriff *in hac parte* on crown precept with consent of James earl of Arran governor dated at Edin. 6 Sept., infest Alexander Vaus and Janet Kennedy spouses conjointly in the 6 merkland of Bordland and Park of Longcastell. Done on the grounds of the said lands near the habitation of Michael McMurthre. Witnesses : Dom. John Stoupte chaplain, John Wallace, John Johnstoune and Mathew McMurthre.

Monreith Charters

No. 310

1548, November 10. Instrument of sasine at the hand of Nicholas Murray N.P. narrating that Patrick McCrekane in Seuquhane as depute for Patrick Agnew sheriff of Wigtoun infest Patrick McDowell as heir to his father the deceased Charles McDowell of Logane conform to crown precept, in the 2 merkland of Balzellane-Logane and the $\frac{1}{2}$ merkland thereof, the 5 merklands of Kirkbryde, the $2\frac{1}{2}$ merklands of Portinissak, the 4 merklands of Garroche, the 20/ lands of Grenane, the $\frac{1}{2}$ merkland of Kyllumpha, the 16/ lands of Park, the 4 merklands of Auchneche, the $2\frac{1}{2}$ merklands of Balzellane-Makkelle, the $2\frac{1}{2}$ merkland of Kyllumpha-Agnew, the 20/ lands of Nether Grenane, the 3 merklands of Kilstay and the $7\frac{1}{2}$ merklands of Elrig, Balgoun and Myroch. Witnesses : Godofred Makecullok of Ardwell, Robert Maxwell in Gararie, Uchred Smyt, Dom. James Carsane chaplain, Symon Maxwell and Duncan McCullane.

Logan Charters

No. 311

1548/9, February 20. Instrument of sasine at the hand of Nicholas Murray N.P. narrating that Patrick Agnew sheriff of Wigtoun conform to crown precept dated 28 Jan. 1548/9, infest Finlaw Campbell of Corswell as heir to his father the deceased

¹ On the same day Alexander Vaus was infest in Bordland and Park of Longcastell and Culgare, in terms of the above mentioned precept. Witnesses : Patrick Vaus, rector of Wigtoun, Andrew Agnew, Patrick McCrekane, Patrick McCullach, vicar of Wigtoun notary, and John McMorran (*Barnbarroch Charters*).

Alexander Campbell of Corswell in a 10½ merkland viz. the 3 merklands of Arie, the 3 merklands of Knokbreke and Auchines, the 3 merklands of Balgounne and the 20/ lands of Carnbroke, all in the parish of Kirkcum which had been in the hands of the crown for a year. Witnesses: Alexander Reid in Merkslauch, Andrew Leche and John McTeir.

Galloway Charters

No. 312

1549, June 4. Tack by Patrick McKe of ye Larg after the tenor of a reversion, to Alexander Vaus of Barnbaryach of the 5 merklands of Barzarrok in the parish of Kirkynyr for 3 years paying 10 merks yearly. At Monygoft. Witnesses: Richard McKe of Mertoun, Thomas McKe [] of Blakerage, John Herrone of Keyructhre and schir John McGuffok chaplain and N.P. Signed by granter.

Barnbarroch Charters

No. 313

1549, November 18. Instrument of sasine at the hand of Nigell McDowell N.P. narrating that Thomas McDowell in Dron-gandow tutor testamentar of Patrick McDowell of Logane appeared upon the lands of Logane and of his own free will renounced and resigned his office of tutory in favour of Alexander Stewart of Garleiss and his assignees and appointed him bailie on the said lands to hold courts etc. Done at Skeagnita(?). Witnesses: John Dunbar of Mochrum, Alexander Vaus of Barnbarroch, Walter Stewart of Barchli, Gofred McCulloch of Ardwall and Patrick McCrekane in Seuchane.

Logan Charters

No. 314

1549, December 23. Precept by Patrick Makkee of Larg directed to John Perie as bailie to infett Alexander Vaus of Barnebarocht his heirs and assignees in the 5 merklands of Barnzarrak in the parish of Kirkynner. At Wigtoun. Witnesses: Rinzean McKee brother german to Archibald Makke in Stronord John Halthorn brother to Henry Halthorn in Mekill Areis and Herbert Andersoun vicar of Keltoun.¹ Signed by granter.

Barnbarroch Charters

¹ Sasine followed the same day. Witnesses: Patrick Vaus, John Keith, Patrick Makkynnell and Thomas Makcerrie.

No. 315

1549/50, March 11. Charter of confirmation by Patrick McDowell of Logan as lord superior with consent of Thomas McDowell his tutor, confirming a charter dated 12 June 1549 by Uchtred McDowell of Garthland with consent of Finlay Campbell of Corswell, Alexander McDowell in Kildonane, Quintin McDowell in Ervie and Uchtred McDowell in Kilmauk his curators, in favour of Margaret Kennedy virgin daughter of Hew Kennedy of Girvan Mains for her life, of the £5 lands of Elrig, Myreith and Balgoun and its tower in the lordship of Logan and parish of Kirkmadin in return for money advanced by Kennedy to Uchtred in his necessity. Uchtred's charter was witnessed by John Dunbar [in] Blair, Robert Crauford, George Crauford and Dom. Rankine Davidsoun chaplain and N.P. and sealed with the seals of Uchtred and his curators. At Wigtoun. Witnesses: Walter Stewart of Barchly, William Ahannaye burgess of Wigtoun, Dom. Walter Stewart, John McCulloch in Kirkdail and John Aherroun.¹ Two tags no seals.

Logan Charters

No. 316

1550, January 19. Julius III to William Blair, archdeacon of Whithorn. As William's merits and virtues have been made known to the Pope, it is but fitting that he see they be neither wasted nor unrewarded. Andrew Arnot has just resigned the archdeaconry of C.C. into the pope's hands by means of his procurator John Stanehous, cleric St Andrews diocese, and since the pope accepted, it become *ipso facto* reserved to his collation. The pope now confers on William, but has reserved the whole revenues and fruits (not exceeding £33 sterling) to Andrew who retires. Andrew however is bound to pay a yearly pension of 40 merks scots to William in two annual installments. Andrew has expressly consented to this condition. Nevertheless should he fail in payment, after 30 days from the stated term, he incurs excommunication, and if he remain pertinacious for 6 months he incurs privation of the above reservation.

Reg. Vat., 1781, f. 34

No. 317

1550, July 22. Instrument of sasine at the hand of Nigel Makdowell N.P. narrating that Mr. James McGill burgess of

¹ On the preceding 4 July John Kennedy of Largis had been infest as attorney for Margaret Kennedy in these lands. Witnesses: Thomas Aitkyn, Gilbert Nelesoun, John Hannay, Dom. Cuthbert Adair chaplain and Adam Symontoun N.P.

Edinburgh as commissioner for James lord St. John preceptor of Torphichen, infest Uchtred McDowell of Garthland as son and heir of the deceased John McDowell of Garthland in the crofts of Clyntag and the Blakcroft in the parish of Kirkcum. The precept was directed to Thomas McDowell and John Weyr and was dated 24 April 1549 in presence of James McCartney, Thomas Hoge and Hugh Kennedy of Girvanmains. Witnesses : John McDowell son of Alexander McDowell, Gilbert McDowell alias Blak Gilbert, Adam McKee and Adam Symontoun.

Galloway Charters

No. 318

1550, August 20. Charter by Gilbert earl of Cassillis to his brother Hew Kennedy and his heirs male whom failing to the heirs of the granter without reversion of the 5 merkland of Barquhony occupied by John McKee, to be held of the granter as lord of Leswalt and paying £5 yearly. Sealed at Aire. Witnesses : Quintin abbot of Corsraguel, Mr. Patrick Richart, John Grahame, George Kessane and Henry Prestoun notary.¹ Signed by granter. Tag, no seal.

Barnbarroch Charters

No. 319

1550, December 17. Discharge by schir John McCracken commissary of Wigtoun on behalf of John Durie chamberlain to the bishop of Galloway, to schir Neil Makdowal servitor to the earl of Cassillis for the sum of £86.15.4 due to the said bishop for the churches of Inch and Leswalt. Witnesses : Alexander Mure of Kerse, William Yeaman burgess of Wigtoun and Maurice McCracken.

Cassillis Charters, No. 539

No. 320

1550, December 24. Charter by Quintin Edzeare lord superior of Creichane, in favour of his spouse Katharine Levinax in liferent of his 2½ merkland of Corgye in the parish of Kirkmaiden and sheriffdom of Wigtoun and the 16/8 lands of Carnegarauchs (Carnegatheran partly deleted) held of the crown, reserving liferent to his father Ninian Edzeare. At Edinburgh. Witnesses : Michael Houstoun, Dom. Cuthbert Adair, John Uchiltre, David Lawtie and John Johnstoun notary.

Reg. House vol. of *Miscellaneous Charters*, f. 5

¹ On 27 Aug. sasine followed at the hand of Michael McCracken. Witnesses : Henry Dune, John McKee, Malcolm McKee his father, Robert McCabra and James Aslowane.

No. 321

1550, December 26. Charter by Quintin Edzear lord of the lands of Creichquhane in favour of William Adair of Kinhilt, of all his lands viz. the 5 merklands of Creichquhane, the 5 merklands of Corgye, the $2\frac{1}{2}$ merkland of Cartryne, the $16/8$ land of Muleknok, and the $16/8$ lands of Carnegorauch, lying in the parish of Kirkmadin, in return for a certain sum paid to the granter in his necessity, to be held of the crown, reserving the liferent of Katherine Levinax his spouse. At Edin. Witnesses : Michael Houstoun, Dom. Cuthbert Adair, Andro Adair, John Johnestoun and Thomas McClellane.¹

Reg. House vol. of *Miscellaneous Charters*, f. 5

No. 322

1550/1, February 26. Instrument at the hand of Peter Spens N.P. narrating that Patrick Liddale canon of the cathedral church of Moray and commissary *in hac parte* of Ranutius titular cardinal presbyter of St Angelus conform to papal letters, granted dispensation to Gilbert Makdowell and Agnes Gordoun spouses who were within the 3rd and 4th degrees of consanguinity. Roger Gordoun acted as procurator for Agnes. Witnesses : Mr. William Gordoun dean of Dunblane, Roger Gordoun of Schermes, Paul Rodik of Dabate and Gilbert Barclay.

Lochnaw Charters

No. 323

1550/1, March 16. Instrument of renunciation at the hand of Nicolas Murray N.P. narrating that William Carnis of Orchardtoun having in his hand a letter of reversion given by John Carnis his son to the said William concerning the redemption of the $6\frac{1}{2}$ merklands of Quyltis alienated to John by the said William, and discharged and quitclaimed the said John for ever. At the house of Quyltis (Cultis). Witnesses : Patrick Agnew sheriff of Wigtoun, Gilbert Agnew of Croache and John Broun.

Barnbarroch Charters

¹ The author of *Hereditary Sheriffs*, i, 379, asserts that the name of Adair was originally Edgar. In 1489/90 Uchtred Edgar of Crachane was a witness at Kirkmaiden (*R.M.S.*, 1424/1513-2157). A Ninian Edgar was infest in Creochuan in 1521 (*Ex.R.*, xv, 593) and in 1547/8 Ninian resigned to his son Ninian the above lands (*R.M.S.*, 1546/80-176). In Dec. 1550 the son (here called Quintin) invested his wife Katharine Livenax in Corgy and Cairngarroch reserving life rent to his father Ninian and in the same month parted with the estate to Wm. Adair of Kinhilt (*R.M.S.*, 1546/80-551). But see No. 345, where the second Ninian and Quintin are brothers.

No. 324

1551, July 31. Instrument of redemption at the hand of William Asloane N.P. narrating letters of assignation by Malcolm McKie of Creachlaw and Cristian Dunbar spouses to Hew Kennedy of Barquhony of the right of redemption of the 4 merklands of Camquhare from Patrick Dunbar son and heir of the deceased Patrick Dunbar of Cralach and John Dunbar of Mochrum his tutor, written by Dom. Nigel McDowell and dated 15 May. The said Hew had warned the said Patrick Dunbar to appear in the parish church of Mochrum and receive £100 scots for redemption according to the latter of reversion by Patrick to Malcolm. After counting the money Patrick now declares the lands lawfully redeemed and annuls the precept, instrument of sasine, obligation and letter of reversion and John Dunbar of Mochrum affirms that the deceased Patrick Dunbar of Cralach or Patrick Dunbar now his son and heir made no condition or alienation to any person of the land that might hurt the said Hew. Done in the choir of the said church. Witnesses: Alexander Vaus of Barnbarach, Nicolas Murray, Dom. John McCrekane vicar of Sorbie notaries, Alexander Hanna of Copenach, Alexander McKynna and Patrick Davison.¹

Monreith Charters

No. 325

1551/2, January 12. Charter by Alexander Ahannay of Capanoch to Alexander Vaus of Barnberach and Janet Kennedy spouses and their heirs of his 2½ merkland of Slewhibbert in the parish of Kirkynner for a certain unspecified sum paid by them, to be held of the crown. Witnesses: Mr. Patrick McCulloch vicar of Wigtoun and notary public, John Perie, Thomas Acorre, Archibald McCulloch, Thomas Patersoun and John McCrekane. Michael McCrekane N.P. signs for the granter.²

Barnbarroch Charters

No. 326

1551/2, February 26. Instrument of sasine at the hand of Alexander Adair N.P. narrating that John Broun as bailie of

¹ The assignation by McKie and his wife to Hew Kennedy was dated 20 May at Insche and witnessed by Ninian Boyd of Acchrochyr, William and Quintin Boyds his sons, John Boyd smith and Alexander Adair N.P. who signed for the granters.

² On 12 May sasine was given in the house of Alexander McClure in Slewhibbert. Witnesses: Hew Kennedy brother to said Janet, Thomas Bailzie, John Perie and said Mr. Patrick McCulloch.

William Carnis of Orchardtoun elder on precept dated at Edinburgh 8 Feb. and witnessed by sir John Maxwell of Terreglis, Alexander Stewart of Garroles younger, Dom. John Brice vicar of Dumfries, schir George Richartsoun vicar of Kilgour, John Lokart chaplain and Mr Nicolas Robesone,—infest John Carnis of Quiltis, son of the said William Carnis, and Margaret McCulloch spouses conjointly in an 8/ land of his lands of Glenure called Blairboy, held of the crown. Witnesses : Peter Craik messenger to the queen, Rolland McCaquha and Alexander Thomsoun. (See *R.M.S.*, 1546/80-676.)

Galloway Charters

No. 327

1551/2, March 9. Instrument of transumpt at the hand of Michael McCrekane narrating that John McCrekane vicar of Sorbe, official and dean of Christianity of Farnes and Rennis, at the instance of William Carnis elder laird of Orchardtoun for whom Dom. Robert Logane chaplain was attorney, of a protocol insert in the protocol book of the deceased Mr. Michael Agnew N.P. Sundry witnesses unnamed deponed that the protocol was written by the said Mr Michael Agnew and had not been cancelled nor erased. The protocol was dated at Orchardtoun 8 Dec. 1508 and the substance was as follows—

William Carnis of Orchardtoun presented a precept under the quarter seal to Andrew Carsane as bailie from sir James Dunbar steward of Kirkcudbright to act for him as sheriff, who gave sasine to the said William Carnis in the 3 merkland of Glenewer at the mansion place of the same in presence of Gilbert McKeyne, Martein McCowet, Donald Retoune and James Carnis.

Also on 12 Dec. 1508 the said William Carnis required Elspet Carruderis lady tercer of the lands of Glenewer to come within 15 days to the division of the said 3 merklands, 'that Elspet answerit and sayd scho wald'. Of the which the said William Carnis took a note of the said notary. At Orchardtoun. Witnesses : George Carnis younger and John Glarn.

Done in the parish church of Wigtoun in the place of the consistory thereof. Witnesses : Mr. Patrick McCulloch vicar of Wigtoun, Dom. John Vaus chaplain, John McBlayne burgess of Wigtoun and William McCulloch clerk. Tag and seal undecipherable.

Galloway Charters

No. 328

1552, April 19. Instrument of monition at the hand of Nigel Makdowell N.P. narrating that Hew Kennedy of Barquhony as assignee of Malcolm McKie of Crachlew and Cristian Dunbar spouses, to the redemption and relaxation of the 4 merklands of Arecharsane in the parish of Longearstell, warned Alexander Bailzie in Dunregat son and heir to the deceased William Bailzie and Margaret Bailzie his spouse as conjoint fears of the said lands, to compear in the church of Glenluce on 4 June following to receive £140 scots for the redemption of the said lands and a sufficient assedation thereof for 7 years at a rent of 8 merks conform to letter of reversion by the said William Bailzie to the said Malcolm and Cristian and their heirs. At the mansion of Dunregat. Witnesses: Gilbert Adair brother to William Adair of Kinhilt, Thomas Roger and John Bailzie.¹

Monreith Charters

No. 329

1552, May 12. Instrument of sasine at the hand of Alexander Broun N.P. narrating that Andrew Dunbar of Kilconquhar and Loch as superior personally infest Patrick Styrl yng in the lands of Skeith extending to a 2½ merkland and in the lands of Casdouquhen extending to a 5 merkland lying adjacent, in the lordship of Loch. Witnesses: Fergus Makke, Donald Langlands and Morice Cor.

Barnbarroch Charters

No. 330

1552, June 4. Instrument of Redemption at the hand of Nicholas Murray N.P. narrating that Hugh Kennedy of Barquhony as assignee of Malcolm McKee of Creauchlaw and Cristiane Dunbar spouses of a reversion made by the deceased William Bailzie in Dunragat under his seal and the sign manual of David Wrycht N.P. concerning the redemption of the 4 merkland of Arequassane in the parish of Longcassell and sheriffdom of Wigtoun as contained in the said assignation at the hand of Alexander Adair N.P., compeared in the parish church of Glenluce with seven score pounds and in the absence of Alexander Bailzie in Dunragat son and heir of the said deceased William, paid the said sum according to the reversion

¹ Precept followed on 8 June to infest Kennedy in the 4 merklands of Arequhassan, Thomas Roger and John Rentoun being bailies. Witnesses: James Dalgleiss, Thomas Roger, John Drennane, Peter McYlwayne and Alexander Adair N.P.

to Thomas McDowell in Sonnenes and Nicolas McCom in Cascreoch conjointly for the use of the said Alexander and his heirs. And Hugh protested for lawfull redemption of the lands. Witnesses : Ninian Boyd of Achrokyr, Mr. Patrick Richard, Archibald Kennedy of Bardrochwod, Thomas Hoge and Dom. Nigel McDowell rector of Stenaker. *Monreith Charters*

No. 331

1552/3, March 24. Instrument of sasine at the hand of Michael McCrekane N.P. narrating that John McBlayne sheriff depute and one of the bailies of Patrick Agnew sheriff of Wigtoun conform to crown precept dated 20 Feb. 1552, infeft Andrew Dunbar of Loch as heir to his father the deceased Patrick Dunbar of Loch in (i) the 40 merklands of the $\frac{1}{2}$ (barony) of Mochrum viz.—Corhallochhill, Mylntoun with $\frac{1}{2}$ of the myln thereof, Drumescart, Clontakboy, Dyrreblayr, Garrokyrre, Challochglass, Cardowchane, Skeyth and Little Dreuchtag; and also (ii) in the $13\frac{1}{2}$ merk 40d lands of the said lands of $\frac{1}{2}$ Mochrum in tenandry viz.— $\frac{1}{2}$ the lands of Glentriploch, Barcheochane, Meikle Drouchttag, Clone, Drumskeoch and Meikle Kerintray—all lying in the parish of Mochrum, held in chief of the crown, security being taken for £430 fermes in the hands of the crown for 4 years and £107.10/ of relief. The second named list of lands were held in superiority. Witnesses : James Greg, John Ramsay, Roger Gordoun of Kirkconnell, Dom. Alexander Broun, John Parker, Rolland Acoltrane younger, Alexander McDowell, Ninian McCrobert, George McDowell and Nicolace Reyd. *Mochrum Park Charters*

No. 332

1553, December 2. Charter of alienation by Andro Dunbar of Loch to Mr Patrick Waus rector of Wigtoun, of his 5 merkland of Dyreblair in the parish of Mochrum for the sum of 230 merks scots, paying 1d scots silver. At Dyrreblair. Witnesses : Dom. Nicolas Makelellan, John Perkar, Rolland Acoltran, Michael McCrekane and Mr. William McGowyn N.P.¹ Signed by granter. *Barnbarroch Charters*

No. 333

1553, December 29. Assignment by Robert lord Maxwell son and heir to the deceased Robert lord Maxwell crown donator of

¹ Sasine was of the same date. Witnesses : John Perkar, Patrick Waus, Alexander McDowell, Allan Kewk, Rolland Acoltrane and James Jamesoun.

the nonentry maills etc. of the £20 lands of Murreith since the death of the said Robert lord Maxwell and of the relief thereof, with consent of Sir John Maxwell of Terreglis his tutor, in favour of Margaret Maxwell lady Murreith, of the said non-entries for payment of the sum of 100 merks. Signed by the said tutor and sealed with the seal of the tutor. No witnesses. Seal attached broken.

Monreith Charters

No. 334

1558/4, January 6. Discharge by Cuthbert George messenger to Alexander Vaus of Barrynbarrach for 34 merks scots in complete payment of his taxation for the lands of Barrynbarrayt and Freucht pertaining to the said Alexander and his wife for 1548-45, discharging also the laird of Freuch and Janet Kennedy conjoint fear of the lands of Freuch and spouse of the said Alexander. At Wigtoun. Witnesses: Mr. Patrick Vaus parson of Wigtoun, John Vaus burgess of Wigtoun, William Vaus and John Mertyne. Mr. Patrick McCulloch signs for the granter.

Barnbarroch Charters

No. 335

1554, April 2. Crown gift under the privy seal with consent of James duke of Chattellarault Governor of the realm, to Alexander Baillie of Blairschynnot and his heirs of the nonentries and relief of the 4 merklands of Arreassane and the 4 merkland of Blairschynnot since the decease of William Baillie of Blairschynnot father of the said Alexander until the entry of the lawfull heir. At Linlithgow. The signature of the Governor has been cut off.

Monreith Charters

No. 336

1554, November 4. Instrument of sasine at the hand of Nigel Makdowell N.P. narrating that Uchtred McDowell of Garthland as depute of Gilbert Earl of Cassillis principal bailie of Andrew Bishop of Candida Casa and of the Chapel Royal of Stirling on precept of C.C. dated at Wigtoun 11 Oct. 1554, infeft Patrick McCrekane in Clonare as heir to Gilbert McCrekane in Clonare his father in 6 ells of land in the toun (villa) of Innermessane between the lands of Normand McCulloch on the north and the lands of the laird of Corswell on the south, lying, in the parish of Inche. Witnesses: Patrick McCreken [] quhanet, Patrick

McCalwe elder, John Boyd, Gilbert McCrekane officer and Magister Thomas Stoupe chaplain.

Dalquharrane Writs, No. 13

No. 337

1554, December 7. Precept by Malcolm Makkee of Creachlaw and Cristina Dunbar spouses directed to Archibald Muyr to infeft John Dunbar of Mochrum in a one merk 40d land of Merkbane in the parish of Kirkcowan conform to an alienation thereof. Sealed at Wigtoun. Witnesses: William Hannay provost of Wigtoun, John Blane bailie thereof, Archibald Muyr, Patrick McBlane and Nicholas Murray N.P.

Barnbarroch Charters

No. 338

1555, September 17. Registration of obligation dated at Edinburgh 17 Sept. by Thomas McClellane tutor of Bomby narrating that for certain great sums of money paid to him and Agnes Gordoun his spouse by Golfreid McCulloch of Ardwell the said Thomas with consent of his spouse resigned into the hands of James lord St John preceptor of Torphichen the temple lands of Litol Arrow extending to $2\frac{1}{2}$ merkland in the parish of Glassertoun and sheriffdom of Wigtoun in favour of the said Golfreid for infeftment to be given to him by the said lord in blench ferm in terms of a charter made thereon, and willing that Golfreid be made sure of the lands Thomas binds himself to warrant them free from all wards, reliefs, non entries etc. Witnesses: John Gordoun of Park, Roger Gordoun in Cule, Matho McClellane of [] and John Gordoun of the Airds.

Reg. of Deeds, vol. i, f. 204

No. 339

1556, June 4. Crown confirmation of a charter dated 16 May by Janet Wallace lady portioner of Brouchjarg to Finlay Campbell of Corswell and Margaret Kennedy spouses of her $2\frac{1}{2}$ merkland of Brouchjarg and a quarter of the mill thereof being parts of the 10 merkland of Brouchjarg, reserving liferent to the granter, paying 2d silver as albe ferme according to the infeftments of Janet's predecessors. Witnesses: John archbishop of St Andrews, George earl of Huntlie chancellor, Gilbert earl of Cassillis treasurer, Donald abbot of Cupar keeper of the privy seal, Mr. James McGill of Rankelor Nether Clerk Register John Bellenden of Auchnoule justice clerk and Alexander

Livingstoun of Dunipace director of chancery.¹ Tag, no seal. Not recorded in *R.M.S.*

Galloway Charters

No. 340

1556, July 15. Instrument of sasine at the hand of William Makynwyne N.P. narrating that John perpetual commendator of Salset personally infeft Alexander Vaus of Barnbarroch son and heir to the deceased John Vaus of Barnbarroch in the 3 merkland of Ganach in the parish of Inche according to a charter previously given. Witnesses: Patrick Muyr of Carnfeild, Archibald McCulloch, Patrick Vaus, John McKee and John Campbell.

Barnbarroch Charters

No. 341

1556/7, February 16. Charter of alienation by Walter Douglas of Fergustoun to James Kennedy of Ochterlure and Agnes Johnston spouses of the 4 merkland of Stronerawer and the one merkland of Merkslivie, reciting a contract dated at Edinburgh 9 May 1556. The document is very faint. At Edinburgh. Witnesses: Mr. Thomas McCalzane advocate, John Dowglass notary, Walter Douglas servant to the earl of Mortoun, Robert Walkar, John Young writer burgess of Edinburgh and Alexander Woderburn N.P. Signed by granter. Tag and seal (cracked).²

Barnbarroch Charters

¹ It is evident that Janet Wallace was one of 4 heirs portioners. Finlay Campbell and his wife were infeft on 11 May. Witnesses: Uchtred McDowell of Garthland, Dom. John McCrekane, curate of Kirkcum, Alexander Boyd. Thomas Blair, James Mure of Brouchjarg and Alexander Campbell son of the said Finlay. Janet also gave a bond of warranty. Witnesses: John McDowell brother to the said Uchtred, Alexander Agnew and Michael McCrekane. To Janet's procuratory of resignation (20 May) her seal is still attached—a lion rampant, coutourne. Legend—*Sigillum Janet Velles.*

² The earliest references to Stranraer are two notes in an early inventory of missing royal charters, (i) charter to Fergus Mondavilla of the lands of Stranrever c. 1323; the other note may not even refer to Stranraer, (ii) charter to Elizabeth Mundeale 'begun and not endit' c. 1357 (*R.M.S.*, 1306/1424, app. ii, 610 and 1141). Mundeale was the early form of Mundell and the family in the 13th century owned lands in Sorby. In 1503 Uchtrie McDowell, indexed as 'of Garthland' had sasine of Stronavar (*Ex.R.*, xii, 713). Then on 20 Feb. 1513/4 Thomas McDowell, perhaps his son, was infeft in the 5 merkland of Stronrawir and Markslewane (*Ex.R.*, xiv, 537); but in July 1525 Thomas McDowell of Mundork resigned the said 5 merkslands for a new crown charter to himself and Margaret Dunbar his spouse (*R.M.S.*, 1513/46-325). Thomas however failed to

No. 342

1556/7, March 13. Instrument at the hand of Michael McCrekane N.P. narrating that Alexander Ahannay son and heir to the deceased John Ahanny of Capanach made Alexander Vaus of Barnbarrach his irrevocable assignee and procurator to a letter of redemption and relaxation of his 40d lands of Capanach and one merkland of the same, alienated by the said deceased John Ahannay to the deceased Thomas McDowall of Mundork and now belonging to Uchtred McDowell his son and heir and to Gilbert Agnew his tutor testamentar, which letter was written by the deceased John McCrekane N.P. Alexander had appointed [] Halthorne, John Vaus, Robert Logane, Mr. Patrick Vaus rector (of Wigtoun), Mr. Patrick McCullach vicar thereof and John Vaus burgess of Wigtoun his procurators to appear in all causes relating thereto in the commissary court of Wigtoun. Whereupon both Alexander Ahannay and Alexander Vaus demanded instrument. Witnesses: Dom. Herbert Andersoun commissary, Peter McYlwyen notary, Dom. John Vaus and Gavin Vaus messenger.

Barnbarroch Charters

No. 343

1556/7, March 17. Anent letters purchased at the instance of Symon McCulloch of Myrtoun and Margaret McCulloch his mother liferentrix of the lands *v.* Golfreid McCulloch of Ardwell

complete his infetment, so Walter Douglas of Fergustoun intervened and on 4 Nov. 1548 secured a crown gift of the non-entries (*R.S.S.*, iii, 3003-4). At that date Thomas and Margaret were dead and in 1549 we hear of a dispute between Agnes Kennedy relict of Thomas and his son Uchtred anent his father's heirship goods (*Acts and Decrets*, iii, f. 279). Uchtred McDowell hastened to obtain on 12 Nov. a like crown gift of the nonentries and was duly served as heir to his father. In 1550 Walter Douglas challenged this service (*A. and D.*, iv., f. 228) and the retour was annulled, no reason being given (*ibid.*, f. 411). Walter claimed nonentry since 7 July 1524 (*ibid.*, iv. f. 11). Two decreets went against Uchtred and on 23 Nov. 1556 the sheriff apprised the lands at the instance of Douglas who on 16 Feb. 1556/7 assigned them to James Kennedy of Uchtrellure and Agnes Johnston spouses (*ibid.*, viii, f. 159). This was followed by a decret in Dec. 1558 that Douglas should warrant the lands to the Kennedies at the hands of Uchtred (*ibid.* xviii, f. 329). The Kennedies obtained crown confirmation (*R.M.S.*, 1546/80-1153) and then granted letters of reversion to Douglas to redeem the lands by payment of 1500 merks. Douglas assigned the reversion to Ninian Adair of Kinhilt who obtained decret compelling the two daughters of Kennedy to renounce the lands in his favour, being infet on crown precept on 24 March 1591/2 (Protocol Book of James Glover, f. 12^v). Adair then proceeded to feu out particles of the lands with a view to establishing a burgh of barony, and the steps he took can be traced in detail in the protocol books of that burgh.

who alleged the 20 merklands of Ardwell to pertain to him in heritage, held of Symon as immediate superior and to have been infest by Symon therein. Golfreid would not show to the pursuers what the maill duties were or by what service he held the lands and had been charged to exhibit his charters and evidents and to pay the duties to Symon. Mr. Thomas McCalzeane appeared for Symon and Golfreid appeared in person and produced 2 charters of confirmation, one made by Archibald Douglas lord of Galloway and Annandale confirming a charter made by Normond McCulloch of Myrtoun to his brother Archibald McCulloch of the lands of Ardwell, another charter of confirmation made by the countess of Galloway confirming the charter made by the said Normond to the said Archibald, together with 2 instruments of sasine and 2 precepts of sasine given by Sir Alexander McCulloch and Symon McCulloch his brother lairds of Myrton to the said Golfreid's forebears of the lands of Ardwell. The lords decern that Golfreid had satisfied the letters purchased by the said Symon and assoilzies Golfreid from the petition and ordains an authentic copy of the duty and service owed by Golfreid to Symon and his mother to be delivered to Symon at his own expense. The reddendo clause is then given viz.—50/ scots at the capital messuage yearly and service due and wont.

Acts and Decrees, xiv, f. 183

No. 344

1556/7, March 26. Charter of alienation by Hew Kennedy of Barquhony to John Kennedy in Meikle Larg and Janet Kennedy spouses in conjoint fee and the lawfull heirs of their bodies, whom failing the lawfull heirs of Janet, whom failing the lawfull heirs of John, of the 5 merkland of his lands of Camquhart in the parish of Longcastell for a certain sum paid by John and Janet. Signed by the granter and sealed at Saulseth. Witnesses: Ninian Boyd in Ahrochir, Dom. Nigel McDowell rector of Stenaker, John Kennedy son of Alexander Kennedy in Bogend, John Weyr and Michael McCreakane notary.¹ Tag, no seal.

Monreith Charters

No. 345

1557, May 20. Registration at Edinburgh of a decret arbitral dated 19 May 1557 by Gilbert earl of Cassillis and John Gordon

¹ On 20 July Henry Halthorne as bailie infest the spouses in the 4 merklands of Camquhart. Witnesses: Michael McCleyn, Adam McGowne and Michael McCreakane notary.

of Lochinvar judge arbiters chosen between Patrick Agnew sheriff of Wigtoun for himself and taking burden for Margaret and Janet Edzars lawful daughters to the deceased Ninian Edzar son to Ninian Edzar of ye Crechane on the one part, and William Adair of Kinhilt for himself and taking burden for Quintin Edzar son to the said Ninian elder on the other part—anent tocher to be given by William and Quintin to the said Margaret and Janet and claimed for them by the said Patrick Agnew from the said William and Quintin. The arbiters decern William and Quintin to pay to Margaret 200 merks and to Janet 140 merks when they be married. The girls are to renounce all claims they may have to the lands of Creichan. Witnesses: Alexander Stewart of Garlies, Hew Kennedy of Drummellane, Hew Kennedy of Barquhanny and Robert of Crawford of Clolynane.

Reg. of Deeds, vol. 2, f. 188

No. 346

1557, May 31. Precept by Andrew, Bishop of Whithorn and of the Chapel Royal of Stirling, and by the convent of the monastery of Tounkland directed to Robert Hecklis as bailie to infest conform to charter Alexander Gordoun of Barquhill in the 4 merklands of Grange, 5 merklands of Trave and 4 merklands of Bartrachane lying in the parish of Pennynghame and barony of Glassrik. Signed by the Commendator and Dom. Rodolphus Parson, subprior, Dom. John Cannan, vicar, Dom. John Mathosoun, Dom. Thomas McUthre, Dom. James Marr, Dom. James McCulloch, Dom. Patrick Grant, Dom. William Scharpro, Dom. John Edgar, Dom. Louretius Wychman, Dom. Michael Cusing, Dom. Edward Hering.

Reg. House Charters, No. 1712

No. 347

1557, June 1. Assedation for 19 years by Andro bishop of Galloway and of the chapel royal of Stirling with consent of the canons of Quhitherne, to Alexander Stewart of Garleis and Katherine Stewart spouses and their heirs male, whom failing to Walter Stewart of Barclay and his heirs male of the 5 merkland of Clarie and the 5 merkland of Over Bar in the parish and barony of Peninghame, paying yearly to the bishop and his successors 20 merks scots. At Edinburgh. Witnesses: Mr. William Blair archdeacon of Galloway, David Pitcarne, George Anstruther, Patrick Durie and schir Edward Leyne. Signed by the bishop and the following canons—Dene John Stuert, Dene John Pogawe, Dene John Creig, Dene Mychale Stine, Dene

David Smyt, Dene Thomas Dougall, Dene George Steinsoun, Dene Adam Flemeng, and Dene Fredrik Bruce subprior of Quhitherne. Tags and two seals.

Galloway Charters

No. 348

1557, September 10. Contract between Andro Dunbar of Loch and Archibald Mure (in Arewllane) his father-in-law. Andro is to place and possess Margaret Gordon his mother in the 5 merkland of Carsdoquhen for her life and place the said Archibald in the baliary of the barony of Mochrum Loch for his lifetime irrevocably with full power to hold courts, create officers and uplift unlaws and escheats and to poind and distrain, containing details of tenants' baillie work. Archibald discharges Andro for his wrongful intromissions with the whole terce of the 62 merkland of the barony since the death of Patrick Dunbar his father who died in 1547 and remits to Andro all the tercelds of the barony pertaining to Margaret Gordon his mother by reason of her said late husband's death, providing that the 5 merklands of Cardoquhen be excepted terce and with the said Margaret for life and the terce of Garquheries, the terce of the 5 merkland of Carhollach and the terce of Gargaries. Andro is to satisfy Adam Patersoun occupier of the same and bring to Archibald the said Adam's letter of tack subscribed by Archibald. Witnesses: John Dunbar of Mochrum, John Dunbar alias Blak John and Hector Dunbar. Signed Archibald Muyr in Arewllane.

Barnbarroch Charters

No. 349

1558, April 21. Instrument of sasine at the hand of Nicholas Murray N.P. narrating that David McCulloch of Druchtaig of his own free will resigned the 2 merks of the 4 merkland of Meikle Druchtaig in the parish of Mochrum into the hands of John Dunbar of Mochrum as superior, in favour of himself and Alison Dunbar his spouse conjointly and their heirs, whom failing the heirs of the said David, to whom the superior gave infektment. Witnesses: Archibald Muyr in Bar, Patrick Wallace son of Alexander Wallace and Archibald McCulloch brother to the said David.

Mochrum Park Charters

No. 350

1558, May 11. Registration of assignation dated at Edin. 27 March 1558 whereby dene Frederick Bruce vicar of Salset and

brother and heir of the deceased James Bruce burgess of Edin. for the singular love and favour that he has for his dearest brother-in-law Mr James Scot provost of Corstorphin, appoints the said Mr James his assignee to all right claim and title that he may have to the goods moveable and immoveable, lands, possessions, heretages and airship pertaining to the said James Bruce his brother. The dene now ratifies the assignation and renounces all rights to the said effects, revoking any other assignments he may have made. Witnesses : Thomas Sinclar, John Aytoun notaries, Alexander Ewin maier and Hew Scott and Charles Steill. The granter signs as vicar of Toskarton and Salset and subprior of Quhitherne.

Reg. of Deeds, vol. iii, f. 457

No. 351

1558, October 16. Charter of alienation by Andrew Dunbar of Loch and Kinconquhar to John Ramsay in Boghous of Mochrum and Mariota Mure spouses, the longer liver and the lawfull heirs of their bodies, whom failing the heirs of the said John Ramsay, of his 2½ merkland of Little Droghaig in the parish of Mochrum now occupied by them in return for 100 merks scots paid by them to the granter, paying £4 scots and multures due and wont to the mill of Mochrum. At Bar. Witnesses : Archibald Mure in Bar, David McCulloch of Dreuchtaig, Francis Murray and Nichol Murray notary.¹

Monreith Charters

No. 352

1558, October 23. Obligation of warrandice by Archibald Wode of Wittistoun to James McCartney to whom Archibald had annalit his lands of Arbrog in the sherifffdom of Wigtoun extending in the queen's rental to 25 merks scots, to be held from Archibald of the queen paying 25 merks 6/8 feu mail as contained in the charter and sasine given to the said James, warranting the lands against ward, nonentry and all actions before the date of the charter ; with clause of registration in the books of the official of St. Andrews within the jurisdiction of Lothian and appointing James Marjoribankis and Mr. Henrie Kinross as procurators for resignation. Sealed at Bonytoun. Witnesses : James Wode of Bonytoun, David Rosse of that Ilk, William Wode of Lawsoun, Patrick Wode son and heir apparent of the said James Wode and Richard Malvill of Baldwvy.

¹ Sasine followed on 20 Sept. Witnesses : Mr. John Steinsone precentor of the metropolitan church of Glasgow, Archibald Muir in Bar, Gilbert Makkie in Gentryplag and Dom. John Crauford chaplain.

Signed by granter. Tag and seal (not recorded by Stevenson and Wood).

Barnbarroch Charters

No. 353

1558/9, March 6. Feu charter by Mr. Robert Richardson prior of St. Marie Ile callit Traill in the diocese of Galloway, to John Dunbar of Mochrum and Elizabeth Mure spouses conjointly and their lawful heirs, whom failing the eldest of the heirs female without division, of the £5 lands of Bankill in the parish of Kirkmadryne and sheriffdom of Wigtoun extending in the rental to £19 and 2 dozen capons, paying £19.6.8 and the said capons with duplication at entry of heirs. At Edinburgh. Witnesses: Stephen Lidderdail, John Rutherford, James Chalmer and James Douglas of Drumlanrig.

1559, July 29. Sasine given by Alexander McKynnay and George Flemyng as bailies at the hand of Nichol Murray N.P. Witnesses: Patrick Dunbar of Knokschynnach, John Dunbar his son, Archibald Mure in Bar, Mr. Patrick Mure his brother and schir Thomas Coltrane vicar of Kirkmadryne.

Abbreviate of Feu Charters, i, f. 79^v

No. 354

1559/60, March 12. Charter by William Boyd lord of the feu of the kirklands of Leswalt to Gilbert Boyd second son of Quintin Boyd of Archrochir, conform to contract dated at Inche 10 Aug. 1569 (sic) between the said William and Quintin his brother (fratrum patrum), of the Kirklands of Leswalt extending to a 2½ merkland, reserving to the minister of Leswalt and his successors an acre of land etc and also reserving to the granter his liferent and to Janet McCulloch his spouse £5 scots as terce, to be held from the granter and his assignees of Dom. William Makdowell vicar of Leswalt in feu paying 8 merks scots. At Leswalt. Witnesses: James Boyd of Tochrig, Robert Boyd in Tybbertrory and Dom. Herbert Andersoun vicar of Keltoun. Signed by granter. Tag, no seal.

Lochnaw Charters

No. 355

1560, April 10. Charter by Adam commendator of Dundrenan and convent thereof to Sir John Maxwell of Terriglis his heirs and assignees, of the 10 merklands of Tornageich and Boyoch in the barony of Bysbie and sheriffdom of Wigtoun extending in the rental to £20 scots, paying yearly that sum and 6/8 augmentation with one suit at the head court of the barony, with

duplication at entry of heirs. At abbey of Dundrenan. Witnesses : Walter Carmichael of Pedwell (?) James Maxwell of Auchincarne, Richard Murray of Clonezard and Mr. Archibald Meynzies official of Nyth.

Abbreviate of Feu Charters, i, f. 180

No. 355a

1560, August 30. Charter by the said Sir John Maxwell to Mr John Stewart son to Walter Stewart of Barchly his heirs etc. of the said 10 merkland to be held of the said commendator and convent paying as above. Witnesses : John McBair provost of Dumfries, Peter Rig, William Campbell, John Cunynghame burgesses of Dumfries and Thomas Newall.

1560, August 31. Sasine at the hand of Nichol Murray N.P. following on the above. Witnesses to precept : Walter Stewart of Barchly, Mr. Robert Stewart, Mr. Charles Geddes, Richard Murray of Clonezard and Mr. Archibald Menzies official of Nyth. Witnesses to sasine : George Forester of Kiddisdale, Mr. Robert Stewart in Lagane, George Carsane in Tornageich, Henry Dungalsoun in Boyoch, John Fynnigane there and John McMorstoun (?).

Abbreviate of Feu Charters, i, f. 180

No. 356

1560, October 10. Charter by George Makghie of Egyrnes to John Dunbar of Mochrum and Elizabeth Mure spouses for the sum of £200, of the mill of Egyrnes and its myln croft on the west of the said mill next the mill dam now occupied by Maurice Maknalbany and another croft occupied by Thomas Kennedy and the croft occupied by John McNalbany on the south and east of the said mill, together with the mill dams aqueduct through the said 10 merklands of Egyrnes and Carswell and the multure. At Mochrum. Witnesses : Archibald Muyr and Patrick Muyr brothers of the laird of Rowallan, James Muyr heir apparent of Drumskeoch, Dom. Ludovic Frysser chaplain and Peter McIlwayne N.P. Signed by granter.

Galloway Charters

No. 357

1560, October 30. Instrument of sasine at the hand of William Makgowyn N.P. narrating that a precept from James Patersone sacristan of the Chapel Royal of Stirling and rector of half of the rectory and vicarage of the parish churches of Kirkynner and Kirkcowan, dated 11 Sept. and witnessed by John Gordoun in Clauchan, John Gordoun and John McKee, directed to John

Muligane as bailie, the said bailie infest Mr Roger Gordoun son of the deceast William Gordoun of Creauchlew in a half of the 2 merklands of Kirkynner. Witnesses: James McDowell of Dirregill, John Gordoun in Clauchane, John Gordon and John Makke.

Reg. House Charters, No. 1830

No. 357a

The next sasine is the same but in half of the 4 merklands of the glebes of the said parish churches viz. 2 merklands of Kirkynner and 2 merklands of Kirkcowan.

Reg. House Charters, No. 1831

No. 357b

Yet a third sasine was taken in a half of the 2 merklands of the glebe of Kirkcowan.¹

Reg. House Charters, No. 1832

No. 358

1560, November 5. Instrument of sasine at the hand of Nichol Murray N.P. narrating that John McCulloch of Torhous as sheriff depute to Patrick Agnew sheriff of Wigtoun on crown precept dated 17 Oct., infest Patrick Carnis as son and heir of the deceased John Carnis of Quyltis in the £5 lands of Quyltis in the parish of Crugiltoun which had been in the hands of the crown for 2 years for non recovery of sasine. Witnesses: Symon McCulloch of Mertoun, Alexander McCulloch of Killasser, Alexander McCulloch his son, Walter Addyestoun and James Gordoun.

Lochnaw Charters

¹ The original precept, set out in full in No. 1830, on which all three sasines are founded, was in half of the 4 merklands of the said 2 glebes, viz. 2 merkland, of Kirkynner and 2 merklands of Kirkcowan.

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REPORT OF THE SEVENTIETH ANNUAL MEETING OF THE SCOTTISH HISTORY SOCIETY

THE SEVENTIETH ANNUAL MEETING OF THE SCOTTISH HISTORY SOCIETY was held in the Rooms of the Royal Society, George Street, Edinburgh, on Saturday, 15th December 1956, at 3 P.M.

At the commencement of the meeting, Dr. E. W. M. Balfour-Melville, Chairman of the Council, occupied the Chair.

The Report of the Council was as follows :—

It is with sincere regret that the Council have learned of the death of Dr. William Angus. Dr. Angus, who joined the Society in 1910, served on the Council from 1919 to 1923, was Assistant Secretary from 1922 to 1924, Joint Secretary with Professor Hannay from 1924 to 1927, and again a member of Council from 1940 to 1949. By his articles in learned periodicals he made valuable contributions to Scottish History, and, both as Curator of the Historical Records and later as Keeper of the Registers and Records of Scotland, he gave unfailing help to numerous researchers. His sustained interest in the Society has been shown by a bequest of £100, to which his brother, Mr. James Angus, generously added the gift of seventy of the Society's volumes from Dr. Angus' library.

Members received in October as the volume for 1953-54 *Calendar of Scottish Supplications to Rome, 1423-28*, edited

by Dr. Annie I. Dunlop from the Vatican Archives and presented by her to the Society in memory of her husband and as a tribute to the late Monsignore Angelo Mercati. Covering some of the later years of the papacy of Martin V and the early years of the reign of James I, this volume is not only of great biographical interest but indispensable for the relations of the Scottish Crown with the Papacy at a critical time.

For 1954-55 the volume will be *Early Records of Aberdeen, 1317 and 1398-1407*, edited by Professor Dickinson. As it is already in corrected page-proof and only awaits the index, the Council hope that it will be issued to members in the summer or early autumn of next year. It is to be followed by *Miscellany Volume IX* as that for 1955-56. This will include five items, viz.: *Papers relating to the Captivity and Release of David II*, edited by E. W. M. Balfour-Melville; *Accounts of Sir Duncan Forestar, 1495-99*, edited by P. Gouldesbrough; *Report by De la Brosse and D'Oysel on conditions in Scotland, 1559-60*, edited by G. Dickinson; *Diary of Sir James Hope*, edited by Peter Marshall, and *Account of proceedings from the landing of Prince Charles Edward to the Battle of Prestonpans*, edited by Donald Nicholas. The next volume will be *Wigtownshire Charters* edited by R. C. Reid. The Council are also negotiating with the University of St. Andrews with a view to issuing jointly a volume containing part of the University's Matriculation and Graduation Roll.

Papers of the York Building Society, purchased by Dr. T. Graves Law when he was Secretary to the Society and used by Dr. A. H. Millar in the volume of *Forfeited Estates Papers* which he edited for the Society, have been placed by the Council in the Register House on permanent loan.

Intimation has been received by the Council from the Society's printers that owing to a wages award the cost of printing its volumes is increased as from January 1st 1956 by twenty per cent.

The Right Honourable Thomas Johnston, C.H., LL.D., retires from the Presidency of the Society in December. As his successor the Council recommend Dr. H. W. Meikle, C.B.E., D.Litt., LL.D., H.M. Historiographer in Scotland.

Mr. R. C. Reid has intimated his resignation from the Chairmanship of the Council for reasons of health. The Council have received this with regret and would take the opportunity of recording their high appreciation of his valuable services since his election to its membership in 1927. In his place they have elected as Chairman Dr. E. W. M. Balfour-Melville, who has been Honorary Secretary for the past twenty-five years. As he will combine for the present the chairmanship and the secretaryship, the Council have appointed Mr. Grant G. Simpson as Assistant Secretary.

Mr. R. L. Mackie has also resigned for reasons of health. The Council would record their appreciation of his services to the Society both as a member of Council since 1932 and as joint editor of *Letters of James IV* with biographical memoir of Professor Hannay.

Members of Council who retire in rotation at this time are Dr. H. W. Meikle, Dr. Annie I. Dunlop and Mr. H. M. Paton. The Council recommend the re-election of Dr. Dunlop and Mr. Paton and the election of Dr. C. T. McInnes and Dr. Gordon Donaldson in place of Dr. Meikle and Mr. Mackie.

During the past year 9 members have died and 2 have resigned. The names of 2 others have been removed on

failure to pay their subscriptions. 16 new members have joined the Society. The membership, including 157 libraries, now stands at 415.

An Abstract of the Accounts for 1955-56, as audited, is appended.

Dr. Balfour-Melville, in moving the adoption of the Report and Accounts, referred to the resignations from the Council of Mr. R. L. Mackie, who had done much to enable a wider public to appreciate Scottish history, and of Mr. R. C. Reid, a tireless researcher in the field of local history. Rising costs continued to present a problem, but the recent generosity of Mrs. Dunlop and the continued assistance of the Carnegie Trust were helping to conserve the Society's financial resources. There had been a slight increase in membership during the year.

In seconding, Dr. C. A. Malcolm said that the work of the Society in the last 70 years compared very favourably with that done by its great predecessors, the publishing clubs of the nineteenth century, such as the Maitland and Bannatyne Clubs.

The Report and Accounts were adopted.

Dr. Balfour-Melville then moved the election of Dr. H. W. Meikle, C.B.E., D.Litt., LL.D., H.M. Historiographer in Scotland, as President of the Society for the ensuing four years. Professor J. D. Mackie seconded, and Dr. Meikle was unanimously elected.

The President then took the Chair and delivered an address on 'Voltaire and Scotland'.

'When we think of the Franco-Scottish Alliance', he said, 'it is its romantic aspects that most readily come to mind. But if it is ideas that move the world, we should

not suffer the cultural relations between the two countries to be neglected.' Scottish eighteenth-century writers were extremely popular in France, and a recent bibliographical survey by Miss A. K. Bee had shown that French contemporary writers—Montesquieu, Voltaire and Rousseau—were much read in Scotland. Beginning in 1750, fifty editions of Voltaire were published in Scotland, nearly all translations. His vogue, later than in England, coincided with the literary revival in Scotland. Voltaire was honoured by being elected a member of the Philosophical Society of Edinburgh (afterwards the Royal Society) in June 1745. By the irony of fate, Voltaire was then engaged in helping his friend, the Marquis d'Argenson, Secretary of State for Foreign Affairs, to prepare an expedition to aid Prince Charles Edward Stuart. Voltaire wrote a history of the '45 which was incorporated in his *Précis of the Age of Louis XV.* This account was of value as that of a 'close and acute observer with inside knowledge of the facts'. Dr. Meikle went on to comment on works of Voltaire displaying interest in Scotland—*Le Café Écossais* and his review of Kanes' *Elements of Criticism*. He also discussed the influence of Voltaire on historical writing and his admiration for Hume and Robertson. Of the many British visitors to Voltaire at Ferney, he cited the reports of Adam Smith and Dr. John Moore. An advertisement in French, inserted by W. Creech in the *Caledonian Mercury* for 20 February 1792, listed 36 French publications, including the works of Voltaire in 70 volumes. The war between Britain and France which began in 1793 ended the unique succession of French and Scottish authors whose works had been so popular in the eighteenth century in each other's country. Voltaire's philosophy made little or no appeal in Scotland.

‘ Instructive ’, ‘ agreeable ’ ‘ entertaining ’ are the epithets applied by Scottish critics to his history and tales, and it was these qualities which commended him to his contemporaries in Scotland.

A vote of thanks was accorded to the President on the motion of Sir Thomas Innes of Learney, K.C.V.O., Lord Lyon King of Arms.

ABSTRACT ACCOUNT of CHARGE and DISCHARGE
of the intromissions of the HONORARY
TREASURER for the year from 1st November
1955 to 31st October 1956.

I. GENERAL ACCOUNT

CHARGE.

1. Cash in Bank at 1st November 1955 :—

1. Sum at credit of Savings Account with Bank of Scotland	£375 7 6
2. Sum at credit of Current Account with Bank of Scotland	326 4 11
3. Cash in hands of Bank of Scotland to meet postages	0 13 11

£702 6 4

II. Subscriptions received	425 3 9
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III. Past Publications sold (including postages recovered from purchasers)	32 17 3
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IV. Interest on Savings Account with Bank of Scotland	7 10 0
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V. Refund of Income Tax	62 15 6
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VI. Legacy bequeathed to Society by the late Dr. William Angus	100 0 0
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VII. Miscellaneous	1 3 1
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VIII. Sums drawn from Bank Current Account	£603 1 10
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IX. Sums drawn from Bank Savings Account
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£1831 15 11

DISCHARGE.

I. Cost of Publications during year	.	.	£526	0	0
Cost of printing Annual Report, Receipt Forms and Printers' postages, etc.	.	.	32	1	9
			<u>£558</u>	1	9
II. Miscellaneous Payments	.	.	45	7	1
III. Sums lodged in Bank Current Account	.	.	<u>£521</u>	<u>19</u>	<u>7</u>
IV. Sums lodged in Bank Savings Account	.	.	<u>£107</u>	<u>10</u>	<u>0</u>
V. Funds at close of this Account :—					
1. Balance at credit of Savings Account with Bank of Scotland	.	.	£482	17	6
2. Balance at credit of Current Account with Bank of Scotland	.	.	245	2	8
3. Cash in hands of Bank of Scotland to meet current postages	.	.	<u>0</u>	<u>6</u>	<u>11</u>
				728	7 1
				<u>£1331</u>	<u>15 11</u>

II. DR. ANNIE I. DUNLOP SPECIAL FUND ACCOUNT

CHARGE.

I. Balance at credit of Savings Account with Bank of Scotland at 1st November 1955 .	£347	13	1
II. Fourth payment received under Deed of Covenant dated 16th January 1953 .	100	0	0
III. Interest on Savings Account with Bank of Scotland	9	0	9
IV. Refund of Income Tax	73	18	3
V. Sum drawn from Bank Savings Account . . .	£230	12	1
VI. Sums drawn from Bank Current Account . . .	£310	0	7
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	£530	12	1

DISCHARGE.

I. Cost of Publication during year . . .	£309 17 9
II. Miscellaneous payment	0 2 10
III. Sums lodged in Bank	
Savings Account	<u>£82 19 0</u>
IV. Sums lodged in Bank	
Current Account	<u>£330 12 1</u>

V. Funds at close of this Account :—

1. Balance at credit of		
Savings Account		
with Bank of		
Scotland	£200 0 0	
2. Balance at credit of		
Current Account		
with Bank of		
Scotland	<u>20 11 6</u>	
		<u>220 11 6</u>
		<u>£530 12 1</u>

EDINBURGH, 7th November 1956.—I have examined the General Account and Dr. Annie I. Dunlop Special Fund Account of the Honorary Treasurer of the Scottish History Society for the year from 1st November 1955 to 31st October 1956, and I find the same to be correctly stated and sufficiently vouched.

(Sgd.) HENRY M. PATON,
Auditor.

