

V.

LIST OF THE PROTOCOL BOOKS OF THE CITY OF EDINBURGH;
WITH EXTRACTS. BY THOS. THOMSON, Esq., W.S., F.S.A. Scot.

Having on a former occasion laid before the Society lists of the old Protocol Books of the Canongate and Haddington, I have since examined with considerable care the series of Protocol Books belonging to the City of Edinburgh; and beg now to submit the following accurate list of these books, so far as they exist, from the earliest period down to the year 1600.

I. JOHN FOULAR'S Protocol Books, consisting of four volumes small quarto.

Vol. 1, from 9th March 1500 to 3d August 1513.

This volume consists of 303 folios. There is a blank from folio 131 to folio 150, embracing the period between 24th October 1506

and 12th June 1507. This volume has been recently bound in calf, with the arms of the city impressed on it.

Vol. 2, from 8th April 1514 to 11th March 1518, and consists of 63 folios.

Vol. 3, from 21st June 1519 to 18th April 1528, and consists of 356 folios.

Vol. 4, from 18th April 1528 to 3d October 1534, and consists of 199 folios.

II. VINCENT STRACHAN'S Protocol Books, consisting of four volumes. Each volume commences with the following invocation to the Virgin — "Assit in principio Sancta Maria mea."

Vol. 1, from 7th December 1507 to 4th February 1524, 240 folios.

Vol. 2, from 14th February 1524 to 19th March 1533, 166 folios.

Vol. 3, from 21st March 1533 to 5th January 1547, 208 folios.

Vol. 4, from 10th January 1547 to 16th September 1553, 25 folios.

III. HENRY STRACHAN'S Protocol Book, one thin folio volume, consisting of 87 folios, from 12th August 1513 to 17th December 1517.

IV. MAISTER ADAM OTTERBURN'S Protocol Book, one thin folio volume, consisting of 53 folios, from 13th August 1515 to 31st October 1519.

V. ANDREW BROWNHILL'S Protocol Books, two volumes.

Vol. 1, from 4th November 1536 to 8th April 1541, 178 folios.

Vol. 2, from 21st April 1541 to 5th April 1544, 168 folios.

VI. JAMES STEVENSON'S Protocol Book, one volume, containing 35 protocols, written on 19 folios, from 2d December 1547 to 6th June 1549.

This book contains several instruments regarding foreigners.

VII. ALEXANDER KING'S Protocol Books, five volumes.

Vol. 1, from 5th April 1548 to 18th April 1550, 147 folios. The first six folios are injured by damp.

Vol. 2, from 19th April 1550 to 23d September 1551, 167 folios.

Vol. 3, from 28th September 1551 to 4th January 1552, 143 folios.

Vol. 4, from 7th January 1552 to 1st June 1555, 236 folios.

Vol. 5, from 1st June 1555 to 5th June 1563, 218 folios.

VIII. JOHN GUTHRIE'S Protocol Book, one volume, from 7th February 1557 to 22d September 1559.

IX. MR ALEXANDER GUTHRIE, Senior's Protocol Books.

1. Volume from 1st July 1556 to 24th May 1561.
2. Volume from 26th May 1561 to 1st October 1562.
3. Volume from 1st October 1562 to 14th February 1565.
4. Volume from 21st February 1565 to 24th April 1568.
5. Volume from last April 1568 to 24th April 1570.
6. Volume from 24th April 1570 to 26th September 1575. (There is a blank in this volume from June 1571 to 10th November 1573.)
7. Volume from 5th October 1575 to February 1576.
8. Volume from 29th March 1577 to 5th April 1578.
9. Volume from 2d July 1578 to 5th February 1579.

X. MR ALEXANDER GUTHRIE's Protocol Books.

1. Volume from 12th February 1579 to 28th July 1581.
2. Volume from 11th August 1581 to 18th March 1582.
3. Volume from 23d March 1582 to 12th June 1585.
4. Volume from 12th June 1585 to 8th April 1587.
5. Volume from 8th April 1587 to 24th September 1588.
6. Volume from 1st October 1588 to 9th September 1590.
7. Volume wanting.
8. Volume from 23d March 1591 to 15th December 1593.
9. Volume from 21st December 1593 to 2d December 1595.
10. Volume from 3d December 1595 to 29th October 1597.
11. Volume from 10th November 1597 to 17th May 1599.
12. Volume from 19th May 1599 to 2d July 1600.

Note.—For the yeiris that wantis in my Prothogolls seik the bukes of Wm. Stewart and Maister Johnne Schairpe than my servands who seruit therrin I being banyschit. J. SCOTT.

XI. WILLIAM STEWART ELDER's Protocol Books.

Only one of these remains, embracing the period from 9th August 1566 to 1st November 1567. But there is a transumpt of his Protocol Books in three volumes, made on 23d January 1588.

1. Volume from 7th February 1558 to 21st May 1566.
2. Volume from 25th May 1566 to 21st March 1566.
3. Volume from 29th March 1567 to 27th September 1580.

XII. JOHN AITKEN'S Protocol Books, entitled Minute Books of Sasines, two volumes, with indexes prefixed.

1. Volume from 24th January 1566 to 28th January 1571.
2. Volume from 18th October 1572 to 29th October 1574.

XIII. WILLIAM STEWART, Junior's Protocol Book, from 20th December 1572 to 14th August 1600.

N.B.—There are some curious notices of the plague in Edinburgh annexed to this volume, in the years 1585 to 1587, during which time the Notary himself fled to Musselburgh along with his household.

It will be observed that the foregoing list embraces a record of deeds and writs from 9th March 1500 to 14th August 1600. The writers were all of them City Clerks or notaries acting under the Magistrates of Edinburgh. As such, they prepared the greater part, if not all, of the instruments connected with the succession and transference of properties situated within the burgh, and securities over them. They likewise acted as agents for the different ecclesiastical establishments in and around Edinburgh, particularly, the Collegiate Churches of St Giles, Trinity College, and St Mary in the Fields, and for the monastery of the Blackfriars; and besides acted for many landed proprietors who resided part of the year in town. From these varied employments, their protocols are more various in contents than the Burgh Record of Sasines, of which they may be said to form the commencement.

With a view to assist any parties who may hereafter consult these books, their contents may be classified and described as follows:—

I. Writs which relate to house properties and securities over them, or to other kinds of property, as tomb-stones, called through-stones, within the churches. These are instruments of sasine, resignation, cognition and sasine, and breaking of sasine, contracts and agreements, and assignments and transfers, writs authenticating seals to be applied to deeds, &c. While these writs of property are chiefly in favour of burgesses and other parties residing within the burgh, the securities are often in favour of wealthy parties, lay and ecclesiastical, who resided elsewhere.

II. General instruments of various kinds relating to rights or claims to or against real or personal property, as protests, intimations, and

requisitions, and declarations, receipts for silver and other valuables deposited with the magistrates.

III. Instruments authenticating decreets of the Provost and Dean of Guild regarding gavelts of houses, and other writs and complaints connected with the erection, repair, or removal of houses or boundaries of properties within burgh.

IV. Ecclesiastical writs, as nominations by the magistrates and other patrons to chaplainries in the churches, demissions by chaplains, grants, and other deeds endowing chaplainries, &c. Writs of this class only exist in the volumes dated prior to the Reformation, and are more numerous in the earliest volumes. A few of them have been printed and others referred to by Mr David Laing, in the recent volumes of the Bannatyne Club, "The Charters of St Giles and the Collegiate Churches of Mid-Lothian." To give an idea of the number of such writs, there are in John Foular's first volume 62, in his third volume 80, and in his fourth volume 40 church writs; and wherever these occur, they are all marked with a + on the margin.

In the first volume of John Foular's Protocol Book, which is the most curious and interesting of the whole collection, and embraces the twelve years immediately previous to Flodden, it appears that the Town then consisted principally of two streets,—the Vicus Regius or High Street, and the Vicus de le Cowgait or South Street, with the vennels, wynds, and closes entering from these highways or royal roads.

On the upper part of the north side of the High Street, the properties were bounded on the north by the Lacus Borealis or North Loch; and from that side the only names which occur in this volume are the Vennel called Boncle's Clois, Halkerston's Wynd, Carrubber's Close, the passage to the Church of the Holy Trinity, and Leith Wynd.

From the south side of the High Street the names are more numerous. Commencing from the Archus Superior or Higher Bow, there are the following:—Berwick's Close, Libberton's Wynd, Forrester's Wynd, le Best's Close, Peblis Wynd, Nudries Wynd, le Frere Wynd or Blackfriars Wynd, Gray's Close, Bell's Wynd, and St Mary's Wynd. These wynds all led into the Cowgait.

There is a well mentioned on the south side of the High Street,

situated *sub muro castr*i, called "le Moyers Well" and "lé Muss Well."

The Butchraw, or Vicus Botharum, extended on both sides of the street, along and opposite to St Giles' Church. The Crux Fori, or Town Cross, was near that church, on the east side of it, where also was the Vicus Pretorii.

It is interesting to notice the class of residenters in Edinburgh between 1501 and 1513, whose names appear in the descriptions of the properties contained in this volume. Beginning at the Castle, and going down the north side of the High Street, there occur the names of Maister John Malison, rector of Kippen; Maister James Merchamston, rector of Hawick in 1504, afterwards, in 1512; designed Provost of the Collegiate Church of Corstorphine; and further down the street, John Murray of Blackbarony; William Preston of Bynning; John Lyndsay of Cobalton; Sir William Doweille, Chaplain of the Altar of St Catherine in Saint Giles; Thomas Abbot of Jedworth, and William Cranstoun, his cousin and heir; and Robert Blackadder, Archbishop of Glasgow; Archibald Naper of Merchamston; Archibald Preston of Quhithill; Richard Hoppar, a wealthy burghess; Sir Thomas Ewing, Chaplain of the Altar of Saint James in St Giles'; William Douglas of Quhitingham; William Cranstoan of Rathobyres; Sir Patrick Creichton of Cranstonriddell; James Allardyce, Provost of the Church of St Mary Virgin of the Rock, at St Andrews; Sir Alexander Lauder, Provost of Edinburgh; William Lord St John; Alexander Fynlaw, in a great mansion; James Foulis, son and heir of Henry Foulis, burghess; The Abbot of Holyrood; and David, Abbot of Aberbrothok; there were besides two great mansions, the one possessed by John Rhynd, afterwards by James Towris of Bristo, the garden and grounds of which extended to the North Loch; and the other by Alexander Cant, son and heir of Patrick Cant, burghess.

On the south side the residents were of the same class. Beginning at the mount of the Castle, John Towers of Inverleith, and farther down William Libberton's heirs; Archibald Forrester of Corstorphine, and his brother, Mathew Forrester of Barnton, had properties in Libberton's Wynd and Forrester's Wynd, fronting the High Street,—the latter properties belonged to the family of Forrester of Corstorphine down to 1528. There was a great mansion, built by Alexander Lord Home, which after-

wards belonged to John Murray of Falahill, and was sold by him to John Murray of Blackbarony; Thomas Stanlie had another great mansion, which he sold to Mr James Watson, Rector of Ellon; William, Lord Borthwick, had a great mansion at the Cross; and perhaps the largest mansion was that of the Abbot and Convent of Melrose, at the head of Blackfriars' Wynd. In or near the same locality, David, Abbot of Aberbrothock, and James, Abbot of Dunfermline, had their residences, as well as James, Earl of Morton; James, Lord Ogilvie; Sir John Ogilvie of Fingask. Here also was the dwelling-house of Walter Chepman the printer.

Besides these on the same side of the street, were David, Abbot of Cambuskenneth; Lord Seton; John Cockburn of Ormiston; Richard Lawson of Humbie; James Henryson of Fordel; Gilbert Johnston of Elphingston, and Thomas Kincaid of Craiglokart. The Countess of Ross (Comitissa Rossie), and Maister David Vocat, the first head-master of the High School, resided in Nudries Wynd; and Hugh, Lord Montgomery, in Bell's Wynd. Thomas Dickson, Canon of Aberdeen, had a house with a garden and orchard next to the church of St Mary in the Fields; and here also lived the Bishop of Dunkeld. John Colquhoun of Luss resided below the Netherbow, in the part of the High Street now called the Canongate.

The Cowgait, or South Street, was then also a fashionable place of residence, and in it there were James, Earl of Buchan; William, Lord Borthwick; Sir David Ramsay, Rector of Foulden, and others. Here also were the printing premises of Walter Chepman. The properties of the Monastery of Melrose and of the Blackfriars extended from the High Street to the Cowgait, and so did the cemetery of St Giles' Church. The Locus Fratrum Minorum, or Monastery of the Blackfriars, was situated on the north side of the Cowgait.

The following extracts relate to the High School of Edinburgh, and are taken partly from John Foular, and partly from V. Strachan's Protocols. The High School was in the Vennel of the Church of St Mary's in the Fields. The earliest notices of it are in three Instruments of Sasine in a property situated in this Vennel:—

Fol. 7. The first, an instrument of sasine dated 14th February 1503, in favour of John Welch, brother and heir of Andrew Welch, of an

annual rent payable out of a property in the wynd of St Mary in the Fields, in which the words occur, "Et terram scole grammaticali ex boreali;" the second is an instrument, dated 25th August 1505, in favour of William Welch, brother of Thomas Welch, in which it is called "summa scola grammaticale ex boreali;" and the third in an instrument, dated 7th May 1506, in favour of the same party in a property which is described as "Jacen. in burgo de Edinburgo in venella beate Marie Virginis de Campo inter terram Johannis Bewock ex parte australi et summa scola grammaticale ex parte boreali et terram Francisi Incheock ex orientali et dictum venellam ex occidentali partibus."

These dates are prior to the earliest notice of the High School in Dr Steven's history, which is in 1519, and prove that it was then an existing institution of the town. Besides, there is the following instrument, showing that the Provost and Magistrates were patrons of the school at that early period:—

Penultimo Augusti 1508 hora quinta post meridiem Magister David Vocat Capellanus Servicii quond. Thome Russale fundate in ecclesia beate Marie Virginis de Campo Resignavit *de consensu et auctoritate Prepositi ballivorum consulum et communitatis de Edinr. Patronorum ejusdem Totam et Integram domum et Scolam grammaticalem et ortum ejusdem cum pertinenciis in Venella dicte Ecclesie Campi ex orientale transitus ejusdem inter terram : : : In manibus Johannis Levington Ballivi per terram et lapidem qui ballivus dedit sasinam hereditariam eorundem Magistro Matheo Ker secundum tenorem carte desuper conficiende et incontinente Idem Magister Matheus Resignavit ejusdem domum et ortum cum suis pertinenciis in manibus dicti ballivi qui dedit sasinam eorundem hereditarie predicto Magistro David Vocat secundum tenorem carte sibi desuper conficiende et desuper pecierunt instrumentum, testibus Magistro Jacobo Wilkiesone Capellano Magistro Thoma Frank Johanne Vache David Vache Patricio Vache Alexandro Fawside Andrea Grame et Willmo Paterson*

Magistri David Vocat et
M. Ker

The following extracts are also taken from these volumes. The first extract gives a date to a tournament described by Pitscottie, at pages 188

and 189 of his history, as follows :—“ Soon after this there came a Dutch knight into Scotland, called Sir John Cockbewis, and desired fighting and justing in Scotland with the lords and barons thereof. But none was so apt and ready to fight with him as Sir Patrick Hamilton, brother to the Earl of Arran, being then a young man strong of body and able of all things, but yet, for lack of exercise, he was not so well practised as need were : though he lacked no hardiment, strength, nor courage in his proceedings. But at last, when the Dutchman and he were assembled together, both on great horse within the lists, under the Castle wall of Edinburgh, so, after the sound of the trumpet, they rushed rudely together, and brake their spears on ilk side on other, and afterwards got new spears and ran-countered freshly again. But Sir Patrick’s horse uttered with him, and would nowise encounter his marrow, that it was force to the said Sir Patrick Hamilton to light on foot and give this Dutchman battle, and therefore, when he was lighted, cried for a two-handed sword, and bade the Dutchman light from his horse and end out the matter, saying to him, a horse is but a weak weapon when men have most a-do. Then when both the knights were lighted on foot, they joined pertly together with awful countenances, and ever one strake maliciously at other, and fought long together with uncertain victory ; while, at the last, Sir Patrick Hamilton rushed manfully upon the Dutchman and strake him upon his knees. In the meantime, the Dutchman being at the earth, the king cast his hat out over the Castle wall, and caused the judges and men-at-arms redd and sunder them, and the heraulds and trumpets blew, and cried the victor was Sir Patrick Hamilton. This Sir Patrick Hamilton was brother-german to the Earl of Arran, and sister and brother bairns to the king’s majesty, and was a right noble and valiant man all his days.”

Extract from the Protocol Book of John Fowler, Vol. I.

A.D. 1501. Fol. 11. ¹Pro domino comite de Erole. Penultimo die Julii hora decima ante meridiem Alexander Lauder provest Johne Williamsoun Stevin Borthwik ballies William Carmychel thesaurare Andro Bertram and vtheris diuers of the nyctburis of the toun past

¹ See Spalding Club Miscellany, vol. ii. p. 212. Latin Instrument of Henry Strachan, N.P., to same effect.

to the presens of a nobil and mychti lord William erle of Erole declarand forsamekle as he had thame vnder summondis before the Lordis for the intrometting and withhalding fra him of the barras in the quhilk Johne Coupance and Schir Patrik Hammyltoun facth in Edinburgh thai wald stand in pley with him tharinto bot in contentacioun tharfor thai gaf him certane mone of the quhilk he held him content for the said barras and als thai promittit to supple the said lord in his office of constablari in tyme to cum and nocht to be in his contrare in sic cais quhen it hapinis nor nain vtheris concerning his office for his fauor and kindnes in tyme to cum testibus Andrea Strathauchin Willo Strathauchin Edmond Hay of Meginche Johne Ramsay of Murey and Patrik Hay of Leyis.

The next extract exhibits the Provost of Edinburgh as exercising a somewhat Erastian authority over the Prebendaries of St Giles' Church :—

A.D. 1501. Fol. 19. xx^{mo} die mensis Nouembris hora xi. Georgius Touris prepositus instanter requisivit caritatiue monuit et precepit prebendariis ecclesie collegiate Beati Egidii de Edinburgh vt custodirent sua seruicia debita in dicta ecclesia secundum tenorem fundacionis et erectionis eiusdem collegii sub penis que per ipsum prepositum balliuos et consules huiusmodi burgi eiisdem prebendariis imputari poterint, testibus Alexandro Laudre Waltero Yong, Jacobo Touris, et multis aliis, Johanne Foulare decano gilde.

The use made in these early times of notaries is well exemplified in the next instruments :—

A.D. 1505. Fol. 97.¹ Alexander Laudre nono Maii hora xi. In presencia prepositi balliuorum et consulum burgi de Edinburg Julianus Laci Lumbardus fatebatur se recepisse ab Alexandro Laudre preposito huiusmodi burgi pro tempore omnia et singula bona mercancias iocalia et alia quecunque cum quibus aliquo aliter intromisit magistro suo Jeromo Friscobaldi pertinencia idem Alexander peciit instrumentum. Testibus magistro Ricardo Lausoun preposito Alexandro Creichtoun balliuo magistro Jacobo Henrisoun Roberto Rynd Georgio Edwardsoun magistro Ricardo Boithvile.

¹ See Treasurer's Accounts.

A.D. 1511-12. Fol. 269. Dominus Synclare. x^{mo} die mensis Februarii anno Domini 1^m V^c XI. indicione XV. pontificatus sanctissimi domini nostri pape Julii secundi anno IX^o in presencia prepositi balliuorum et consulum burgi de Edinburgh Jacobus Homyl in iudicio fatebatur quod sua sponsa habuit de domino comite Augusie vnum signetum aureum in pignore acclamatum per nobilem dominum Henricum dominum Sinclare pro viginti scutis Gallicis et ibidem idem dominus offerebat in iudicio et ostendebat decem nobilia Anglicana videlicet Angel Nobil pro relaxatione huiusmodi signeti testibus preposito balliuis domino secretario regis.

The subject of the next extract is the election of the well known Sir Adam Otterburn as town-clerk. This appears to have been the first step in his public life on which he enters under the patronage of the Earl of Arran.

Fol. 33. Tercio die mensis Februarii horam xi. ante meridiem anno domini 1^m V^c XVII. in honorabilium virorum balliuorum consulum et magistrorum artificum communitatum burgi de Edinburgi representancium aliorumque proborum virorum burgensium dicti burgi in pretorio eiusdem congregatorum nostrumque notariorum publicatorum et testium subscriptorum [presencia] personaliter constitutus honorabilis vir Johannes Hamiltoun tunc temporis dicti burgi presidens pro tribunali in prefato pretorio sedens quoddam scriptum sibi et balliuis dicti burgi directum a nobili et prepotenti domino Jacobo comite Aranie domino Hamiltoun vno regencium regni Scocie et prefati burgi preposito manu sua vt apparuit subscriptum coram consulibus et probis viris antedictis in medio produxit et coram eis publice perlegi fecit in quo mandatum fuit per dictum dominum prepositum prefatis presidente et balliuis quatenus ipsi cum auisamento consulum et communitatis dicti burgi deputatum seu scribam sufficientem in officio clericatus communis dicti burgi sub principali communi clerico eiusdem elegerunt loco quondam Henrici Strathauchin qui dum vixerat fuit scriba et deputatus sub principali clerico prout in eodem scripto plenius continetur vigore cuius requisivit vota dictorum balliuorum et consulum magistrorum siue principalium artificum aliorumque proborum communitatis dicti burgi ad premissa et statim honorabilis vir magister Adam Ottirburn communis clericus eiusdem burgi inter alios sedens surrexit asserens se esse communem clericum

dicti burgi per prepositum balliuos consules et communitatem eiusdem perprius ad hoc generaliter electum cum potestate deputandi in eodem prout in literis sub sigillo communi dicti burgi sibi desuper confecte plenius ut asseruit continetur et obtulit se in dicto officio communis clericatus in persona propria ministraturum prepositoque balliuis consulibus et communitati eiusdem in eodem cum omnibus fidelitate et humilitate seruiturum propter quod affirmabat nullum alium deputatum in prefato officio suo sine ipsius consensu quouomodo elegi siue constitui deberi et longo tractatu inter presidentem balliuos consules et communitatem desuper habito tandem ad vota eorundem processum fuerit et hii probi viri subscripti vota sua pro dicto magistro Adam circa premissa hoc modo reddiderunt prout sequitur in vulgari—In primo Frances Touris John Mariorybank and Nicole Carncors thre of the ballies of the said burgh Dauid Mailuile Archibald Douglas William Clerk James Prestoun William Adamson elder Robert Logane Walter Chepman Johne of Carmichel Andro Moncur consules of the said burgh William Ra kirkmaster for the hammermen Johne M'medlous kirkmaster for the tailyhouris Stevin Bell for the skynnaris James Litolihone for the cordonaris William Crystesoun for the fleschouris Walter Flicht for the barbouris Johne Riddaill for the wobstaris thir kirkmasteris representand the communitie of thar craftis William Foular dene of gild William Carmichel Adam Stewart Johne Adamsoun elder Johne Irland Adam Hoppar, Thomas Home Master Frances Boithwell James Johnestoun Thomas Bard James Yhong William Brovne alias Albany herold William Mele William Rynd Williame Elphinstoune and Thom Cuke merchand—all conforme togidder and ilkane of thaim be thaim self grantit and confessit that the said master Adam was thar commoun clerk chosin tharto be fre electioun for his lifytyme and that he had thar lettrez vnder thar commoun sele tharapoun and said thai wald keip the samyn in all poynctis and nawys cum in contrar tharof and that he was ane abill man till vse the said office and to make the toun service tharin in his proper persoun gif he lykit to do the samyn lykeas he offerit him diuers tymis redy to do thar in presens—Johne Adamsoun yhoungar the ferd ballie and Johne Johnestoun said for thar votis that thai wald the commoun sele war allways kepit and that my lord principall provestis request and command war fulfillit Et preterea communis populus ibidem congregatus de votis

suis a presidente interrogatus se consulibus conformans a dicto magistro Ade consenciens cognomen suum videlicet Ottirburn Ottirburn alta voce pro maiore parte protulerunt Super quibus dictus magister Adam a nobis notariis peciit instrumentum. Acta erant in pretorio predicto testibus magistro Edwardo Cvnynghaim Domino Willelmo Wardlaw rectore de (name omitted in MS.) magistro Jacobo Foulis prebendario de Bothwell magistro Johanne Rynd prebendario ecclesie collegiate Beati Egidii Domino Jacobo Carruther Dominis Alexandro Scot Willelmo Brovne capellanis Johanne Stevinsoun Alexandro Scot Jacobo Clerk Georgeo Steill Johanne Bartrame Lawrencio Gilpatrik Andrea Mowbray et Georgeo Leiche.

The next extract introduces a subsequent provost Master Francis Bothwell as elected to the office of Little John, and contains an Injunction from the Earl of Arran "till excuse him from its duties." The injunction appears to have been of no avail, but notwithstanding we find him discharging the more honorable office of Provost in January 1523.

This instrument has already been printed by Mr Napier in his *Life of Napier of Merchiston*.

Fol. 56. Decimo septimo die mensis Aprilis anno Domini 1^m Vc XVIII. hora xii. The quhilk [day] in presens of the president ballies counsall and communitie Master Frances Bothwell producit my Lord Erle of Aranis principall provestis writingis and charge till excuse him fra the office of Lital John to the quhilk he was chosin for this yheir desyrand the samyn to be obeyit and the tenor tharof to be interit in this instrument the quhilk tenor of the said writtingis followis :

"President ballies and counsall of Edinburgh we greit yhow weill It is vnderstand to ws that Maister Frances Bothwell yhour nichtbour is chosin to be Lital John for to mak sportis and joscositeis in the toun the quhilk is a man to be vsit hear and gravar materis and als is apou his viage to pas beyhond sey his needfull erandis Quharfor we request and prayis and als chargis yhou that yhe hald him excuset at this tyme And we be this our wrytingis remittis to him the vnlaw gif ony he has incurrit for non excepting of the said office dischargeing yhou of ony poynding of him tharfor. Subscriuit with our hand at Linlithgw the

xii day of Aprile the yheir of God Im Vc and XVIII yheris (Subscribitur) Yhouris JAMES ERLE OF ARANE.

The quhilk writingis the said Maister Frances allegit war nocht fulfillit nor obeyit and tharfor he protestit that quahatever war done in the contrar turn him to na prejudice and for remeid of law tyme and place quhar it efferis.

The troubles of the times are shown in the next extracts.

Fol. 93, 94.

xx^o die mensis Julii anno Domini etc. (1521) hora xxii indiccione ix^a pontifacatus Leonis pape decimi anno ix^o in presens of the provest ballies and counsall the lard of Congiltoun comperit and in the name of the lardis of Bass and Wauchtoun desyrit at the provest ballies and counsall to declair to him how thai wald behaif thame tuiching the resisting of the Kingis rebellis and brokin men that was to cum to the tovn with my lord of Angus and declarit that the saidis lardis and himself war redy till obey the Kingis lettres and fulfill the samyn in all poynttis and thairapoun askit instrumentis.

The quhilk day the provest ballies and counsall ansuerit and said to the said lard of Congiltoun in the tovnis naim that quhat tyme and how sone the baronis cummys to this toвне of Edinburgh that thai sall vse the counsall in the resisting of the Kingis rebellis and brokin men the best way thai kan for defence of the Kingis grace his castell and toвне. And thairapoun the provest askit instrumentis And this was done in the Tolbuth befor thir witnes Maister Robert Galbrath Adam Stewart Adam Ottirburn Vincent Strathauchin with other diuers.

xx^o die Julii hora tercia post meridiem indiccione vt supra the maister of the Gramer Scule of Leith callit Schir (blank in MS.) allegit and said that hiddertillis he was redy at all tymes eftir his power till resist aganis the Inglis men and the Kingis rebellis and as yhit offerit him redy till resist the Kingis rebellis and broken men and Inglis men at his vtter power and protestit for remeid and help et peciit instrumentum testibus vt supra.

Pro Villa et domino Congiltoun et magistro Scole de Leith
penes defensionem domini regis et ville.

xx^o die mensis Julii anno etc. xxi hora xii The provest ballies counsall and communitie offerit thame redy till resist the kingis rebellis and thairtouris with thair bodiis at thair vtter power for saifte of the Kingis persoun his castell and toun, sua that the baronis wald assist to thame eftir the forme of the Kingis lettres direct to thame tharapoun et desuper prepositus peciit instrumentum testibus Johanne Creichtoun Henrico Creichton et domino Thoma Maxwell.

Pro Villa.

xx^o die mensis Julii anno etc xxi^o hora v post meridiem the lard of Lestalrig and the lard of Cragmillar ilkane of thaim for thaim self offerit thaim redy till resist the kingis rebellis at thair power for saifte of the kingis persoun castell and tounne eftir the forme of the kingis lettres direct to thaim thairapoun and to concur with the tounne and thairfor protestit that quhat danger cum thairthro na thing mycht be imput to thaim because thai offerit thaim redy till fulfill the kingis and the lordis commandis et desuper pecierunt instrumenta. Acta super montem castri testibus Domino preposito ville Magistro Adam Ottirburn Jacobo Prestoun Johanne Irland et Georgio Home Alexandro Spens Francisco Touris, Schir Alexander Touris of Innerleith protestit siclik.

Pro dominis de Lestalrig et Craigmillar et Innerleith.

The quhilk day the provest ballies and counsall offerit thame redy till resist the kingis rebellis w^t thair bodiis and gudes at thair vtter power for safte of the kingis persoun his castell and tounne et peciit instrumentum testibus prescriptis

Pro Villa

xx^o Julii hora quarta post meridiem the lard of Wauchtoun for him and the lard of Bass protestit that sen thai war commandit be the kingis lettres till cum to this tounne till resist the kingis rebellis and at thair collegis baronis of the cuntre war nocht redy as thai war and as the lordis promittit to thaim as thai allegit that thairfor na perell mycht be imput to thaim et dominus Wauchtoun peciit instrumentum testibus preposito balliuis et communitate.

The provest ballies and counsall requyrit the lard of Wauchtoun and

the lard of Bass that thai and thair folkis suld remane still in the tovne and quhat pairt thai wald tak anent the resisting of the kingis rebellis the tovne suld tak the samyn and pas with thaim et prepositus peciit instrumentum testibus magistro Roberto Galbrath et Vincentio Strathachin.

The lard of Wauchtoun in his naim and the lard of Bass offerit thame till do within the tovne as thai war requyrit to be the kingis lettres and out of the tovne thai suld do syklyc as vtheris baronis wald do et peciit instrumentum testibus vt supra. Acta in preposito.

Pro Villa et baronibus penes defensionem domini nostri regis et ville.

Notaries at this period in some measure supplied the office of the press. The next extract is a political document of great interest, as it exhibits the public spirit of the craftsmen under the leading of Mr Adam Otterburn.

The event to which it refers is told by Lesley in his History of Scotland, published by the Bannatyne Club, p. 107, as follows:—Upon 21 July 1540 the Earl of Angus being in the town of Edinr George Hume brother to umquhile Alex^r Lord Hume come with ane great company to the Town of Edinr the Prior of Coldinghame broder to the Earl of Angus and David Hume of Wedderburne with mony utheris greit gentlemen being togidder and past to the Tolbuith quhair they remainet quhile the heiddis of umquhile Lord Hume and his brother Mr W^m war taken doun off the Tolbuith gavill quhair thai were fixit with iron in presence of the provost for the tyme And on the next day they past to Linlithgow and thairfra to Stirling beleiving to have found the Chancellor and sum uther company thair and returnit again to Edinr the 25 of the samyn month and efter they had causet solemn funeral and obsequies be maid in the Blackfriars for the sauls of the saids Lords Hume and his brodir quhairat thair wes greit offerings and banquets maid thay returnit hame to thair awin dwellings.

Extract from Protocol Book of J. Foular, Vol. III. fol. 94.

xxi^o die mensis Julii anno etc. xxi^o (1521) hora vii post meridiem indictione ix pontificatus Leonis pape decimi anno ix^o. In presens of me notar publict and thir witnes vndirwritin thir personis videlicet Master Adam Ottirburn Nichol Carncors Eduerd Kincaid James Prestoun Johne

Dauidsoun for him and Frances Spottiswod his gudssoun Richart Criste-
soun dekin for him and in the naim and behalf of his craft of Fleschouris
and Johne Stevinsoun fleschour ilkane be thame self offerit thame redy
with thar bodiis till manteine and obey our Souerane Lord the King in the
defending of his persoun castell and tovn of Edinburgh and offerit thaim
with thar bodiis till defend the samyn in the resisting of rebellis and tra-
touris and dissassentit ony maner of way to the takin doun of the ij heidis
of the Chalmerlane¹ and his brothir of the Tolbuth end and protestit ilkane
be thaim self that qhat danger dammage or scath cum tharthrou in tym
to cum that na danger nor scath mycht be imput to thaim nor thar
heretage in tym to cum—et pecierunt instrumenta per se. Acta erant
prope Archum Inferiorem testibus Vincentio Strathanchin notario pub-
lico Johanne Smyth notario Henrico Tullous Jacobo Dyksoun Roberto
Cowan Johanne Dyksoun Jacobo Strang Thoma Blakbird Thoma
Wauchop.

Pro magistro Adam Ottirburn et aliis convicinis burgi.

The next Extracts are taken from Vincent Strachan's Protocol Books.

Vol. I. fol. 100, N^o 242. Vicesimo quarto die mensis Januarij anno
Domini Im Vc Xvj^{to} indicione quinta Pontificatus Domini nostri Leonis
Diuina Prouidencia pape decimi anno quarto in mei notarij publici et
testium subscriptorum presencia personaliter accessit honorabilis vir
Johannis Irland vnus balliuorum burgi de Edinburgh ad tenementum
terre Magistri David Vocat Magistri Gramaticalis scole huiusmodi burgi
iacens in dicto burgo in vinella sanctissime Domine nostre Virginis Marie
ecclesie collegiate de Campo ex parte orientali transitus eiusdem. Et
ibidem dictus Magister David Vocat totam et integram suam terram
continentem Aulam Cameram coquinam et solium supra cum posteriori
domo dicta le bakgalry eiusdem australi cellario et posteriori domo im-
mediate adiacente dicto cellario vna cum medio clausura sine transitu
ac libero introitu et exitii cum omnibus suis pertinentiis ascendendo a
medio gabello lapideo in longitudine vsque ad terram Domini Alexandri
Coupar Capellani ex parte australi inter aliam terram dicti Magistri
David Vocat cum cetero clausure pertinentis dicte scole ex parte boreali

¹ The Chalmerlane mentioned in the above extract was Alexander Lord Home.

et terram Francisci Inchcok ex parte orientali et communem transitum dicte vinelle ex occidentali partibus ab vna et alia per exhibitionem terre et lapidis in manibus dicti balliui sursum reddidit ac pure et simpliciter resignauit necnon accessit Idem balliuius Johannes Irland ad mansiones dicte ecclesie Collegiate Beate Marie Virginis de Campo Et ibidem prefatus Magister Daud totas et integras suas quatuor domos jacentes inter cameras prebendariorum suorum ex parte australi et commune passagium extendentem a dicta Ecclesia Collegiata Beate Marie Virginis vsque ad locum fratrum predicatorum huiusmodi burgi ex boreali et occidentali partibus et mediam fossam inter clausuram et ortum quam dictus Magister Daud habet in manibus suis ex parte orientale dictorum terre et lapidis per exhibitionem in manibus prenarrati balliui sursum reddidit ac pure et simpliciter resignauit quibus resignationibus sic vt premittitur factis singillatim et separatim memoratus Johannes Irland balliuius virtute et vigore sui officii et de speciali mandato dicti resignantis statum possessionem corporalem et sasinam hereditariam omnium et singularum predictarum terrarum et domorum specialiter et expresse superscriptorum cum omnibus suis sequelis et pertinenciis per exhibitionem dictorum terre et lapidis discreto viro Domino Johanni Andirson Capellano tanquam prebendario ipsius Magistri Daud et suis successoribus pro dictis celebrantibus ac celebraturis et de contentibus ad altare fundatum per ipsum Magistrum Daud in nomine Jesu infra dictam ecclesiam collegiatam secundum tenorem fundacionis desuper conficiende dedit vtique et deliberavit iure saluo cuius libet super quibus omnibus et singulis dictus Dominus Johannes Andirson a me notario publico &c peccit presens instrumentum seu instrumenta acta erant hec super fundum dicti tenementi et mansionis et vnus cuiusque earum singillatim separatum per se hora quasi tertia post meridiem testibus Dominó Johanne Magot Capellano Edwardo Bissait Alexandro Liddale Roberto Oliphant Georgio Sinclar Willelmo Dunnele Andrea Brovne Thoma Johnesoune et Patricio Linlithgow seriando ac harberto Carlill

Pro Domino Johanne Andirson Capellano &c

Eodem die eadem hora et testibus suprascriptis Necnon accessit Idem balliuius ad illas quatuor domos iacentes inter dictam ecclesiam collegiatam Beate Virginis Marie de campo et dictum locum fratrum predicatorum huiusmodi burgi Inter terram Domini Johannis Andirson

Capellani prebendarij dicte ecclesie collegiate ex parte occidentali et terram ipsius Magistri Daud ex parte orientali et communem passagium siue transitum extendentem a dicto collegio usque ad dictum locum fratrum predicatorum ex parte boreali et ortos prebendariorum prefati Magistri Daud ex australi ab vna partibus et alia. Et Ibidem dictus Magister Daud vnum annuum redditum nouem solidorum vsualis monete scocie annuatim percipiendum et levandum ad duos anni terminos consuetos Penthecostes videlicet et Sancti Martini in hieme per equales porciones de totis et integris predictis domibus cum pertinenciis per exhibicionem vnus denarij in manibus prefati balliui sursum reddidit ac pure et simpliciter resignauit pro reliuacione et exoneracione vnus annui redditus nouem solidorum pro quo totum tenementum olim ipsius Magistri Daud Vocat nunc pertinens Domino Johanni Andirsone ante dicto jacens in vinella predictae ecclesie collegiate ex parte orientali transitus eiusdem astrictum fuit et limitatum per antea Domino Johanni Harknes Capellano Reliquium vero proficuum et firmas ac omnium et singularum aliarum domorum cum pertinenciis iacentium infra dictas limites et boundas per exhibicionem terre et lapidis in manibus dicti balliui sursum reddidit ac pure et simpliciter resignavit Quibus Resignacionibus sic ut premittitur factis preinsertus Johannis Irland balliuis virtute et vigore sui officii statum possessionem corporalem et sasinam hereditariam tocuis et integri predicti annui redditus nouem solidorum cum pertinenciis in releuacionem et exoneracionem ut supra ac omnium et singularum dictarum terrarum et domorum cum pertinenciis per exhibicionem dicti denarii ac deliberacionem dictorum terre et lapidis discreto viro Magistro Thome. Frank Capellano vni prebendariorum ac nomine et exparte ceterorum prebendariorum huiusmodi collegii pro vna missa ebdomidatim perpetue in die veneris solempniter decantanda in nomine Jesu ad altare fundatum per sepedictum Magistrum Daud in predicto Collegio pro anima sua et omnium parentorum suorum secundum tenorem fundacionis desuper conficiende dedit vtique et deliberavit iure saluo cuius libet.

Fol. 101. Vicesimo quarto die mensis Januarij anno Domini 1^m V^c XVI^{to} indiccione quarto pontificatus Domini nostri Domini Leonis diuina prouidencia pape decimi anno quarto In mei notarij publici et testium subscriptorum presencia personaliter accessit honorabilis vir Johannes

Irland vnus balliuorum burgi de Edinburgh ad boreale tenementum Magistri Daud Vocat jacens in dicto burgo In vinella Sanctissime Domine nostre Virginis Marie ecclesie collegiate de Campo ex parte orientali transitus eiusdem Inter transitum dicte vinelle ex parte occidentali et terram Francisci Inhecok ex parte orientali et terram pertinentem dicto Magistro Daud racione sue capellanie fundate per quondam Thomam Russell ex parte boreali et terram Domini Johannis Andirsone prebendarij dicti ecclesie collegiate ex australi ab vna partibus et alia Et ibidem prenomnatus Magister Daud totam et integram suam partem borealem prefati sui tenementi cum pertinenciis per exhibicionem terre et lapidis in manibus dicti balliui sursum reddidit ac pure et simpliciter resignauit Qua resignacione sic vt premittitur facta memoratus Johannes Irland balliuus virtute et vigore sui officii statum possessionem corporalem et sasinam hereditariam tocus et integri prefati borealis partis tenementi dicti Magistri Daud dictorum terre et lapidis per exhibicionem prouido Viro Willelmo Seytoun nomine et ex parte Magistri Gramaticalis Scole huiusmodi burgi et suis successoribus qui pro tempore fuerint post decessum dicti Magistri Daud Vocat pro observacione et celebracione trium missarum ebdomidatim celebrandarum hiis tribus diebus videlicet Lune, Mercurij et Veneris si non sunt dies festiuales In Capella dicte Magne Scole ante exitum puerorum ad sua ieiunia per dictum capellanum qui protempore fuerit aut alium suum in hac parte substitutum necnon accessit idem balliuus ad scolam gramaticalem iacentem infra dictas limites et boundas Et Ibidem prenaratus Magister Daud totam et integram predictam suam domum siue scolam gramaticalem cum pertinenciis dictorum terre et lapidis per exhibicionem prefato Willelmo Seytoun nomine et ex parte prepositi balliuorum consulum et communitatis huiusmodi burgi secundum tenorem carte fundacionis per supradictum Magistrum Daud Vocat desuper conficiende iure saluo cuius libet

Ita est Vincencius Strathachin
Notarius ad premissa.

Vol. II. fol. 38. Vicesimo quinto die mensis septembris Anno Domini Jm Vc XXVI^{to} Indictione XV^{ta} pontificatus Domini Nostri Clementis pape septimi anno 3^o personaliter accessit honorabilis Vir Adam Johnstone

unius ballivorum burgi de Edin^r ad quandam terram Magistri David Vocat jacentem in dicto burgo ex parte australi vici regii ejusdem prope cimiterium ecclesie Collegiate beate Marie Virginis de Campo ex parte orientali transitus eisdem supra introitum siue portum maiorum ad curium prebendariorum predictae ecclesie collegiate inter predictum cimiterium huiusmodi ecclesie ex parte occidentali et curiam communem dictorum prebendariorum ex parte orientali et terram predictae Magistri David Vocat ex boreali et magnam mansionem quondam Magistri Mathei Ker prepositi dicti ecclesie collegiate ex australi partibus ab una et alia, Et Ibidem sepedictus Magister David Vocat Magister summe scole grammaticalis hujusmodi burgi totum et integrum unum annum redditum xiiij^{cim} solidorum et quatuor denariorum dicte usualis monete annuatim percipien. et levan. ad duos anni terminos &c de tota et integra predicta terra subtus et supra cum pertinenciis per exhibitionem unius denarie in manibus dicti ballivi sursum reddidit ac pure et simpliciter resignavit qua resignatione sic ut premittitur facta pretactus ballivus Adam Johnstone virtute et vigore officii statum possessionem corporalem et sasinam hereditariam totius et integri predicti annui redditus xiii^{cim} solidorum et quatuor denariorum cum pertinenciis dicti denarii per deliberationem discreto viro Domino Roberto Lilly Capellano uni prebendariorum ac nomine et ex parte ceterorum prebendariorum dicte ecclesie collegiate beate Marie Virginis de Campo et successorum suorum qui pro tempore fuerunt in puram elemosinam novem missorum annuatim factur. et celebran. imperpetuum ad altarem sancti Mathei apostoli infra dictam ecclesiam collegiatum fundatum per prefatum Magistrum Matheum Ker in honore beate barbare virginis secundum tenorem carte per dictum Magistrum David Vocat desuper conficien. dedit utique et deliberavit jure salvo cujuslibet Super quibus omnibus et singulis premissis predictus Dominus Robertus Lilly nomine suo et dictorum prebendariorum A me notario publico peciit presens publicum Instrumentum Acta erant hec super solum dicte terre hora quasi 3^{tia} post meridiem presentibus Ibidem providis et discretis viris Johanne Vernor Magistro Thoma Frank Capellano Domino Georgio Ker Capellano Jacobo Johnstone Alexandro Mercer et Roberto Mackippane cum diversis aliis.

Pro capellanis chori ecclesie Collegiate beate Marie Virginis de Campis.

Fol. 63. Undecimo die mensis Decembris anno domini J^m V^c XXVII^o hora 3^a postmeridiem Indictione prima pontificatus Clementis pape septimi anno quarto personaliter accessit honorabilis vir Willielmus Lauder unus ballivorum burgi de Edin^r ad tenementum terre quondam Johannis Twedy prefati burgi burgensis jacentem in dicto burgo ex parte boreali vici regii eiusdem inter tenementum quond Domini Alexandri Lauder de Blyth militis ex parte orientali et tenementum Roberti Logane ex parte occidentali et Ibidem Dominus Andreas Myll Capellanus ac unus prebendariorum ecclesie Collegiate beatissimi Virginis Marie de Campis ad altare sancti Rothi fundate infra dictam ecclesiam cum consensu et assensu et autoritate Magistri David Vocat presidentis prepositi dicti ecclesie totam et integram suam terram jacentem infra dictum tenementum subtus et supra cum pertinenciis inter terram anteriorem eiusdem ex australi et terram Alexandri Adamson ex boreali partibus ab una et alia per deliberacionem terre et lapidis in manibus dicti ballivi sursum reddidit ac pure et simpliciter resignavit Qua resignacione sic ut premittitur facta dictus Willielmus Lauder ballivus virtute et vigore sui officii statum possessionem corporalem et sasinam hereditariam ac quietam infeodacionem tocuis et integri prefati terre subtus et supra cum pertinenciis dictorum terre et lapides per exhibitionem provido viro Johanni Cunninghame et Helene Ross sue sponse ac eorum alteri diucius viventis et heredibus inter ipsos legitime procreatis seu procreandis quibus deficientibus veris legitimis et propinquieribus heredibus seu assignatis dicti Johannis quibuscunque contulit exhibuit et secundum tenorem carte desuper conficiende dedit utique et deliberavit salvo jure cujus libet solvendo inde annuatim dicti Johannis et sua sponsa heredes sui et assignati dicto Domino Andree Myll et suis successoribus unum annum redditum sex mercarum ad duos anni terminos Penthecostes viz et Sancti Martini in hieme per equales portiones et Dictus Johannes et sua sponsa pecierunt instrumenta, testibus Magistro David Vocat Domino Roberto Lille Roberto Smythberd Johanne Gudzeman et Patricio Linlithgow servando cum diversis aliis

Ita est Vincencius Strathauchin Notarius Publicus
ad premissa requisitus

Pro Johanne Cunynghame et Helena Ross
eius sponsa.

In examining the books of Alexander King, I was much struck with the frequent occurrence of the words "vasta et combusta per Anglos" in the instruments from 1548 to 1556. I noticed three in 1548, eight in 1549, ten in 1550, and many in after years. From these notices it seems probable that the houses burnt during the invasion of the Earl of Hertford in May 1540 were not rebuilt for many years. In some of the descriptions, the words are "per Anglos hujus regni antiquos inimicos," and only in a few instances the words "nunc edificatos" are inserted. In general they seem to have been left waste.

The next instrument is interesting, as showing the zeal with which the Magistrates defended their rights against the interference of the Court :—

Vol. V. fol. 79. Die Septimo mensis Mai anno Jm Lvj^{to} Indictione decima quarta pontificatus Domini Pauli Pape tertii quarti anno primo The quihlk day Johne Sym Robert Fleming and Richard Carmichael baillies James Barroun Dene of Gild Maisteris Thomas Makailzeane John Spens and Robert Heriot assissors Andro Murray of Blakbarony Johne Symson James Carmichael James Adamson Edward Hoip Adam Foulartoun Alexander Aichesoun Maister James Lindesay Maister Johne Prestoun Johne Spottiswod and John Loch of the Counsale of the Burch of Edinburgh beand convenit in the Inner Counsallhous of the Ovir Tolbuith of the said burch. Archibald Douglas of Kylespyndy Provest of the samyn chargit all the saids personis to remaine in waird except the said assessors quhill he returnit fra the Abbey and Palice of Halyrudehous fra the Queenis grace quhame to he wes passand as he declarit and tauld nocht how soun he wald return and siclik the saids baillies dene of Gild assissors and Counsall all in ane voce protestit in cais thai gaif the office of Watter balzery to Johne Litill burges of the said burch at the command of the Queenis grace divers and grete chairges for remeid and reduction thairof and refounding to the Towne of the dewiteis of the said office quhilkis he sal happin to intromett with in the meyntyme Becaus thai wer of mynd to haif haldin still the said Office in the townis hands, and to caus to be usit be the baillies of the burch as the Counsale plesit to charge thaim, and gif thai now gaif the samyn to the said Johne, It was as thai all declarit be compulsion of the saids charges Et desuper dictus Johannes Sym nomine proprio et omnium

aliorum consentientium petiit Instrumentum Acta In loco prescripto hora quarta post meridiem anno ut supra Testibus Willielmo Farnlie servatore mei Norij et Jacobo King notario publico.

Pro Ballivis et Consulibus burgi de Edinburgh.

The following, taken from the Protocol Book of Wm. Stewart, elder, vol. ii., is an instrument of annulling or breaking a sasine, which is inserted as a curious legal form frequently occurring in these Protocol Books, and also as showing how the ecclesiastical property was disposed of on the eve of the Reformation :—

Pro preposito ballivis et Consulibus et Communitate de Edinburgh.

Decimo die mensis Julii anno Domini Jm Vc sexagesimo sexto In mei notarii publici et testium subscriptorum presenciis, &c., personalie constituted Honorabill men Johnne Westoun Thesaurer of the Burgh of Edin^r and John Sym ane of the Bailzeis of the samin past to the Lugeing quhairin sumtyme lugeit the Provost of the Kirk of this Burgh liand in the South Kirk zard of the samine upoune the West end thair of betwixt the lands of umq^{le} James Adamsoun on the west the ouer Kirk zard of the said Toun and Curates Chalmer on the eist, the Gardene or zarde new foundit be the Provost baillies Counsale and Communitie of the said Burgh on the north and the zarde sumtyme callit the Curates zarde on the south and brak ane treyne Dische for nullitie of the Sésing gevin to my Lord Drummond of the said lugeing, and protested the samin war of nane avale force nor effect and for reduction & annullatioun thair of quhen tyme and place suld occur Becaus It was gevin without consent of the Prebendars and pertenit to the gude Tounne as Patronis thair of & sua without thair consent and assent thairto the samin was invalide and null in the self super quibus omnibus et singulis premissis predictus Johannes Westoun Thesaurius et Johannes Sym Ballivus a me notario publico subscripto nomine prepositi ballivorum Consulium et Communitatis dicti burgi eis fieri pecierunt presens publicum Instrumentum seuplura publica Instrumenta Acta erant hec super fundum dictarum edificium horam circiter undecimam antemeridiem sub anno die et mense quibus supra presentibus ibidem providis viris Alexandro Park Alano Dikesoun magistro Johanne Prestoun magistro Roberto Glen Johanne Cunynghame et Francisco Ur cum diversis aliis.