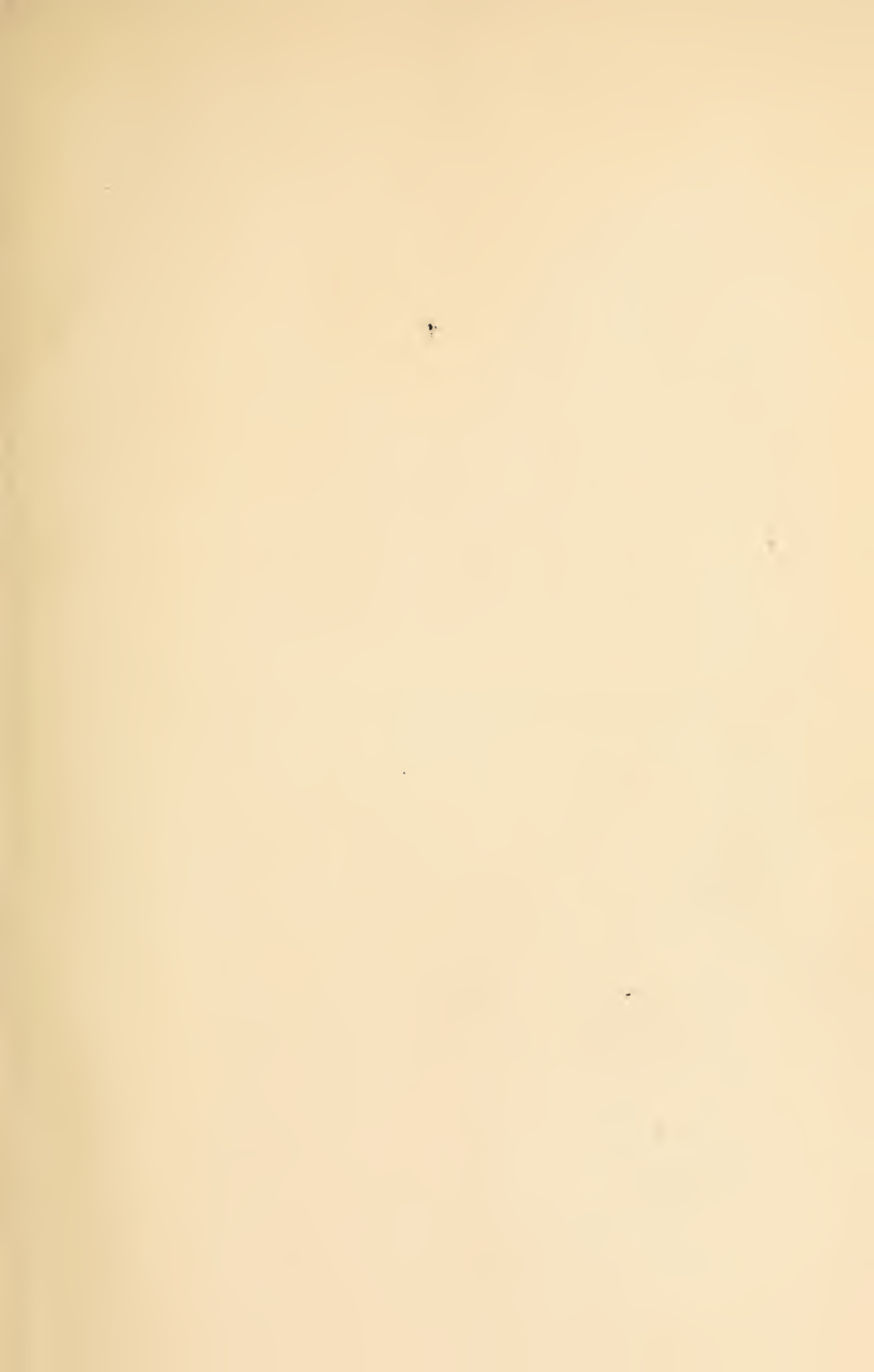




271, 3

2321





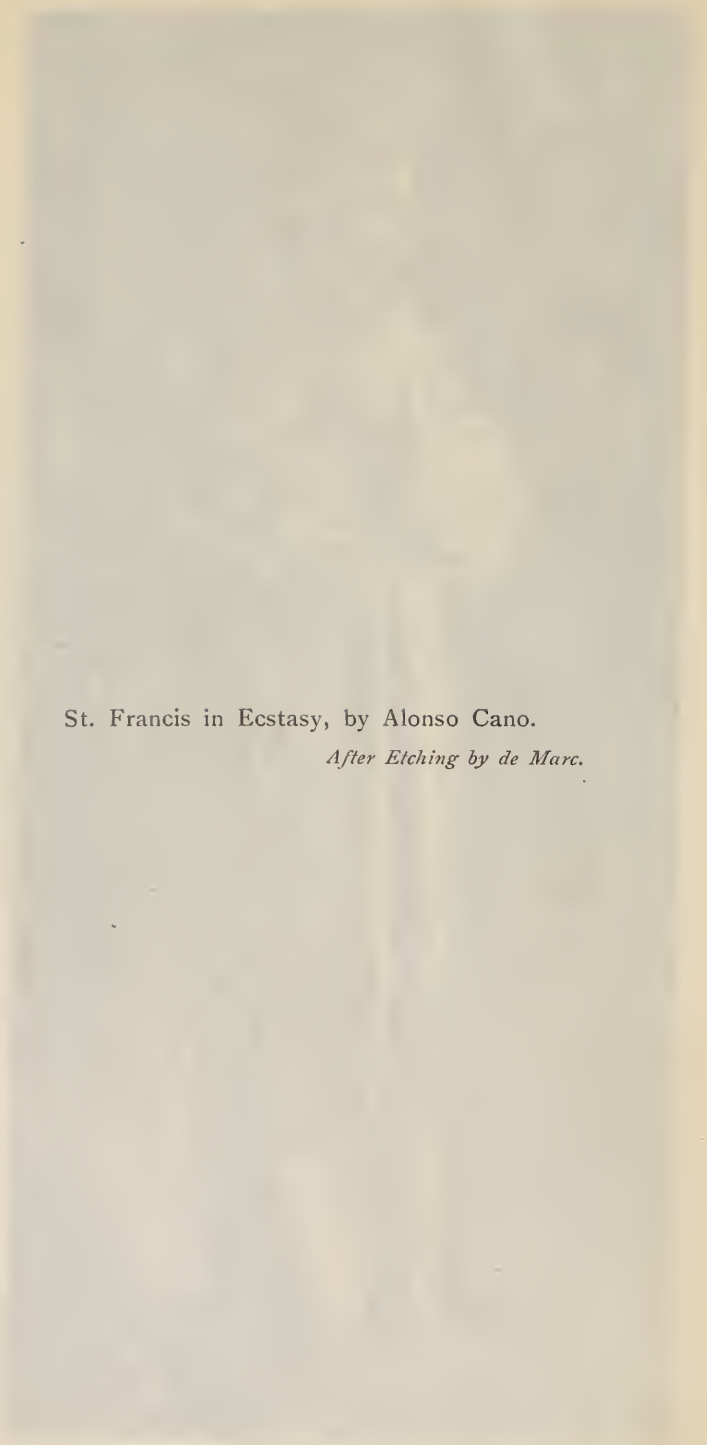


THE SCOTTISH GREY FRIARS



Digitized by the Internet Archive
in 2007 with funding from
Microsoft Corporation





St. Francis in Ecstasy, by Alonso Cano.

After Etching by de Marc.

THE SCOTTISH
GREY FRIARS

BY

WILLIAM MOIR BRYCE

VOL. II.
DOCUMENTS

EDINBURGH AND LONDON
SANDS & CO.

HFeSca

B

608355

20.5.55

~~2321~~



TABLE OF CONTENTS

I. ORIGINAL SOURCES

CONVENTUAL FRIARIES

ROXBURGH

	PAGE
GRANT from burgh fermes, James III. to Grey Friary, 5th October, 1477 (<i>Reg. Mag. Sig.</i>),	3
FEU CHARTER of Grey Friary, Warden Cant to Walter Ker of Cesfurd, 18th December, 1564 (<i>Ibid.</i>),	4

HADDINGTON

DECREET, in action, Grey Friary against tenants of Dremhills, 29th April, 1550 (<i>Reg. Acts and Decreeets</i>),	10
SASINE, Annual Rent, Margaret Kennite to Grey Friary, 8th August, 1516 (<i>Burgh Charter Chest</i>),	11
INDENTURE, John Haliburton, vicar of Greenlaw, and Grey Friary, concern- ing foundation of almshouse, 11th June, 1478 (<i>Ibid.</i>),	13
CHARTER OF FOUNDATION, Walter Bertram, altar of St. Clement in Grey Friary, 4th February, 1494-95 (<i>Reg. Mag. Sig.</i>),	16
SASINE, Annual Rent, Robert Greenlaw to Grey Friary, 31st December, 1495 (<i>Burgh Charter Chest</i>),	21
SASINE, Annual Rent, John Forton to Grey Friary, 30th April, 1499 (<i>Ibid.</i>),	22
LEASE, Ralph Eglinton's Acres, 22nd February, 1499-1500 (<i>Ibid.</i>),	23
AGREEMENT, Grey Friars and the Burgh, 12th February, 1527-28 (<i>Ibid.</i>),	24
RECEIPT, Grey Friars to tenants of Corn Mills, 2nd April, 1538 (<i>Ibid.</i>),	27
CHARTER OF VENDITION, Annual Rents, John Lethane to Grey Friary, N.D. (<i>Ibid.</i>),	28
ASSIGNATION, Annual Rents, Robert Galloway to Grey Friary, 3rd Sep- tember, 1512 (<i>Ibid.</i>),	30
SASINE, Annual Rent, John Lethane to Grey Friary, 12th November, 1513 (<i>Ibid.</i>),	32
SASINE, Annual Rent, John Sibbaldson to Grey Friary, 13th September, 1514 (<i>Ibid.</i>),	33
SASINE, Annual Rent, John Haliburton to Grey Friary, 8th February, 1534- 35 (<i>Ibid.</i>),	35
NOTARIAL RECORD, Expropriation of Friar George Hugo, 10th September, 1538 (<i>Protocol Books, Alexander Simson, loc. cit.</i>),	36
RENUNCIATION, Richard Maitland's tenement, Grey Friars to John Wol- stoun, 13th December, 1539 (<i>Ibid.</i>),	36

TABLE OF CONTENTS

	PAGE
SASINE thereon, 16th January, 1539-40 (<i>Protocol Books, Alexander Simson, loc cit.</i>),	38
PROTEST, Friar William Sinclair, against sale of stones, 23rd February, 1541-42 (<i>Ibid.</i>),	38
DISCHARGE, Annual Rent, Grey Friars to Philip Gibson, 3rd October, 1543 (<i>Ibid.</i>),	39
SASINE, Annual Rent, Philip Gibson to Grey Friars, 3rd November, 1543 (<i>Ibid.</i>),	41
CHARTER OF VENDITION, Annual Rent, John Haichtwe to Grey Friars, . . . December, 1550 (<i>Burgh Charter Chest</i>),	42
PRECEPT OF SASINE, Grey Friary, in favour of Magistrates, 9th October, 1559 (<i>Ibid.</i>),	44
OBLIGATION, Magistrates to restore Grey Friary, 11th October, 1559 (<i>Ibid.</i>),	46
POWER OF ATTORNEY, Warden Auchinleck to Provost of Haddington, 4th August, 1560 (<i>Protocol Books, Thomas Stevin, loc. cit.</i>),	47
FEU CHARTER, Grey Friary, Warden Auchinleck to George Simson, 4th and 12th August, 1565 (<i>Burgh Charter Chest</i>),	48
CROWN PRECEPT, Gift of Grey Friary to Burgh, 24th March, 1566-67 (<i>Reg. Privy Seal</i>),	51
LETTER OF GIFT, Pension, Queen Mary to Warden Auchinleck, 21st March, 1566-67 (<i>Ibid.</i>),	52
LETTERS OF POINDING, Warden Auchinleck against the Magistrates, 23rd July, 1567 (<i>Burgh Charter Chest</i>),	52
FEU CHARTER, Grey Friary, George Simson to George Scott, 17th October, 1567 (<i>Ibid.</i>),	55
RECEIPT, Warden Auchinleck to George Scott, 19th December, 1567 (<i>Ibid.</i>),	57
SASINE, Grey Friary, in favour of Magistrates, 30th October, 1572 (<i>Ibid.</i>),	58
PROTEST, by Provost James Cockburn, 30th October, 1572 (<i>Ibid.</i>),	60
FEU CHARTER, Grey Friary, Warden Auchinleck to Magistrates, 10th December, 1572 (<i>Ibid.</i>),	61
RECEIPT, Warden Auchinleck to Magistrates, 12th December, 1572 (<i>Ibid.</i>),	64
AGREEMENT, Ralph Eglinton's Acres, Warden Auchinleck and Magistrates, 30th August, 1568 (<i>Burgh Court Books</i>),	65
GRANT OF PENSION, Magistrates to Friar Patrick Allan, 23rd March, 1574 (<i>Ibid.</i>),	66
RECEIPT, Friar Patrick Allan to Magistrates, 19th November, 1575 (<i>Burgh Charter Chest</i>),	67
DECREET, Freir Croft, in favour of John Cockburn of Clerkington, 22nd July, 1592 (<i>Reg. Acts and Decrees</i>),	68
EXCERPTS, Records of Lawsuits concerning Grey Friary and the Friars, 13th February, 1508-09—11th February, 1522-23 (<i>Acta Dom. Concil.</i>),	72
EXCERPTS, relating to Grey Friary, 11th October, 1530—22nd November, 1577 (<i>Burgh Court Books</i>),	79
EXCERPTS, relating to acquisition of Grey Friary by the Magistrates, 30th October, 1572—21st April, 1574 (<i>Protocol Books, Thomas Stevin</i>),	97

DUMFRIES

CHARTER OF BRIDGE TOLL, Margaret, Countess of Douglas, to Grey Friary, 16th January, 1425-26 (<i>Burgh Charter Chest</i>),	101
--	-----

TABLE OF CONTENTS

vii

	PAGE
CHARTER OF BRIDGE TOLL, James, Earl of Douglas to Grey Friary, 4th January, 1452-53 (<i>Burgh Charter Chest</i>),	102
CHARTER, Annual Rent, John Logan to Grey Friary, 1st March, 1519-20 (<i>Reg. Mag. Sig.</i>),	103
OBLIGATION, Lord Maxwell to Grey Friars, 24th June, 1551 (<i>Inventory, Burgh Charter Chest</i>),	104
ABBREVIATE FEU CHARTER, Newyards, Grey Friars to John Birkmyre, 15th September, 1555 (<i>Reg. of Abbreviates, Church Lands, G.R.H.</i>),	104
FEU CHARTER, Bridge Toll, Grey Friars to John Johnston, 10th July, 1557 (<i>Burgh Charter Chest</i>),	106
ABBREVIATE FEU CHARTER, Right of salmon fishing, Grey Friars to John MacBrair, 8th January, 1567-68 (<i>Reg. of Abbreviates, Church Lands, G.R.H.</i>),	107
FEU CHARTER, lands of Corbellie Hill, 26th March, 1558 (<i>Reg. Mag. Sig.</i>),	109
FEU CHARTER, Friary Garden, Grey Friars to John Richardson and Elizabeth M'Kynnell, 10th June, 1558 (<i>Ibid.</i>),	109
FEU CHARTER, Friarhaugh, Grey Friars to John Richardson, 14th June, 1558 (<i>Ibid.</i>),	112
FEU CHARTER, Friary Garden and disjoined lands, Grey Friars to John Marshall, 8th July, 1559 (<i>Ibid.</i>),	114
AGREEMENT, Friary Revenues, Warden Home and Archibald MacBrair, 23rd May, 1569 (<i>Register of Deeds, G.R.H.</i>),	117
AGREEMENT, Friary Revenues, Warden Home and Magistrates, 22nd November, 1569 (<i>Ibid.</i>),	119
RECEIPT, Warden Home to Magistrates, 4th April, 1571 (<i>Burgh Charter Chest</i>),	121
LETTER OF GIFT, Pension, James VI. to Warden Home, 6th July, 1586 (<i>Reg. Privy Seal</i>),	122
AGREEMENT, Royal Bounties, Grey Friars and Sir James Douglas of Cavers, 19th September, 1554 (<i>Reg. Acts and Decrees</i>),	123

DUNDEE

CHARTER, Annual Rent, Marjory, Countess of Crawford, to Grey Friary, 17th November, 1478 (<i>Reg. Mag. Sig.</i>),	125
CHARTER, Annual Rent, David Ogilvy of Inchmartin to Grey Friary, Dundee, 30th April, 1492 (<i>Ibid.</i>),	133
CHARTER, Annual Rent, John, Earl of Crawford to Grey Friary, 15th April, 1506 (<i>Ibid.</i>),	135
EXCERPTS, relating to Grey Friary (<i>Protocol Books, Burgh Charter Chest</i>),	141
ABBREVIATE FEU CHARTER, Grey Friary, Grey Friars to David, Earl of Crawford, 11th July, 1557 (<i>Reg. of Abbreviates of Church Lands, G.R.H.</i>),	143
PRECEPT, for Crown Charter of Confirmation of preceding, 21st March, 1565 (<i>Reg. Privy Seal</i>),	144
PRECEPT, for Charter of ecclesiastical properties and endowments in favour of the Magistrates, 14th April, 1567 (<i>Ibid.</i>),	146
EXCERPT, Annual Rents of Grey Friary, 12th August, 1573 (<i>Rental of Chaplainries</i>),	147

LANARK		PAGE
INTERLOCUTOR, in action, Crown against burghers who appropriated the building material of Grey Friary, 11th July, 1566 (<i>Reg. Acts and Decrees</i>),		150
PRECEPT, for Crown Charter of Grey Friary to Adam Stewart, 22nd March, 1570 (<i>Reg. Privy Seal</i>),		151
DECREET, in action, Robert Mure against competitors for Grey Friary Revenues, 14th April, 1573 (<i>Reg. Acts and Decrees</i>),		151
DECREET, in action, Bernard Lindsay against tenants of Grey Friary lands, 18th December, 1582,		155
SASINE, buildings and glebe of Grey Friary to James Carmichael of Hyndfurd, 6th October, 1620 (<i>Particular Reg. Sasines, Lanark, Overward</i>),		158
LETTER OF REDEMPTION, Grey Friary yards, John and Samuel Lockhart of Lee to Sir James Lockhart of Lee, 15th August, 1622 (<i>Ibid.</i>),		159
INVERKEITHING		
FEU CHARTER, Grey Friary arable land, Grey Friars to James Scott, 1st and 3rd August, 1560 (<i>Reg. Mag. Sig.</i>),		161
CROWN CHARTER, Grey Friary, to Mark Swinton, 17th June, 1605 (<i>Ibid.</i>),		163
CHARTER, Pension, David II. to Friar John the Carpenter (<i>Harleian MSS.</i>),		166
DECLARATION, Forgery of Charter of Kinghorn, by John Buty in Grey Friary, 1st November, 1424 (<i>Reg. of Transcripts, G.R.H.</i>),		166
KIRKCUDBRIGHT		
LEASE, Friary Croft, Warden Walker to Ninian Muirhead, 11th September, 1551 (<i>Hutton MSS.</i>),		168
ABBREVIATE FEU CHARTER, Grey Friary lands, Grey Friars to John MacBrair, 5th July, 1552 (<i>Reg. of Abbreviates, Church lands, G.R.H.</i>),		168
BLENCH CHARTER, Grey Friary, James VI. to Thomas Maclellan of Bombie, 6th December, 1569,		170
MINUTE OF DISPOSITION, Church of Grey Friary, Thomas Maclellan of Bombie to Magistrates, 24th March, 1570,		171
OBSERVATINE FRIARIES		
CROWN CHARTER OF MORTIFICATION, sites of Friaries in Edinburgh, St. Andrews, Aberdeen and Glasgow, 21st December, 1479,		195
ST. ANDREWS		
NOTARIAL INSTRUMENT, Resignation of Grey Friary, Warden Maltman to Magistrates, 21st September, 1559 (<i>Burgh Chart Chest</i>),		202
PRECEPT, for Crown Charter of ecclesiastical properties and endowments in favour of Magistrates, 17th April, 1567 (<i>Reg. Privy Seal</i>),		203
EXCERPT, ecclesiastical revenues acquired by Magistrates, 12th August, 1573 (<i>Rental of Chaplainries</i>),		205

TABLE OF CONTENTS

ix

PERTH

	PAGE
CROWN CHARTER, Hospital of Perth, 9th August, 1569 (<i>Reg. Mag. Sig.</i>),	206

ABERDEEN

CHARTER OF DONATION, site of Grey Friary, Richard Vaus of Many to ultramontane Vicariate of the Observatines, 20th July, 1469 (<i>Burgh Charter Chest, St. Andrews</i>),	211
INSTRUMENT OF SASINE, thereon, recording ceremony of investiture, 12th July, 1471 (<i>Archives, University of Aberdeen</i>),	215
CHARTER, additional land, Magistrates of Aberdeen, on behalf of Walter Bertram, to Observatine Friars, 1494 (<i>Protocol Books, Burgh Charter Chest</i>),	221
NOTARIAL RECORD, resignation of additional land, Margaret Candoche and Alexander Modray to Observatine Friars, 9th February, 1503 (<i>Ibid.</i>),	223
CERTIFICATION, presentation of their seals, <i>ead. die</i> (<i>Ibid.</i>),	223
NOTARIAL CERTIFICATE, grant of Sasine to Friar Anthony, Commissary of ultramontane Vicar General, 12th February, 1503 (<i>Ibid.</i>),	224
MINUTE OF AGREEMENT, friary boundaries, Warden Childe and Gilbert Menzies, 2nd April, 1505 (<i>Ibid.</i>),	225
RECORD, of the apostasy and flight of Friar Alexander Dick, O.M., 7th May, 1532 (<i>Acta Dom. Concil.</i>),	226
FEU CHARTER, burgh midden adjoining Observatine Friary, 9th January, 1552-53 (<i>Burgh Council Register</i>),	229
DESCRIPTIVE NOTES, by Mr. P. J. Anderson, LL.B., Librarian, Aberdeen University, on certain manuscript volumes alleged by the late Professor Stuart to have belonged to the Observatines of Aberdeen,	237-244

GLASGOW

INSTRUMENT OF ASSIGNATION, lands of Haghill, Friar James Baxter to Robert Herbertson, 19th June, 1560 (<i>Protocol Books, Henry Gibson</i>),	246
NOTARIAL RECORD, Sale of Grey Friary, Sir John Stewart of Minto to Joanna Cunningham, 23rd December, 1575 (<i>Ibid.</i>),	248

AYR

BULL OF ERECTION, Sixtus IV. to Observatine Friaries, Ayr and Elgin, (<i>Transcript, G.R.H., Edinburgh</i>),	250
EXCERPTS, Records of Lawsuits, Grey Friars appearing in (<i>Acta Dom. Concil. et Sess.</i>),	251
CROWN LEASE, Friary yards, to William Campbell of Skeldoun, 7th February, 1566-67 (<i>Reg. Privy. Seal</i>),	254
PRECEPT, for Crown Charter of ecclesiastical properties and revenues in favour of Magistrates, 14th April, 1567 (<i>Ibid.</i>),	255

TABLE OF CONTENTS

ELGIN		PAGE
PRECEPT, for Crown Charter of Grey Friary in favour of Robert Innes of Innermarkie, 20th April, 1573 (<i>Reg. Privy Seal</i>),		256
STIRLING		
PRECEPTS, for audit of accounts of Andrew Ayton, <i>inter alia</i> , erection of Observatine Friary (<i>Reg. Privy Seal</i>),		258
PRECEPT, for Crown Charter of ecclesiastical properties and revenues in favour of Magistrates, 15th April, 1567 (<i>Ibid.</i>),		259
EXCERPTS, ecclesiastical revenues in hands of Magistrates, 12th August, 1573 (<i>Rental of Chaplainries</i>),		260
THIRD ORDER OF ST. FRANCIS		
LETTER OF CONFRATERNITY, Oliver Maillard, ultramontane Vicar General of the Observatines, to Sir John Drummond of Drummond, 27th May, 1496 (<i>Hutton MSS.</i>),		264
LETTER OF CONFRATERNITY, Ludovic Williamson, Provincial Minister of the Scottish Observatines, in favour of Sir Patrick Hepburn of Waughton, 1542 (<i>Ibid.</i>),		266
ABBREVIATE FEU CHARTERS, Nunnery of Regular Tertiary Sisters and Sisterlands, Aberdour, to James, Earl of Morton, 18th August, 1560 (<i>Reg. of Abbreviates, Church Lands, G.R.H.</i>),		270
LEASE OF SISTERLANDS, Nunnery of Regular Tertiary Sisters, Margaret Talliefeir to John Robertson, 1st January, 1584-85 (<i>Books of Council and Session, G.R.H.</i>),		271
CHARTER OF FOUNDATION, Nunnery of Regular Tertiary Sisters, Dundee, James Fotheringham to Joneta Blair and others, 8th March, 1501-02 (<i>Reg. Mag. Sig.</i>),		273
GENERAL		
NOTES AND DESCRIPTION, Obituary Calendar of Observatine Friary, Aberdeen,		283
FACSIMILE and Text of same,		285-336
EXCERPTS, Accounts of the Collectors-General and Sub-Collectors of the Thirds of Benefices, 1561-1589, relating to the Pensions of Grey, Black and White Friars, and to the lands and endowments in their possession before the passing of the Act of 24th August, 1560 (<i>Accounts, G.R.H.</i>),		337-370
EXCERPTS, The King's Patrimony (<i>G.R.H.</i>),		370-371
EXCERPTS, Books of Assumption of Great Benefices, 1561 (<i>a</i>) Dominican Priory, St. Andrews; (<i>b</i>) Dominican Priory, Edinburgh,		372-377
EXCERPTS Accounts of Collectors of Church Rents, Edinburgh, 1569-1585,		377-379

TABLE OF CONTENTS

xi

II. PRINTED SOURCES

PAPAL BULLS AND MANDATES

	PAGE
MANDATE to Scottish Bishops by John XXII., ordering restitution of books to Grey Friaries, Roxburgh and Berwick, 8th June, 1332,	2
BULL OF ERECTION, Clement VI. to Grey Friary, Lanark, 29th November, 1346,	149
BULL OF ERECTION, Alexander VI. to Observatine Friary, Stirling, 9th January, 1497-98,	257
BULL OF ERECTION, Adrian VI. to Observatine Friary, Jedburgh, 31st January, 1521-22,	262
RESCRIPT, Alexander IV. to Chapter General, Friars Minor, ordering appointment of Provincial Minister in Scotland,	275
BULL OF ERECTION, Pius II. to Observatine Province of Scotland.	275
RULE OF FRIARS MINOR, <i>Solet annuere</i> , Honorius III.,	380
Translation,	385
TESTAMENT OF ST FRANCIS,	390
Translation,	393
INTERPRETATIVE DECLARATIONS OF THE RULE OF THE FRIARS MINOR—	
Gregory IX., <i>Quo elongati</i> ,	397
Nicolas III., <i>Exiit qui seminari</i> ,	401
Clement V., <i>Exivi de paradiso</i> ,	420
PRIVILEGE appointing Procurators for Friars Minor, Martin V., <i>Exultantes in Domino</i> ,	433
BULL OF CONCORDANCE, Leo. X., <i>Omnipotens Deus</i> ,	435
PRIVILEGE permitting burial of laymen in Franciscan cemeteries and churches, Innocent IV., <i>Cum a nobis</i> ,	440
ECCLESIASTICAL PRIVILEGES OF FRIARS MINOR, Alexander IV., <i>Virtute conspicuos sacri</i> ,	441
MENDICANT CHARTER OF LIBERTIES, Boniface VIII., <i>Super Cathedram</i> ,	447

THIRD ORDER OF ST. FRANCIS

FIRST RULE OF THE ORDER OF PENITENTS, 1221,	451
Translation,	458
THIRD RULE OF THE ORDER OF PENITENTS, Nicolas IV., <i>Supra montem</i> ,	464

CONVENTUAL FRIARIES

LETTER, William, Bishop of Glasgow, 4th May, 1235,	1
EXCERPT, Charter, Sir William Lindsay to Abbey of Newbattle, 30th November, 1293,	8
INDENTURE, Sir William Haliburton and Grey Friars, Haddington, 22nd July, 1389,	8
CHARTER, Annual Rent, Robert Greenlaw to Grey Friary, Haddington, 8th May, 1490,	16
INDENTURE, Annual Rent, David, Earl of Crawford, and Grey Friary, Dundee, 2nd August, 1489,	127

TABLE OF CONTENTS


	PAGE
OBLIGATION, Friar James Lindsay and Provincial Chapter to Beatrix, Countess of Erroll, 12th March, 1481-82,	129
INDENTURE, Beatrix, Countess of Douglas, and Grey Friars, Dundee, 25th November, 1482,	130
CONFIRMATION OF SAME, by Provincial Chapter, 11th July, 1490,	132
CHARTER, Annual Rent, Andrew Whitehead to Grey Friary, Dundee, 24th August, 1498,	135
CHARTER, Annual Rent, Sir Thomas Maule of Panmure to Grey Friary, Dundee, 22nd April, 1509,	138
TESTAMENT AND INVENTORY, Sir Thomas Maule,	140
LICENSE, Queen Mary to Burgh of Dundee, to utilise cemetery of Grey Friary as public burial ground, 11th September, 1564,	145
CROWN CHARTER AND CONFIRMATION, Grey Friary, Lanark, to Bernard Lindesay, 12th January, 1580-81,	154
CROWN CHARTER, Grey Friary, Lanark, to Sir James Lockhart of Lee, 7th February, 1587-88,	158

OBSERVATINE FRIARIES

CHRONICLE OF THE OBSERVATINE PROVINCE OF SCOTLAND, by Father John Hay, O.M.,	173
Translation,	183
EXCERPTS, CHARTERS OF MORTIFICATION, obit doles, to altars in St. Giles, Edinburgh, 1477-1536,	196
LETTER OF RECEPTION, homologating grant of chapel of St. John the Baptist to Observatine Friars, Edinburgh, 20th November, 1560,	200
CONFIRMATION, Thomas Myrton, executor of Bishop Elphinstone, Aberdeen, 16th November, 1554,	228
INSTRUMENT OF RESIGNATION, Observatine Friary, Aberdeen, Warden John Roger to Magistrates, 29th December, 1559,	233
CROWN CHARTER, Observatine Friary, Aberdeen, James VI. to Magistrates, 30th December, 1567,	235
EXCERPTS, relating to acquisition of adjoining lands by Observatine Friars, Glasgow,	245
LETTER OF CONFRATERNITY, John Grohin, ultramontane Vicar General of the Observatines, to Robert Arbuthnot of Arbuthnot, 1487,	263
LETTER OF CONFRATERNITY, Anthony Vitali, Commissary of the ultramontane Vicar General of the Observatines, in favour of Sir Thomas Maule of Panmure, 20th April, 1504,	265
CHARTER OF FOUNDATION, Nunnery of Regular Tertiary Sisters, Aberdour, James, Earl of Morton to Isabella Wight and others, 16th October, 1486,	267
PETITION, of James IV. to Pope Julius II., on behalf of the Scottish Observatines, 1st February, 1506-07,	276
LETTER, of James IV. to Cardinal Protector of Franciscans following thereon,	278
PETITION of James V. to Pope Clement VII. on behalf of the Scottish Observatines, 6th March, 1531-32,	279

Beatus frācūcus duob; ānis ante mōtē suā fecit quadra
 gestmā i loco alieme ad honorē beate vīginis māie māis dīz beati
 michael archāgli a festo assūptiois scē māie usq; ad festū scī
 michael septēb 7 facta est sup eū man dñi p̄r uisionē 7 allocuti
 onē seraphy 7 imp̄ssione stigmatū x̄i i ope suo scē has laudes ex alio
 late re **B** carule ic̄ptat 7 manu sua sepsit q̄sa ges d̄ o de b̄n̄fictosibi
 collato

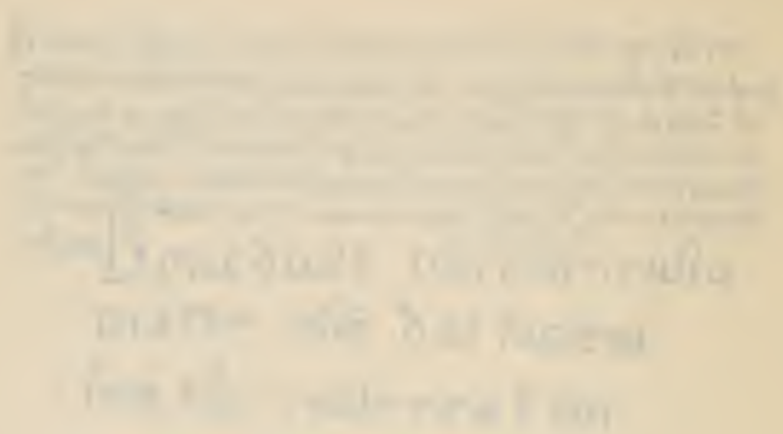
Benedicat tibi dñs 7 custo
diate . ostē d̄ at faciē
suā . tibi 7 misere a t̄ tui.
cōuer tat uultū suū ad te

7 der tibi pace 

Et Beaf frācūc̄ scripsit manu sua istā b̄ndictiōnē n̄i s̄r̄i l̄o d̄i



Et Simili modo fecit istud signū thau cū capite manu sua



An Early Franciscan Document.

Facsimile of the Benediction of St. Francis to Friar Leo,
now preserved in the Treasury of the Convent at
Assisi.

The Benediction and the "Tau" are in the handwriting
of St. Francis; the remainder in that of Friar Leo.



HISTORY

OF THE

SCOTTISH GREY FRIARS

VOLUME II.

DOCUMENTS

ROXBURGH FRIARY

1. LETTER by William, Bishop of Glasgow, regarding the dedication of the Cemetery of the Grey Friary at Roxburgh. Dated 4th May, 1235. (*Reg. de Kelso*, II., 321, No. 418, *Bann. Club.*)

OMNIBUS CHRISTI FIDELIBUS hoc scriptum visuris vel audituris, Willielmus, permissione divina, ecclesie Glasguensis minister humilis, eternam in Domino Salutem. Noverit universitas vestra quod, cum anno gratie millesimo ducentesimo trigesimo quinto, in Crastino Inventionis Sancte Crucis, in presentia nostra apud Rokesburc, Dominus H[erbert Mansuel] Abbas de Kelkou, et Frater Martinus, Custos Fratrum Minorum in Scotia, essent constituti, et de cimiterio dedicando apud ecclesiam Sancti Petri inter eosdem tractatus haberetur, cum constaret nobis dictos Fratres Minores privilegiatos esse ad habendam sepulturam suis dumtaxat fratribus ubicunque certas mansiones habuerint, nos perpetue paci et indemnitati partis utriusque in hunc modum dignum duximus providere, videlicet, ut dictum cimiterium loco prenominato

dedicaretur, quod eodem die dedicavimus, ita quod juri monachorum de Kelchou in suis ecclesiis in nullo derogetur; (et) ut autem presentibus literis futuris temporibus major fides adhibeatur, easdem sigilli nostri impressione duximus roborandas. Hiis testibus, Magistris Abel W. de Lyndesya, S. de Bygrins, Randulpho, capellano, Maur., priore de Hauwic, Adamo de Baggat, Petro de Halch, Gervasio Maunsel, burgense de Rokesburc, et multis aliis.

2. MANDATE by Pope John XXII. ordering restitution of the Books, Chalices and Ornaments stolen from the Grey Friaries of Roxburgh and Berwick at the instigation of the Abbot and Monks of Kelso. (*B.F.*, V., 528, No. 983.)

1332 Junii 8, Avinione.

Episcopo Sancti Andreae.

EX GRAVI dilectorum filiorum . . . gardianorum et conventuum Fratrum Minorum de Berwicko et Rexturgentua, Sancti Andreae et Glasguensis diocesum, conquestione nuper accepimus quod Adam Hanupli, Thomas de Irwy et Adam de Adington, qui olim dictum professi fuerunt ordinem in eo diutius commorando, ad suggestionem et instigationem Guilelmi de Dalgernot, abbatis, et conventus monasterii de Kelso, ordinis Sancti Benedicti tuae diocesis, ab eodem Minorum apostantes ordine seque ad nefanda et illum diabolico exagitati spiritu convertentes, de ecclesiis et domibus dictorum gardianorum et conventuum biblias et libros alios, calices, ornamenta et res alias sacras manibus ceperunt sacrilegis et secum nequiter asportarunt, nonnulla ex eis ad supradictum monasterium deferendo et custodiendo, tam memorato abbati quam quibusdam praedicti monasterii monachis assignando, in divinae majestatis offensam et eorundem gardianorum et conventuum praejudicium non modicum et gravamen. Cum itaque praedicti gardiani et conventus nobis fecerint humiliter supplicari, ut providere super hoc de opportuno remedio dignaremur, nos, nolentes eis in justitia deficere, in qua sumus omnibus debitores, fraternitati tuae per apostolica scripta mandamus, quatenus

super praedictis et ea tangentibus (summarie, de plano ac sine strepitu et figura iudicii, vocatis, evocandis) veritatem inquirens, ea, quae per dictos Adam et Thomam ac Adam vel eorum complices de ecclesiis et domibus Fratrum Minorum praedictorum extracta et asportata repereris, ut praefertur, eis restitui facias indilate: ad hoc eosdem Thomam, Adam et Adam, necnon abbatem et monachos praelibatos ac alios penes quos res praedictas esse cognoveris, auctoritate nostra appellatione postposita compellendo et excessus praedictos mediante justitia corrigendo; non obstantibus, &c., Ceterum nostrae intentionis existit quod propter hoc exemptionibus aliisque dicti monasterii privilegiis super ceteris nullatenus derogetur. Datum [Avinione] vi. idus iunii anno sexto decimo.

3. CHARTER OF NOVODAMUS AND CONFIRMATION, granted to the Grey Friars of Roxburgh by James III., in respect of their annual allowance of twenty merks, payable out of the burgh fermes, and of their rights of fishing and ferry at the Teviot Ford. Dated 5th October, 1477. (*MS. Reg. Mag. Sig.*, VIII., No. 28.)

JACOBUS, Dei Gratia, Rex Scotorum, omnibus probis hominibus totius terre sue, clericis et laicis, Salutem: Sciatis nos, in laudem et honorem omnipotentis Dei, et Sancti Petri Apostoli, patroni ecclesie Fratrum Minorum burgi de Roxburgh, ac pro salute anime nostre ac animarum antecessorum et successorum nostrorum et omnium fidelium defunctorum, pro nobis et successoribus nostris dedisse, concessisse, et hac presenti carta nostra confirmasse, dilectis oratoribus nostris, gardiano et Fratribus Minoribus dicte ecclesie, et eorum successoribus, omnes particatas, bondas et firmas burgales dicti burgi nostri de Roxburgh, unacum piscariis, aquis et aquarum passagiis et le feryis antiquis dicti burgi, nunc in manibus nostris existentes ex justo conquestu de manibus inimicorum nostrorum Anglie: Tenendas et habendas dictas particatas, bondas et firmas burgales, unacum piscariis, aquis, aquarum passagiis et le feryis antiquis dicti burgi, pre-

dictis gardiano et fratribus dicte ecclesie et eorum successoribus, de nobis et successoribus nostris, semper et quousque nos vel successores nostri infeodemus vel infeodent in puram et perpetuam elimosinam dictos gardianum et fratres ac eorum successores de *viginti marcis* annui redditus usualis monete regni nostri eis annuatim pro perpetuo persolvendis. Volumus tamen et ordinamus, si dicte firme, particate, bonde burgales ac piscarie, passagia et le feryis superexcrecant dictas viginti marcas, quod dicti gardianus et fratres eorumque successores de hujusmodi superexcrecentia nobis et nostris successoribus et nostro generali receptori, qui pro tempore fuerit, satisfaciant pro compoto de eadem superexcrecentia in nostro scaccario per dictum nostrum receptorem generalem annuatim reddendo, dummodo dicta infeodatio perpetua elimosinaria de viginti marcis dictis gardiano et fratribus eorumque successoribus fuerit donata et mortificata: Faciendo inde annuatim dicti gardianus et fratres et eorum successores pro nobis et successoribus nostris orationum suffragia devotarum. In cujus rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus. Testibus, reverendis in Christo patribus, Johanne, Episcopo Glasguense, Willielmo, Episcopo Moraviense, nostri Secreti Sigilli nostro Custode, Thoma, Episcopo Abirdonense, dilectis consanguineis nostris Andrea, Domino Avandale, Cancellario nostro, Colino, Comite de Ergile, Domino Campbell et Lorne, Magistro hospitii nostri, David, Comite de Craufurd, Domino Lindsay, Jacobo, Domino Hammiltoun, Johanne de Culquhone de eodem, milite, magistris Archibaldo Quhitlaw, Archidiacono Laudonie, secretario nostro, et Alexandro Inglis, Cancellario Abirdonense, clerico nostrorum rotulorum et registri. Apud Edinburgh, quinto die mensis Octobris, anno Domini millesimo quadringentesimo septuagesimo septimo et regni nostri decimo octavo.

4. FEU CHARTER granted by Friar Henry Cant, Warden of Roxburgh, with the consent of the Conventual Provincial Vicar and three Wardens, conveying to Walter Ker of Cesfurd the friary lands and buildings, along with the annual allowance of twenty merks formerly payable out of the burgh fermes: feu-duty twenty-four merks and two shillings. Dated at

Edinburgh, 18th December, 1564.¹ (*Loc. cit.*, XXXII., No. 13.)

. . . OMNIBUS hanc cartam visuris vel auditoris frater Henricus Cant, gardianus loci Fratrum Minorum burgi de Roxburgh, Salutem in Domino sempiternam. Noveritis me, cum consensu et assensu meorum fratrum subscriptorum, videlicet, fratris Johannis Fergusson, Provincialis Fratrum Minorum ordinis in regno Scotie, ac gardiani loci fratrum dicti ordinis burgi de Dundee, fratris Caroli Hume, gardiani loci fratrum dicti ordinis burgi de Dumfries, fratris Johannis Cant, gardiani fratrum dicti ordinis burgi de Kirkcudbright, ac fratris Marci Flucar, gardiani loci fratrum dicti ordinis burgi de Inverkething, mature avisatorum, utilitate et commodo dicti loci de Roxburgh ac meis et successorum meorum dicti loci gardianorum et fratrum previsis et diligenter consideratis, ratione habita statutorum parlamenti desuper editorum, ac pro augmentatione rentalis mei annuatim ad summam . . . solidorum monete Scotie, plusquam unquam terre, locus sive domicilium ac firme burgales subscribe prius mihi et predecessoribus meis persolverunt, necnon pro nonnullis pecuniarum summis mihi tempore confectionis presentium per honorabilem virum, Walterum Ker de Cesfurd, militem, in mea urgenti necessitate hoc tempore turbulento solutis et deliberatis, dedisse, concessisse, assedasse, arrendasse, locasse, et ad feudifirmam seu emphiteosim perpetuam hereditarie dimisisse, et hac presenti carta mea confirmasse, necnon tenore presentium dare, concedere, assedare, arrendare, locare, et ad feudifirmam seu emphiteosim perpetuam hereditarie dimittere, et hac presenti carta mea confirmare, dicto Waltero Ker de Cesfurde, militi, ac heredibus suis et assignatis, hereditarie omnes et singulas meas particatas, bondas et firmas burgales burgi de Roxburgh, unacum piscariis, aquis et aquarum passagiis et lie feryis antiquis dicti burgi predecessoribus meis per quondam excellentissimos predecessores S. D. N. Regine concessas, ac cum loco et domicilio meo in dicto burgo, domibus, edificiis et hortis ejusdem et omnibus suis pertinentiis, extendentes nunc in meo rentalis in omnibus proficuis annuatim ad summam decem librarum monete Scotie: Tenendas et habendas omnes et singulas prefatas particatas, bondas, firmas burgales dicti burgi, unacum piscariis, aquis,

¹ Abbreviate, without sasine, recorded I. f. 190, *MS. Abbrev. Cartar. Feudifirme Terrar. Ecclesiasticar., Treasurer's Office, G.R.H.* Converted into a Crown holding, after the death of Warden Cant, by Charter of Confirmation and Novodamus, dated 8th April, 1588 (*Reg. Mag. Sig. (Print)*, IV., No. 1021).

aquarum passagiis et lie feryis dicti burgi, ac cum dicto loco et domicilio, domibus, edificiis et hortis ejusdem, ac cum omnibus suis pertinentiis, dicto Waltero Ker, milite, ac heredibus suis et assignatis, de me et fratribus dicti loci de Roxburgh et successoribus nostris in feudifirma seu emphiteosi et hereditate imperpetuum, per omnes rectas metas suas antiquas et divisas, prout jacent in longitudine et latitudine, in domibus, edificiis, boscis, planis, maris, marresiis, viis, semitis, aquis, stagnis, rivulis, pratis, pascuis et pasturis, molendinis, multuris et eorum sequelis, aucupationibus, venationibus, piscationibus, lignis, tignis, lapidiciis, lapide et calce, cum libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis et asiamentis ac justis pertinentiis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, procul et prope, ad predictas particatas, bondas, firmas burgales, locum et domicilium antedictos cum pertinentiis spectantibus, seu juste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo impedimento, revocatione, contradictione aut obstaculo aliquali. Solvendo inde annuatim dicti Walterus Ker de Cesfurd, miles, heredes sui et assignati, mihi et successoribus meis, dicti loci gardianis vel aliis in quos jus nostrum reciderit, videlicet, pro prefatis particatis, bondis, firmis burgalibus burgi antedicti, piscariis, aquis, aquarum passagiis et lie feryis suprascriptis, *summam viginti mercarum* usualis monete regni Scotie, ac pro loco et domicilio antedictis, domibus, edificiis et hortis ejusdem cum pertinentiis, *summam quatuor mercarum* monete predictae, tanquam firmas antiquas pro eisdem prius solvi solitas et consuetas, necnon *summam duorum solidorum* ejusdem monete in augmentationem mei rentalis, extendentes in integro annuatim ad *summam viginti quatuor mercarum duorum solidorum* monete antedictae, ad duos anni terminos consuetos, festa videlicet, Penthecostes et Sancti Martini in hieme, per equales portiones, nomine feudifirme; necnon heredes dicti Walteri, militis, duplicando dictam feudifirmam unius anni eorum primo introitu ad prenominas particatas, bondas, firmas burgales, piscarias, aquas, aquarum passagia et locum antedictas, cum pertinentiis, prout usus est, feudifirme tantum, pro omni alio onere, exactione, questione, demanda seu servitio seculari que de predictis particatis, bondis, firmis burgalibus, piscariis, aquis, aquarum passagiis et loco antedictis, cum pertinentiis, per quoscunque juste exigi poterint quomodolibet vel requiri. Et si contigerit dictum Waltherum, ejus heredes et assignatos in solutionem dicti annue summe per duos terminos insimul concurrentes deficere, in eo casu hoc presens infeofamentum protinus expirabit et exinde

nullius erit roboris effectus et momenti. Et ego vero et successores mei, gardianus dicti loci de Roxburgh antedicti, omnes et singulas prefatas particatas, bondas, firmas burgales, piscarias, aquas, aquarum passagia et feryis antedictas, unacum loco et domicilio suprascriptis ac suis pertinentiis, dicto Waltero Ker de Cesfurd, militi, heredibus suis et assignatis, adeo libere in omnibus, ut premissum est, contra omnes mortales warrantizabimus, acquietabimus et imperpetuum defendemus. Insuper dilectis meis Roberto Ker . . . et vestrum cuilibet, conjunctim et divisim, ballivis meis in hac parte specialiter constitutis, salutem ; vobis precipio et firmiter mando, quatenus visis presentibus, indilate prefato Waltero Ker de Cesfurd, militi, vel suo certo attorney latori presentium, sasinam hereditariam pariter et possessionem corporalem actualem et realem omnium et singularum prefatarum particatarum, bondarum, firmarum burgalium, piscariarum, aquarum, aquarum passagiorum ac loci et domicilii antedictorum, cum domibus, edificiis et hortis ejusdem ac suis pertinentiis, per terre et lapidis fundi earundem ac unius denarii, ut moris est, traditionem, secundum tenorem carte mee antedictae juste haberi faciatis, tradatis et deliberetis, et hoc nullo modo omittatis ; ad quod faciendum vobis et vestrum cuilibet, conjunctim et divisim, meam plenariam et irrevocabilem presentium tenore committo potestatem. In cujus rei testimonium presentibus, manu mea subscriptis et manibus reliquorum fratrum suprascriptorum, sigillum commune dicti loci de Roxburgh est appensum apud Edinburgh, decimo octavo die mensis Decembri, anno Domini millesimo quingentesimo sexagesimo quarto, coram hiis testibus, magistris Thoma Makcalzeane, Johanne Abircrummy et Jacobo Harlaw, scriba, cum diversis aliis. . . .

HADDINGTON FRIARY

1. EXCERPT from "*Forma Distributionis xx. librarum*" — bestowed by Sir William de Lindsay of Luffness on the Abbey of Newbattle — relating to the entertainment of the Grey Friars of Haddington by the Monks at a cost of one merk annually. Dated 30th November, 1293. (*Lives of the Lindsays*, I., 418.)

ANNO GRATIE MCC^{mo} nonagesimo tertio, ad festum Sancti Andree Apostoli, facta est haec conventio inter Dominum Willielmum de Lynddesay, filium quondam Domini David de Lynddessay, ex parte una, et viros religiosos, Dominum Johannem, Abbatem de Neubotle et conventum ejusdem loci, ex altera, videlicet . . . Et distributores dictorum denariorum habeant ipsa die quinque solidos pro eorum labore et expensis, et pascent die anniversarii Domine Margarete de Lynddessay, matris Domini Willielmi, scilicet in crastino Sancti Gregorii, Pape, Fratres Minores de Haddington in memoriam matris dicti Domini Willielmi, in quorum ecclesia sepelitur, de *una merca* praedictarum viginti librarum, si tamen dicto die fratres solempniter celebraverint pro anima ipsius, alioquin dicta merca distribuatur aliis pauperibus ubi dicti distributores viderint magis expedire. . . . In cujus rei testimonium, &c.

2. INDENTURE under which William of Hali-burtoun endowed the altar of St. John the Baptist, in the nave of the Friary Church of Haddington, with an Annual Rent of ten merks from his lands of Dremhills.

Dated 22nd July, 1389. (*Mem. of the Earls of Haddington, Sir William Fraser, II., 226, Abstract.*)

“INDENTURE between discreet religious men, friars William of Dundoy, Vicar of the Order of Friars Minor of Scotland, Patrick of Hawyk, a conventual of the house of Friars Minor of Haddington, and appointed for the time by the Minister General Visitor of the whole Order, Richard Lyon, Warden of the said house of Friars Minor, and the whole convent of the same, on the one part, and a noble man, William of Halyburtoun, laird of Carlowry, on the other part, setting forth that the said William of Halyburtoun, considering the goodwill and very great devotion of the late noble man, Sir Alexander of Halyburtoun, his grandfather, to the friars of the whole Order, and specially to the friars of the Convent of Haddington, obtained through the mediation of the said Patrick of Hawyk, has granted and confirmed to, and for himself and his heirs has endowed that altar erected in the nave of the church of the said friars at Haddington, on the north side, in honour of St. John the Baptist, with *ten merks* of annual rent from the granter’s whole lands within the town and territory of Drem, in the constabulary of Haddington and sheriffdom of Lothian, to be levied at Whitsunday and Martinmas by the procurator of the said friars for the time, without leave of any judge or minister, ecclesiastical or secular, to be devoted to the support of said altar, books, cups, vestments, bread, wine and wax, and other furnishings of the same, and for the upholding the fabric of the church, on behalf of the souls of the late Sir Alexander of Halyburton, grandfather of the granter, his wife, and all their children, of Sir John of Halyburton, father of the said William, and of his own soul, also of his successors, and all the faithful dead, to remain for ever in pure and perpetual alms: For which alms it is agreed between the parties that the said friars of the house of Friars Minor of Haddington, and their successors serving God there, shall cause celebrate a mass daily at said altar for the foresaid souls, so long as there shall be two friar chaplains serving God there; and the friar there celebrating mass daily shall at his mass pray a Pater Noster, the people repeating it, for the souls of Sir Alexander of Halyburton and the faithful dead, and specially of those for whom that service is appointed. The friars shall also celebrate the anniversary of Sir Alexander solemnly each year with a mass and funeral rites. It is further provided that, if the friars fail in their service, the granter and his heirs shall resume the annual rent until

the service is duly cared for ; while, if the granter and his heirs infringe the contract, they are bound to pay 200 merks sterling to the fabric of the house ; with other provisions relating to ecclesiastical jurisdiction over the parties. The granter concludes by bestowing the malediction of Almighty God, of the Blessed Virgin, of all the saints, and his own, upon all his heirs and all others who shall disturb the agreement. [The contract was written in duplicate in the form of an indenture, and both portions of the indenture, dated at Haddington 22 July 1389, are now in the Haddington Charter-Chest. To one the seal of the convent, somewhat broken, is attached. It represents a figure in a niche, probably the Virgin Mary.]”

3. DECREE by the Lords of Session, at the instance of the Grey Friars of Haddington, against the tenants of Dremhills for non-payment for two years of the preceding Annual Rent of 10 merks. Dated 29th April, 1550. (*MS. Reg. Acts and Decreeets*, III., f. 466, *G.R.H.*)

ANENT our Soverane Lordis letters, purchest at the instance of the Wardane and convent of the Freris Minoris of the burcht of Hadingtoun, aganis Henrie Edmont, Patrik Wod, Jhone Furd, George Scherp and Jhone Dugeoun, occupiaris of the landis underwrittin, makand mentioun that, quhair the said Wardane and convent ar heretable infest in all and haill ane annuall rent of ten merkis money of this realm yeirle, to be uptakin at twa usuale termes in the yeir, Witsunday and Mertimes in wynter, be equale portionis, of all and syndrie the landis of Dreyhillis with thair pertinentis, lyand within the schiref-dome of Edinburgh and constabularie of Hadingtoun, as thair infestment thairupoun beiris, be vertew of the quhill thai haif bene in peceable possessioun of uptaking of the said annuall rent fra the tenentis occupiaris of the saidis landis continuallie sen the date of thair infestment quhill the moneth of . . . the yeir of God j^mv^c xl . . . yeiris: Nevirtheles, the tenentis occupiaris of the saidis landis ar restand awand to the saidis Wardane and convent thair said annual rent be the space of twa yeiris last bypast, extending in the haill to the soume of xx merkis, and will mak thame na payment of the samin

without thai be compellit. And anent the charge gevin to the saidis personis to compeir befor the Lordis of Counsale to heir and se letters gevin upon thame to compell, poynd and distrenzie thame, thair landis and gudis for the said soume restand awand be thame, and siclik yeirlie and termlic in tym cuming, or ellis to allege ane ressonable cause quhy the samin sould nocht be done, as at mair lenth is contenit in the saidis letters: The said Wardane, for himself and the said convent being personallie present, and the said Henrie Edmont and his collegis foresaidis being lauchfulle summound to this actioun, of tymes callit and nocht comperit, the Lordis of Counsale decernis and ordanis letters to be direct to compell, poynd and distrenzie the foirsaidis tenentis occupiaris of the saidis landis, and to mak penny of thair reddiest gudis to the avale of the said soume of xx merkis money forsaid, restand awand to the said Wardane and convent be the said space of twa yeiris, and mak thame to be payit thairof, and siclik yeirlie and termlic in tyme cuming conform to thair infestment forsaid: Becaus thai wer chargit to haif comperit befor the saidis Lordis at ane certane day bypast to haif herd letters direct in maner forsaid upon thame, or ellis to haif allegit ane ressonable cause quhy the samin suld nocht haif bene gevin, with certificatioun to thame, an thai falzeit thairin, letters wald be direct upon thame in maner foirsaid, and comperit nocht to schaw ony ressonable cause in the contrar, as wes cleirlie understand to the saidis Lordis.

4. INSTRUMENT OF SASINE in favour of the Grey Friars of Haddington, following upon Margaret Kennite's gift of an Annual Rent of seven shillings and sixpence, in return for the celebration of certain anniversary services on the 26th of March yearly. Dated 8th August, 1516. (*MS. Original, Burgh Charter Chest.*)

IN Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter, quod, anno Incarnationis Dominice millesimo quingentesimo decimo sexto, die vero mensis Augusti octavo, indictione quarta, pontificatus sanctissimi in Christo Patris ac Domini

nostri, Domini Leonis, divina providentia, Pape, decimi, anno quarto : In mei, notarii publici, et testium subscriptorum presentia, personaliter constitutus providus vir, Ricardus Crumby, burgensis de Hadington, personaliter accessit ad tenementum quondam Johannis Brown jacens ex australi parte vici regii burgi de Hadingtoun, inter terram Johannis Syfwrycht ex orientali et terram Georgei Harkaris ex occidentali, et ibidem unum annuum redditum *septem solidorum et sex denariorum* usualis monete regni Scotie, sibi pertinentem de predicto tenemento terre cum pertinentiis, annuatim levandorum, per terram et lapidem denariumque argenti, in manibus Johannis Kello, dicti burgi unius ballivorum, sursum reddidit pureque simpliciter resignavit propter possessionem et sasinam inde dandam Margarete Kennite, sponse quondam Hugonis Hammyltoun de Inneruik. Quanamque resignatione sic ut premittitur facta, idem ballivus, ex precepto specialique mandato dicti resignantis, statum, possessionem et sasinam hereditariam de predicto annuo reddito septem solidorum et sex denariorum de predicto tenemento terre cum pertinentiis annuatim levandorum, per terram et lapidem denariumque argenti, dicte Margarete Kannyte dedit, tradidit et deliberavit. Quibus vero peractis, idem Margareta Kannyte predictum annuum redditum septem solidorum et sex denariorum, de predicto tenemento terre cum pertinentiis, ut predictur, annuatim levandorum, in manibus dicti Johannis Kello, ballivi, per terram et lapidem denariumque argenti, sursum reddidit pureque simpliciter resignavit propter possessionem et sasinam inde dandam Fratribus Minoribus et conventui eiusdem de Hadingtoun, propter unum anniversarium annuatim celebraturum vicesimo sexto die mensis Martii et in crastino missam solempnam pro animabus quondam Gilberti Kannyte et Alisone, sponse sue, ac etiam pro animis quondam Hugone Hammylton de Inneruik et Margarete, sponse sue. Qua resignatione sic facta, idem ballivus, ex precepto specialique mandato dicte resignantis, statum, possessionem corporalem et sasinam hereditariam Ade Harlawe, gardiano dicti loci Fratrum Minorum de Hadingtoun, nomine et ex parte loci ac conventus eiusdem, per terram et lapidem denariumque argenti, dedit, tradidit, exhibuit pariterque deliberavit. Super quibus omnibus et singulis, tam Margareta Kannyte quam Adam Harlaw, gardianus predictus, a me, notario publico subscripto, instrumentum seu instrumenta eis fieri petierunt cum roboratione sigilli predicti ballivi in signum executionis sui officii. Apud predictum tenementum, hora quasi decima ante meridiem, sub anno, die, mense, loco, indictione et pontificatu quibus supra. Presentibus ibidem, Roberto Dencastell, David Sibbaldson, Roberto Syfwrycht,

Johanne Crumby, Thoma Raa, Thoma Dudgane, Domino Jacobo Wobster, capellano, et Johanne Darg, seriando, testibus ad premissa vocatis et rogatis.

Et ego, Laurentius Flemyng, clericus Sancti Andree dioceseos, publicus auctoritate apostolica notarius, &c.

5. INDENTURE entered into between the Grey Friars of Haddington and Sir John Haliburton, Vicar of Greenlaw, concerning the endowment and administration of an almshouse erected by him in the Poldrait of Haddington. Dated 11th June, 1478. (*MS. Original, loc. cit.*)

THIS indenturis, made at Hadyngtoun the xi day of the moneth of Iunii, the yher of our Lorde a thousand four hundyr sevynty and aught yheris, in the place of the Freris Minoris of Hadyngton, betuix religiouse, worthi and discrete men, Frer James Lyndissay, Vicar of the Freris Minoris of Scotland, Frer John Yhar, Wardane for the tyme of the said place and his convent present, that is to say, Frer Thomas Feyld, Frer Thomas Yhounge, Frer Nichol Balyhe, Frer Thomas Glen, Frer Thomas Fayr, Frer John Lyell, Frer Huchoun Rede and Frer Robert Howgoun, on the ta part, and a discrete man, Sir John of Haliburton, Vicar of Gyrnlaw, on the tother part, propertis, contenis and beris wytnes that it is fully appunctyt and concordyt betuix the said partis in manner, forme and effect as eftir followis: That is to say, that the said Sir John sal infest the said Wardane and convent of the said place, and giff thame state and possessioun of certane landis and annuale rentis pertenyng to hym, that is to say, of a tenement of land lyand within the saide burgh on the south part of the Puledrate, and of *four markis* of annuale yeirly to be tane of the west part of the sammyn tenement, and of a tenement of land lyand within the said burgh in the north gat, on the south syd of the sammyn, betuix a tenement of land of Thom Androssonis on the east part and a tenement of land of umquhill Johne Nicholsonnis on the

west part, and of *xxx d* of annuale yherly to be tane of the land that wes umquhil John Bany's land, lyand in the Nungat: For the quhilk landis and annual rentis, the said Vicar, Wardane and convent—for thaim and thair successouris, Vicaris, Wardanys and convent of the said place—ar bundyn and oblist, and be the tenour of thir indentouris byndis and oblissis thaim and thair successouris, Vicaris, Wardanys and convent of the said place, to dispone the said four markis of annuale, and to fulfil the devyce and ordinance of the said Sir Johne, as eftyr followis: That is to say, for the uphald of ane almouse house, biggit be the said Sir Johne in the said land on the south part of Puledrate, of thre beddis, be the said Wardane a mark to be waryt upon rolys betuix Witsunday and Michaelmes nixt folowand, yherly, and ane uther mark to be waryt upon atemeylle betuix the fest of Sanct Martyne in winter and Sanct Andros day nixt folowand; and this purvyance to be layde in the said almouse house to the sustentacioun of twa bodiis borne or upbred of the barony of Driltoun, auld and honest persones chosyn be the said Sir Johne quhill he liffis, and eftyr his discess be the Lord of Driltoun and his ayris, present[it] to the said Wardane and convent, within xx dais eftyr the said beddis or ony ane of thame be vacand, be the said lord or his ayris, beand warnyt within the tyme of the first ten days be the said Wardane at his place of Driltoun, or personali—the quhilk lord and his ayris beand negligent, the said Wardane and convent, eftyr the said xx days be ourpast within the said burgh of Hadyngton, to gif the said person or persones to the said beddis, and thir persones in the said house to remane quhill thai lif, bot gif thair opyn demeritis cause thaim to be put furth; and that thir twa persones be examynit gif thai can say thair Pater Noster, Ave Maria and Credo; and that thai be biddyn be the said Wardane and convent to say ilka day the salter of our Lady thryse ouyr, the quhilk salter is thrw (sic) fyfty Aveys, xv Pater Noster and thre Credys; and that thir twa persones herbry for a nycht in the thryd bed nyghtly a pur body present to thaim be the said Wardane or his servand; and [th]at the Wardane examyn this body gif it can say the Pater Noster, Ave Maria and the Credo, and that he charge that body to say a psalter of our lady that nycht; and [th]at al thir thre bodiis ilk nycht at the bel of curfur say v Pater Noster, v Aveys and a Crede, and, gif thai be letterit, the *De profundis*. Alswa the said Wardane and convent for the tothyr twa markis of annuale sal syng upon Candilmess day eftyrnoun, quhill the said Sir John liffis, for his faderis saule and his moderis saule, *placebo et dirige*, the commendacioun and the saule mess on the morne, with sex freris prestis, for the quhilk ilkane of thaim to haf xii d; and in sic

lyke maner in the parisch kyrk with sex prestis and the parisch clerk, and to ilkane of thaim xii d ; and to fulfil furth the trentale of xxx^{ti} messes to xviii pristis to say messes, ilk ane iiii d ; and to the belman to gang twyse throu the toun eftyrnoun and on the morn ii d ; and for ii sergis in the parisch kyrk and other ii sergis in the Freris to byrn upon the bere the tyme of the service, viii d ; and eftyr the saule mes be don, the said Wardane and convent to distribute to the pur folk fourty peny worth of brede ; and to the collacioun to the pristis that syngis the dirige and the saule messes and to the freris, iii s and vi d. Alswa that a frer of the said place say messe in the oritoire of the said almouse house eftyr xi houris upon the Sounday, and syne on the Friday, and eftyr on the Wednisday, and syne as it may fall, the said Wardane and convent to hafe thar for ilka day of the wouk that thai say messes the yher through xx s ; and this to be tane of the said tenement of land quher the said almouse house is biggit, the said land and biggin tharof be the said Wardane and convent to be sett for male that may be gottyn yherly tharfor, the quhilk male as it growis for a messe in the wouk ay xx^{ti} s, quhill the haill service be complete, the said Wardane and convent to ressave for the said messe as said is. Alswa of the male of the said tenement lyand in the Northgate thar be tane be the said Wardane a mark yherly, and that to be disponyt for to kepe the said almouse house thycht, and to uphold the said beddis and the anourment of the said oritori in buk, vestment and chalice, als far as it wil extend yherly ; and the said Wardane, of the sammyn tenement, to haf for his labour and besynace ilk yher xl d ; and the remane of the male of the said land to be waryt upon the purvyans, as said is, to the sustentacione of the said pur bodiis. And [th]at the said Wardane gif compt yherly at the said collacioun to his brether of his dispositioun, and, als lang as he doys wele, to be continewit ; and gif he dois noght at the sycht of the said convent to remuf and ane uthyr to be chosin to do the said service and haif the said fee. Alswa the said Sir Johne will eftyr his discesse the said funeral service be don the day of his obiit yherly, as said is. Alswa he ordanys yherly that the said Wardane and convent for the said xxx d of annuale syng ane sollenyt evynsang and a messe with note in the fest of Sanct Elyne, the third day next eftyr the assumption of our Lady, in the said oritory fundyt in the worschip of the sammyn sanct. And, that all thir condiciounis sal lely and treuly be kept, ilkane of the said partis ar oblist til utheris be the fathis of thair bodiis ; and, for the mair sikkirnes, to the part of thir indenturis remanand with the said Wardane and convent, the said Sir Johne has sett his sele, and, to the part remanand with the said Sir

Johne, the said Vicar and Wardane has sette the selys of thair office, interchangeably, day, yer and place befor writtin.¹

6. CHARTER OF CONFIRMATION of, *inter alia*, an Annual Rent of ten shillings granted to the Grey Friars of Haddington. (*Abstract, Reg. Mag. Sig. (Print)*, II., pp. 420-21.)

CHARTER by Robert Greenlaw, dated 8th May, 1490, and confirmed by James IV. on 20th January, 1490-91, in favour of his son, George Greenlaw, of a tenement on the north side of the High Street—*Reddendo regi firmam burgalem, necnon gardiano et conventui Fratrum Minorum de Hadingtoun decem solidos annui redditus.*

7. CHARTER OF FOUNDATION, dated 4th February, 1494-95, incorporated in Charter of Confirmation by James IV. on 4th March following, granted by Walter Bertram, Provost of Edinburgh, (1) for the erection, maintenance and endowment of an altar in honour of St. Clement within the church of the Grey Friary at Haddington, to be served by a secular chaplain, who is bound to say one mass daily, and (2) for the celebration of certain services by the Grey Friars on the Vigil of St. Francis, under the supervision of the secular chaplain who was to supervise the due fulfilment of this obligation and to report any failure on the part of the friars in performance of other

¹ The seal of Sir John Halyburton remains attached to this portion of the Indenture.

services, which they were bound to perform in terms of their Indenture with George Bertram, father of this founder. The patronage of the altar was reserved to Walter Bertram and his heirs, whom failing, to the Magistrates of Haddington. Endowment, £11, 12s. 8d., of which to the chaplain, £9, 2s. 8d., to the Grey Friars, 10s., and for the maintenance of the altar, £2. (*MS. Reg. Mag. Sig.*, XIII., II., No. 190.)

OMNIBUS hanc cartam visuris vel auditoris Walterus Bertreme, prepositus ville de Edinburgh ac burgensis ejusdem, Salutem in Domino sempiternam : Noveritis me, in laudem Domini nostri Jhesu Christi, et beatissime Virginis Marie, matris sue, et Sancti Clementis, Episcopi et Martiris, ac omnium sanctorum Dei, pro salute anime recolende memorie illustrissimi principis ac domini nostri, domini Jacobi tertii, quondam Scotorum regis, ac anime serenissime principisse Margarete, quondam regine consortis sue, ac pro salubri statu serenissimi principis ac domini nostri, domini Jacobi quarti, moderni Scotorum regis illustrissimi, et pro salute animarum omnium antecessorum et successorum suorum, ac pro salute anime quondam bone memorie Domini, Willelmi Bertreme, vicarii de Swyntoune, avunculi mei carissimi, ac pro salute anime mee et anime Elizabethe Cant, sponse mee, omniumque antecessorum et successorum nostrorum, pro saluteque omnium quibus debitor sum et penes quos aliquialiter deliqui in hac vita, et pro salute omnium fidelium defunctorum, in puram et perpetuam elimosinam, dedisse, concessisse, et hac presenti carta mea confirmasse, necnon dare, concedere, et hac presenti carta mea confirmare, Deo, beate Marie Virgini, et Sancto Clementi, ad sustentationem unius capellani secularis imperpetuum celebraturi ad altare Sancti Clementis situatum in ecclesia Fratrum Minorum de Hadingtoun, ac pro sustentatione ornamentorum dicti altaris necessariorum ac aliorum obsequiorum annuatim in dicta ecclesia pro animabus omnium predictorum fiendorum, omnes et singulos annuos redditus infrascriptos, videlicet, unum annum redditum *quinque librarum* usualis monete regni Scotie annuatim ad festa Pentecostes et Sancti Martini in hieme, per equales portiones, levandi et percipiendi de toto et integro tenemento meo jacente in villa de Leythe, ex parte australi aque ejusdem, in baronia de Lestalrig, infra vicecomitatum de Edinburgh, inter terram quondam Alani Naper ex parte australi, ex parte una, et terram quondam Johannis Lambe ex

parte boreali, ex parte altera, et communes vias tam ex parte orientali quam ex occidentali partibus: Et alium annum redditum similiter *quinque librarum* dicte monete annuatim, ad terminos prefatos et per consimiles portiones, levandi et percipiendi de toto et integro alio tenemento meo jacente in dicta villa de Leythe, etiam ex australi parte aque ejusdem, inter terram quondam Bartholomei Cramby ex parte occidentali, ex parte una, et communem venellam ex parte orientali, ex parte altera, et communem viam regiam ex parte australi, et terram Abbatis de Melrose ex parte boreali: Ac etiam unum annum redditum meum *viginti sex solidorum et octo denariorum* predicte monete, ad terminos prefatos et per consimiles portiones, levandi et percipiendi de toto et integro tenemento Johannis Thomsone jacente in villa de Hadingtoun, in via vulgariter nuncupata le Hardgate, inter terram Johannis Mudy ex parte australi, et terram Johannis Fary ex parte boreali, et dictam viam regiam ex parte orientali, et terram quondam Roberti Louransoun ex parte occidentali: Necnon unum alium annum redditum meum *sex solidorum* predicte monete annuatim, ad terminos prescriptos et per consimiles portiones, levandi et percipiendi de quodam tenemento Willelmi Cok jacente in dicta villa de Hadingtoun, in via vulgariter vocata le Powdrate, inter aqueductum molendini vocatum le Kirkmyll ex parte australi, et le Powdrate ex parte boreali, et terram quondam Hugonis Robynsone ex parte occidentali, et terram quondam Ade Spens ex parte orientali. Tenendas et habendas omnes et singulos annuos redditus prefatos, cum pertinentiis, Deo, beate Marie Virgini et Sancto Clementi, videlicet, ad sustentationem dicti capellani secularis ad dictum altare Sancti Clementis divina celebrandi et imperpetuum celebraturi, *novem libras duos solidos et octo denarios*, necnon *quadraginta solidos* ad sustentationem ornamentorum necessariorum dicti altaris, quiquidem quadraginta solidi annui redditus predicti erunt in receptione et dispositione capellani prefate capellanie, qui pro tempore fuerit, et suorum successorum ad necessitatem et utilitatem dicti altaris secundum consilium patroni dicte capellanie pro tempore existentis, unacum consilio gardiani et conventus dicte ecclesie Fratrum Minorum de Hadingtoun similiter pro tempore existentium; Ac etiam *decem solidos* restantes de predictis annuis redditibus predictis gardiano et conventui Fratrum Minorum de Hadingtoun, per ipsos levandi et percipiendi annuatim, ut premititur, de predictis annuis redditibus meis jacentibus in villa de Hadingtoun de prefatis terris Johannis Thomson et Willelmi Cok, mihi debitis, in liberam puram et perpetuam elimosinam et ad manum mortuam imperpetuum, cum

omnibus et singulis libertatibus, commoditatibus, asiamentis ac justis suis pertinentiis quibuscunque, nominatis et non nominatis, ad prefatos annuos redditus cum pertinentiis spectantibus, seu juste spectare valentibus quomodolibet in futurum, adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, in omnibus et per omnia, sicut aliqui annui redditus infra regnum Scotie alicui capellano et altari, vel aliquibus gardiano et conventui, in puram et perpetuam elimosinam liberius dantur et conceduntur aut dari vel concedi poterunt in futurum qualitercunque, ac sine retinemento, revocatione aut obstaculo aliquali. Tenebuntur predicti gardianus et conventus et sui successores, pro predicto annuo reddito decem solidorum, singulis annis omni vigilia Sancti Francisci celebrare pro animabus omnium predictorum unam missam de requie cum nota, cum placebo et dirige nocte precedente etiam cum nota, pulsando campanam per villam, ut moris est, pro mortuis. Et volo quod donatio dicte capellanie ad meam provisionem, institutionem et collationem, pro toto tempore vite mee et post meum decessum ad heredes meos, toties quoties vacare contigerit, vero pertineat. Si infra viginti dies postquam vacaverit ipsa capellania, unum sufficientem et ydoneum capellanum ad eandem capellaniem ego, vel heredes mei qui pro tempore fuerint, instituere cura minus, et si, elapso termino viginti dierum post vacationem ejusdem, ego, vel aliquis heredum meorum pro tempore existentium, de donatione et collatione dicte capellanie negligentes seu remissi fuerimus, volo quod immediate post hoc ipsius capellanie donatio, collatio et institutio ad ballivos et communitatem burgi de Hadingtoun vero pertineat, illa vice tantum ita quod alias donatio et institutio dicte capellanie ad dictos heredes meos spectabit, quibus deficientibus, ad ballivos et communitatem dicti burgi de Hadingtoun pertinebit semper et omnino donatio dicte capellanie; ita quod nec heredes mei, nec dicti ballivi et communitas qui pro tempore fuerint, prefatos annuos redditus aut eorum aliquem apud se retinere vel in usus proprios convertere presumant, sed ad sustentationem unius capellani predicti ac necessariorum ornamentorum dicti altaris ac aliorum obsequiorum per prefatos gardianum et conventum fiendorum, ut premissum est, integre conservetur. Et volo quod predictus capellanus, qui pro tempore fuerit, possit et valeat terras de quibus dicti annui redditus debentur, et similiter gardianus et conventus predicti dictas terras de Hadingtoun, de quibus dictus annuus redditus decem solidorum debetur, in defectu non solutionis eorundem in forma juris lucrari et pro eisdem annuis redditibus distringere quam toties quoties eis visum fuerit opportunum. Et volo quod predictus capellanus ad continuam

residentiam arceatur, et quod nunquam habeat potestatem loco sui alium substituere in dicto servitio, sed quod tenebitur in eodem servitio ad altare prefatum personaliter ministrare. Tenebitur etiam dictus capellanus, cum dispositus fuerit, missam cotidianam pro animabus omnium predictorum celebrare, et si ipse capellanus, incolumis existens, per quindecim dies continuos non celebraverit, vacabit ipsa capellania. Et si ipse capellanus socariam seu concubinam detinuerit, hoc notorio et cognito, vacabit ipsa capellania. Et si contingat dictum capellanum ad aliquod aliud uberius beneficium vel ad aliquam aliam curam aliquatenus promoveri, volo quod immediate post hoc vacabit ipsa capellania, et quod alter capellanus ad eandem capellaniam per dictos heredes meos pro tempore existentes instituat; quiquidem capellanus ad continuam residentiam simili modo arceatur, omnino nullo impedimento cessante. Et volo quod dictus capellanus in principio misse sue teneatur populum exhortare ut dicant unum Pater Noster, cum salutatione angelica, pro animabus omnium predictorum. Insuper, si contingat predictos gardianum et conventum, aut suos successores pro tempore existentes, remissos fore vel negligentes esse in celebratione dicti anniversarii, videlicet, in celebratione misse de requie cum nota in vigilia beati Francisci, unacum placebo et dirige etiam cum nota nocte precedente, ut premissum est, tunc tenebitur predictus secularis capellanus et sui successores intimare heredi meo, patrono dicte capellanie, necnon ballivis et communitati de Hadingtoun, de incuria et negligentia predictorum gardiani et conventus, qui patronus, ballivi et communitas de Hadingtoun in illo casu habebunt facultatem predictum annum redditum decem solidorum distringendi et levandi, et predictum anniversarium per seculares capellanos celebrari faciendi, sicut eis melius visum fuerit expediens. Tenebitur etiam dictus capellanus et sui successores in dicto anniversario personaliter cum superpellicio interesse, et per se, vel cum socio privato modo, placebo et dirige celebrare unacum missa de requie privato modo; quod si predictus capellanus negligens vel remissus fuerit in predictam auscultationem et intuitionem, tunc licebit patrono dicte capellanie eum a prefata capellania privandi et alium ydoneum capellanum loco sui imponendi, quiquidem capellanus ad omnia et singula premissa modo predicto arceatur. Etiam tenebitur dictus capellanus, et sui successores pro tempore existentes, auscultare et visitare si predicti gardianus et conventus singulis annis celebrant unum anniversarium, videlicet, missam de requie cum nota, cum quinque privatis missis per ipsos de requie celebrandis die Lune semper immediate post festum Sancti Martini in hieme, unacum placebo et dirige nocte precedente etiam cum nota

pro animabus Georgei Birtrahame, patris mei, et Alisone, ejus sponse, matris mee, ac animabus omnium fidelium defunctorum. Et si predicta servitia per ipsos gardianum et conventum dimittuntur incompleta, tunc predictus capellanus similiter intimabit patrono dicte capellanie et ballivis ac communitati de Hadingtoun, qui habent potestatem predictos defectus puniendi et annuos redditus pro dicto anniversario per predictum Georgeum eisdem fratribus concessos et datos levandi, et alias privatas missas per seculares capellanos celebrari faciendi, juxta formam et tenorem indenturarum inter predictos quondam Georgeum, patrem meum, et gardianum et conventum desuper factarum et initarum. Et ego vero, dictus Walterus, et heredes mei omnes et singulos annuos redditus antedictos, cum pertinentiis predictis, capellano seculari, gardiano, conventui, et altari ac usibus antedictis, in omnibus et per omnia, forma pariter et effectu, ut premissum est, contra omnes mortales warantizabimus, acquietabimus et imperpetuum defendemus. In quorum omnium et singulorum testimonium et munimentum premissorum presenti carte mee sigillum meum est appensum, et ad majorem hujus rei evidentiam et roboris firmitatem, sigillum commune dicti burgi de Edinburgh presentibus cum instantia appendi procuravi. Apud Edinburgh, quarto die mensis Februarij, anno Domini millesimo cccc^{mo} nonagesimo quarto, coram hiis testibus, Andrea Bertrem, Stephano Borthuik, Roberto Bonkill, ballivis dicti burgi de Edinburgh, Johanne Wilzamesone, thesaurario, Johanne Fowlare, decano gilde, David Crawford, Johanne Boncle, Georgio Towris, Johanne Levingtoun, consulibus dicti burgi, Jacobo Carnis, sergeando, Alexandro Gray, communi clerico, et Henrico Strathachin, notariis publicis, cum diversis aliis.

8. INSTRUMENT OF SASINE in favour of the Grey Friars of Haddington, following upon Robert Greenlaw's gift of an Annual Rent of twenty shillings secured over his tenement lying between those of Thomas Kirkcaldy and Robert Greenlaw. Dated 31st December, 1495. (*MS. Original in Burgh Charter Chest.*)

IN Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter, quod, anno Incarnationis Dominice millesimo

quadringentesimo nonagesimo quinto, die vero mensis Decembris ultimo, indictione quarta decima, pontificatus sanctissimi in Christo Patris et Domini nostri, Domini Alexandri, divina providentia, Pape, sexti, anno quarto: In mei, notarii publici, et testium subscriptorum presentia personaliter constitutus providus vir, Robertus Grenlaw, burgensis de Hadingtoun, accessit ad tenementum suum terre cum pertinentiis, jacens ex boreali parte, inter terram Willelmi Robysone ex occidentali et terram Thome Kircaldi ex orientali partibus, et ibidem dictus Robertus Grenlaw super solum dicti tenementi resignavit possessionem unius annui redditus *viginti solidorum*, quotannis levandi de prefato tenemento, in manibus insignis viri Lawrentii Flemyn, dicti burgi unius ballivorum, propter possessionem inde dandam gardiano et conventui Fratrum Minorum de Hadingtoun propter anniversarium et obsequia annuatim fienda. Qua resignatione sic facta, idem ballivus, ex speciali precepto et mandato dicti Roberti Grenlaw, statum, possessionem corporalem et sasinam hereditariam fratri Johanni Yhare, nomine conventus de Hadingtoun ordinis Minorum, de dicto annuo reddito per terram, lapidem, denariumque argenti dedit, tradidit, exhibuit, pariterque deliberavit, prout in tali casu iuris postulat ordo. Super quibus omnibus et singulis, predictus frater Johannes Yhare a me, notario publico, sibi fieri petiit hoc presens publicum instrumentum. Acta erant hec apud dictum tenementum, hora quasi decima ante meridiem vel eocirca, sub anno, die, mense, indictione, pontificatu et regno quibus supra. Presentibus ibidem providis viris, Magistro Nickolao Grenlaw, rectore de Tunyng-ham, Georgio Grenlaw, Willelmo Crumby, Johanne Andersone, Johanne Fewryth, Patricio Hudson, Willelmo Lermont et Jacobo Duncan et Johanne Hugon, seriandis, cum multis aliis ad premissa vocatis pariterque rogatis.

Et ego Georgius Leanoeh, clericus Sancti Andree dioceseos, publicus auctoritate regia notarius, &c.

9. INSTRUMENT OF SASINE in favour of Robert Lawson, Procurator of the Grey Friary, to an Annual Rent of eight shillings gifted by John Forton to the Friars, under the obligation to celebrate an anniversary service on his obit day : subjects on the east

side of the High Street between the lands of John Tasse and Walter Gourlay. Dated 30th April, 1499. (*MS. Original, loc. cit.*)

IN Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter, quod, anno Incarnationis Dominicalis millesimo quadringentesimo nonagesimo nono, die vero Aprilis ultimo, indictione secunda, pontificatus sanctissimi in Christo Patris ac Domini nostri, Domini Alexandri, divina providentia, Pape, sexti, anno septimo: In mei, notarii publici, et testium subscriptorum presentia, personaliter constitutus circumspectus vir, Joannes Fortone, burgensis burgi de Hadingtoun, accessit ad tenementum suum terre cum pertinentiis, jacens in dicta villa ex parte boreali vici regii, inter terram Joannis Tasse ex occidentali et terram quondam Valteri Gourlay ex orientali partibus, et ibidem dictus Joannes Forton per traditionem lapidis denarii que argenti unum annum redditum *octo solidorum* monete Scotie annuatim de dicto tenemento levandorum in manibus providi viri, Henrici Scot, predicte ville unius ballivorum, sursum reddidit pure et simpliciter resignavit. Qua resignatione sic facta, idem ballivus, ex speciali mandato prefati Joannis resignantis in perpetuam elimosinam, statum et sasinam corporalem Roberto Lauson, procuratori Fratrum Minorum ville de Hadingtoun, et nomine procuratorie eorum fratrum, pro uno anniversario pro antedicto Joanne Forton in die sui obitus annuatim per fratres dicti loci celebrando cum debita solemnitate, ut moris est, tradidit, exhibuit et pariter deliberavit. Super quibus omnibus et singulis, Frater Joannes Yhare, ordinis Fratrum Minorum provincie Scotie Minister Provincialis, a me, notario publico, sibi fieri petiit hoc presens publicum instrumentum. Acta erant hec apud predictum tenementum, hora nona ante meridiem vel eocirca, sub anno, mense, die, indictione, pontificatu quibus ut supra. Presentibus, circumspectis viris, Domino Thoma Barnis, Nicolao Boumaker, Laurentio Buckam, Patricio Loutht, Thoma Doubson, capellanis, Willelmo Cokburne, Willelmo Robesone, Jacobo Douncan, seriando, burgenses predicte ville. Patricius Lawson, notarius publicus.

10. LEASE of one of Ralph Eglinton's Acres granted to Robert Dekysoun and Margaret, his

spouse, by Thomas Cockburn of Newbiggin, with the consent of the Warden of the Grey Friary in Haddington. Dated 22nd February, 1499-1500. (*MS. Original, loc. cit.*)

BE it kend til al men be thir present letters, me, Thomas Cokburne of Newbiggin, ballie and procurator to the landis of umquhil Rawf Eychlyng, wyth consent and assent of the Mynister of the Freris Mynouris of Hadingtoun, to haif set and to male letting, and be thir present letters and the faith of my body settis and to male lettis, to Robert Dekysoun, burgess of the said burgh, and to Margaret, his spouse, All and Hale that akyr of land wyth the pertinence of umquhill Rawf Eychlyng, lyand on the est part of the Newark, betuix ane aker of Williame Atkinsonis on the est part, and ane aker of Williame Rayis on the west part: Quhilk akyr was browkit and josit of befor be Thomas Curry and Jonet Liddale for siklik termes as utheris nychbouris has josit and browkit siklik akaris, to be halding and to be had all and hal the said akyr wyth the pertinence to the saidis Robert and Margret as any utheris browkis and josis, wyth all and sindry fredomes, commoditeis, profictis, esiamentis and rychtuise pertinence quhatsumevir to the said akyr pertenant or rychtuisly may pertene induring the said Robert and Margret tak and set, and als frely in all and be all as ony burgess or utheris wythin the said burgh browkis or josis ony of the said Rawf Eychlyng akaris, and as use and wont was to brook and joise the sammyn. Payand tharfor yerely the saidis Robert or Margret to the Freris of Hadingtoun procuratoris or factouris the male tharof aucht and wont at twa usuale termes in the yere, that is to say, Witsunday and Mertymess in wynter, be ewynly portionis alanerly for all chargis. In witness of the quhilk thing to thir present letters I haif hovng my seil, at Clerkyntoun, the xxii day of Februare, the yere of God m^oiiii^elxxxxix yeris, togidder wyth the principal Mynyster of the Frere Mynouris of Haddington seil in takyn of his consent.¹

11. NOTARIAL INSTRUMENT, dated 12th February, 1527-28, embodying a Deed of Agreement

¹Both seals removed from the tags.

entered into between the Grey Friars and the Burgh of Haddington concerning the lands mentioned in the preceding Instrument. (*MS. Original, loc. cit.*)

IN Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter, quod, anno Incarnationis Dominice millesimo quingentesimo vigesimo septimo, mensis vero Februarii die duodecimo, indictione prima, pontificatus sanctissimi in Christo Patris et Domini nostri, Domini Clementis, divina providentia, Pape, septimi, anno quinto: In mei, notarii publici, et testium infrascriptorum presentia, personaliter constituti ballivi, consules et communitas burgi de Hadingtoun, ab una, et religiosi viri, gardianus et conventus Fratrum Minorum dicti burgi, partibus ab altera, recognoverunt subscriptum contractum ac fideliter se obligaverunt ad eundem observandum in omnibus punctis et articulis respective concernentibus, secundum formam et tenorem eiusdem, cujus tenor sequitur: At the burgh of Hadingtoun the twelt day of Februar, the yeir of God ane thousand five hundreth and twentye sewyn yeris, it is appointit and finalye concordit betuix the bailzeis, counsale and communitie of the burgh of Hadingtoun, on that ane part, and religious men, Freir Adam Harlaw, Wardane of the Freris Minoris Conventuales of the said burgh, and convent of the samyn, on that uther part, in maner following, that is to say: The said Wardane and convent for thame and thair successouris sall geif and assigne, and be the tenuour of thir presentis gevis and assignis, to the saidis baillyeis, counsaill and communitie and thare successouris all and haill thare *sex merkis of yeirlie annuale*, usuale money of Scotland, to be tane up of the landis and akeris callit Rauf Echlingis akeris, lyand within the fredome of the said burgh, in the quhilk thai war in use and possessioun of to the furnesing of wyne, walx, ule, and other necessar thingis within thare kirk of the said burgh to the uphald of divine service within the sammyn. For the quhilkis cause the saidis bailyeis, counsaill and communitie bindis and oblissis thame and thare successouris to content and pay yeirelie to the said Wardane and convent and thare successouris perpetualie in tyme to cum the soume of *sex merkis* money foresaid, at twa usuale termes in yeir, Witsone-day and Mertymes in wynter, be evin portiones, to be tane up of all and haill thare commoune gudis, that is to say, of thare twa korne myllis, small custummis and akeris foresaidis, and of all utheris thare commoune gudis, and bindis and oblissis the sammyn for payment of the said soume of *sex merkis* to be paid yeirelie to the saidis

Wardane and convent and thare successouris, to the furnessing of wyne, walx, ule and other necessaris to the uphald of divine service within the said kirk, in manere foresaid: And becaus the said Wardane and convent hes ane yeirlie annuell of *twenty schillingis* to be tane up of the land and tenement of umquhill Robert Grenlaw, and now pertenyng to ane noble man Patrik Hepburne, Maister of Halys, lyand in the said burgh, apou the north syd of the Kingis streit, betuix the land of William Robesoun on the west part and the land of umquhill Thomas Tod, now pertenyng to the said Patrik, apou the est part, and als hes ane yeirelie annuell of *aucht schillingis* to be tane up of the land and tenement of Robert Wylsone, lyand in the foresaid burgh, apou the north syd of the Kingis streit foresaid, betuix the land of umquhill George Keire of Samuelstoun on the est part and the land of Johne Estoun on the west part, and hes bene in use and possessioun of the uptakin of the saidis annuellis and applying of thame to the uphald of devine service in maner foresaid, the saidis bailyeis, counsaill and communitie byndis and oblissis thame and all thare commoune gudis foresaidis that, gif it sall happin in ony tyme to cum that the saidis landis beis nocht poindable and strenzeable for the saidis annuellis, or that the saidis Wardane, convent and thare successouris can nocht get payment thareof (doand thare exact deligence for persewing of the sammyn), thai sall content and pay to the said Wardane, convent and thare successouris the soume of twa merkis money foresaid yeirlie, at the termes above expremit, ay and quhill the sammyn be poindable and strenzeable, and that thai may be ansuerit thareof doand thare exact deligens thareto, to be tane up of all the saidis commoune gudis, attour the saidis sex merkis to be applyit to the uphald of devine service in maner above expremit. And in cace the saidis landis beis nocht strenzeable for the saidis annuellis, the saidis Wardane, convent or thare successouris sall leid process of recognitioun and opten doume of propirtee thareapoun in thare names apou the expenssis of the said communitie, gif thai please that the sammyn be led, and thareftir infest thame heretablie tharin, as effeiris, thai payand to thame perpetualye the saidis twa merkis tharfor, as said is. And gif it sall happin the saidis bailyeis, counsaill and communitie to failye in payment of the said soume of sex merkis at the termes forsaidis, or within twentye days nixt thareftir, or in ony uther point of the premissis concernyng thare part, thai sall content and pay to the saidis Wardane and convent and thare successouris the soume of foureye poundis money foresaid for thare damuage and interes to the reparatioun of thare said place, with all costis and expenssis that thai sall happin to make,

als weill as the pryncipall, and in that cace, or gif thai be troublit be the kingis autorite or ony uther maner of way, quharthrouch thai be nocht ansuerit in manere foresaid, than thai sall haif full regres and ingres to thare haille annuellis to be tane up of the akeris callit Rauf Echlingis akeris, efter the forme of the auld donacioun and thare possessioun usit be thame and thare predecessouris twa hundreth and fourtye yeris bypast for the dowrye of thare kirk, nochtwithstanding the assignatioun of the sammyn maid to the said communitie, quhilk in that cace, now as than and than as now, sal be of nane effect and siclik as it had nocht bene maid. In witnes of the quhilk the saidis partiis hes appendit thare commoune selys¹ to thir indentouris, interchangeable, day, yeire and place foresaidis, before thir witnes, Maisteris Robert Walterstoun, Provest of the Bothanis, Robert Galbraith, Thesaurare of our Soverane Lordis chapell of Striueling, Johne Donaldsone, Provest of Merkyll, James Kelle and George Sydserth, Schirs Johne Gyffert, Vikar of Innerlethane, and Patrik Mauchlyne, chaplanis, Wylliam Hepburne, broder to Patrik Hepburne, Maister of Halys, Hare Hepburne, James Mertyne, Johne Galbraith, Thomas Ewin and Patrik Myllar, with utheris diverse. Super quibus omnibus et singulis, nobilis vir, Patricius Hepburne, magister de Halys antedictus, unus ballivorum dicti burgi, nomine ballivorum, consulum et communitatis eiusdem, et religiosus vir, frater Adam Harlaw, gardianus dicti conventus, nomine eiusdem, a me, notario publico subscripto, sibi fieri petierunt, et quilibet eorum petiit hoc presens publicum instrumentum seu plura publica instrumenta. Acta erant hec in loco capitulari Fratrum Minorum dicti burgi, horas inter undecimam ante meridiem et duodecimam in meridiem, anno, mense, die, indictione et pontificatu prescriptis, et coram testibus prenomminatis ad premissa requisitis.

Et ego, Bartholomeus Kello, Artium Magister, clericus Sancti Andree diocesis, publicus sacra apostolica auctoritate notarius, &c.

12. RECEIPT, following upon the preceding Indenture, granted by the Grey Friars to the Tenants of

¹ The seals of the Friary and the Burgh, although defaced, are still attached to the respective halves of this Indenture.

the Corn Mills of Haddington, for the sum of £12, representing three forehand payments of six merks, to facilitate the rebuilding of the friary dormitory. Dated 2nd April, 1538. (*MS. Original, loc. cit.*)

WE, frer Jhone Straithawen, Wardan of the Freris Minoris of Haidintoun, freir Jhone Congiltoun, freir Jhone Borthik, freris conventuall of the said Freris Minoris, grantis ws to haif resavit fra honorabill men, viz. Henre Cokburn, Thomas Sinclar, Robert Wolson, burgesses of Haidintoun and fermeraris of the twa common corne millis of Haidintoun, at command of the bailyes, counsell and communite of the said burche of Haidintoun, be thar precept direct to the said fermeraris thairapone, the sowme of *twelf pundis* usuell mone of Scotland in a part of pament of our anuellis pertening to ws of umquhill Rawf Eglingis aikiris, and now payit to ws be the towne of Haidintoun, thankfully payit aforhand at the dait of thir presenttis of the townis gud mynd in our thank and greit mist for to help to big our dortur quhilk is fallin downe. Off the quhilk xii li. extendis to thre yeiris anuell of the said Rawf Eglins aikiris efter the dait of thir presenttis be out rowne. Off the quhilk xii li. we, the forsaid Wardan and convent forsaidis, haldis ws weill content and payit, and for ws and our successouris dischargis and quitelemis the bailyes, cownsell and communite, tham and thar successouris, for the space of thre yeiris nixt efter the dait of thir presenttis be togidder out rowne, for now and ever, bot ony revocatioun, reclamatioun or aganecalling quhatsumever. In witnes heirof we, the said Wardan and convent hes appendit our commoun seill to thir presenttis, cheptourlie gadderit togidder, wytht the subscriptionis manuell of ws and of our convent, the secund day of Aprill, the yeir of God j^mv^exxxviiij yeiris, befor thir witnes, Schir James Vobstar, chaiplen, James Brydyeis, Dene of Caitnes and Allexander Symson, notar public, wytht other diverse. *We, Frer Jhone Strathaven, Werden of Haidentone, Frer Jhone Congilton, Freir Jhon Borthyk.*

[The friary seal is still appended—*Oblong, a figure under a canopy in a centered compartment per pale—legend, S. Gardiani Cordiolorum.*]

13. CHARTER OF VENDITION under which the Grey Friars of Haddington acquired, for an indefinite

sum of money, from John Lethane, burgess of Edinburgh, two Annual Rents, of forty shillings and two merks, secured over two tenements in the Market Square of Edinburgh belonging to the deceased James Sleich and Alexander Mawen. N.D. (*MS. Original, loc. cit.*)

OMNIBUS hanc cartam visuris vel audituris Johannes Lethane, burgensis ville de Edinburgh, Salutem in Domino sempiternam. Noveritis me, non vi aut metu ductum nec errore lapsum seu dolo circumventum sed mea mera pura propria et spontanea voluntate, utilitateque mea undique previsa et pensata, dedisse, concessisse, vendidisse ac titulo pure venditionis alienasse, et hac presenti carta mea confirmasse, necnon dare, concedere, vendere et alienare, et hac presenti carta mea confirmare, dilectis meis fratri Ade Harlo, gardiano Fratrum Minorum de Hadingtoun ac conventui et fratribus eiusdem, totum et integrum unum annuum redditum *quadraginta solidorum* predictae monete [Scotie], annuatim michi debitum et exeuntem de toto et integro tenemento terre cum pertinentiis quondam Jacobi Sleich, jacente in predicta villa, ex parte boreali vici fori crucis, inter terram Jacobi Yalloeis ex parte orientali et terram Vilelmi Larmoth de Lihill ex parte occidentali, necnon unum annuum redditum *duarum mercarum* prefate monete, michi annuatim debitum et exeuntem de toto et integro tenemento terre cum pertinentiis quondam Alexandri Mawen de Steynsone, jacente in predicta villa, ex parte boreali vici fori crucis, inter terram Johannis Jonstoun ex parte occidentali et communem venellam ex parte orientali, pro quadam certa summa pecunie mihi per prefatum Adam gratanter et integre persoluta; de quaquidem summa pecunie teneo me bene contentum, integre et plenarie persolutum, prefatosque Adam Harlo fratres et successores suos, inde quitclamo imperpetuum presentis carte mee per tenorem. Tenendos et habendos omnes et singulos predictos annuos redditus cum pertinentiis predictis conventui et fratribus et suis successoribus a me et heredibus meis, de domino nostro rege in feodo et hereditate imperpetuum adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, sicut aliqui annui redditus dantur, conceduntur, venduntur aut alienantur, sive poterint dari, concedi, vendi aut alienari infra predictam villam sine quacumque contradictione vel revocatione aliquali. Et ego vero, predictus Johannes Lethane, et heredes mei predictos annuos redditus cum pertinentiis predictis fratribus conventui et successoribus suis adeo libere et quiete, in omnibus et

per omnia, ut supradictum est, contra omnes mortales verantizabimus, acquietabimus et imperpetuum defendemus. In cujus rei testimonium sigillum meum huic presenti carte est appensum. Apud Edinburgh, . . . [Incomplete] . . .

14. ASSIGNATION by Robert Galloway, burges of Haddington, in favour of the Grey Friars, of his rights to redeem four Annual Rents of two merks, three merks, two merks and six shillings, on payment of one hundred and nine merks at the altar of St. James in the Church of St. Giles, Edinburgh, in terms of a Deed of Reversion granted to him by John Lethane on 15th May, 1512. Dated 3rd September, 1512. (*MS. Original, loc. cit.*)

BE it kend till all men be thir present letters, me, Robert Galloway, the sone and air of umquhile George of Galloway, burges of Hadingtone, to have maid, constitut and ordaint, and be the tenor of thir present letters makis, constitutis and ordainis, religiouse and discret men, Frere Adame Harlaw, Wardane of the place and freris of Hadingtoun, and the convent of the samyn place, my verray lauchfull, irrevocable and undoutit assignay and cessionaris to that letter of reversione writtin in parchment, maid to me, myne airis and assignais be ane worthy man, Johne of Leithane, burges of Edinburgh, upoun the redemyng, lousing and outquiting of thir annuale rentis undir-writtin, That is to say, ane annuale rent of *tua markis* yerlie usuale money of Scotland, to be upliftit and rasis at tua usuale termes in the yere, Witsunday and Martimes in winter, be tua evin portiones, of all and hale my tenement of land with the pertinentis, lyand in the burgh of Hadingtoun, on the est part [of] the gait callit the Hardgait of the samyn, betuix the landis of umquhile Johne Hepburne on the south part and the landis of umquhill Waltir Walderstoune on the north part ; And ane annuale rent of *thre markis* of the said usuale money yerly, to be upliftit and rasis at the said tua usuale termes, of all and hale the tenement of land of umquhill James Sleich with the pertinentis, lyand in the said burgh of Hadingtone, on the north sid of the streit and markat of the samyn betuix the landis of William

Lermonth on the west part and the landis of umquhill Robert Bolton on the est part ; And ane annuale rent of *tua markis* of the said usuale money yerlie, to be upliftit and rasit at the said tua usuale termes, be tua evin portiones, of all and hale the tenement of land of Alexander Wawane of Stevinstoune with the pertinentis, liand in the burgh of Hadingtone, on the north part [of] the Kingis streit of the samyn, betuix the landis of Richard Crumby on the west part and the landis of the said Alexander Wawane on the est part ; And ane annuale rent of *sex schillingis* of the said usuale money yerlie, to be upliftit and rasit at the said tua usuale termes, be evin portiones, of all and hale the tenement of land of William Cok with the pertinentis, liand in the said burgh of Hadington, on the south part of Poldrait of the samyn, betuix the land of the said William Cok on the west part and the landis of umquhile Alexander Huddo on the est part. The quhill reversione is of the dait of the xv day of Maii, the yere of God ^{j^m} fyve hundreth and tuelf yeris, and contenis in it the some of ane hundreth markis and nyne markis usuale money of Scotland, lik as the said reversione proportis : Gevand, grantand and committand to the said Frere Adam, Wardane, and to the convent forsaid, myne assignais, my full, fre, plane power, speciale mandement, express bidding and charge, for me and in my name, to louse, redeme and outquit all and hale the forenemmit annuale rentis with thair pertinentis fra the said Johne of Leithane, his airis or assignais be the payment of the said some of ane hundreth markis and nyne markis contenit in the said reversione, and to warne the said Johne, his airis or assignais to compeir in Sanct Gelis kirk of Edinburgh apon xj dais warnyng, and thar, apon Sanct James alter the Apostill, to tak and ressave the said some and to renunce, resign, upgif and ourgif to my saidis assignais the foresaidis annualis rentis with thair pertinentis, with charter, sesing and all uther evidentis maid and gevin to the said Johne, tharupon, efter the tenor of the said reversion and lik as the samyn in the self at plane proportis. Turnand and transferrand the hale rycht and effect of the said reversion fra me, myne airis and all utheris myne assignais to the foresaidis Frere Adame and convent, my irrevocable assignais, and thar successouris, sua that thai and thar successouris may frely dispone tharapoun, and use and exercise the samyn in all punctis and effect contenit in the samyn, and as thai think mast profitable for thar utilite and proffitt, but revocatioun or impediment protestationis to mak instrumentis and all uther documentis to ask, lift and raise, ferme and stabill halding and for to hald all and quhatsumevir thingis the said Frere Adam, Wardane, and convent forsaid or ony of thaim, myne assignais in the premissis,

ledis to be done under the pane and oblissing of all my gudis present and to cum. In witnes of the quhilk thing to this present writt I have hinging my sele, at Edinburgh the thrid day of September, the yere of God j^m v^c and tuelf yeris, before thir witnes, Henry Dee, Henry Lethane, Johne Goldsmyth, and Sir Johne Jaksone, notar publick.

15. INSTRUMENT OF SASINE granted to Robert Lawson, Procurator of the Grey Friary, following upon John Lethane's unconditional gift to the Friars of an Annual Rent of forty shillings, secured over a tenement on the north side of the Market Square. Dated 12th November, 1513. (*MS. Original, loc. cit.*)

IN Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter, quod, anno Incarnationis Dominice millesimo quingentesimo decimo tertio, die vero mensis Novembris duodecimo, indictione secunda, pontificatus sanctissimi in Christo Patris ac Domini nostri, Leonis, Pape, decimi, anno primo: In mei, notarii publici, et testium subscriptorum presentia, personaliter constitutus providus vir, Johannis Lethane, burgensis de Edinburgh, accessit ad tenementum quondam Jacobi Sleych jacens ex boreali parte vici fori burgi de Hadingtoun, inter terram Willelmi Lermonth de Hille ex occidentali et terram quondam Roberti Boltone ex orientali partibus, et ibidem resignavit unum annum redditum *quadraginta solidorum* usualis monete Scotie, per terram et lapidem denariumque argenti, annuatim exeundum et levandum de dicto tenemento terre cum pertinentiis ad festa videlicet, Pentecostes et Sancti Martini in hieme, per equales portiones, in manibus honorabilis viri, David Borthik, dicti burgi unius ballivorum. Qua resignatione sic facta, idem ballivus, ex precepto specialique mandato dicti resignantis, per huiusmodi terram et lapidem denariumque argenti, statum, possessionem et sasinam hereditariam de dicto annuo reddito quadraginta solidorum, de predicto tenemento terre cum pertinentiis annuatim levandorum, Roberto Lawsons, procuratori et in nomine Fratrum Minorum de Hadingtoun, et conventui eiusdem, dedit, tradidit, pariterque deliberavit. Deinde prefatus Johannis Lethane accessit ad tenementum quondam Thome Wawane de Stenstoun, jacens in

eadem via versus crucem, inter terram Elizabethhe Crumby ex occidentali et commune venellum ex orientali partibus, et ibidem scilicet unum annum redditum *viginti sex solidorum et octo denariorum* de predicto tenemento terre cum pertinentiis monete predictæ annuatim levandorum, ut predicatur, ad festa Pentecostes et Sancti Martini in hieme, per terram et lapidem denariumque argenti, in manibus predicti ballivi sursum reddidit pureque simpliciter resignavit propter possessionem et sasinam inde dandam Fratribus Minoribus et conventui de Haddington vel eorum procuratori. Qua resignatione sic ut premittitur facta, idem ballivus, ex precepto specialique mandato dicti resignantis, per huiusmodi terram et lapidem denariumque argenti, statum, possessionem et sasinam hereditariam de predicto annuo reddito viginti sex solidorum et octo denariorum de predicto tenemento terre cum pertinentiis annuatim levandorum, ut supra dictum est, Roberto Lawsons, nomine et ex parte dictorum Fratrum Minorum et conventus eiusdem, dedit, tradidit, exhibuit pariterque deliberavit. Super quibus omnibus et singulis, frater Adam Harlawe, gardianus loci predicti Fratrum Minorum de Haddington, singilatim et successive a me, notario publico subscripto, eis fieri petiit publicum aut publica instrumentum seu instrumenta, cum roboratione sigilli predicti ballivi. Hec erant apud dicta tenementa, hora undecima ante meridiem aut eocirca, sub anno, die, mense, locis, indictione et pontificatu quibus supra. Presentibus ibidem Cuthberto Dekisoun, David Fourhose, Willelmo Jhonsone, Jacobo Bernis, Ade Stedman, Ade Lawsons, Magistro Johanne Lethane et Ade Croser, capellanis, Johanne Darg et Jacobo Bowmen, seriandis, testibus ad premissa vocatis pariterque rogatis.

Et Ego, Laurentius Flemyng, clericus Sancti Andree dioceseos, publicus auctoritate apostolica notarius, &c.

16. INSTRUMENT OF SASINE in favour of the Grey Friars of Haddington, following upon the gift of an Annual Rent of six shillings and eightpence, by John Sibbaldson and others in return for the celebration of certain anniversary services. Dated 13th September, 1514. (*MS. Original, loc. cit.*)

IN Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter, quod, anno Incarnationis Dominice millesimo

quingentesimo quarto decimo, die vero mensis Septembris tertio decimo, indictione secunda, pontificatus sanctissimi in Christo Patris ac Domini nostri, Domini Leonis, divina providentia, Pape, decimi, anno secundo: In mei, notarii publici, et testium subscriptorum presentia, personaliter constituti providi viri, tum Johannes Sibbaldson, senior, tum junior Johannes, eius filius, necnon sponsa prefati Johannis Sibbaldson junioris, accesserunt ad tenementum eorum jacens ex australi parte vici occidentalis oppidi de Hadingtoun, inter terras Jacobi Plummer ex occidentali et terras Willelmi Foular ex orientali, et ibidem, super solum et fundum dicti tenementi, prefati Johannes, tum senior tum junior, necnon prefati junioris sponsa, pure et simpliciter resignaverunt unum annum redditum *sex solidorum et octo denariorum*, quotannis levandorum de prefato tenemento terre cum pertinentiis, propter anniversarium annuatim fiendum in die obitus Agnetis Brison, sponse prefati Johannis senioris et matris prefati Johannis junioris, durante eorum tempore vite, quibus diebus clausis extremis, pro anniversariis et obsequiis quotannis fiendis pro animabus prefati Johannis Sibbaldson senioris et Agnetis eius sponse, necnon pro animabus predicti Johannis Sibbaldson junioris et eius sponse, per terre lapidis et denarii argenti resignationem in manibus insignis viri, David Borthuik, unius ballivorum burgi de Hadingtoun, propter possessionem inde dandam Fratri Ade Harlaw, gardiano Fratrum Minorum de Hadingtoun, et conventui eiusdem. Qui vero ballivus, ad preceptum et mandatum dictorum resignantium, statum, possessionem corporalem predicti annui redditus de prefato tenemento terre cum pertinentiis, per huiusmodi terre lapidis et denarii argenti traditionem secundum vim et formam premissae resignationis, prefato gardiano et conventui loci eiusdem exhibuit, tradidit, pariterque deliberavit, prout in simili casu exigit ordo juris, salvo jure cuiuslibet. Super quibus omnibus et singulis, predictus frater Adam Harlaw, gardianus, nomine suo et auctoritate conventus loci eiusdem, a me, notario publico subscripto, sibi et ipsis fieri petiit instrumenta unacum corroboratione sigilli prefati ballivi in signum executionis sui officii. Acta erant hec super solum dicti tenementi, horas inter nonenas et denas pomeridianas, sub anno, die, mense, indictione et pontificatu quibus supra. Presentibus ibidem, Johanne Crumby, Willelmo Quhintig, Jacobo Loudoun, Henrico Cokburn, Alexandro Sibbaldson, cum Jacobo Brown, testibus ad premissa vocatis pariterque rogatis.

Et Ego Laurentius Flemyng, clericus Sancti Andree dioceseos, publicus auctoritate apostolica notarius, &c.

17. INSTRUMENT OF SASINE in favour of the Grey Friars of Haddington, following upon John Haliburton's gift of an Annual Rent of twenty shillings in return for the celebration of an anniversary service on his obit day. Dated 8th February, 1534-35. (*MS. Original, loc. cit.*)

IN nomine Dei Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter, quod, anno Incarnationis Dominice millesimo quingentesimo trigesimo quarto, die vero mensis Februarii octavo, indictione quinta, pontificatus sanctissimi in Christo Patris ac Domini nostri, Domini Alexandri, divina providentia, Pape, sexti, anno decimo: In mei, notarii publici, et testium subscriptorum presentia, personaliter constitutus providus vir, Jhoannes Haliburtoun, faber lignarius et burgensis de Hadingtoun, accessit ad tenementum suum terre cum pertinentiis, jacens ex boreali vici regii, inter terram quondam Willelmi Haliburtoun occupatam per eum ex orientali et terram domini de Blause ex occidentali partibus, et ibidem, super solum dicti tenementi, prefatus Jhoannes resignavit possessionem unius annui redditus *viginti solidorum*, quotannis levandi de prefato tenemento cum pertinentiis, in manibus nobilis viri, Jacobi Hepburn de Rollandstoun, dicti burgi unius ballivorum propter possessionem inde dandam Ade Harlaw, gardiano, et conventui Fratrum Minorum de Hadingtoun, in pura et perpetua elimosina, pro anniversario annuatim fiendo in dicto conventu pro anima antedicti Johannis. Qui vero ballivus, ad preceptum et mandatum dicti resignantis, statum, possessionem corporalem et sasinam perpetuam de prefato annuo reddito viginti solidorum, per terre et lapidis denarii que argenti exhibitionem, provido viro, Ade Harlaw, gardiano, et conventui Fratrum Minorum de Hadingtoun contulit, tradidit pariterque deliberavit, prout in tali casu exigit ordo juris. Super quibus omnibus et singulis, prefatus gardianus, Adam Harlaw, nomine et ex parte conventus antedicti, a me, notario publico subscripto, sibi fieri petiit unum vel plura publicum seu publica instrumentum seu instrumenta. Acta erant hec apud dictum tenementum, hora decima ante meridiem vel cocirca, sub anno, mense, die, indictione et pontificatu quibus supra. Presentibus ibidem providis viris, Magistro Roberto Young, notario publico, domino Nicholao Bowmakar, capellano, Joanne Sinclar, Archibaldo Sinclar, Thoma Sinclar, Adam Lausoun,

Andrea Hunt et Valtero Quhitlaw, seriando, et multis aliis ad premissa vocatis pariter rogatis.

Et ego, Jacobus Jhonstoun, Artium Magister, clericus Glasguensis diocesis, publicus sacra apostolica auctoritate notarius, &c.

18. RECORD OF THE EXPROPRIATION
of Friar George Hugo. 10th September, 1538.
(*MS. Protocol Books, Alexander Simson, 1529-1544,*
f. 110, *loc. cit.*)

THE quhilk day George Hugoun, sone and air to John Hugoun, burges of Haidintoun, off his avin fre will wyth consent of his kyn and freindis, grantit to be profeist in the Freiris Minouris of Haidintoun, in ralegioun of the sam Ordour and to taik the aibet tharof. For the quhilk cause, Jennot Neise and Elspeth Gothra, the relict of Jhone Hugoun, bindis thame coniunctly and severally faythtfully to content and pay to Freir Jhone Straithaiffen, Warden of the said Freiris, in hand *x merkis and other x merkis* at the Feist of Pasche nixt to cum, wythouttin fraud or gyll. Witnes, William Rycht, Robert Schortus, Thomas Lauta.

Eodem die. Elspeth Gothra deliverit Jhone Hugonis airschip to George Hugoun, sone and air to Johne Hugone, and incontinent George Hugoun delyverit the samyn airschip to the said Elspeth, and grantit hym well content and payit for the samin airschip. Witnes, Johne Lauta, yonger, Davith Davise, William Rycht, Robert Schortus and George Waik.

Eodem die. George Hugoun rassignit his tenement of land, liand in the vest part [of] the Sidgait, in the hand of Thomas Wause, bailye, for possessioun to be gyffin to Elspeth Gothra and hir airis: the quhilk possessioun the said bailye gaif to the said Elspeth at thre efter none. Witnes abovewrytn.

19. NOTARIAL RECORD OF RENUNCIATION of a tenement by the Grey Friars of Hadding-

ton in favour of John Wolstoun, in terms of a Deed of Reversion granted by them to Richard Maitland of Lethington. 13th December, 1539. (*Loc. cit.*, vol. 1539-1542, f. 28.)

Decima tertia die mensis Decembris, Anno Domini M^o 5^o trigesimo nono.

THE quhilk day, Freir Johne Strawavane, Wardane of the place and Freir Minoris of the burgh of Hadyntoun, and all the convent of the samyn, viz., Freir Villiam Synclar, Freir Johne Purro, Freir Johne Congiltoun, Freir Johne Borthuik, Freir William Hepburn, Freir George Hugoun, cheptourlye gadderit, nocht seducit, compellit, nor yit coact be ony man, bot of thar avin fre motyve will, hes grantit and confessit that ane tenement of land with the pertinence, lyand within the toun of Hadyntoun, at the est end of the mercat croce gait of the samyn, betuix the land of umquhill Johne Fowlar the est, and now Johne Wolsonis, the land of umquhill Robert Andersoun, now Johne Dowglacis, the baxteris, on the north, the kingis causey west and sowth, quhilk thai had in wedsett of Rechert Maitland of Ledyngton, as thar chartur and instrument tharapon proportis, and be the tenour heirof confessis that the samyn tenement is lauchfullye redemit and lowsit fra thaim be Johne Wolstoun, assignay till the said Rechert, be verteu and strenth of ane reversioun of the said tenement maid be umquhill Freir Adam Harlaw, Wardan of the said place, with consent of the convent of the samyn beyng for the tyme, seillit with thar commoun [seill], producit befor me, notar publict, and witeisis undervrytyng and recognost be the forsaid Wardane and convent. Renunceand tharfoir the said Wardane and all his convent, with ane consent and ever ilk ane of thaim for thar self and thar successouris, quitclamad for euer all rycht, titill of rycht, properte or possessione the quhilk thai have, or thai or thar predecessoris had in and to the said tenement be verteu of the forsaidis chartur and instrument gevin be the said Lard of Ledyngton to thaim. Super quibus omnibus et singulis, prefatus Joannes Wolstoun, a me, notario publico subscripto, sibi fieri petiit hoc presens publicum instrumentum seu plura publica instrumenta. Acta erant hec in capitulo predicti loci, hora nona ante meridiem aut eocirca, coram his testibus, Thoma, Dykysoun, ballivo burgi de Haidyngtoun, David Fowrus, Hugone Congiltoun, Martyno Volstoun, Adam Volstoun, et Allexandro Symsoun et Johanne Flemyng, notariis publicis, cum diversis aliis.

20. NOTARIAL RECORD OF SASINE granted to Richard Maitland of Lethington in accordance with the preceding Renunciation. 16th January, 1539-40. (*Loc. cit.*, f. 30.)

xvij^o Januarij a^o 39^o.

THE quhilk day, Freir Johne Stravavane, Wardane of the Freiris Minoris of Haidyngtoun, with consent of his convent, purly and symple upgaift and resignit in the handis of Thomas Dykysoun, ane of the baillies of the burgh of Haidyngtoun, be delyvering of erd and stane of the ground of the samyn in the said baillies handis, all and haill that tenement of land lyand within the burgh of Haidyngtoun, on the est syd of the market streit of the samyn, callit the Cunzey, lyand betuix the landis of umquhill Robert Andersoun, and now Johne Dowglace, the baxtaris, on the north, the land of umquhill John Fowlar, and now Johne Wolstonis, the est, the commone causay south and west, for possession to be gevin to ane honorable man, Rechert Maitland of Ledyngtoun, his airis and assignais quhatsumever. Quhilk possessioun the said baillie gaif to the said Rechert Maitland be delyvering of erd and stane, as said is, savand all manis rychtis. Acta in clastro Fratrum Minorum dicti burgi et apud dictum tenementum, hora tertia post meridiem aut eocirca. Testibus David Towrus, Adam Volstoun, Johne Maitland, Archebald Cutlar, Jo. Broderstanis, Johne Lautay, William Burn, Mr. George Keryngtoun, Schir Villiam Volstoun, and Thomas Cragiswallis, William Masoun, seriandis, and Allexander Symssoun and Mr. Alexander Towrus, notariis publicis.

21. NOTARIAL RECORD OF A PROTEST entered by Friar William Sinclair against the sale of stones to the Magistrates of Haddington. 23rd February, 1541-42. (*Loc. cit.*, f. 134.)

Vigesimo tertio Februarij Anno Domini Millesimo V^o 41^o.

THE quhilk day, Freir Williame Sinclour, ane of the Freiris Minoris of Haidyngtoun, allegit that the Wardane of the freris had na power

to wedsett nor anly na geir belangand to the place. *Desuper Instrumentum.*

And Johne Lawtay younger, thesaurar of the toune, allegit the said Freir Villiame wes nouthur Wardane, president nor procurator for the place, bot ane singular man, and quhatever he said hurt him nocht. Attour, offerit the stanis sauld to him be the Wardane and the brethren of the place to him agane, upoun the samyn price as thai wer sauld to him agane and tene . . . doune of thaim. *Desuper Instrumentum.*

The quhilk day, Freir Johne Stravavane, Wardane, Freris Johne Congiltoun, Jhone Moncur, Henry Bald, George Hugoun, all in ane voce, ratifyit the alienatione maid be the Wardane of the said stanis, and that the monie tharof ves for thar proffett and utilitie, and oblist thaim never to cum in the contrair, bot to defend the samyn. And the saidis hail brethrene, all in ane voce, of thar fre vill and for gud consideratione, and specialie for biggin of ane dik for savite of thar cornis in the Freir Croft, hes frelie gevin to the baillies, counsall and communitie the saidis stanis of fre gift, and oblist thaim never to cum in the contrair. *Desuper Instrumenta. Acta infra dictum monasterium hora secunda post meridiem. Testibus, Thome Ponton, ane of the baillies of Haddington, Pait Mertyne, Adam Johneston and Patrik Forrous, with utheris diverse.*

22. NOTARIAL RECORD OF THE RENUNCIATION AND DISCHARGE by the Grey Friars of Haddington of an Annual Rent of twenty-four shillings formerly payable to them from Greenlaw's Tower in Market Street: redemption price, Sixteen pounds, paid by Philip Gibson. Dated 3rd October, 1543. (*Loc. cit.*, vol. 1542-1544, f. 63.)

IN mei, notarii publici, et testium subscriptorum presentia, personaliter constituti venerabiles et religiosi patres, frater Johannes Stravavane, gardianus loci Fratrum Franciscanorum burgi de Haddingtoun, fratres Willelmus Synclair, Johannes Moncur, Johannes Congiltoun,

Willelmus Hepburnn, Henricus Bald et Johannes Afflek, totus conventus eiusdem, capitulariter congregati, non vi aut metu ducti nec errore lapsi nec dolo circumventi, utilitate et commodo suis et dicti sui monasterii undique previsis et pensatis, prout palam et publice asseruerunt, unanimi consensu et assensu, ac etiam consensu et assensu venerabilis et religiosi etiam patris, fratris Johannis Fergusoun, Principalis et Ministri totius huius ordinis Franciscanorum infra regnum Scotie, personaliter presentis, prehabito, totum et integrum unum annum redditum *viginti quatuor solidorum* usualis monete regni Scotie, annuatim levandum et percipiendum ad duos usuales anni terminos, festa videlicet, Penthecostes et Sancti Martini in hyeme, per equales portiones, de tota et integra domo Philippi Gibsoun, vulgariter vocata Grenlawis Tower, jacente infra burgum de Haidingtoun ex parte australi vici crucis foralis eiusdem, inter tenementum dicti Philippi ex orientali et tenementum Johannis Peirsoun ex occidentali partibus, eis et successoribus suis hereditarie pertinente sub reversione summae sexdecim librarum usualis monete regni Scotie in se continente, per traditionem, deliberationem et per ipsos pre manibus in pecunia numerata receptionem dicte summe sexdecim librarum in bono et sufficienti auro et moneta regni Scotie, prout mihi, notario publico, luculenter constabat, per antedictum Philippum Gibsoun, dicte domus nunc hereditarium possessorem, legitime redemptum confessi sunt; prefatumque annum redditum, cum omnibus suis jure, clameo, titulo, proprietate seu possessione, que seu quas ipsi habent, habuerunt seu quovismodo habere potuerunt, pro se et suis successoribus omnino renunciaverunt et imperpetuum extradonaverunt, prout per presentes renunciant et extradonant, ac etiam evidencias eisdem super dicto annuo reddito confectas prefato Philippo tradiderunt et deliberaverunt, easdemque cancellari statuerunt et ordinaverunt, promittentes in verbo professionis sue dictum annum redditum de suo rentalī delere et annullare. Insuper honorabilis vir, Allexander Cokburn de Harpardene, olim dicte domus vocate Grenlawis Tower hereditarius possessor, pro quadam certa summa pecunie sibi per dictum Philippum in pecunia numerata pre manibus persoluta, renunciavit et extradonavit omne jus, jurisclameum, titulum, proprietatem seu possessionem, que seu quas ipse, heredes sui aut assignati habet, habent, habuerunt seu quovismodo habere possint in futurum in et ad antedictum annum redditum pro se, suis heredibus et assignatis, omnino renunciavit, quitclamavit et extradonavit imperpetuum, prout per presentes renunciat, quitclamat et extradonat. Ita quod, si contingat ipsum, suos heredes, aut assignatos aliquam reversionem de

et super redemptione dicti annui redditus invenire aliquibus temporibus affuturis, obligavit se, suos heredes et assignatos fide media eandem cancellare dictoque Philippo, suis heredibus aut assignatis tradere et renunciare, omnibus fraude et dolo seclusis. Super quibus omnibus et singulis, prefatus Philippus Gibsoun, a me, notario publico subscripto, sibi fieri et tradi petiit unum seu plura publicum seu publica instrumentum seu instrumenta. Acta erant hec infra capitulum dicti loci, hora duodecima meridiana aut eocirca, coram his testibus, Thoma Synclair, uno ballivorum burgi de Haddingtoun, Henrico Cokburnn, Duncano Morisoun, et Henrico Cokburnn juniore, cum diversis aliis.

23. NOTARIAL RECORD OF A GRANT OF SASINE to the Grey Friars of Haddington of an Annual Rent of ten shillings, secured over the tenement of the deceased Thomas Calderwood on the west side of the Sidgait, granted to them by Philip Gibson in return for an anniversary service on his obit day. Dated 3rd November, 1543. (*Loc. cit.*, f. 65.)

Eodem, viz. tertio die Novembris de xliii.

PERSONALITER accessit prefatus Philippus Gibsoun ad unum tenementum terre jacens ex occidentali parte de lye Sydgait burgi prefati, inter terram quondam Thome Caldervod ex australi et terram Elizabethhe Keringtoun ex boreali et occidentali partibus, et ibidem totum et integrum unum annum redditum *decem solidorum* usualis monete regni Scotie, annuatim levandum ad duos usuales anni terminos, festa videlicet, Penthecostes et Sancti Martini in hyeme, per equales portiones, de toto et integro antedicto tenemento terre cum pertinentiis, per terre et lapidis fundi eiusdem denariique argenti traditionem, in manibus Thome Synclair, unius ballivorum burgi prefati sursum reddidit pureque et simpliciter resignavit ad honorem Dei omnipotentis et gloriose beate Marie semper Virginis, matris sue, et omnium sanctorum et propter possessionem et sasinam eiusdem inde dandam gardiano et conventui Fratrum Minorum de Haddingtoun et suis successoribus, fratribus ibidem Deo servientibus et perpetuis temporibus servituris, in puram et perpetuam elimosinam,

pro uno anniversario celebrando imperpetuum in die sui obitus annuatim, videlicet, placebo et dirige cum nota et missam in crastino cum cereis accensis super feretrum suum in choro, cum pulsatione campane manualibus burgi de Haidingtoun et campanarum dicti loci, nominando nomen dicti Philippi et quondam Katherine Lauder, sue sponse, ut moris est, expensis dicti gardiani et conventus, pro salute anime serenissimi quondam principis ac domini nostri illustrissimi, Jacobi, quinti, Dei gratia, Scotorum regis metuendissimi, ac pro salute anime excellentissime principisse ac domine nostre, Marie, Dei gratia, Scotorum regine moderne, necnon pro salute anime dicti Philippi et quondam Katherine Lauder, sponse sue, parentum suorum proliumque suorum antecessorum et successorum suorum, ac animarum omnium fidelium defunctorum, etc. Qua resignatione sic ut premittitur facta, idem ballivus, ex precepto specialique mandato ipsius resignantis virtuteque et vigore sui officii, statum, sasinam hereditariam et possessionem corporalem totius et integri antedicti annui redditus decem solidorum monete prefate annuatim levandi de toto et integro dicto tenemento terre cum pertinentiis, per terre et lapidis fundi eiusdem denariiue argenti traditionem prefato fratri Johanni Stravavane, gardiano fratrum loci antedicti, nomine totius loci secundum tenorem dicte resignationis, prout juris expostulat ordo, dedit, tradidit, exhibuit pariterque deliberavit, jure cuiuslibet salvo. Acta hora duodecima meridiana, coram testibus, Harye Cokburn, Stene Home, Schir James Mauchlyne, Schir Patrik Mauchlyne, et Schir Alexander Hendersoun, notar, with uthir diversis.

24. CHARTER OF VENDITION granted by John Haichtwe, with the consent of Elizabeth Kerington, his spouse, in favour of the Grey Friars of Haddington, of an Annual Rent of Thirteen Shillings and fourpence, secured over his tenement on the west side of Market Square. Dated . . . December, 1550. (*MS. Original in Burgh Charter Chest.*)

OMNIBUS hanc cartam visuris vel auditoris Johannes Haichtwe, Salutem in Domino sempiternam. Noveritis me, cum consensu et

assensu Elizebeth Keryngtoun, sponse mee, non vi aut metu ductum nec errore lapsum seu dolo circumventum, sed ex mea mera puraque et spontanea voluntate, utilitate et commodo meis undique previsis et pensatis, vendidisse, tituloque pure venditionis alienasse, et hac presenti carta mea confirmasse, necnon vendere, alienare et hac presenti carta mea confirmare, devoto religioso fratri, Johanni Congiltoun, gardiano monasterii et conventus fratrum ordinis Sancti Francisci in burgo de Hadingtoun fundati, et eiusdem successoribus monasterii antedicti fratribus et eorum assignatis, totum et integrum unum annum redditum *tredecim solidorum et quatuor denariorum*, annuatim levandum et percipiendum ad duos anni terminos, videlicet, Penthecostes et Sancti Martini in hyeme, per equales portiones, de toto et integro meo tenemento terre jacente in burgo de Hadingtoun, ex orientali parte pretorii eiusdem, inter tenementum terre Johannis Dowglass ex boreali, communem venellam que dicitur Cailparis ex australi, tenementum terre Thome Puntoun ex orientali et communem plateam regineam ex occidentali, partibus ab una et alia, pro quadam certa summa pecunie michi per prefatum devotum religiosum fratrem, Johannem Congiltoun, in mea magna urgenti et cognita necessitate grater et integre pre manibus in pecunia numerata persoluta et in usum meum totaliter conversa : de quaquidem summa pecunie teneo me bene contentum et plenarie persolutum prefatumque devotum religiosum fratrem, Johannem Congiltoun, successores suos et eorum assignatos, antedicti monasterii fratres, pro me, heredibus meis et assignatis, inde quit[^{tos}]clamo imperpetuum presentis carte mee per tenorem. Tenendum et habendum totum et integrum predictum annum redditum *tredecim solidorum et quatuor denariorum* usualis monete regni Scotie prefato devoto religioso fratri, Johanni Congiltoun, successoribus suis, fratribus predicti monasterii ordinis Sancti Francisci in burgo antedicto de Hadingtoun fundati, de me, heredibus meis et assignatis hereditarie imperpetuum libere, quiete, plenarie, honorifice, bene et in pace, sine revocatione, impedimento aut obstaculo aliquali. Reddendo inde annuatim prefatus devotus religiosus frater, Johannes Congiltoun, successores sui, fratres predicti monasterii de Hadingtoun, videlicet ordinis Sancti Francisci in predicto burgo fundati, unum denarium usualis monete regni Scotie in festo Penthecostes, apud prefatum monasterium michi et heredibus meis, tantum si petatur, pro omni alio onere, exactione, questione, demanda seu servitio seculari que de predicto annuo reddito per quoscunque exigi vel requiri poterunt quomodolibet. Et ego vero, prefatus Johannes Haichtwe, heredes mei et assignati totum et integrum predictum annum redditum prefato devoto fratri, Johanni Con-

giltoun et successoribus suis, fratribus predicti monasterii ordinis Sancti Francisci in predicto burgo fundati, adeo libere et quiete, in omnibus et per omnia, forma pariter et effectum, ut premissum est, contra omnes mortales warrantizabimus, acquietabimus et imperpetuum defendemus, omnibus fraude et dolo seclusis. In cuius rei testimonium huic presenti carte mee, manu mea subscripte, sigillum meum unacum sigillo prefate Elizebetht Keringtoun, sponse mee, in signum sui consensus et assensus, est appensum apud Hadingtoun . . . die mensis Decembris, anno Domini millesimo quingentesimo quinquagesimo, coram hiis testibus viz. Nycholao Swyntoun . . . [Incomplete.]

25. PRECEPT OF SASINE of the Grey Friary church, buildings, yards and croft granted by the Friars of Haddington in favour of the Magistrates of the Burgh. Dated 9th October, 1559.¹ (*MS. Original, loc. cit.*)

FRATER IOHANNES Congiltoun, gardianus loci Fratrum Conventualium ordinis Minorum burgi de Hadingtoun, et eiusdem loci conventus dilectis nostris Johanni Gray . . . ac vestrum cuilibet, conjunctim et divisim, ballivis nostris in hac parte specialiter constitutis, Salutem. Quia, unanimi consensu et assensu ad hoc capitulariter congregati, utilitate et commodo nostris et loci nostri burgi predicti undique previsis et pensatis, diligenti tractatu et matura deliberatione prehabitis, et pro diversis pecuniarum summis nobis per prepositum, ballivos, consules et communitatem burgi predicti in nostra magna urgenti et cognita necessitate gratanter et integre persolutis in pecunia numerata, ac pro singularibus favore, benemeritis, auxilio et tuitione nobis contra invasores nostri ordinis et fratrum nostri loci predicti, in hac instanti calamitate exorta contra religiosos et ecclesiasticos huius regni, nobis prefatis et collatis per predictos prepositum, ballivos, consules et communitatem burgi predicti, dedimus, concessimus et ad feudifirmam hereditarie seu emphiteosim dimisimus predictis preposito, ballivis, consulibus et communitati burgi predicti, pro tempore existentibus, et eorum successoribus prepositis, ballivis, consulibus et communitati burgi predicti, totum et integrum dictum

¹ Sasine followed on 18th April, 1560. Old Inventory, Burgh Charter Chest.

nostrum locum, ecclesiam, domos, edificia, hortos et columbare eiusdem cum singulis suis pertinentiis, situatos et jacentes ex orientali parte burgi predicti, inter venellam vocatam lie Freir Gowyll ex boreali, aquam de Tyne et decursum cum stagni ex orientali, communem vicum, quo itur a dicto burgo versus ecclesiam parochialem eiusdem, ex australi, et quandam vastam terram spectantem dicto burgo ex occidentali, partibus ab una et aliis, necnon totam et integram illam nostram croftam terre arabilis cum pertinentiis, jacentem ex australi parte capelle divine Katrene infra libertatem burgi predicti, inter vicum nuncupatum the Kyngis Wallis ex occidentali, hortum vicarii de Hadingtoun et cimiterium ecclesie parochialis predicte ex australi, quandam petiam terre vocatam lie Buttis ex orientali, et predictam capellam terras quoque quondam Roberti Schortus et Roberti Wause respective ex boreali, partibus ab una et aliis, prout in carta nostra feudifirmae eis desuper conficienda plenius continebitur. Vobis igitur, et vestrum cuilibet conjunctim et divisim, ballivis nostris in hac parte antedictis, precipimus et mandamus, quatenus visis presentibus, indilate statum, sasinam hereditariam et possessionem realem actualem et corporalem totius et integri predicti nostri loci, ecclesie, domorum, edificiorum, hortorum et columbaris, necnon crofte terre arabilis predictorum, cum singulis suis pertinentiis, prefato preposito seu thesaurario pro tempore existenti, nomine ballivorum, consulum et communitatis eiusdem, vel suo certo attornato latori presentium, secundum tenorem carte desuper conficiende, juste haberi faciatis et deliberetis, seu alter vestrum haberi faciat et deliberet, et hoc nullo modo omittatis. Ad quod faciendum vobis et vestrum alteri, conjunctim et divisim, ballivis nostris in hac parte antedictis, nostram plenariam et irrevocabilem tenore presentium committimus potestatem. In cuius rei testimonium presentibus, manibus nostris subscriptis, sigillum commune capituli loci nostri predicti est appensum. Apud locum nostrum predictum, nono die mensis Octobris, anno Domini millesimo quingentesimo quinquagesimo nono, coram hiis testibus, Thoma Dikeson, burgensi, Thoma Punton, etiam burgensi, et domino Thoma Stevin, presbitero, notario publico, cum diversis aliis.

Frater Johannes Congiltoun, gardianus, manu propria. Freyr Jhone Auchynlec, zowngar.

[Following upon the investiture of the Magistrates an Instrument of Sasine, dated 18th April, 1560, and containing *ad longum* the above Precept, was drawn up by Thomas Stevin. (*MS. Original, loc. cit.*)]

26. NOTARIAL OBLIGATION by the Magistrates of Haddington to restore the Friary and its pertinents to the Grey Friars if they were again permitted to live according to their Rule. Dated 11th October, 1559. (*MS. Original, loc. cit.*)

IN Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter, quod, anno Incarnationis Dominice millesimo quingentesimo quinquagesimo nono, mensis vero Octobris die undecimo, indictione tertia, pontificatus sanctissimi in Christo Patris et Domini nostri, Domini [Pii], divina providentia, Pape, [quarti,] anno primo. In mei, notarii publici, et testium subscriptorum presentia, Johannes Aytoun, prepositus, et Barnardus Thomsoun, ballivus burgi de Hadingtoun, immediate post sasinam datam predicto Johanni Aytoun, preposito, nomine totius communitatis predicti burgi, per fratrem Johannem Congiltoun, gardianum Fratrum Conventualium loci de Hadingtoun, consensu eiusdem fratrum ut idem gardianus asseruit, eorum loci, domorum, mansionis, edificiorum, hortorum, ecclesie et columbaris eiusdem cum pertinentiis, jacentium ex orientali parte burgi predicti inter terram vastam spectantem predicto burgo ex occidentali, quandam venellam vulgo vocatam lie Freir Gowill ex boreali, aquam de Tyne ex orientali, et communem viam, qua itur a predicto burgo versus ecclesiam parochialem eiusdem, ex australi, necnon unius crofte sue terre arabilis cum pertinentiis, jacentis etiam ex orientali parte dicti burgi inter viam regiam vocatam lie Sydgait ex occidentali, capellam beate Katrene virginis ex boreali, quandam petiam terre seu communam dicti burgi vocatam lie Sandis ex orientali, et cimiterium dicte ecclesie parochialis et hortum vicarii eiusdem respective ex australi partibus ab una et aliis, per dictos fratres tunc occupate, secundum tenorem carte feudifirme desuper conficiende, idem Joannes Aytoun et Barnardus Thomsoun, pro se et nomine totius communitatis predicti burgi et suorum successorum, fideliter promiserunt et ipsos obligaverunt predicto gardiano et fratribus et eorum successoribus, fratribus dicti loci, ad sursum reddendum pureque et simpliciter resignandum huiusmodi locum, domos, mansiones, edificia, hortos, ecclesiam, columbare et croftam terre arabilis, cum singulis suis pertinentiis, ac omne jus et clameum jurisque titulum, proprietatem et possessionem, quod quem seu quam habent aut quovismodo habere poterunt, pro se

suisque successoribus, in et ad huiusmodi locum, domos, mansiones, edificia, hortos, ecclesiam, columbare et croftam terre arabilis cum suis pertinentiis, ad renunciandum et quitclamandum in favorem predictorum Fratrum Conventualium dicti loci, et eorum successorum ibidem Deo servientium, ipsis permissis ad vivendum sub habitu et regula Conventualium Fratrum prout hactenus vixerunt. Super quibus omnibus et singulis, prefatus religiosus frater, Johannes Congiltoun, gardianus, a me, notario publico subscripto, sibi fieri petiit publicum instrumentum seu instrumenta publica. Acta erant hec apud predictum locum, hora quarta post meridiem aut eocirca, sub anno, die, mense, indictione et pontificatu quibus supra. Presentibus ibidem, Johanne Young de Harpardene, Thoma Punton, thesaurario, Domino Roberto Symson, decano christianitatis de Hadingtoun, Matheo Botre et Patricio Reid, seriandis, testibus ad premissa vocatis et requisitis.

Et ego Thomas Stevin, presbiter Sancti Andree diocesis, publicus sacra auctoritate apostolica notarius, &c.

27. NOTARIAL RECORD OF POWER OF ATTORNEY granted by Warden John Afflek to James Oliphant, Provost of Haddington, to ingather and account for the Friary Crop in the Capon Flatt. Dated 4th August, 1560. (*MS. Protocol Books, Thomas Stevin, vol. 1548-1565, f. 279, loc. cit.*)

QUO die, frater Joannes Afflek, gardianus loci Fratrum Conventualium de Hadingtoun, omnibus melioribus, modo, forma, jure et causa, quibus melius et efficacius de jure potuit et debuit pariter et debet, fecit, constituit nominavit et ordinavit, prout presentis publici instrumenti tenore, facit, constituit, nominat et ordinat honorabilem virum, Jacobum Oliphant, prepositum burgi de Hadingtoun, suum cessionarium et assignatum, actorem et factorem in et ad croppam et segitis sue acre terre cum pertinentiis jacentis in Capoun Flatt per dictum fratrem Johannem feodate et pertinentis, dando et concedendo predicto suo cessionario et assignato predicto suam liberam et . . . modam potestatem et mandatum speciale ad pro se et nomine suo

suam acram ordeï et croppam eiusdem metendum, abducendum et disponendum, prout commodius fieri poterit, et de proventu et croppa eiusdem calculi ratione et computum . . . dicto fratri dandum, cum ad id requisitus fuerit. Quo facto idem Jacobus satisfiet de universis et singulis pecuniarum summis ipsi per dictum fratrem Joannem debitis cum ratione. . . . [Incomplete.]

28. FEU CHARTER of the Grey Friary and its pertinents granted by Warden John Auchinleck, with consents, in favour of George Simson, burgess of Haddington. Feu-duty £20, os. 9d. Dated 4th and 12th August, 1565. (*MS. Original, with relative Instrument of Sasine dated 18th August, 1565, and Crown Charter of Confirmation*¹ *dated 7th January, 1565-66, in Burgh Charter Chest. Precept under the Privy Seal of even date, MS. Reg. Privy Seal, XXXIV., f. 45.*)

OMNIBUS hanc cartam visuris vel audituris, Johannes Auchinlek, gardianus Fratrum Minorum ac Conventualium de Hadingtoun, Salutem in Domino sempiternam. Noveritis nos, cum expressis consensu et assensu fratris Johannis Fergusson, Provincialis de Hadingtoun ac Fratrum Minorum totius regni Scotie, quia providi viri, principes in parliamentis suis, bone reipublice proviso, statuerunt et decreverunt regum, prelatorum ac temporalium comitum et baronum ceterorumque subditorum terras hereditarie possidentium in emphiteosim et feudifirmam, absque rentalium diminutione, assedendas fore idque maxime ob politiam et honestatem reipublice : Noveritis nos, unanimi consensu et assensu, diligentibus tractatibus maturis deliberationibus prehabitis, in evidentem utilitatem dictorum Fratrum Minorum loci prescripti, et ad augmentationem rentalis eorundem, necnon pro certis pecuniarum summis per dilectum nostrum Georgium Symson persolutis et multipliciter impensis, dedisse, concessisse, arandasse, locasse et ad feudifirmam seu emphiteosim perpetuam hereditarie dimisisse, ac presenti carta

¹ Not recorded in the Register of the Great Seal.

nostra confirmasse, necnon tenore presentium dare, concedere, arandare, locare et ad feudifirmam seu emphiteosim perpetuam hereditarie dimittere, et hac presenti carta nostra confirmare, predilecto nostro Georgio Symsoun, burgensi burgi de Heddyngtoun et Margarete Synclair, sue sponse, et eorum alteri diutius viventi, in conjuncta infeodatione, heredibus suis et assignatis, totum et integrum nostrum locum de Heddyntoun, cum domibus, hortis et columbario eiusdem, cum una crofta vulgo vocata the Freir Croft ac cum annuis redditibus et pendiculis fratribus de Heddyntoun spectantibus, jacentem in villa de Heddyntoun, primo prout dictus locus, cum domibus, hortis et columbario ceterisque mansionibus, jacet in orientali parte dicte ville inter, . . . [Description as in preceding Notarial Obligation of 11th October, 1559.] Tenendum et habendum totum et integrum predictum locum, cum domibus, hortis et columbario et crofta terre arabilis, cum singulis suis annuis redditibus et pendiculis fratribus de Heddyntoun spectantibus, jacentem infra dictum burgum et suis justis pertinentiis, ut predicitur, prefato Georgio Symsoun et Margarete Synclair, sue sponse, in conjuncta infeodatione, heredibus et assignatis, ut prefertur, de nobis et nostris successoribus in feudifirma seu emphiteosi ac hereditate imperpetuum, per omnes rectas metas suas antiquas et divisas, prout jacent in longitudine et latitudine, in domibus, edificiis, hortis, pomis, pomariis, boscis, planis, moris, maresiis, viis, aquis, semitis, stagnis, rivulis, pratis, pascuis et pasturis, silvis, nemoribus et virgultis, lignis, lapide, luco et calce, cum communi pastura, liberis introitu et exitu, ac cum omnibus aliis et singulis commoditatibus, proficuis et asiamentis ac justis pertinentiis quibuscunque, tam subtus terra quam supra terram, tam non nominatis quam nominatis, libere, quiete, integre, plenarie, bene et in pace, sine aliquo impedimento, revocatione, contradictione aut obstaculo aliquo: Reddendo inde annuatim predictus Georgius Symsoun, Margareta Synclar [et] heredes prescripti nobis et successoribus nostris summam *viginti librarum*, et in augmentationem nostri rentalis summam *novem denariorum*, usualis monete regni Scotie, extendentem in integrum ad summam triginta mercarum et novem denariorum monete prescripte, ad duos anni terminos, videlicet, Penthecostes et Sancti Martini in hyeme, per equales portiones, necnon heredes prescripti duplicandi feudifirmam primo anno eorum introitus prout usus est feudifirme, tantum, pro omni alio onere, exactione, questione, demanda seu servitio seculari que de dicto loco, cum domibus, hortis, columbariis, et crofta terre cum annuis redditibus eidem spectantibus et pertinentibus, per quoscunque exigí poterunt quomodolibet vel requiri. Et nos vero et successores nostri totum et

integrum prefatum locum, cum domibus, mansionibus, hortis, columbario ac cum crofta terre arabilis et annuis redditibus eidem spectantibus et pertinentibus, in omnibus et per omnia, ut premissum est, prefato Georgio Symson, Margarete Sinclair [et] heredibus antea specificatis, forma pariter et effectu, contra omnes mortales warantizabimus et imperpetuum defendemus. Insuper dilectis nostris, videlicet, Thome Reid, Georgio Dempstar et vestrum cuilibet, conjunctim et divisim, ballivis nostris in hac parte specialiter constitutis, salutem: Vobis precipimus et mandamus quatenus, visis presentibus, indilate statum, sasinam hereditariam et possessionem corporalem totius et integri dicti loci, cum domibus, hortis, columbario et crofta terre arabilis ac annuis redditibus eidem spectantibus, cum pertinentiis, bondatorum et limitatorum ut predicatur, prefato Georgio Symson et Margarete Sinclair, sue sponse, in conjuncta infeodatione, vel suis certis attornatis latoribus presentium, per terre et lapidis fundi terrarum earundem, ut moris est, traditionem, secundum tenorem carte nostre antedictae, juste deliberetis et haberi faciatis, et hoc nullo modo omittatis; ad quod faciendum vobis et vestrum cuilibet, conjunctim et divisim, ballivis nostris in hac parte antedictis, nostram plenariam et irrevocabilem tenore presentium committimus potestatem. In cuius rei testimonium sigillum dicti nostri Provincialis, unacum sigillo communi loci Fratrum Minorum de Heddington, cum nostris subscriptionibus manualibus, modo sequenti, appendi fecimus, apud North Berwyk, quarto die mensis Augusti, anno Domini millesimo quingentesimo sexagesimo quinto et apud Fynnenn, xii die mensis Augusti, anno eiusdem, coram his testibus, Johanne Browne, Jacobo Stensoun, Paulo Wegham, burgensibus burgi de North Berwyk, David Lyndsay de Correllhill, Alexandro Raith in Dollen, Willelmo Vyld, Johanne Carny et Magistro Hewgone Lyndsay, Rectore de Fennillen, cum diversis aliis. Frater Jhoannes Fergusson, Magister Provincialis, manu propria. Johannes Auchynlec, gardianus Fratrum Minorum loci de Hadingtoun, manuali seipso.

Apud Edinburgh vicesimo primo Septembris anno Domini
j^m v^c sexagesimo quinto product. coram dominis commissariis. J. Hewatt.

[Abbreviate registered, on payment of composition, *MS. Abbrev. Cartar. Feudifirme Terrar. Ecclesiasticar.*, 1564-1569, f. 180.]

29. PRECEPT under the Privy Seal for a Crown Charter to be granted to the Provost, Bailies, Councillors and Community of Haddington, of the ecclesiastical properties and endowments within their jurisdiction, including the subjects conveyed in the preceding Feu Charter. Dated 24th March, 1566-67. (*MS. Reg. Privy Seal, XXXVI., f. 72; Crown Charter of even date, Abstract Reg. Mag. Sig. (Print), IV., No. 1776.*)

PRECEPTUM litere facte preposito, ballivis, consulibus et communitati burgi de Hadingtoun et ipsorum successoribus imperpertuum, super omnibus et singulis terris, tenementis, domibus, edificiis, ecclesiis, capellis, hortis, pomeriis, croftis, annuis redditibus, fructibus, devoriis, proficuis, emolumentis, firmis, elimosinis, lie dailsilver, obitibus et anniversariis quibuscunque, que quovismodo pertinuerunt aut pertinere dinoscuntur ad quascunque capellanas, alteragia [et] prebendarias in quacunque ecclesia, capella aut collegio, infra libertatem dicti burgi, fundata seu fundatas per quemcunque patronum, in quarum possessione capellani et prebendarii earundem perprius fuerant, ubicunque prefate domus, tenementa, edificia, pomeria, horti, annui redditus, anniversaria, fructus, proventus et emolumenta jacent aut prius levata fuerant respective, cum maneriis, locis, pomeriis, terris, annuis redditibus, emolumentis et devoriis quibuscunque que fratribus dicti burgi de Hadingtoun perprius pertinuerunt, unacum omnibus et singulis terris, domibus tenementisque jacentibus infra dictum burgum et libertatem ejusdem, cum omnibus annuis redditibus de quacunque domo, terris aut tenemento infra dictum burgum levandis, datis, donatis et fundatis quibuscunque capellaniis, alteragiis, ecclesiis, mortuariis aut anniversariis ubicunque sint infra regnum nostrum; ac etiam cum omnibus et singulis annuis redditibus et aliis devoriis solitis aut que per quancunque ecclesiam extra dictum burgum a preposito et ballivis ejusdem de communi redditu ejusdem pro suffragiis celebrandis demandari poterint cum pertinentiis: Tenendas & prefatis preposito, ballivis, consulibus et communitati et eorum successoribus de S. D. N. regina et successoribus suis &c. Apud Edinburght xxiiij^o die mensis Martii anno &c. lxxvj. *Per Signetum.*

30. ROYAL LETTER OF GIFT by Queen Mary in favour of Friar John Auchinlek. Dated 21st March, 1566-67. (*MS. Reg. Privy Seal, XXXVI., f. 23.*)

ANE letter maid to Freir Johnne Auchinlek, sumtyme Wardane of the freiris place of the burcht of Hadingtoun, of the gift of ane sobir yeirlie pensioun of the sowme of *xvj* li. yeirlie, to be uptakkin and upliftit be him of the reddiest mailis, fermes, proffittis and dewiteis perteing to the foirsaid place, croft, yaird and dowcat, with thair pertinentis, for all the dayis of his lyftyme. And ordanis be thir presentis all intromettouris and factouris thair of quhatsumevir to mak thankfull payment to hir said oratoure of the samin yeirlie and termelie, and in all tymes cuming during the foirsaid tyme, togidder with the annuel rent of *sex merkis* money foirsaid siclike to be uptakin and upliftit be him yeirlie of Raphe Eglingtounis aikeris and annuellis of the tenementis pertening to the said freiris place, liand within the said burcht, during his lyftyme, in and to support of his cleithing yeirlie, becaus the said small sobir pensioun of *xvj* li. may nocht sustene him in meit and claith, as effeiris presentlie. And als be thir presentis ordanis the provest, baillieis, counsale and communitie of the foirsaid burcht, and thair factouris, to mak thankfull payment of the saidis *sex merkis* of the aikeris abovewrittin for the yeiris bipast, and yeirlie and termelie in all tyme cuming, like as his predecessouris was ansuerit and pait of befoir of the samin in all tymes past memor of man, as ane contract maid betuix the Wardane and the convent of the place of freiris foirsaid and the said burcht of Hadingtoun beiris. Attoure,oure Soverane Lady ordanis the Lordis of Sessioun to grant, gif and deliver letters in forme as effeiris thairupoun to the effect foirsaid, &c. At Halyruidhous, the *xxi* day of Marche, the yeir of God *j^m v^c lxvj* yeiris. *Per signaturam.*

31. LETTERS OF POINDING under the Signet of James VI. granted to Warden Auchinleck, in respect of non-payment of the pension provided for in the

preceding Letter of Gift. Dated 23rd July, 1567.
(*MS. Original in Burgh Charter Chest.*)

JAMES, be the Grace of God, King of Scottis, to oure lovittis, Johnne Birkton, messinger, George Dykisoun, . . . messingeris, oure Schireffis in that part, conjunctlie and severalie, specialie constitut, greting. Forsamekle as it is humilie menit and schawin to ws be oure lovit pouer servitour and oratour, Johnne Auchinlek, sumtyme Wardane of the Freris of Hadingtoun, that, quhair it plesit oure derrest moder the tyme of hir regime to gif and grant to the said Johnne, be hir letters under hir prive seill, the sowme of *sextene pundis* yeirlie for all the dais of his lifytyme, to be uptakin and upliftit be him of the reddiest malis, fermis, proffittis and dewiteis pertening to the said place, croft, yardis and dowcot thairof, with thair pertinentis, for all the dais and space forsaid, ordaning all intromettouris and factouris thairof quhatsumevir to mak thankfull payment to the said Johnne of the samyn, yeirlie and termelie in all tymes cuming during the forsaid tyme, togidder with ane annuell rent of *sex markis* money forsaid, siclike to be uptakin and upliftit be him yeirlie of Rauf Eglintownis akeris, and annuellis of the tenementis pertening to the saidis freris place foirsaid within oure said burgh, inlikewyse during his lifytyme, in and to support of his clething yeirlie, and siclike ordaning the Lordis of Counsale and Sessioun to gif him letters in forme as efferis to mak him be ansuerit and payt of the saidis sowmes as is abovewrittin, as the saidis letters of gift under the prive seill grantit and gevin to him thairupoun, of the dait at Halierudhous, the xxi day of Marche, the yeir of God j^m v^c lxxvi yeris, and of oure said moderis regime the xxv yeir, at mair lenth beris ; Conforme to the quhilkis, the said Johnne sensyne, be deliverance of the Lordis of hir Counsale and Sessioun for the tyme, in respect of his said letter of gift and ordinances forsaidis contenit thairintill, and that the samyn wes schawin and producit before the saidis lordis and admittit be thame, obtenit diverse letters to the effect specifit thairintill ; and last of all he obtenit oure said moderis letters, be deliverance foirsaid, direct to hir officiaris of armis makand mentioun of the premisses and chargeing thame to pas, appryse, compell, poind and distrenze the reddiest gudis and geir being on the ground of the saidis akeris, landis and tenementis abovewrittin, gudis and geir of the factouris and intromettouris thairwith, addettit in payment of the forsaidis annuellis and sowmes of all yeris and termis bigane restand awand unpait, and siclike yeirlie and termelie in tyme

cuming (the terme of payment being bipast), and als chargeing the provest and baillies of oure said burgh, for thair part, to do as the saidis letters proportis at lenth: And now throw our said derrest moderis dimissioun of hir quenelie autorite, and we erectit and put in hir place, the possessouris, tenentis, annuellaris and occupiaris of the saidis akeris, landis and tenementis addettit in payment of the saidis annuell rentis and sowmes, and als the provest and baillies of oure said burgh now present and that sal happin to be for the tyme, will nocht ansuer nor obey our moderis letteris forsaidis, direct in hir name of before, as said is, nor yit will the said Johnne Auchinlek be ansuerit and pait of the saidis sowmes gevin and grantit to him conforme to the said gift, without thai be compellit thairto be oure autorite and Lordis of oure Counsale, as is allegeit: Oure will is heirfore, and we charge yow straitlie and commandis that, incontinent thir oure letters sene, ye pas and in oure name and autorite arrest, appryse, compell, poynd and distrenze the reddiest gudis and geir being on the ground of the saidis akeris, landis and tenementis above specifit, or gudis and geir of the factouris and intronettouris thairwith, addettit in payment of the forsaidis annuellis of all yeris and termes bigane restand awand unpait, and siclyk yeirlie and termelie in tyme cuming (the terme of payment being bipast), and mak the said Johnne to be pait thairof, and that ye charge the provest and baillies of oure said burgh now present, and that sal happin to be for the tyme, to mak the said Johnne payment of the said annuell rent of sex merkis of Rauf Eglintownis akeris for the yeris bipast and in tyme cuming and, gif neid be, to poynd and distrenze thame or ony of thame thairfor, and mak the said Johnne to be pait thairof conforme to the said gift; and, gif it happynnis yow to be deforceit in poynding and putting of thir our letteris to executioun, that ye pas to oure Schiref of oure schire quhair the personis deforcearis duellis, and intime to him the said deforcement and, in oure name and autorite, require him or his deputis to mak inventar of the saidis deforcearis gudis and geir to be inbrocht to oure use as oure eschete, and to that effect, that ye deliver to our said Schiref or his deputis the autentik copy of thir oure letteris and indorsatioun thairof subscrivit with your hand, and als, within aucht dais thaireftir, that ye deliver ane uther copy of the samyn to oure Thesaurare or his clerkis, siclike subscrivit with your hand, conforme to the act and ordinance maid thairanent according to justice, becaus the Lordis of oure Counsale hes sene letteris past in the samyn maner of before, as ye will ansuer to us upoun executioun of your office and the saidis provest and baillies under all hiest, pane and charge that efter

may follow. The quhilk to do we commit to you, conjunctlie and severalie, oure full power be thir oure letters, delivering thame be yow deulie execute and indorsat agane to the berare. Gevin under oure signet, at Edinburgh the xxiii day of July and of our regne the first yeir. *Ex deliberatione Dominorum Consilii.* G. GROTE.

32. FEU CHARTER OF THE GREY FRIARY AND ITS PERTINENTS, granted by George Symson in favour of George Scott, younger of Sinton. Dated 17th October, 1567. (*MS. Original, Burgh Charter Chest.*)

OMNIBUS hanc cartam visuris vel audituris Georgius Symson, burgensis burgi de Hadingtoun, Salutem in Domino sempiternam. Noveritis me, non vi aut metu ductum nec errore lapsum seu dolo vel fraude circumventum, sed mea libera et spontanea voluntate, utilitateque et commodo meis undique previsis et pensatis, dedisse, concessisse, vendidisse ac titulo pure venditionis alienasse, et hac presenti carta mea confirmasse, necnon dare, concedere, vendere, alienare et hac presenti carta mea confirmare, honorabili viro, Georgio Scott, filio et heredi apparenti Walteri Scott, junioris, in Sintoun, heredibus suis et assignatis, totum et integrum locum cum domibus, hortis et columbario eiusdem, unacumcrofta vulgariter vocata the Freir Croft ac cum annuis redditibus, pendiculis et pertinentiis, olim Fratribus Minoribus seu Conventualibus de Hadingtoun spectantem, jacentem in villa seu burgo de Hadingtoun, prout dictus locus, cum domibus, hortis et columbario ceterisque mansionibus, jacet in orientali parte dicte ville inter terram partim vastam partim constructam ex occidentali &c. [Description as in Notarial Obligation of 11th October, 1559] per dictos fratres mihi, prelibato Georgio Symson, in feodifirma et hereditate datum, concessum, arendassum locassum et ad feodifirmam seu emphiteosim perpetuam hereditarie dimissam, pro quadam certa summa pecunie mihi per prefatum Georgium Scott, in mea magna urgenti et cognata necessitate premanibus in pecunia numerata [persoluta] et in usum meum totaliter conversa; de quaquidem pecunie summa teneo me bene contentum ac plenarie et integre persolutum dictumque Georgium Scott, heredes

suos, executores et assignatos de eadem, pro me, heredibus meis, executoribus et assignatis, exonero tenore presentis carte mee imperpetuum: Tenendum et habendum totum et integrum predictum locum, cum domibus, hortis et columbario accroftam terre arabilis cum singulis suis annuis redditibus, pendiculis et pertinentiis, dictis fratribus, ut prefertur, olim spectantes, jacentes ut supra, prefato Georgio Scott, suis heredibus et assignatis, de me et heredibus meis, in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et divisas, prout jacent in longitudine et latitudine, in domibus, edificiis, hortis, pomariis, boscis, planis, moris, maresiis, viis, semitis, stagnis, rivulis, pratis, pascuis, pasturis, lignis, lapicidiis, lapide et calce, cum communi pastura, libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis et asiamentis ac justis suis pertinentiis quibuscunque, tam non nominatis quam nominatis, tam subter terra quam supra terram, procul et prope, ad predictum locum cum domibus, hortis, columbario accroftam terre cum singulis suis annuis redditibus, pendiculis et pertinentiis spectantibus, seu juste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine revocatione, contradictione, impedimento aut obstaculo aliquali: Reddendo inde annuatim dictus Georgius Scott, heredes sui et assignati, predictis fratribus et eorum successoribus summam *viginti librarum et novem denariorum* usualis monete prescripte, ad duos anni terminos consuetos, festa videlicet, Penthecostes et Sancti Martini in hieme, per equales portiones, quam annuatim memoratis fratribus pro huiusmodi feudifirma annuatim et eorum successoribus reddere et persolvere teneor; michi quoque et heredibus meis annuatim unum denarium usualis monete Scotie, nomine albefirme, si petatur tantum, pro omni alio onere, exactione, questione, demanda seu servitio seculari, que de predicto loco, cum domibus, hortis, columbario, etcrofta terre cum annuis redditibus eidem spectantibus et pertinentibus, per quoscunque juste exigi poterint quomodolibet vel requiri. Et ego vero, prenominatus Georgius Symson, heredes mei et assignati, totum et integrum prefatum locum, cum domibus, mansionibus, hortis, columbario accrofta terre arabilis et annuis redditibus eidem spectantibus et pertinentibus, in omnibus et per omnia, forma pariter et effectu, ut premissum est, prefato Georgio Scot, heredibus suis et assignatis, contra omnes mortales warrantizabimus, acquietabimus et imperpetuum defendemus. Insuper dilectis meis, Thome Chousslie, Wyllelmo Wylsoun, Johanni Mayne et vestrum cuilibet, conjunctim et divisim, ballivis meis in hac parte specialiter constitutis, salutem. Vobis precipio et mando quatenus, visis presentibus, indilate

statum, sasinam hereditariam pariter et possessionem corporalem actualem et realem totius et integri dicti loci, cum domibus, hortis, columbario et crofte terre arabilis ac annuis redditibus eidem spectantibus et pertinentibus, bondatorum et limitatorum ut predicitur, prefato Georgio Scott vel suo certo attornato latori presentium, per terre et lapidis ac denarii monete traditionem secundum tenorem carte mee suprascripte, iuste haberi faciatis et sine dilatione, et hoc nullo modo omittatis; ad quod faciendum vobis et vestrum cuilibet, conjunctim et divisim, meam plenariam et irrevocabilem tenore presentium committo potestatem. In cuius rei testimonium huic presenti carte mee, preceptum sasine ut prefertur in se continenti, manu mea subscripte, sigillum meum proprium est appensum, apud Hadingtoun, decimo septimo die mensis Octobris, anno Domini millesimo quingentesimo sexagesimo septimo. *George Symson, wy^t my hand.*

33. HOLOGRAPH RECEIPT for the Feu-duty payable under the preceding Charter, granted by Warden Auchinleck of Haddington to the said George Scott. Dated 19th December, 1567. (*MS. Original, loc. cit.*)

I, FREIR JOHNE AUCHINLEK, sumtyme Wardane of the Freiris Minouris of Hadingtoun, grantis me to have resavit fra George Scot, son and appeirand air to Walter Scot of Syntoun, the soume of *tuentie pundis nyne d.*, usuale money of Scotland, for the few maillis of the said place of Hadingtoun, with the yard, croft and dowcat of the samyn and thair pertinentis, of the termes of Witsounday and Martymes last and immediatlie bypast befor the dait heirof: Of the quhilk soume of tuentie pundis nyne penneis money foirsaidis I grant me weill content and payit, and quitclamys and dischargis the said George, and all uthiris quhame it effeiris, of the said soume and termes above writtin, and of all uthiris termes bygane, his airis, executouris, assignayis for me, my executouris, assignayis and succesouris for evir, be this my acquittance subscrivit with my hand at Edinburgh, the xix day of December, the yeir of God j^m v^c three scoir sevin yeiris, befor thir witness, Williame Ogill, depute to the

Directour of the Chancellarie, Robert Borthuik, Henrie Quhite, his servandis, Philip Gibsoun, burges of Hadingtoun, Johne Mane, burges of the samyn, with uthiris diuerse. *I, Jhone Auchynlec, w^t my hand. Jesus.*

34. INSTRUMENT OF SASINE, proceeding upon dual Resignation by staff and baton—George Scott and George Symsoun—of the Grey Friary and its pertinents by Warden John Auchinleck, in favour of the Burgh of Haddington. Dated 30th October, 1572. (*MS. Original, loc. cit.*)

IN Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter, quod, anno Incarnationis Domini millesimo quingentesimo septuagesimo secundo, mensis vero Octobris die penultimo, indictione prima, etc. In mei, notarii publici, et testium subscriptorum presentia, personaliter accessit frater Johannes Auchinlek, olim gardianus Fratrum Minorum seu Conventualium de Hadingtoun, ad locum olim fratribus predictis spectantem, jacentem in orientali parte dicti burgi inter, &c. [Description and boundaries as in Notarial Obligation of 11th October, 1559], et ibidem comparuit honestus vir, Georgius Scott, filius et heres apparens Walteri Scott de Syntoun, et fewdatarius loci, domorum, hortorum, columbarii, crofte terre prescriptorum et annuorum reddituum, pendicularum et pertinentiarum olim dictis fratribus spectantium, et palam confessus est ipsum alienasse et vendidisse preposito, ballivis, consulibus et communitati dicti burgi nunc existentibus, et eorum successoribus pro tempore existentibus, in fewdifirma et hereditate imperpetuum, totum et integrum predictum suum locum, domos, hortos, columbarium, croftam terre arabilis, annuos redditus, pendiculas et pertinentias, olim dictis fratribus spectantes et nunc sibi in feudifirma et hereditate pertinentes, et hoc pro certa summa pecunie ipsi Georgio Scott per dictos prepositum, ballivos, consules et communitatem dicti burgi gratanter et integre, in sua urgenti et cognita necessitate, in pecunia numerata in manibus persoluta. Quapropter prefatus Georgius Scott totum et integrum predictum suum locum, cum domibus, edificiis, hortis, columbario, crofta terre

arabilis, annuis redditibus, pendiculis et pertinentiis, per fustim et baculum, terram et lapidem fundi eorundem in manibus Georgii Symson, tanquam in manibus domini sui superioris eiusdem, sursum reddidit ac pure et simpliciter resignavit in favorem dictorum prepositi, ballivorum, consulum et communitatis dicti burgi nunc existentium, et eorum successorum pro tempore existentium, et propter sasinam hereditariam eis de eisdem dandam. Qua resignatione sic ut premittitur facta, idem Georgius Symson totam et integram suam superioritatem et proprietatem dictorum loci, edificiorum, mansionum, hortorum, columbarii, crofte terre arabilis, annuorum reddituum, pendicularum et pertinentiarum predictorum, per fustim et baculum, ut moris est, in manibus predicti fratris Johannis Auchinlek, fratrum dicti loci gardiani, tanquam in manibus domini sui immediati superioris eorundem, sursum reddidit ac pure et simpliciter resignavit, necnon omne jus et clameum jurisque titulum, proprietatem et possessionem, quod, quem seu quam ipsi Georgius Simsoun et Georgius Scott, respective et successive, habent, habuerunt seu quovismodo habere potuerunt, aut eorum alter habere potuit in seu ad predictum locum, domos, mansiones, edificia, hortos, columbarium, croftam terre arabilis, annuos redditus, pendiculas et pertinentias eorundem, cum singulis suis pertinentiis, pro se suisque heredibus et assignatis, renunciaverunt, quitclamaverunt et imperpetuum extradonaverunt, prout eorum quilibet pro se renunciavit, quitclamavit et imperpetuum extradonavit in favorem et propter cartam et sasinam hereditariam dictorum loci et ceterorum prescriptorum cum pertinentiis dictis preposito, ballivis, consulibus et communitati dicti burgi dandam. Quaquidem resignatione sic ut premittitur facta, prefatus Johannes Auchinlek, gardianus ac superior predictus, ex precepto specialique mandato dictorum resignantium, statum, sasinam hereditariam et possessionem realem actualemque totorum et integrorum predictorum loci, edificiorum, mansionum, domorum, hortorum, columbarii, crofte terre arabilis, pendicularum, annuum reddituum et pertinentiarum predicto Jacobo Cokburn, preposito dicti burgi, pro se et nomine ballivorum, consulum et communitatis dicti burgi, per terre et lapidis fundi eorundem in eius manibus traditionem, ut moris est, secundum tenorem carte dictis preposito, ballivis, consulibus et communitati dicti burgi et eorum successoribus per ipsum desuper conficiende, dedit, contulit et donavit. Super quibus omnibus et singulis, prefatus prepositus, pro se et nomine ut supra, a me, notario publico subscripto, sibi fieri petiit instrumenta publica. Acta erant hec super solum dictorum loci et crofte terre arabilis horam circiter tertiam post meridiem, sub

anno, die, mense et indictione quibus supra; presentibus ibidem, Alexandro Thomsoun, ballivo, et Jacobo Broun, etiam ballivo dicti burgi, Jacobo Horn, Willelmo Broun, juniore, Willelmo Broun, seniore, Archbaldo Kyill, Thoma Patersoun et Johanne Brysoun, Domino Thoma Congiltoun, presbitero, testibus ad premissa vocatis et requisitis.

Et ego, Thomas Stevin, presbiter Sancti Andree diocesis, publicus sacra auctoritate apostolica notarius, &c.

35. NOTARIAL INSTRUMENT embodying a Protest by Provost James Cockburn that the preceding Grant of Sasine merely imported an accumulation of rights to those of the Burgh of Haddington acquired from Warden John Congilton on 9th October, 1559. Dated 30th October, 1572. (*MS. Original, loc. cit.*)

IN Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter, quod, anno Incarnationis Domini millesimo quingentesimo septuagesimo secundo, mensis vero Octobris die penultimo, indictione prima, etc. In mei, notarii publici, et testium subscriptorum presentia, comparuit honorabilis vir, Jacobus Cokburn, prepositus burgi de Hadingtoun, pro se et nomine ballivorum, consulum et communitatis dicti burgi nunc presentium, et eorum successorum pro tempore existentium protestabaturque sasina loci Fratrum Minorum seu Conventualium de Hadingtoun, domorum, mansionum, hortorum, columbarii, crofte vulgo nuncupate lie Freir Croft, annuorum reddituum, pendicularum et pertinentiarum, olim fratribus dicti loci spectantium, jam pridem data per Johannem Auchinlek, gardianum fratrum predictorum, dicto preposito, pro se et nomine ballivorum, consulum et communitatis dicti burgi et eorum successorum predictorum, et infeofamentum eorundem nullum ferat prejudicium sasine et infeofamento dictorum loci et ceterorum prescripto antea collatis preposito, ballivis, consulibus et communitati dicti burgi per quondam fratrem Johannem Congiltoun, gardianum dicti loci pro tempore, ante infeofamentum Georgio Symsoun desuper confectum, nec infeofamento prius per ipsos obtento per Reginam pro tempore existentem omnium et singulorum locorum, crofte, hortorum,

columbarii, annuorum reddituum, alteragiarum et ceterarum dictis fratribus olim spectantium, sub testimonio sui magni sigilli, sed solum accumulando jura juribus id factum. Super quibus omnibus et singulis, prefatus prepositus, pro se et nomine quo supra, a me, notario publico subscripto, sibi fieri petiit instrumenta publica. Acta erant hec super solum dictarum terrarum, horam circiter tertiam post meridiem, sub anno, die, mense, et indictione quibus supra; presentibus ibidem, Alexandro Thomsoun, ballivo, Jacobo Broun, etiam ballivo dicti burgi, Jacobo Horn, Willelmo Broun, Archibaldo Kyle, Thoma Paterson, Joanne Bryson, et Domino Thoma Congilton, presbitero, testibus ad premissa vocatis et requisitis.

Et ego, Thomas Stevin, presbiter Sancti Andree diocesis, sacra auctoritate apostolica notarius, &c.

36. FEU CHARTER, in terms of preceding Grant of Sasine of the Grey Friary and its pertinents, granted by Warden John Auchinleck in favour of the Burgh of Haddington: Feu-duty, £20, os. 9d. Dated 10th December, 1572. (*MS. Original, loc. cit.*)

OMNIBUS hanc cartam visuris vel auditoris Johannes Auchinlek, gardianus Fratrum Minorum et Conventualium de Hadingtoun, et eiusdem loci conventus, Salutem in Domino sempiternam. Noveritis nos dedisse, concessisse, arrendasse, locasse et ad feudifirmam seu emphiteosim perpetuam hereditarie dimisisse, et hac presenti carta nostra confirmasse, necnon dare, concedere, arrendare, locare et ad feudifirmam seu emphiteosim perpetuam hereditarie dimittere, et hac presenti carta nostra confirmare honorabilibus viris, preposito, ballivis, consulis et communitati burgi de Hadingtoun nunc presentibus, et eorum successoribus pro tempore existentibus, totum et integrum nostrum locum, cum domibus, hortis, columbario eiusdem, unacum crofta vulgo nuncupata lie Freir Croft, cum annuis redditibus, pendiculis et pertinentiis, olim Fratribus Minoribus seu Conventualibus de Hadingtoun spectantem, jacentem in burgo de Hadingtoun, prout dictus locus, cum domibus, hortis, columbario ceterisque mansionibus, jacens in orientali parte dicti burgi, &c. [Description and boundaries as in Notarial Obligation, 11th October, 1559.] Quiquidem locus,

horti, mansiones, domus, columbarium, crofta, annui redditus, pendicule cum pertinentiis prius fuerunt per nos locati in feudifirma et hereditate Georgio Symsoun et sue sponse in conjuncta infeodatione, tenti de nobis et nostris successoribus in capite in feudifirma, et postea per dictum Georgium Symsoun honesto viro, Georgio Scott, filio et heredi apparenti Walteri Scott de Sintoun, venduntur et alienantur, tenti de dicto Georgio Symsoun in capite; et quos, quas et que idem Georgius Scott in manibus dicti Georgii Symsoun, tanquam in manibus domini sui superioris eorundem, per fustim et baculum, et postea idem Georgius Symsoun totos et integros predictos locum et cetera premissa, tam proprietatem quam superioritatem eorundem, per huiusmodi fustim et baculum terramque et lapidem, in manibus nostris, tanquam in manibus domini sui superioris immediati eorundem, personaliter sursum reddiderunt ac pure et simpliciter resignaverunt, prout eorum quilibet sursum reddidit ac pure successive et simpliciter resignavit, ac omne jus et clameum jurisque titulum, proprietatem, superioritatem et possessionem, que quos et quas habuerunt, habent, seu quovismodo habere potuerunt, aut eorum alter habet, habuit seu quovismodo habere potuit in seu ad predictum locum, mansiones, domos, hortos, columbarium, croftam terre arabilis, annuos redditus, pendiculas et pertinentias, pro se eorumque heredibus et assignatis, renunciaverunt, quitclamaverunt et imperpetuum extradonaverunt, prout eorum quilibet pro se renunciavit, quitclamavit et imperpetuum extradonavit, cum omnibus et singulis cartis, sasine instrumentis et aliis infeofamentis eis respective desuper confectis, in favorem predictorum prepositi, ballivorum, consulum et communitatis predicti burgi de Hadingtoun nunc existentium, et eorum successorum pro tempore existentium, pro nostris carta et infeofamento feudifirme eis desuper conficiendis: Tenendum et habendum totum et integrum predictum locum, cum domibus, hortis, columbario ac crofta terre arabilis, cum singulis suis annuis redditibus, pendiculis et pertinentiis, fundatum et limitatum ut prescribitur, nobis et dictis fratribus spectantem ut premittitur, jacentem ut supra, prefatis preposito, ballivis, consulibus et communitati dicti burgi presentibus, et eorum successoribus pro tempore existentibus, de nobis et nostris successoribus, fratribus in predicto loco consolidatis, in feudifirma seu emphiteosi ac hereditate imperpetuum, per omnes rectas metas suas antiquas et divisas, prout jacent in longitudine et latitudine, in domibus, edificiis, hortis, pomeriis, boscis, planis, moris, maresiis, viis, semitis, aquis, stagnis, rivulis, pratis, pascuis, pasturis, lignis, lapidiciis, lapide et calce, cum communi pastura, libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus,

proficuis, asiamentis ac justis pertinentiis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, procul et prope, ad predictum locum, cum domibus, mansionibus, hortis, columbario, et crofta terre arabilis, cum singulis suis annuis redditibus, pendiculis et pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum, libere, quiete, integre, honorifice, bene et in pace, sine aliquo retinemento, revocatione, contradictione aut obstaculo quocunque: Reddendo inde annuatim dicti prepositus, ballivi, consules et communitas dicti burgi presentes, et eorum successores pro tempore existentes, nobis et nostris successoribus, fratribus pro tempore existentibus in prefato loco consolidatis, summam *viginti librarum et novem denariorum* usualis monete regni Scotie, ad duos anni terminos consuetos, festa videlicet, Penthecostes et Sancti Martini in hyeme, per equales portiones, nomine feudifirme, secundum tenorem carte et infeofamenti per nos prelibato Georgio Symson et sue sponse, heredibus suis et assignatis, et per eundem Georgium Symson dicto Georgio Scott suisque heredibus et assignatis desuper confecte et concesse, nomine feudifirme tantum pro omni alio onere, exactione, questione, demanda seu servitio seculari, que de predicto loco, cum domibus, edificiis, hortis, columbario, et crofta terre, cum annuis redditibus, pendiculis et pertinentiis, ut predicatur, per quoscunque juste exigi poterunt quomodolibet vel requiri. Et nos vero et successores nostri, fratres pro tempore existentes in prefato loco consolidati, totum et integrum predictum locum, cum domibus, mansionibus, edificiis, hortis, columbario, crofta terre arabilis, annuis redditibus, pendiculis et pertinentiis eidem loco spectantibus et pertinentibus, cum omnibus earundem pertinentiis, prelibatis preposito, ballivis, consulibus, communitati burgi predicti presentibus, et eorum successoribus pro tempore existentibus, adeo libere et quiete, in omnibus et per omnia, forma pariter et effectum, ut premissum est, contra omnes mortales warantzabimus, acquietabimus et imperpetuum defendemus. In cuius rei testimonium presenti carte nostre, manibus nostris subscripte, sigillum commune capituli loci nostri predicti est appensum, apud burgum de Haddington predictum, decimo die mensis Decembris, anno Domini millesimo quingentesimo septuagesimo secundo, coram hiis testibus, Jacobo Gray, Andrea Quhite, Alexandro Barclay, Johanne Setoun, Johanne Gray, Archibaldo Kyle ac Thoma Stevin, notario publico, cum diversis aliis. *I, Jhone Auchynlec, Wardane, w^t my hand; Thomas Stevin, notarius publicus, testis in premissis; James Gray, w^{it}nes, with my hand; Andro Quhite, w^{it}nes, w^t my hand; Alexander Barclay, w^{it}nes, w^t my hand; Jhone Setoun, w^t my hand, w^{it}nes.*

37. HOLOGRAPH RECEIPT granted by Warden John Auchinleck to the Magistrates of Haddington in return for the feu-duty payable at Martinmas in terms of the preceding Feu Charter. Dated 12th December, 1572. (*MS. Original*,¹ *loc. cit.*)

WE, Freir Johne Auchinlek, Wardane of the Freris Minoris or Conventualis of the burcht of Hadingtoun, grantis ws to have resavit fra Archibald Kyle, elder, thesaurar of the burcht of Hadingtoun foresaid, in nayme and behalf of the provest, ballies, consall and communitie of the samyn burcht, the sowme of ten pundis gude and usuale mony of the realme of Scotland of few maill, and that for the Mertymes terme nixt precedent the day of the dait heirof, in the yeir of God ane thousand fyve hundreth and thre skoir tuelf yeiris, for the place, house, manse, yardis, dowkett and croft of land callit the Freir croft, with anuell rentis, partiis, pendiculis and pertinentis thairof, sumtyme pertening to ws, lyand within the burcht of Hadingtoun foresaid, and now pertening to the saidis provest, ballies, counsall and communitie of the said burcht now present, and to thair successoris to cum, and sett be ws to thaim in few ferme: Of the quhilk sowme of ten pundis mony of few maill for the said terme of Mertymes, we hald ws weill contentit and compleitly payit, and for ws and our successoris, freris of the said place thair remanent, and all utheres in oure names, exoneris, quitclamis and dischargis the saidis provest, ballies, consall and communitie of the said burcht, and thair successoris, of the said termes few maill for now and evir be this oure acquittans, subscrivit with oure awin hand at the burcht foresaid, the tuelf day of December, the yeir of God, ane thousand fyve hundreth and thre skoir tuelf yeiris, before thir witnes, James Horn, Andro Quhit, burgessis of the said burcht, Charolus Trottar and Thomas Stevin, notar publict, with utheris diverse. *I, Jhone Auchynlec, Vardan, w^t my hand. Ita est, Thomas Stevin, testis in premissis.*

¹ Other receipts in similar terms, including acknowledgment of the modified payment from Ralph Eglinton's acres, are dated 3rd July, 1573, 21st February, 1573-74, 7th September, 1574, 1575, 18th June, 1576, 1576, 20th and 27th November, 1577. On 20th November, 1577, Warden Auchinleck constituted Alexander Thomson, burgess of Haddington, his irrevocable cessionary and assignee in respect of the feu-duty payable at the term of Whitsunday following (*Originals, ibid.*).

38. MINUTE OF AGREEMENT between Warden Auchinleck and the Burgh of Haddington concerning future payments of the Annual Rent formerly payable from Ralph Eglinton's Acres. (*MS. Burgh Court Books under date 30th August, 1568.*)

1568, 30th August.—The quhilk day in presens of Thomas Punton, provest, Johne Auchinlek, alias Freir Johne Auchinlek, sumtyme Wardane of the Freris Minoris of Hadingtoun, grantit and confessit him for himself, and takand the burdin on him for the remanent brethir of the said place, to have rasavit and gottin thankfull payment fra the honourable personis, the provest, ballies, consall and communitie of the said burcht, of the sum of sex li. mony, gude and usualie mony of this realm, and that in full and compleit payment of all and haill ane anuell rent of vj merkis mony foresaid, quhilk anuell rent suld be payit be the saidis provest, ballies, consall and communitie of the said burcht to the freris of the said place and thair successoris, for sustentatioun and uphaldin of the lampis, lychtis and walx of the said place for the tyme, as for the deutie oblist be the saidis provest, ballies, consall and communitie of the said burght o' before for Raff Eglinton akers, lyand within the fredome of the said burght, sett in feuferm to the said burght and inhabitantis thairof, and that of all yeiris and termes precedent the day of the dait heiroy; and oblist him to freyth, releive and keip skaythles the saidis provest, ballies, consall and communitie thairof all tymes cumin at all handis. And als because the saidis provest, ballies, consall and communitie of the said burght, for favoris thair beir to the said Freir Johne, nocht takand ony . . . of his rycht bot alanerlie for his support and help, be resoun he is ane born barn within the burcht foresaid, and being willing to help him to ane sober lyff, in recompans of [all] annuell rentis that he may clame in tyme cumin addettit to the saidis freris be the saidis provest, ballies, consall and communitie, for furnissing of the saidis lampis and lychtis as of the deutie of the saidis aikeris, thair oblist thaim to pay to the said Freir Johne yeirlie the soum of xl s. mony foresaid, sa lang as he may mak thaim frie and skaythles thairof at all handis during his lyftyme. And the said Freir John actit and oblist him never in tyme cumin to craif or require farthir nor the saidis xl s. for the samyn during the tyme foresaid, renunciand, and, be the tenor of this present act,

renuncis all actioun and clame that he may have thairto, except the saidis xl s., with all letteris executorialis that ar ellis rasis, or may be rasis thairupon, to seis and to tak na effect bot to be suspedit simpliciter for ever. And farthir the said Johne Affleck, for himself, as Wardene forsaid, and in nayme and takand the burdin on him of the remanent brethir and freris of the said place, renuncit, quitclamis, dischargit and gaif oure and, be this present act, renuncis, quitclamis, dischargis and ourgevis all rycht, tytle of rycht and clame, quhilkis thai had, hes or may have in and to ane anuell rent of xx s. mony aucht to the said place and brethir thair of yeirlye, and upliftit at twa usualie termes in the yeir, Witsunday and Mertymes in winter, be equalie portionis, of all and haill ane tenement of land on the north syde of the Tolbuytht gait of the samyn, heretable pertening to James Hammylton of Sanct Johnnis Chapell, in favoris of the saidis provest, ballies, consall and communitie of the said burght, sa that thai and thair successours of the samyn burcht may fra thynefurth lesumlie uptak, craif and uplift the samyn yeirlye in tyme cumin, to the common use and weill of the said burcht. And thairupon the said provest askit actis and instrumentis, witnes Harie Cokburn, yonger, Adam Cokburn, yonger, Robert Byris.

[Holograph Receipts dated 6th April, 1571, and 12th December, 1572, for this payment are preserved in the Burgh Charter Chest.]

39. RECORD OF THE DECISION OF THE TOWN COUNCIL OF HADDINGTON to give Friar Patrick Alane a yearly pension of £12, in return for a renunciation of his rights to the Friary. (*Registered ibid. under date 28th May, 1574.*)

1574, 23rd March.—The provest, ballies and consall and dekyannis of this burgh, haiffand consideratioun of the greit povertie of freir Patrik Alane, ane native born barn within this burgh, greit aige, infirmite of his body and decrepitnes therof, of thair gude mynd and almus, hes gevin and grantit, and gevis and grantis, to the said Freir Patrik during all the dayis of his lyf tyme the soun of tuelf pundis usuale mony of this realm of almus during all the dayis of his lyf tyme yeirlye, to be payit to him be the thesaurar of this burght at twa

termes, Witsunday and Martymes in winter, be equale portions, of thair commone gudis, obitis or annuellis pertening to thame, begynand the first payment therof at Witsunday nixt to cum, and oblist thaim for yeirle payment therof during his lyftyme: And als ordanit the said thesaurar to pay to the said Freir Patrik iiii lib. mony to pay to his creditours, and the samyn nocht to be allowit in the said soum of xii lib. mony. For the quhilk cause and be resoun he had nathing to thair charge, the said Freir Patrik, of his awin fre will, renuncit and dischargit the summons instant and actioun and effect therof, and all that may and mycht follow theron, rasit at his instance before the Lordis of Consall agains the provest, ballies, consall and communitie of the said burght for not payin to him of the soum of xxii li. mony yeirle be the space of ii yeris last bypast, and to be payit to him during his lyftyme as the saidis summondis beiris; and oblist him never to persew thaim thairfor in tyme cuming under the payne of perjury; and farther renuncit and geifoure *simpliciter* in thair handis all his rycht, titill, clame of rycht and entres, quhilkis he had, hes or ony wyse may clame or have, in and to the place callit the freris manse, houses, yards, dykis, doukettis and croft of land, with the pertinentis and annuell rentis thairto pertenant for ever, and dimittit the samyn in thair handis *ad perpetuam remanentiam* with thaim.

40. RELATIVE RECEIPT by Friar Patrick Alan.

(*MS. Original in Burgh Charter Chest.*)

I, PATRIK ALANE, ane of the Convente freiris of Hadingtoun, grantis me resavit fra ane honorabill James Cokbroun, thesaurar of Hadingtoun, the soume of vi libs. usuall mony of this realme, the xix day of November, the yeir of God j^m vi^c lxxv yeiris, and that for the Martimess terme of the samyn yeir: And of the quhilk soume I grante me weill contente and payit, and dischargis, quitclamis the said James of the saidis soumes of vi libs. for now and evir. And for the mair securitie I, the said Patrik, hes subscrivit this my acquittens with my awin hand befor thir witness, Johne Dogless, provest, William Browne, bailze, Johnne Chalmer, with utheris diverse. *Patrik Alane, with my hand.*

[Other receipts in similar terms, dated 16th June, 1576, and 22nd May, 1578, *ibid.*]

absolutely upone tytill onerous and sowmes of monie simpliciter, without returning or regres to the said umquhill James Cokburne of Newbiging, his airis and assignais, bot, be the contrair, was givin onlie and grantit be the said umquhill James Cokburne be zeale of divotione to umquhill Johne Yhair, Wardane of the saidis freiris, umquhill David Rae, Robert Thorbrand, Nicoll Baillie, Thomas Glen, Thomas Fair, John Lyell, Hew Reid and Thomas Huggen (Howgon), conventuall brether of the ordour and freiris of Hadingtoun, for ane anniversarie or obiit to be celebratt upone the xix day of August yeirlie be the said Wardane and remanent brothers foirsaidis and thair successouris for the saull of umquhill Patrik Cokburne, the said umquhill James' father, and for the saull of the said umquhill James antecessouris and successouris, and of all the faithful departit, ane dirige yeirlie to be sung, and on the morne twelf messis to be celebrat to the day of the said umquhill James deceas, and eftir his deceas the said anniversarie to be celebrat in all tyme cuming, alsweill in the ewyning sang as in the mess in maner foirsaid, and for the saull of the said umquhill James' antecessouris and successouris, as in the said pretendit dispositione, mortificatione and renunciacione foirsaid of the deat the . . . day of November, the yeir of God J^m four hundredth lxxviii yeiris, at mair lenth is continit, upone speciall provisione, band and obligatour alwaysis grantit bak agane upon the xvii day of November, the yeir foirsaid, be the saidis Wardane and conventuall brether foirsaidis, for thame and thair successouris, in quhais favouris the said renunciacione and dispositione was maid, under thair commoun seill and subscriptionis, be the quhilk thay expreslie band and oblist thame and thair successouris that, gif it suld happen in ony tyme to cum the saidis freirs or thair successouris nocht to celebrat, nor caus be celebrat the said anniversarie or obiit anis in the yeir in maner foirsaid, than and in that caice it suld be lafull to the said James and his airis to have full and frie regres, ingres and acces in and to the propertie and possessione of the said croft, within and without the foirsaidis and of the samen als frielie as he his predicessouris haid the samyn befor the said dispositione, renunciacione and mortificatione, as in the saidis letteris obligatouris of the deat foirsaid at mair lenth is continit: Quhilk band, promeise and conditione foirsaid, anent the fulfilling of the cause quhairfoir the said mortificatione was grantit, and in contemplatione thair of and na uther wayis, is equivalent in all respectis as gif it haid bene speciallie prowydit thairby that sa sone as the ordour of the freiris suld cease, and thair pretendit religione and ordour decay and be reformit, that than and in that caice the pretendit mortifica-

tion and effect thair of suld als way cease: in quhilk case without all questione, seing the Ordour of the saidis freiris and thair pretendit religioun is decayit be the reformatione of the religioun, the said mortificatione behowit to be altogidder ineffectual, and notwithstanding thair of the said persewar, as air to his predecessour, decernit to have full and frie ingres in and to the saidis landis; quhair of it follows that gif the deidis and service appointit to be performitt, and for performing quhair of, and na uther wayis, the said renunciacione was grantit, nather is permit, nor hes bene performitt thir mony yeiris bygane, nor can be permit as now altogidder repugnant to the lawis of this realme, the provisione of the said contra-band man be effectual, to witt that the said persewar, as air foirsaid, man be reponit and redintegrat in his awin richt and plaice, quhairin he and his predecessouris war of befor: And it is of veritie that the saidis Wardane and conventuall brether foirsaidis hes altogidder felzeit in implement and performing of thair part of the said band and making of thair service ordinit in doing and keiping of the said anniversarie, and hes nocht keipit and observit the same upone the xix day of August yeirlie preceeding the deat heirof, and utheris dayis preceeding the said mortificatione, bot hes felzeit yeirlie and continuallie sen the month of Julii, the yeir of God J^m v^c lix yeiris, to the deat of thir presentis be the spacie of xxx yeiris bypast or thairby: And thairfor the said Johne Cokburne of Clerkington and Newbiging, as air of the said umquhill James Cokburne of Newbiging, his foirgrandschir, suld be reponit and restorit *in integrum* aganis the said renunciacione and all that followit thairupone, and suld be decernit and declarit nochtwithstanding thair of to have full and frie regres and ingres in and to the propertie and possessione of the saidis landis, callit the Freir Croft, with the pertinentis, als frielie and paceable in all respectis as the said umquhill James Cokburne, his foirgrandschir, or his predicessouris haid the samyn befor the said renunciacione thair of above specifiet: And the saidis landis, callit the Freir Croft, and heretable richt thair of, aucht and suld be decernit to returne and to have returnit to the said persewar, his airis and assignais sen the said moneth of Julii, the yeir of God J^m v^c lix yeiris, and in all tyme cuming to remane with him as his propertie for the causes above writtin, as at mair lenth is continit in the principall summondis raisit in the said mater, actis, letters and haill proces led and deducit thairupone of befor. The said persewar comperand be Mr. Alexander King and Thomas Gray, his procuratoris, and the saidis defenderis comperand be Maisters John Schairp and Williame Oliphant, thair procuratoris, thair richtis, ressonis and allegationis, togidder with diverse wrettis and uther

probatione producit be the said persewar for prewing the pointis of the saidis principal summondis, being hard, sene and considerit be the saidis Lordis, and thay thairwith being ryplie advisit, the Lordis of Counsell reponis and restoris the said John Cokburne now of Clerkington and Newbigging, as air of the said umquhill James Cokburne of Newbiging, his foirgrandschir, *in integrum* aganis the said renunciacione and all that followit thairupone, and decernis and declaris him notwithstanding thairof to have full and frie regres and ingres in and to the propertie and possessione of the saidis landis, callit the Freir Croft, with the pertinentis, als frielie and paceable in all respectis as the said umquhill James Cokburne, his foirgrandschir, or his predecessouris haid the samyn befor the renunciacione above specifit: And the saidis landis callit the Freir Croft and heretable richt thairof to returne and to have returnit to the said persewar, his airis and assignais sen the said moneth of Julii, the yeir of God j^m v^c lix yeiris, and in all tyme cuming to remane with him as his propertie: Becaus the pointis of the saidis summondis being fund relevant be the saidis Lordis and admittit to the said persewaris probatione—notwithstanding the haill alledgeances proponit for the pairt of the saidis defenderis in the contrar—and ane terme being assignit to him for preving thairof, he previt the same sufficientlie, as was cleirlye undirstand, to the saidis Lordis, and thairfor thay decernit as said is: And the saidis Lordis declaris, albeit that they have fund that the said persewar suld returne to the propertie of the saidis landis sen the yeir of God J^m v^c fifty nyne yeiris, conforme to the conclusionne of the saidis summondis, yit the same sal be nawayis effectuall to the said persewar to produce ony actione for the proffeits of the saidis landis, or ony uther, bot fra the decreit and declarator abovewritten givin heirupone. Quhairupone Mr. Jhone Schairp for the pairt of the saidis defenderis askit instrumentis: Attour, the saidis Lordis decernis and ordinis the saidis defenderis to refund, content and pay to the said persewar the sowme of twantie merkis monie as for expensis of pley maid, debursit and sustenit be him in persuite of the said actione and obtining of the saidis Lordis decreit thairintill, togidder with the sowme of fyve pundis monie payit be him to the saidis Lordis collectouris, conforme to thair act and ordinance maid thairanent, and ordinis letters to be direct heirupone, gif neid beis, in forme as effeiris.

42. EXCERPTS from the Records of Lawsuits in which the Grey Friars of Haddington appear as parties. (*MS. Acta Dominorum Concilii, G.R.H.*)

1508-9, 13th February.—Anent the summondis maid at the instance of Sir Johne Crosar, chaplane, agane the Minister and Wardane of the Freris Minoris of Hadington to produce the letters purchest be thame to the Schiref of Hadington and his deputis anent xij s. of annuale clamyt be thame on ane land and tenement pertening to the saide Sir Johne, of the date the secund day of November last bipast, like as at mare lenthth is contenit in the summondis thairupon, baith the saidis partiis being personally present, the rychtis, &c., the Lordis of Consale decretis and decernis that the said letters purchest be the saide Minister ar ordourly procedit, and tharfor ordanis that the said Schiref and his deputis procede in the said action efter the forme of the said letters, and that our Soverane Lordis letters be directit hereupon (XX., f. 114).

1509, 28th April.—Continewis the summondis rasis at the instance of Sir Johne Crosar, chaplane, agane the Minister, Wardane and convent of the Freris Minoris of Hadington and Thomas Cokburne of Newbiggin, thare balze, for the wrangwise molestation of the saide Sir Johne of ane land and tenement liand within the saide burgh of Hadington in Calparis gait, and diverse other pointis, like as at mare lenthth is contenit in the summondis tharupon, on to the v day of May nixt to cum, with continuation of dais, in the sammyn forme, force and effect as it is now, but prejudice of party, and ordanis that the saide Minister and Wardane produce the process of apprising of ane annuale clamyt be thame of the saide tenement agane the saide day: And the partiis ar warnit hereof. *Apud acta* (XX., f. 178).

1509, 11th May.—Master David Edmonstoun, forespeker for Sir Johne Crosar, askit ane instrument that the Freris Minoris of Hadington producit in jugement ane evident of apprising of xij s. of annuale of ane tenement in Hadington, pertening to him; the quhilk evident he offerit him to impreif civilie be the apprisaris contenit tharintill, hora 3^a.

Assolzeis the Minister, Wardane and convent of the Freris Minoris of Hadyngtoun and Thomas Cokburne of Newbiggin, thare bailze, fra the summondis rasis on thame be Sir Johne Crosar, chaplane, the air of umquhile Johne Crosar, serjand of Hadinton for

the tyme, for the wrangws molesting of the said Sir Johne in the peceable brouking of ane annual of xij s. of Calparis land liand in Hadyntoun, and to here a process of apprising led in the said mater retrexit, and uther pointis, like as at mair lenth is contenit in the said summondis: And decernis thame qwite thairfra at this tyme, as it is libellit (XX., f. 202).

1513, 13th June.—Wardane of the Freris Minoris of Hadingtoun, for the convent and himself, protestit quhat ever the Lordis did anent the mater persewit be the King of nonentres of the akeris of Hadingtoun hurt nocht thame, *sen the Lordis war na jugis to thame*.

Master Walter Laing, procuratour for the balzeis and communitie of Hadingtoun, askit ane instrument that Master Cuthbert, Bailze, Commendatar of Glenluce, thesaurar, and Master James Henryson declarit and said in presens of the Lordis that the Kingis grace said to thame that, quhen he subscrivit the gift of the akeris of Hadingtoun to Johne Lauson, his mynde wes, and als he declarit to the said Johne, that the said gift suld nocht haif effect gif the toune of Hadingtoun murmourit it (XXV., f. 172).

1522, 7th November.—Anent our Soverane Lordis letters purchest at the instance of Margret Blacader, the relict of umquhile George Haitlie of Bromehill, aganis Freir Adame Harlaw, Wardane of the Freiris of Hadingtoun, that quhar hir said spouse had the gift of the Ward of the landis of Mellestanis and Mariage therof to him and his airis, and maid his said spouse his executrice and tutrice to his soun and air, to quham the said ward and mariage now pertenis, the said Wardane has the saidis letters of the gift of the ward and mariage forsaidis, with certane utheris evidentis in keping deliverit to him be the said umquhile George, now perteining to hir said spouse, and will nocht deliver the samin to the said Margrete. And anent the charge gevin to requir the said Freir Adame to bring the saidis letters and evidentis, laid with him in keping be the said umquhile George, to be sene and considerit quham to thai pertene that justice may be ministerit as efferis, like as at mair lenth is contenit in the saidis letters, the said Margrete beand personalie present and the said Wardane lauchfullie warnit to this actione, oftymes callit and nocht comperit, the Lordis ordanis letters be writtin to requir the said Freir Adame Harlaw, Wardane of Hadingtoun, to produce the saidis letters and evidentis, with the box that the samin ar put in, deliverit to him in keping be the said umquhile George, apoun Friday nixt to cum, the xiiij day of November instant, that it may be sene and

considerit quham to tha pertene, that justice may be ministrit tharin as efferis (XXXIII., f. 2).

1522, 18th December (*post meridiem*).—M. Robert Calbraith, in the name of ane venerable fader in God, Johnne, Prior of Sanctandrois, protestit that quhat ever war done betuix the Lord Hume and Merk Ker twiching the landis of Mellostanis and the air therof suld turn the said venerable fader to na prejudice, because he is tutour testamentar to the air of Mellostanis, as he allegit, *hora tertia post meridiem* (f. 104).

Maister Abraham Crechtoune, procuratour for George, Lord Hume, askit instrumentis that Mark Kerr, tutour dative to . . . Haitlie of Mellostanis, producit ane gift under the prive seile, maid to George Haitlie of Brounehill, his airis and assignais, of the ward of all landis and annuellis, etc., that pertenet to Alexander Haitly, fear of Mellostanis, and the mariage of the said Henry or ony uther aris, etc., *eadem hora* (f. 104).

In presens of the saidis Lordis comperit Andro Ker of Cesfurd and become cautioun and souerte for Merk Ker that the air of Mellostanis, callit Johne Haitlie, sall hald ferm and stable all and quhatsumever the said Mark dois anent the summondis rasit be the said John Hatlie, sone and air of George Hatlie of Brunehill, and the said Mark his tutour, but fraud or gyle, *in uberiori forma*: And attour the said Mark has oblist him to releif the said Andro of the said cautioun in tyme to cum (f. 104).

In the actioun and cause persewit be Johnne Haitlie, sone and air of umquhile George Haitlie of Brumehill, and Mark Ker of Dolphintoun, his tutour, aganis George Lord Hume, that is to say, the said George, Lord Hume, for the wrangous violent and maisterfull laying and halding waist be himself, his servandis and complicis, of his causing, command and ratihabitoun of the Manis of the landis of Mellostanis and myln therof, ane husband land and half ane husband land in the toun of Mellostanis, and tua husband landis and ane half husband land in the toun and sulze of Fawnis, with thar pertinentis, lyand within the Schirefdome of Berwic this instant yere, sen the said George was reconsalit and optenit our Soverane Lordis remission, that is to say, sen the xxx day of August last bygane, being in our Soverane Lordis handis be resone of ward pertening to the said Johne, as air to his said fader, be resone of our said Soverane Lordis gift maid to the said umquhile George Haitlie and his airis be his letters undir the prive sele, of the ward of the saidis landis and the sammyn

haldin waist be the said George, Lord Hume, his servandis and complicis, be the said spaice, siclyk as thai war haldin waist be him uther tua yeiris of before, lyk as at mair lenth is contenit in the summondis maid therapon: The said Johnne Haitlie comperand be the said Mark, his tutour, and the said George, Lord Hume, comperand be Maister Abraham Crechtoun, his procuratour, quhilk productit ane letter of assedatioun of the saidis landis with the pertinentis, maid to the said George, Lord Hume, be Mergrete Blacater, the relict of the said umquhile George Haitlie, subscrivit with hir hand and undir the sele of Maister Patrik Blacater of Tuliellan, of the dait at Edinburgh the x day of October, the yere of God j^m v^c and xxij yeris, and desyrit ane terme to call the said Mergrete for the said Georgis warand: Therefore the Lordis assignis to the said George, Lord Hume, and Maister Abraham, his procuratour, the xxij day of Januar nixt to cum, with continuatioun of dais, to call the said Mergrete for their warand, and in the menetye continewis the said summondis in forme and effect as it is now, but prejudice of pairty, and the pairtiis be thameself and thar procuraturis ar warnit hereof. *Apud acta* (f. 105).

1522, 27th. January.—Mark Ker, tutoure to Johnne Haitlie of Mellostanis, protestit that sen thair was ane terme assignit to George, Lord Hume, to produce his warand anent ane summondis raisit be the said Johnne aganis him, and wald nocht produce the samin, the terme beand bigane, that tharfor he suld nocht be admittit to produce ony warand in that mater in tyme to cum (f. 128).

In the actioun and cause persewit be Johnne Haitlie, sone and air of umquhile George Haitlie of Brunehill, and Mark Ker of Dolphintoun, his tutour, aganis George, Lord Hume, that is to say, the said George, Lord Hume, for the wrangwise, violent and maisterfull laying and halding waist be himself, his servandis and complicis, of his causing, command and ratihabitoun of the Manis of the landis of Mellostanis and mylne therof, ane husband land and half husband land in the towne of Mellostanis, and tua husband landis and ane half husband land in the towne and sulze of Fawnis, with ther pertinentis, liand within the Schirefdome of Berwic, this instant yere sen the said George was reconsalit and optenit our Soverane Lordis remissioun, that is to say, sen the xxx day of August last bypast, being in our Soverane Lordis handis be resone of ward pertening to the said Johne, as air to his fader, be resone of our Soverane Lordis gift maid thairapoun: And also anent the terme assignit to the said George, Lord Hume, and to Maister Abraham Crechtoun, his procuratour, to call his warand in the said mater, lyk

as at mair lenth is contenit in the summondis and act maid therupone of before, the said Johne Haitlie comperand be the said Mark Ker, his tutour, and the said George, Lord Hume, being warnit to this actioun of before, *apud acta*, oft tymes callit and nocht comperit, the Lordis of Counsale continewis the said mater in forme and effect as it is now on to the last day of Januar instant, with continewatioun of dais, and ordanis the said Johnne Haitlie to have letters to summond sic witness and probatioun as he will use for the preving of the punctis of his said summondis agane the said day, and that the party be warnit of this continewatioun and to heir the witnes sworne; because thair war ane terme assignit to the said George, Lord Hume, to call his warand and failyeit tharintill as was understand to the saidis Lordis (f. 130).

1522, 3rd February.—Maistir Abraham Crechtoune, procuratour for George, Lord Hume, protestit that quhat allegiance he maid in the said Lordis name anent the summondis raisit aganis him be Johnne Haitlie and Mark Ker, his tutour, he intendit nocht to leif na defencis dilatour nor peremptour, bot that he micht have the samin admittit to him (f. 144).

Mark Ker askit instrument that he producit ane letter of reaggravatioun apoun Maister Abraham Crechtoun, and that he schew na absolutioun tharof (f. 144).

Maister Abraham Crechtoun askit instrument that sen the said Mark had producit the said aggravatioun, quhilk was of the dait *apud Edinburgh xvj^o Aprilis anno, etc., v^o xvj^{to}* therfor protestit of injuris, *hora decima* (f. 144).

Maistir Johnne Lethane, forspekare for Mark, askit instrumentis that the Lordis be sentence interlocutour admittit Maistir Abraham Crechtoune, procuratour for George, Lord Hume, to propone exceptionis dilatouris efter that the summondis was continewit and ane terme assignit to preve the punctis of the said summondis, *hora decima* (f. 145).

Maistir Abraham Crechtoune, procuratour forsaid, askit instrumentis that Robert Lesly, procuratour for Mergret Blacater, grauntit to warand George, Lord Hume, anent the assedatioune maid be hir to him eftir the forme of the samin, *hora predicta* (f. 145).

Mark Ker protestit that quhat collusioune war maid betuix the saidis partiis suld nocht turne him nor the said Johnne Haitlie to na prejudice, *hora xj.* (f. 145).

Robert Leslie, procuratour for the said Margret, protestit that

sen the Lordis had admittit the said Margret for hir interesse in the mater debatable betuix Johnne Haitlie and Mark Kerr, on that a pairt, and George, Lord Hume, on that uther pairt, that he in hir name mycht use all rychtis and defencis in the said mater ony tyme befor the giving of the sentence therin (f. 145).

1522, 4th February.—M. Abraham askit instrument that Maister Johnne Lethane, forspekar for Mark Ker, held *pro deleto* thai punctis of the summondis certane husband landis because of the generalite of the sammyn (f. 147).

In the actioun and cause persewit be Johnne Haitlie, sone and air of umquhile George Haitlie of Brunehill and Mark Ker of Dolphintoun, his tutour, aganis George, Lord Hume, for the wrang-wise violent and maisterfull laying and halding waist be himself, his servandis and complicis, of his causing, command and ratihabitoun of the Manis of the landis of Mellostanis and mylne tharof, ane husband land and half ane husband land liand in the town of Mellostanis, and tua husband landis and ane half husband land in the town and sulze of Fawnis, with thar pertinentis, liand within the Schirefdome of Berwic, this instant yere sen the said George was recounsalit and optenit our Soverane Lordis remissioun, that is to say, sen the xxx day of August last bypast, being in our said Soverane Lordis handis be resone of ward and pertening to the said Johne, as air to his fader, be resone of gift maid to him thairapone, lyk as at mair lenth is contenit in the summondis and actis maid therapone of before, the said Johnne Haitlie comperand be Maistir John Lethane, his procuratour, and the said Mark being personally present, and also the said George, Lord Hume, comperand be Maister Abraham Crechtoun, his procuratour, it was allegit be the said Master Abraham that the said umquhile George Haitlie or his deceis had maid uther assignais to the ward of the saidis landis na the said Johnne Haitlie, his air, and offerit him to preif his said allegeance sufficientlie. Therefore the Lordis assignis to him the x day of Februar instant, with continewatioun of dais, to preif his allegeance lauchfully and sufficientlie as efferis, and ordanis him to haif letters to summond sic witnes and probatioun, and to produce sic writtis and documentis as he will use for the preving of the samyn again the said day; and in the menetyme continewis the said mater in forme and effect as it is now, but prejudice of pairty, and the pairtiis be thameself and thair procuratouris ar warnit hereof. *Apud acta* (f. 147).

1522, 11th February.—Maistir Abraham Crechtoun, procuratour

for George, Lord Hume, adherand to his protestatiounis maid of befor, and protestand that he wald nocht pass fra his uther peremptour exceptiounis nochtwithstanding that he producit ane testament maid be umquhile George Haitlie for the preving of his probatioun, allegeand that the said George had maid uther assignais to his landis na his air (f. 176).

M. John Lethane, prelocutour for Johnne Haitlie, and Mark Ker askit instrument that the said Maister Abraham producit befor the saidis Lordis ane testament confermit be my L[ord] of Sanctandris for the preving his allegeance, and therfor suld produce na uther thing (f. 177).

Maister Abraham Crechtoun, in name forsaid, askit instrument of the productioun of this wryting undirwrittin undir the officiais sele of Lothiane, and protestit that he mycht have the sammyn insert in his instrument: Of the quhilk the tenour followis:—Die vicesimo quarto Januarij, anno Domini j^m v^c xxij^o, sedente pro tribunali infra ecclesiam collegiatam Beati Egidii de Edinburgh, loco consistoriali ejusdem solito et consueto, venerabili viro, Magistro Willielmo Prestoun, rectore de Beltoun ac officiali Sanctiandree infra archidiaconatum Laudonie, comparuit in judicio coram eo Dominus Symon Henrisone, vicarius de Lestalrig, quiquidem Dominus Symon Henrisone, primo juratus pro veritate dicendo modo et forma subscriptis, deposuit Dominus Symon Henrisone, vicarius de Restalrig, mediante suo juramento, declaravit quod quondam Magister Jacobus Heriot, olim officialis Laudonie, defunctus, confirmavit unum testamentum quondam Georgii Haitlie, cujus inventarium ipse Dominus Symon scripsit et vidit hoc testamentum confirmatum per dictum Dominum officialem defunctum, nominando ipsum suum executorem bonorum intromissatricem ac factricem suarum prolium et omnimodam potestatem sibi commisit; et quod non recordatur in speciali refert se propterea testamento confirmato per dictum dominum officialem; et post decessum Archiepiscopi Sanctiandree Magister Patricius Blacater, Archiepiscopus Glasguensis, presentavit sibi Domino Symoni hoc testamentum confirmatum et causavit ipsum deponentem rescribere et imponere nonnulla debita et, ut recordatur, fecit nominare sponsam ipsius defuncti in specialem tutricem testamentariam sui filii. Datum sub sigillo officialatus antedicti apud Edinburgh, xxvj die mensis Januarij, anno Domini millesimo v^c xxij^o (f. 176).

Mark Ker of Dolphinstoune protestit, that sen he had persewit justice apoun George, Lord Hume, for the wrangwise intrometting with the landis of Mellostanis and couth have na restitutioun, that

tharfor quhat he did to put in possessioun and keping of his rycht be way of deid suld turne him to na prejudice (f. 176).

43. EXCERPTS from the MS. Burgh Court Books of Haddington relating to the Grey Friary within the Burgh.

1530, 11th October.—The quhilk day Freir Adam Harlaw, Wardane of the Freir Mynouris of Haidintoun, comperit in court and askyt at the bailzes a seriand, Jhone Afflec, and Adam Symson and Wylzem Gybson, witnes, to pass with hym to a tenement of land lyand in the Strumpet Streit, callit the Well Towre, to poynd for *x* *shillings* of annuell yeirly aucht to the said Wardane and convent ; quhilk out of court passit, and in court enter, the greit ayth sworne that thai by wor, herd, and saw quhen the forsaid seriand and witness men past to the said tenement, callit the Well Towr, and couth fynd na thing strenzaibill bot erd and stane, quhilk he present in court as the third court of this process.

1530-31, 24th January.—Repetition of preceding entry, the sergeant being John Afflec, and the witnesses Hew Congilton and Robin Aillen.

1539-40, 29th January.—The Counsell ordainis the Baillies with certain honest nychtbors to pass to the Freirs, and comon (commune) with thaim, quhat thai will have to mak John Fleming ane freir.

1540, 20th July.—The assys aboneuryting of thair awin fre will gif to John Fleming ane dayis meit, as it cums about to thaim ; and gif thai be nocht disposit to gif him his meit, thai will gif vj d. for that dayis meit ; and ordainis John Piersone, thesaurer, to gif him clothyng as he thinks best, and ordainis the samyn to be allowit to him in his compt.

1540, 27th October.—The assyse ordainis the Baillies to gang through the towne and se quha will gif John Fleming his meit, and gif thair names to him in bill quha grantis thairto.

1542, 27th April.—The Baillies and Counsalle ordainis the thesaurer to gif fifty shillings to John Flemyng at 4 termes for this year allenarlie.

1542, 14th June.—Deliverit to the Gray Freris xxxiiij s. iiij d. [Item in Account of Robert Wilsoun ane of the fermorers.]

1554, 9th October.—The quhilk day comperit in jugement Freir Johne Congiltoun, Wardane of the Freris of Hadingtoun, and askit at the provest and baillies above specifeit ane serjand, Thomas Hoip, and twa witness-men with him, viz. Johne Quhintyne and Williame Hoge, to pass with him to ane tenement of land of umquhill Johne Halyburtonis, betuix the land of the Maister of Halis on the eist, the land of the Laird of Blance on the west, the common causay on the sowth, to se gif thai culd find onything poindable for *xx s. yeirlie annuell* awcht to him thair of: Inlikewyse to the land of umquhile Williame Clepane liand in the Hardgait, betuix the lands of Alexander Cokburn of Harperdean on the north, the land of James Horne on the sowth, the common causay on the eist, for *xl s. yeirlie annuell* awcht to him: And inlikewyse to the landis of umquhill Johne Thomsone liand in the Hardgait, betuix the landis of umquhile Robert Norre on the northt, the landis of . . . for *twa merkis annuell* yeirlie awchtand to him: And to the landis of Thomas Simsone in the Powdrait, liand betuix the landis of umquhile Williame Cok on the west, the landis of umquhile Alexander Broun on the eist, the mylne dam on the sowth, for *vj s. viij d. yeirlie annuell* awchtand to him: And to the landis of umquhile David Bell liand in the sowth syd of the burght of Hadingtoun, betuix the landis of umquhile Todrikis liand on the eist, the land of umquhile Bastiane Dun on the west, mylnis burn on the sowth, and the common causay on the north, for *xxiijs. yeirlie annuell* awchtand to him: And to the landis of Alexander Gibsone liand in the Smedye Raw, betuix the landis of Alexander Barnis on the eist, the landis of . . . on the west, the common causay on the sowth, for *xx s. yeirlie annuell* awchtand to him: And to the landis of umquhile Adam Wilsone liand . . . for *vij s. yeirlie annuell* awchtand to the said Freir Johne Congiltoun: And inlikewyse to the landis of umquhile Johne Huidis, liand betuix the land of umquhile Johne Getgude on the north, the land of Andro Wilsone on the west, the common causay on the eist pairt and sowth pairtis for . . . s. yeirlie annuell awchtand to him: And to another tenement of land of umquhile Patrik Scharpis liand in the sowth part of the said burght, betuix the landis of Maister Barthilmo Kello on

the eist, the landis of umquhile. . . . Todrikis on the west, mylnis burn on the sowtht, the common causay on the sowtht, for . . . s. yeirlie annuell awand to him. Quhilks serjand and witness-men owt of court passit, and agane in court enterit, the greit ayth suorn, said that thai by wer, hard and saw quhen the said Freir Johne Congiltoun passit to the saidis tenementis of land and culd find na thing poindable bot erde and stane, quhilk he presentit in court as the first court of his proces.

1555, . . . April.—The quhilk day comperit Freir Johne Congiltoun, Wardane of the Freris of Hadingtoun, in court and askit at the baillies above specifit ane serjand, Thomas Hoip, with twa witnesses with him, viz. George Brounhill and Williame Broun, to pass to ane tenement of land of umquhile Johne Halyburtoun liand betuix the land of Patrik Hepburne of Boltoun [on the] eist, the land of the Lard of Blance on the west, the common streit on the sowtht, to se gif he culd fynd ony thing poindable for *xx s. yeirlie annuell* awchtand to him: And [to] the land of umquhile Williame Clapen liand on the Hardgait, betuix the land of Alexander Cokburn of Harperdene on the northt, the land of James Horne on the sowtht, the commoun . . . on the eist, for *xl s. yeirlie annuell* awchtand to him: And to ane tenement of umquhile Johne Thomsone liand in the Hardgait, betuix the land of umquhile Robert . . . on the northt, the land of umquhile James Hewesone on the sowtht, the common cawsie on the eist, for *xxvj s. viij d. yeirlie annuell* awchtand to the said Freir Johne: And to [the] landis of Thomas Symsonne liand in the Poildrait, betuix the landis of umquhile. . . . Broun on the eist, the landis of umquhile Williame Cok on the west, the myldame [on the] sowtht, for *vj s. viij d. yeirlie annuell* awchtand to him: And to the land of um[quhile] David Bell liand on the sowtht sid of the burght of Hadingtoun, betuix the landis of Alex[ander] Todrig on the eist, the land of umquhile Sebastiane Done on the west, mylnis burne sowtht, for *xxiiij s. yeirlie annuell* awchtand to thame: And to the land of Alexander Gibsone liand in the Smedyraw, betuix the land of Alexander Barnis on the eist, the land of umquhile . . . on the west, the common streit on the sowtht, for *vij s. yeirlie annuell* awchtand to thame: And to the land of umquhile Johne Hynd liand betuix the landis of umquhile Johne Getgud on the northt, the land of Andro Wilsonne on the west, the common cawsay on the eist and sowtht pairtis, for . . . yeirlie annuell [awchtand to thame]: And to the land of umquhile Patrik Scharp liand on the sowtht sid of Hadingtoun, [betuix] the land of Maister

Barthilmo Kello on the eist, the land of umquhile Alexander . . . on the west, mylnis burn on the sowtht, the common cawsay on the northt, for . . . yeirlie annuell awchtand to thame : Quhilk serjand and wites-men owt of court passit, and agane in court enterit, the greit ayth sworn that thai by war, hard and saw quhen the said Freir John Congiltoun passit to the saidis tenementis of land, and fand na thing poindable bot erd and stane, quhilk he presentit in court as the thrid court of processe.

1555, 8th October. — The quhilk day comperit Freir Johne Congiltoun, Wardane of the Freris of Hadingtoun, and askitt at the juges above specifit ane serjand, Thomas . . . with twa wites-men with him, viz. George Brounhill and James Horne, to pass with him to ane tenement of land of umquhile Johne Halyburtoun liand betuix the land of Patrik Hepburn of Boltoun on the eist, the land of the Lard of Blance on the west, the commone streit on the sowtht, &c. for *xx s. yeirlie annuell* awchtand to the said freiris : And to the tenement of umquhile Williame Clapen liand in the Hardgait, betuix the land of Alexander Cokburne of Harperdene on the northt, the tenement of land of James Horne on the sowtht, the common cawsay on the eist, &c. for *twa merkis yeirlie annuell* : And to ane tenement of land of umquhile Johne Thomsone liand in the Hardgait, betuix the land of Henrie Thomsone on the northt, the tenement of land of umquhile James Hewesone on the sowtht, &c. for *x s. yeirlie annuell*, &c. : And to ane tenement of land of Thomas Symsonne liand in the Poildrait, betuix the land of umquhile Alexander Broun on the eist, the landis of umquhile Williame Cok on the west, the mylne dame on the sowtht, &c. for *vj s. viij d. annuell* awchtand to the said freiris : And to the tenement of land of umquhile David Bell liand on the sowtht sid of the said burgh, betuix the landis of umquhile Alexander Todrig on the eist, the tenement of land of umquhile Sebastiane Dun on the west, for *xxiiii s. yeirlie annuell* : And to the tenement of land of Alexander Gibsone liand in the Smedyraw, liand betuix the landis of Alexander Barnis on the eist, the land of umquhile . . . on the west, the common streit on the southt and northt, for *xx s. yeirlie annuell* : And to the tenement of land of umquhile Adam Wilsone liand betuix the tenement of land of the Lord Humis on the eist, the tenement of land of umquhile Johne Eistoun on the west, the commoun streit on the sowtht, for *vij s. yeirlie annuell* : And to the land of umquhile Johne Hind liand betuix the landis of umquhile Johne Getgude on the northt, the landis of Andro Wilsone on the west, the commone cawsay on the eist and sowtht, for

xxv s. yeirlie annuell: And to the tenement of land of umquhile Patrik Scharp liand on the sowtht sid of the Crocegait, betuix the tenement of Maister Barthilmo Kello on the eist, the tenement of land of umquhile Allexander Todrig on the west, for . . . yeirlie annuell. Quhilk serjand and witnes-men owt of court passit, and agane in court enterit, the greit ayth suorn [that] thai by war, hard and saw quhen the said Freir Johne Congiltoun passit to the saidis tenementis of land and fand na thing poindable bot erd and stane, quhilk he presentit in court as utheris thre erdis and stanis clossit in sekkis under the seill of office, and askit dome of possessioun efter the lawis of this realme; and than the jugis above specifeit cawsit the said . . . to proclame thryse at the towbuyth windo gif ony man wald compeir to pay the said annuell, and to redeme the saidis tenementis of land. Na man comperand, than the court waroit, and it was gevin for dome be the mowth of the dempster, that he awcht to haif possessioun of the saidis tenementis of land for cawsis fore-said. The quhilk possessioun . . . to the said Freir Johne Congiltoun, Wardane forsaid, be delivering of erde and stane in falt of payment of the said annuell rent befor the witnes.

1555, 16th October.—The quhilk day comperit Freir Johne Congiltoun, Wardane of the Freris of Hadingtoun, and productit ane instrument of saising of *ane merk* of annuell rent of the tane half of ane half of twa tenementis, liand contigue togidder, betuix the land of umquhile Robert Norre on the northt, the land of umquhile James Hewesone on the sowtht, and is contentit of *x s. annuell rent yeirlie* to be uptane of the samyn in tyme cumyng. *Desuper actum curie.*

1555, 12th November.—The quhilk day comperit in jugement Freir Johne Congiltoun, Wardane of the Freris Minouris of Hadingtoun, and dischargit and renuncit all processes led be him upone ane tenement of land liand in the burght of Hadingtoun, betuix the landis of umquhile Sebastian Dun on the west, the tenement of umquhile Allexander Todrig on the eist, the commoun cawsay on the northt, quhilk now pertenis to James Sandersone, the said James payand the annuell in tymis cuming to the said Wardane, conforme to the Actis of Parliament and burnt lands.

And inlikewyis comperit the said Freir Johne Congiltoun, Wardane forsaid, and dischargit all processis led be him upoun ane tenement of land liand in the said burght in the Hardgait of the samyn, betuix the landis of umquhile Robert Norre on the northt, the landis of umquhile Thomas Gilzein on the sowtht, quhilk now

pertenis to Henrie Thomsonsone, because the said Henrie oblissit him to content and pay the annuellis to the said Freir Johne, Wardane for-said, conforme to the actis of burnt landis.

And inlikewyse the said Freir Johne Congiltoun, Wardane for-said, dischergit all process led be him upoun ane tenement of land of umquhile Johne Halyburtoun liand in the said burght, betuix the landis of Patrik Hepburn of Boltoun on the eist, the landis of the Lard of Blance on the west, quhilk now pertenis to the said Henrie Thomsonsone, because the said Henrie oblissit him to content and pay the annuell in tymis cuming to the said Freir Johne, conforme to the actis of burnt land.

And inlikewyse the said Freir Johne Congiltoun, Wardane for-said, dischargis all processes led be him upoun ane tenement of land liand in the said burght in the Smydderaw, betuix the landis of umquhile Robert Fawsid on the west, the landis of Alexander Barnis and Robert Andersone on the eist, quhilk now pertenis to Katherine Wilsone and Allexander Gibsone, hir spous, for his interes.

And inlikewyse the said Freir Johne Congiltoun, Wardane for-said, dischargis all processes led be him upoun ane tenement of land liand in the said burght, betuix the landis of the Lord Hume on the eist, the landis of umquhile Johne Eistoun on the west, the commoun gait on the sowtht, quhilk now pertenis to the said Katherine Wilsone and Allexander Gibsone, hir spous, for his interes, and the said Allexander Gibsone for his interes, oblissis him to content and pay to the said Freir Johne Congiltoun the annuellis in tymis cumyng, conforme to the actis of burnt land.

1555, 19th November.—The quhilk day Freir Johne Congiltoun, Wardane of the Freris of Hadingtoun, [comperit] and dischargit all processis led be him upoun ane tenement of land liand in the Smedyraw, betuix the landis of Cuthbert Symsonsone on the eist, the common streyt on the west, sowtht and northt partis, because George Batchat and Williame Langlandis hes oblissit thame to content and pay the said annuell conforme to the actis of burnt land. *Desuper actum curie.*

The quhilk day comperit Freir Johne Congiltoun, Wardane of the Freris Minoris of Hadingtoun, and maid it knawin that he had lawchfullie followit the process of erde and stane at four heid courtis of ane tenement of land liand. . . .

The quhilk day comperit in court Freir Johne Congiltoun, Wardane of the Freris Minoris of Hadingtoun, and protestit that the gevin of dome of propirtie of ony landis this day of ony tenements of

land quhilkis he has processit be nocht prejudiciall to thame and thair rychtis. *Desuper actum curie.*

1555, 21st January.—The quhilk day comperit Freir Johne Congiltoun, Wardane of the Freiris Minoris of Hadingtoun, in jugement, and protestit that the process led upoun ane tenement of land of umquhile Adam Adesone, and of the tenement of land of umquhile George Reclingtoun, and the tenement of umquhile Alexander Todrig, be nocht prejudiciall nor hurt to him nor his abbay and convent thairof. *Desuper actum curie.*

The quhilk day comperit Freir Johne Congiltoun, Wardane of the Freris, &c., and protestit that the process led of the tenement of land of Edward Wawse, withowt the port of the said burght, be nocht prejudiciall to the rychtis of him and his place. *Desuper actum curie.*

1556, 13th October.—The samyn day comperit in jugement Freir Johne Congiltoun, and protestis that quhatsumever processes led this day be ony person upon ony tenement of land or annuell within this burgh, pertening to thame, or of quhilk thai have ony annuel rent pertening to him and his brether, be nocht prejudiciall to thaim and thair place. *Desuper actum.*

1556, 26th January.—The samyn day comperit Freir Johne Congiltoun, Warden of the Freris of Hadingtoun, and desyrit at the jugis foresaidis ane officiar, Patrik Reidpetht, and witnes-men with him, Alexander Yule of Garmyltoun, Cuthbert Symsoun, William Burn and Sir Thomas Mautteyne, to pass with him to ane tenement of land of umquhile [Williame Robysone] (deleted) lyand on the northt syde of the said burgh, betuex Georg Symsoun eist, the landis of umquhill William Robysoun west, for *xiiij s. iiij d. annuell rent* aucht to him and his convent: And to ane tenement of land of umquhill Patrik Douglas, now of Georg Bathcat, lyand in the Smedyraw, betuex the landis of . . . eist, the quhenis Hyegait southt, northt and west, to se gyf he cud fynd ony thing poyndable thairon for *vj s. viij d. yeirly annuell rent*. Quhilkis officiaris and witnes, past out of court and enterit agayne in court, the greit aitht sworn be thaim deponit that thai by war, hard and saw, and for witnes war tayne, quhen the said Freir Johne past to the saidis tenementis respective, and fand na thing thairon bot eird and stane, quhilkis he presentit in court, as in the fyrst court of his process.

The samyn day comperit Freir Johne Congiltoun, and protestis that the process led foresaid be the said Cuthbert preuge nocht thair

rycht that thai have of ane annuell rent of *vj s. viij d.* aucht to him and his convent of the said tenement. *Desuper actum.*

1557, 4th May.—The samyn day Freir Johne Congiltoun, Warden of the Freris, protestis that the dome of propertie foresaid gevin to the said Cuthbert of the foresaid tenement prejuge nocht the annuell rent aucht to thame of the said tenement of *vj s. viij d.* *Desuper actum.*

The quhilk day comperit Freir Johne Congiltoun, Wardayne of the Freir Mynoris of Hadingtoun, and askit at the jugis ane officiar, Patrik Reidpetht, and witness, Robert Strauchen, Johne Blair and Adam Hepburn, to pass with him to . . .

The samyn day comperit Freir Johne Congiltoun, Wardayne of the Freir Minoris of Hadingtoun, and askit at the jugis ane officiar, Patrik Reidpetht, and witness Robert Stevinstoun and Johne Blair, to pass with him to ane tenement of land lyand in the Smedyraw of G. Bathcatt, betuex Cuthbert Symson eist, the commone gait and passaige southt, northt and west, to se gyf he cud fynd ony thing poyndable thairon for *vj s. viij d. yeirly annuell rent* aucht to the said Freir Minoris and thair place. Quhilk officiar, with the witness foresaidis, past out of court and enterit agayne within the samyn, the greit ayth sworn be thaim that thai by war, hard and saw, and for witness war tayne quhen the said Freir Johne, Wardayne, past to the said tenement and fand na thing thairon poyndable bot eird and stayne, quhilkis he presentit in court as the secund court of his process.

1557, 12th October.—The quhilk day comperit Freir Johne Congiltoun, Wardayne of the Freris of Hadingtoun, and askit at the jugis foresaid ane officiar, Patrik Reidpetht, and witness, Johne Gylzein and William Hoige, to pass with him to ane tenement of land in the Smedyraw of umquhill Patrik Douglass, and now of Georg Bathcat, &c. (as above) . . . as the third court of his process.

1557, 26th January.—Friar John Congiltoun proceeds as above, and presents earth and stone, as the fourth court of process, desiring judgment to be given for possession. This was accordingly done.

The samyn day the said Freir Johne, for verification of the said annuell productit ane instrument of sesing of the said annuell gevin be umquhill Patrik Douglass to the saidis Freris, under the signe manuale and handwritt of umquhill Laurens Flemyng, notar publict, of the dait . . . die mensis . . . anno j^m v^c . . ., witness . . .

1558, 27th April.—The samyn day comperit Freir Johne Congiltoun, Warden of the Freiris Minoris of the burght of Hadingtoun, in jugement and askit at the jugis ane officiar, Mathow Bowe, and witnes with him, Nycoll Dunlop and Johne Blaikburn, to pass with him to ane tenement of land on the northt syde of the said burgh, betuix . . . on the eist, and . . . on the west, of the ayris of umquhill Johne Rychartson, to se gyf he cud fynd ony thing poyndable thairon for *xiiij s. iiij d. yeirly annuell rent* aucht thairof to thair place. Quhilkis officiar and witnes, past out of court and enterit agayn in the samyn, the great aicht sworn, deponit that thai by war, hard and saw, and for witnes war tayne quhen the said Freir Johne past to the said tenement of land and fand na thing poyndable theron bot eard and stayne, quhilkis he presentit in court, as in the second court of his process, and therupon askit actis of court.

1558, 11th October.—Friar John Congiltoun proceeded as above, and presented earth and stone in court as the third court.

The samyn day Freir Johne Congiltoun, Wardane of the Freris Minoris of the said burght, protestis that quhat processes be led this day upon the tenementis foresaidis prejugé nocht thair rycht of annuellis aucht to thaim of the saidis tenementis. *Desuper actum.*

1558, 24th January.—The samyn day comperit Freir Johne Congiltoun, Wardane of the Freris Minoris of this burght of Hadingtoun, and askit at the jugis ane officiar of court, Mathow Bowe, and witnes with him, Johne Hendersoun, Peter Wallace, to pas with him to ane tenement of land on the northt syde of the said burght, pertenening to the ayris of umquhill Johne. . . .

The samyn day Freir Johne Congiltoun, Wardane, protestis that quhat processes deducit this day be ony person of ony tenement of land within this burght, awand thaim ony annuell rent, prejugé nocht thair rycht of the saidis annuellis.

1559, 11th April.—The samyn day comperit in jugement before the saidis jugis Freir Johne Congiltoun, Wardane of the Freris Conventualis of the burght of Haddington, and desyrit at the jugis foresaidis ane officiar, Patrik Reidpeth, and witnes with him, Robert Broun and William Burn, to pass with him to ane tenement of land of Adam Cokburn lyand in the . . . within the said burght, betuex the landis of . . . on the eist, and the landis of . . . on the west, to se gyf he cud fynd ony thing poyndable thairon for *xx s. yeirly*

annuell rent, and aucht to thair place thair of. Quhilkis officiar and witnes, past out of court and enterit agayne in the samyn, the greit aytht sworn, deponit that thai by war, hard and saw, and for witnes war tayne quhen the said Freir Johne past to the said tenement of land to have poyndit for the said annuell rent, and fand na thing thairon poyndable bot eird and stayne, quhilkis he presentit in court, as in the fyrst court of his process, and thairupon askit instrumentis and actis of court.

The samyn day the said Freir Johne Congiltoun, in nayme of the haill brether of thair place, protestis that the process deducit this day be Johne Forrest, procuratour of the saidis tenementis prejughe nocht thair rycht that thai have to ane annuell rent aucht to thaim thair of. Alsua protestis Robert Diksoun, procuratour for the Prioress and convent foresaid, that the process deducit be the said Johne Forrest, procuratour foresaid, upon the saidis tenementis prejughe nocht the rycht that the said Prioress hes to ane annuell rent aucht to thaim of the said tenementis. *Desuper actum.*

1559, 23rd November.—The Consall ordanis William Gybson, thesaurar electit, to pay to Freir Johne Congiltoun, Wardane of the Freris *fyve pundis xvj s.* mony, attour the sowm of *xxiiij s.* gevin to him be Thomas Punton, thesaurar of before, and that of fore-maill of the Witsunday and Mertymes anno *iiij^{xx}*, and Witsunday and Mertymes anno *iiij^{xx}* and ane yeiris, for Raff Egglins akeris, and acquittans to be tayne thair of.

1560, 6th March.—The provost and bailies set a tack to John Abirnethy, till Martinmas next, of their croft of land callit the Freir Croft, with the pertinentis, for *xiiij merkis* of maill to be payit in hand to the thesaurar, alsua thair yard, callit the Convent yard, to Johne Aytoun fra the day and dait heirof quhill Mertymes nixt, for *iiij li xl d.* of maill: and the yard, callit the Wardene yard, to James Oliphant during the said space, and for *xxij s.* of maill: and the Eister yard to William Gybson, during the said space, for *xv s.* of maill, providing that it sall be lesum to thame to tak the proffett thai may have thair of quhill Candilmes next: and als the Doukett to Georg Crag fra the day and dait heirof quhill Mertymes nixt, for *l s.* of maill: and the takaris foresaidis to remove na stanis nor growand treis of the grund of the samyn: and the toun hes oblist thaim to warrand the samyn to thaim during the said space.

1560, 2nd July.—The quhilk day the provest, ballies and consall

hes sett thair commone douket, callit the freir douket, fra the day and dait heirof to Candilmes nixt, with all proffettis thair of to Georg Crag for *xxviij s.* to be payit on hand to the thesaurar, and the said Georg to underlye all dangeris therof.

1561, 13th May.—The samyn day comperit Johne Hendersoun and complenit upon Georg Aytoun that, quher he lauchfully warnit the said Georg to compeir within the Freir Kyrk of Hadingtoun, and thair to rasave fra him the sum of *xv lib.* mony for redemptioun fra him of ane fore boytth and ane innar wolt, togidder with ane letter of tak of the samyn maid for the space of iij zeris for *xx s.* maill, and thairfor to grant the samyn lauchfully redemit as the said Johne Henderson libell fullelie proportis; comperit the said Georg Aytoun and allegit that the saidis jugis ar nocht competent jugis in the said cause, bot onelie the Lordis of Sessioun, be resoun the actioun concernis redemptioun of landis to quhilk thai ar nocht jugis, bot the Lordis foresaidis, and thairfor aucht to be persewit beforr thaim. And the said Johne allegit in the contrar *ad interloquendam.* The jugis continuit their interlocutour to the thrid of Junii, *parte partibus citatis.*

1561, 10th December.—The Freir Croft sett to Robert Thomson for ane yeir fra this day, quha payit thairfor in hand to the thesaurar *x li. vij s. viij d.*

The Douket to Georg Crag for *iiij li. vij s.* payit to the thesaurar.

The Convent yard for ane yeir to Johne Aytoun for *ij lib.*, payit as said is.

The Eist yard to Johne Hunter for ane yeir for *xx s.*, payit as said is.

The Warden yard to James Oliphant for ane yeir for *xxij s.*, payit as said is.

1561, 6th November.—The provost and bailies set in fewferm to Johne Mayne, his ayris and assignais, ane rude of land of thair Freir Wall, betuex the rude of Alexander Hepburn southt, the freir yett northt, the freir wall eist, and the causay west, for *x s.* of fewe maill, to be payit yeirlie at twa termes usit and wont, begynnand the first payment. . . .

1562, 22nd October.—The provost and bailies have set in feufarm to George Aytoun and his heirs and assignees, two roods of the Freir Wall, nixt adjacent to the Freir Gowill, for *28 s.*, the said George obliging himself to byg the samyn before Martinmas 1563, providing

that na lychtis, durris nor windois sal be castin owt to the eist. Other roods thereof are set to John Douglas, mason, Robert Litstar, John Mayne, and William Gibson; and the first byggar to sett his northt gawill on the nixt northt rude, and sall tusk and bowell to his nixt neidbure in caise the northt byggar and rude byg nocht with him.

1563, 28th May.—The consall ordanis the fewars of the rudis of the Freir Wall to be poyndit for the few maill of the samyn, as efferis, and to be compellit to byg the samyn according to the sett of the samyn, and to rasave thair infeftmentis thairof.

1563, 3rd August.—The samyn day Robert Thomson persewit Henry Thomson for nocht paying to him of *liij s. ix d.* of ane compt of the Freir Croft. Comperit the said Henry and confessit the samyn, and the juge decernit him to pay the samyn.

1564, 17th November.—Memorandum that the consall will nocht allow the *xx* merkis allegit gevin to Freir Flek be the thesaurar, quhill he deliver the said Freris acquittans maid conforme to his promiss.

1564, 17th November.—Memorandum that the consall hes ordanit to delete and put out of memory [for] all the new rudis of the Freir Wall *xlj s. viij d.*, aucht be Johne Mayne.

1564, 21st December.—The quhilk day, in presens of Philip Gybsoun, ballie, Georg Symsoun maid, constitut and ordanit Johne Gray his cessionar and assignay in and to the crop of his aker of land at the New-wark, and to the place of the freris yardis, doukett and croft thairoff, with the pertinentis, during the space of thre zeris nixt to cum fra the dait heirof, and gaif him his full power to intromett thairwith, uptak the maillis, proffettis, deuteis and croppis thairof during the space foresaid, and to pay the comptrolar thairwith yeirlie of the yeirlie deutie aucht be the said Georg to him in the said Georgis absens, and promittit *de rato* under the payne of *xl lib.* mony.

1565, 22nd January.—The samyn day comperit in jugement Johne Douglass, cordinar, procuratour for Johne Flec, alias Freir Johne, and desyrit at the jugis ane officiar of court and witnes foirsaidis, to pas with him to ane waist tenement of land pertenant to Henry Thomsonsone, lyand on the eist syde of the Grypwel, betuex the

watter of Tyn on the eist, and the commoun causay on the west, and the landis of Johne Blair on the northt, to se gif he culd find ony thing poindabill thairon for *vj s. viij d.* mony aucht to the said Freir Johne, and convent of the Freiris Conventualis of the place of Hadingtoun, yeirlie; and to ane tenement of land lyand on the eist syde of the said burcht, pertenant to Edward Vause, induellar of Leyth, lyand betuex the landis of umquhill Robert Schortus on the eist, and the eist port on the west, to se gif he culd find ony thing poindabill thairon for *vij s. yeirlie annuell rent* aucht to thaim of the samyn; and to ane waist tenement of land of umquhille Robert Young lyand on the eist syde of the Sydgait, betuex ane waist tenement of land of umquhill Marioun Clerk on the northt, and ane waist tenement of land of umquhile Johne Hume on the south, to se gif he culd find ony thing poindabil thairon for *xx s. yeirlie annuel rent* aucht to the saidis freiris thairon; and to ane waist tenement of land pertenant to Thomas Simsone lyand on the south syde of Poldrat, betuex the landis of Robert Maitland on the west, and the landis occupiit be James Tuedy on the eist, to se gif he culd find ony thing poindabill thairon for *xxvj s. viij d. yeirlie annuel rent* aucht to thame of the said tenement; and to ane waist tenement of land of umquhile Robert Fausyde in the Smedyraw, betuex the landis of Cuthbert Simsone on the west, the landis of Adam Cokburn, merchand, on the eist, to se gif he culd find ony thing poindabill thairon for *vj s. viij d. yeirlie annuel rent* aucht to the saidis freiris. Quhilkis officiar and witnes past out of court to the saidis tenementis of land respective and enterit agane in the samyn, and be thair greit aythis deponit that thai by war, hard and saw, and for witnes war tane quhen the said procuratour past to the saidis tenementis of land respective to have poindit for the saidis annuel rentis, and fand na thing poindable thairon bot erd and stane, quhilkis he presentit in court, as in the first court of his process, and thairupoun the said procuratour in name forsaid askit instrumentis and actis of court.

1565, 3rd March.—The quhilk day James Cokburn, elder, actit and oblist him of his awin proper confessioun, his ayris, executouris and assignais, to content and pay to Thomas Lautay, alias Freir Thomas Lawtay, now in hand *xxx s.* mony for the Witsunday and Mertymes termes, in the yeir of God *j^m v^c lxxvj zeris*, and *xxx s.* mony at the saidis termes in the yeir of God *j^m v^c lxxvij zeris*, be equale portionis, in compleit payment of the annuell rent aucht to the said Freir Thomas of the said James tenement, and also to content and pay yeirlie to the said Freir Thomas during his lifetyme the saidis soum of *xxx s.*, be

equalie portionis, in compleit payment of the said annuell rent ; and the said Freir Thomas actit and oblist him to warrand, freyth and releif the said James Cokburn, his ayris, executouris and assignais, of all annuell rentis aucht to him of the said tenement bypast, and thairupoun the saidis partiis askit actis.

1566, 30th April.—The samyn day comperit Johne Douglas, cordinar, procuratour for Johne Flek, alias Freir Johne Fleck, and desyrit at the jugeis ane officiar of court and witnes foirsaidis to pass with him to ane waist tenement of land pertenant to Henry Thomsone (as in 22nd January 1565) . . . and that for the second court of his process.

1566, 8th October.—The quhilk day Johne Fleck, alias Freir Johne Fleck, constitut and maid Thomas Dikesoun procuratour for him in all causes concerning him, and promittit *de rato*.

The samyn day comperit Thomas Dikesoun, procuratour for Johne Fleck, alias Freir Johne Fleck, and desyrit at the jugis ane officiar of court and witnes foirsaidis to pas with him to ane waist tenement of land pertenant to Henry Thomsoun. . . .

1571, 1st February.—The samyn day the consall ordanit the Freir Wall, and the waist at the eist port, and all uther waistis perteing to the toun, to be ropit and set in fewfarm the vj of Februar.

1571, 6th February.—The provost and bailies set tacks to Gilbert Gray, William Stevinsoun and others, of parts of their Freir Wall adjacent to the Freir Gowill.

1572, 22nd May.—The samyn day Archibald Kyle, thesaurar and procuratour fischale for the provest, ballies, counsall and communitie of the burght of Hadingtoun, productit ane clayme or libell aganis Andro Smyth, present occupiar of certane thair landis and housis of Gladismure, callit the Schiphirdis hous, Alexander Symsoun, present occupiar of thair twa akeris of land, callit Hangmannis aikeris, Janet Haythwe, and Harie Cokburn, for his enteres, Mertyne Wilson and Johne Mayne, present occupiaris of thair *Douket*, William Wilson present occupiar of thair tenement callit Sanct James place, Thomas Myllar, present occupiar of ane fore boyth of the said place, James Tuedy, present occupiar of thair yard or croft of . . ., Johne Douglas, younger, present occupiar of thair *Lyme Hoill*, and Johne Reclington,

present occupiar of thair yard, callit the *Eist Yard*, William Martyne, present occupiar of thair hous in Sanct Katrene Chapell, Johne Munter, present occupiar of thair hous at the eist port, Georg Brunhill, present occupiar of thair tenement of land, sumtyme callit Crispine and Crispimanis land, and David Forrest, present occupiar of thair aker of land, sumtyme callit Getgudis aker, lyand in Harmanflat, for the wrangus, violent and maisterfull occupying of thair saidis landis, akeris, douket, tenementis, lyme hoill, yardis, croft, house forsaidis, ilk ane of thaim for thair awin pairt as thai occupy respective, as the said clayme at lenthth proportis, and productit ane precept of warnyng, deulie execut and indorsait upon the saidis personis, with the townis instrument of sesing of the landis libellit, and desyrit proces: comperit Janet Haythwe, for hirsell and in nayme of the said Harie, hir spous, Alexander Simsoun, Martyne Wilsoun, William Martyne, William Wilsoun, Johne Reclingtoun, and submittit thame in the jugis will, and the jugis declarit instantlie thair will in thair presens, and decernit thaim to remove, ilk ane of thaim as thai occupy, and to leif the samyn woid and red, and to decist fra all farther occupyin thairof, to be fra thynefurtht occupiit and usit be the provest, ballies, consall and communitie of the said burght in tyme cuming, and thair successours, as thair awin proper heretaige and properte. Alsua Thomas Myllar, Georg Brunhill, Johne Munteir, Johne Mayne, being lawchfullie warnit, lauchtfull tyme of day biddin, comperit nocht, thairfor the jugis decernit thaim to remove as said is. Comperit the said James Tuedy, and productit ane letter of tak and assedatioun of the yard or croft libellit, maid to the said James and Marion Caris, his spous, thair ayris and assignais, be Freir Johne Congilton, Wardene, with consent of the convent cheptourlie gaderit, for the space of xix yeiris of thair litill croft or waist yard, with the pertinentis libellit, under thair commone seill and subscriptioun, as was allegit, manualie, viz.: Freir Johne Congilton, Warden of Hadingtoun, Freir Johne Auchinlek, Patrik Alane, fra Witsunday anno lvij yeiris, and that for certane sowmes of mony payit of mail for the saidis xix yeiris in hand, as the said letter of tak of the dait, the xxij day of November, lvij yeiris, at lenthth beris; and, thairfor, allegit that he aucht nocht to remove fra the said croft, and the persewar desyrit ane day to produce his defense aganis the said letter of tak or titill productit, and the jugis assignit to him the x of Junij nixt to cum to produce the samyn, *parte et procuratore apud acta citatis*. Als comperit Johne Douglas, younger, and productit ane instrument of assignatioun, maid be Philip Gibsoun to the said Johne Douglas, in and to ane letter of licens and tollerans

maid *pro perpetuo* be umquhill Freir Johne Congiltoun, Wardene of the Freris Minoris of Hadingtoun, with express consent and assent of Freir Johne Fergysoun, Minister, and convent of the saidis freris cheptourlie gaderit, to the said Philip Gybsoun, his ayris and assignais, to byg and beild ane tufall to thair gawill wall of thair closett hous of the said place, as the said assignation of the dait xx^o Marchij, anno Domini j^m v^c lxxij^o, under the signe and handwritt of Thomas Stevin, notar publict, togidder with the said letter of licens under the commone sele of the said place, and the handwritts of Freir Johne Fergysoun, Provinciale, Freir Johne Congilton, Freir Andro Quhitheid, Freir Johne Auchinlek, Freir Johne Blaikburn, Freir Johne Broun, Freir Johne Irland, of the dait at Hadingtoun and Dundee the x and xxv of Aprile, anno j^m v^c lvj yeris, as the said letter of licens at lenthth proportis, and that be vertu thair of he aucht nocht to remove fra the Lyme Hoill libellit; and the procuratour foresaid allegit that the grund quherupon the said Lyme Hoill is biggit pertenis to the provest, ballies, consall and communitie of the said burght, and to thair successours in commontie, and now that thair heretablie infest thairin, and thairfor the freris had na power to dispoone the samyn nor to gif licens, as said is. And the said Johne Douglas allegit that the roum foresaid was all tymes bypast usit be the freris foresaidis without impediment, occupiit and usit be thaim and sett to utheris be thame without impediment, and thairupon desyrit the jugis interlocutor: and the jugis continuit thair interlocutour heirintill to the ix day of Junij nixt to cum, *parte et procuratore apud acta citatis*.

1572, 4th September.—The quhilk day the ballies, consall and communitie of the burght of Hadingtoun efter specifiit, convenand within the tolbutth be the sound of the handbell, consentit and war contentit that the soum of vii merkis mony be providit and gottin in reddines betuex this and Hallowes nixt, as it may best be gottin and maist eselie forgavin, to gif to Georg Scott for his allegit rycht and kyndnes of the Freris, the hail pertinentis thair of, with the crop of the Freir Croft instant, and for all thingis contenit in his allegit infestment thair of; and he to produce and schaw to the toun all his infestmentis thair of, that thair may avise thair of for thair awin securite: and he to declair trewlie that he hes nocht maid ony assedatioun, rycht nor titill thair of to ony uther personis, and with speciallie clause of warrandice, betuex this and the said day.

1572, 10th October.—Item, the Counsall ordanis to borrow fra the

provest sex hundreth merkis mony for performing of the appoyntment betuix the toun and George Scott tueching the Freiris.

1572, 7th November.—The Counsall ordanis all the payvment of the freir kirk to be transportit to the hie kirk and layd thair.

1572, 13th November.—After setting some tacks of the roods of the Freir Wall, the provost and bailies leased to John Gray three roods of the “freir kirk passand north and contenand the chalmer hall and kitching, payand thairfor yeirlie of few maill *xxx s.*”

1572, 13th November.—The rudis of the Freir Croft are feued out to various persons. Also it is statut and ordanit that all the rudis of the Freir Croft be biggit be the personis foirsaidis at the eist end with ane sufficient dyk of stane of ten quartar hycht outhur closit or with sufficient hewin yettis, and that na houses be biggit in the eist pairt of the said croft, and the toun to giff thame stanis for biggin of the samin.

1572, 4th December.—The quhilk day the Counsall ordanis the provest to collect and resaiff payment of the entress of the rudis of the freiris sett of befoir, and to be sett at the ische of the fourtie dayis appoyntit for payment.

The samin day the provest, baillies and counsall ordanis the eist gavill of the freir kirk, fra the soll upe, to be gevin to Thomas Cokburne in Clarkingtoun in gift, and, gif he refusis the samin, the thesaurar to pay to him *xx merkis*, for causes.

The Treasurer is ordered to collect the Martinmas maills from the occupiers of the “freiris houses, doukcat, and yairdis; viz. fra George Congiltoun *ijj li.* for the mekill yaird.”

1572-73, 4th February.—Item ordanis the thesaurar to big ane sufficient wall of lyme and stane betuex the . . . of the freris and Georg Cokburn rud of land on the townis expenses.

1572-73, February, penult.—Item ordanis ane yett to be byggit in the Freir Gowyll be the thesaurar.

Item ordanis the thesaurar to gif to Georg Congilton *ijj li.* mony for his ourgevin of his rycht and kindnes of the freir yard.

The provost, James Cockburn, makes account for the entre silver of the rudis of the freris place and croft and money gottin for the stanis therof.

1573, 29th May.—The Treasurer is ordained to pay to John Mayne *xx li.* of almus for renouncing his title and interest to the place, yardis, houses, doukit or ony part, pendicle or pertinentis of the freiris, sumtyme swa callit. And he gave up a copy of the Instrument of Liferent “of ane chalmer and clost yard” signed by Mr. William Walderston, notary, dated 18th August 1565.

1573, 15th July.—Alsua ordanit the pece eird betuex the tail of the freir stank benorth the water and outwith the dyk to be ropit without entres.

1573, 18th November.—The Counsall ordanis the provest and ballies to charge Thomas Cokburn in Clarkingtoun to demolish, cast doun and away tak the eist gawill of the freir kirk betuex this and Sanct Mungois day nixt to cum, with certificatioun that, gif he do nocht the samyn the toun will cast doun the samyn.

1573, 27th November.—The Consall ordanis the thesaurar to pay to Freir Patrick Alane vj merkis of almus, he subscrievand the townis few chartur of the freris.

1575, 25th March.—The magistrates give license to Thomas Barnis, burgess, and his heirs and assignees, to big, mak and lay our ane passage our ane stank, sumtym callit the freir stank, heretabillie perteing to tham at the north sid of the samyn stank foranentis thair commun grund, and upon the samyn liand at the northt and eist pairtis of the said stank, be quhilk passage he may frelie enter and ische to and fra his yard pertening to him heretabillie, callit the eist freir yard, liand at the wast sid of the said stank, contigue therto, at his plesour, and boundis his said yard to thair said commone at the north pairt thairof, sa that the said Thomas may big ane stane wall langis the northt syd of the said stank for his entres to his said yard alanerlie, providing that the passage of the water of the said stank be na vay stopit be his said entre, nor yit the commone passage, and the samyn entre and wall thairof to be nocht . . . be the counsell, and this present act to be registrat in the tounis bukis.

1577, 22nd November.—The samyn day William Broun, collectour, deliverit to the Counsall Freir Flect memorialle of the freir annuellis, ane rental of the haill annuellis, twa rentalis of the quhere of the annuellis, of the quhere extractit of Alexander Symson prothogoll.

44. EXCERPTS from the Protocol Books of Thomas Stevin, 1565-74, relating to the Grey Friary of Haddington.

1572, 30th October.—*Quo die*, George Scott, sone and apperand ayre of Walter Scott of Syntoun, nocht compellit, seducit nor coactit, bot of his awin fre will, exponit, and, be the faytht of ane gentillman, declarit and said of weritie that he hes nocht sett in tak, assedatioun nor alienatioun, nor gevin in lyfrent . . . ony maner of way disponit the place, houses, manse, yairdis, douket, freir croft nor na pairt, pendicull nor pertinentis thairof, to ony maner of persoun, bot that the samyn is fre at this present. Desuper Alexander Thomsoun et Jacobus Broun, balivi, petierunt instrumentum. Acta in horto Henryci Cokburne, senioris, horam circiter tertiam post meridiem; testibus, Jacobo Horne, Willelmo Broune, seniore, Willelmo Broun, juniore, et Ayrchbaldo Kyle.

Eodem die, Freir Johne Afflect dischairgit, renuncit and gave our his letters of inhibitioun, rasit at his instance upone the said George Scott and all heidis poyntis and contentis thairof, sa that the samyn letters fra thinfurth be of na awaill, force, strenth nor effect, bot null in the self, and grantit the said George fre, and fred and absolvit him thairfra and contentis of the samyn: And for the mair werificatioun heiroyf the said Freir Johne deliverit the saidis letter of inhibitioun to James Cokburne, provest, and to the ballies to be cancellit, cuttit and distroyit. Desuper dictus prepositus petiit instrumentum. Acta infra locum fratrum horam circiter dimediam inter tertiam et quartam post meridiem, testibus, Jacobo Horne, Willelmo Broune, juniore, Willelmo Broune, seniore, Ayrchbaldo Kyle, Johnne Gray et Willelmo Wilsoun et Domino Thoma Congiltoun.

1572, 30th October.—Eodem die dictus prepositus, pro se et nomine dictorum balivorum et communitatis dicti burgi et eorum successoribus, protestabatur quod (sasina) hujusmodi data nullum vehat prejudicium saisine et infeodamento preposito et balivis, communibus, consulibus et communitati dicti burgi pro tempore in antea collatis dicti loci et ceterorum prescriptorum per quondam fratrem Johannem Congiltoun, loci pro tempore predicto gardianum, ante infeofamentum pro dicto Georgio Symsoun desuper confectum nec infeofamentum prius obtento per ipsos per reginam pro tempore existentem omnium et

singularum locorum, terrarum, annum reddituum, alteragiarum et ceterarum aliarum dictis fratribus olim pertinentium sub testimonio sui magni sigilli, sed solum accumulando jura juribus et non alias.

1572, 30th October.—*Eodem die* James Cokburne, provest, Alexander Thomsoun and James Broune, balies, for thameselfis, and in name of the counsell and communitie of the burcht of Hadingtoun and thair successours, band and oblist thame to content and pay to the said Freir Johne Efflett the soume of *xx lib.* mony of few maill yeirlie, at tua termes usit and wont, for the place, house, manse, yairdis, douket, togidder with the croft of land arabill callit the Freir Croft, and with all anwall rentis, pendiculis and pertinentis thairto pertenant, sumtyme pertenant to the freris sumtyme callit the Cordileir Freris, at lenth is to be contentit in the said chairtur to be maid be the said Freir Johne to the saidis provest, baillies, counsell and communitie now present, and to thair successors being for the tyme thairof, all the dayis of his lyftyme alanerlie.

1572, 12th December.—*Quo die*, George Congiltoun renuncit and gafe our in the tounis handis all rycht, titill of rycht, clame, kyndnes and possessioun that he had, hes or may hafe, in and to the convent yaird, sumtyme of the freris, in favoris of the provest, ballies, counsell and communitie of the said burght, and demittit the samyn in thair handis for ever, as heretouris thairof, to be usit fra thinfurth be thame as thair awin proper heritage in tyme cumin. Desuper thesaurarius petiit instrumenta. Acta in pretorio burgi de Hadingtoun, horam circiter primam post meridiem, testibus, Johanne Gray, Jacobo Horne, Jacobo Broun, balivo, Villelmo Broun, utroque.

Eodem die, freir Johne Auchinlect, Wairden sumtyme of the Freris Conventualis of the said burght, for him and his successouris, freris dualland in Hadingtoun, renuncit and gaif our all rycht, titill of rycht and clame that he, or thai may haf in and to ane obligatioun maid under forme of instrument maid be the provest and ballies for thameselfis, and in name of the consell and communitie of the said burght to umquhill Freir Johne Congiltoun, sumtyme Wairden, and to his successours, freris of the place, under the signe and handwritt of Thomas Stevin, notar publict, of the dait xj Octobris anno lix, and all thingis contentit thairin, and is willing that the said instrumentis and contentis thairof be fra thinfurtht of na awaill, force, strenth nor effect, bot null in the self; and, for the mair verificatioun heirof, he deliverit the said instrument in the handis of the said provest, ballies

and counsell to be cancellit. Desuper instrumentum. Acta in pretorio predicto horam circiter nonam ante meridiem; testibus, Johanne Gray, Jacobo Horne, Jacobo Broun, balivo, Vellelmo Broun, utroque.

. . . *Eodem die* the said Freir Johne past to ane chalmer and closter yaird, now occupiit be Johne Mayne, and renuncit his lyfrent of the said chalmer for ever in favouris of the provest, ballies, counsell and communitie of the said burght to be fra thinfurth occupiit and usit be thame as thair awin proper heretage in tyme cumin; and for the mair vereficatioun heirof he deliverit his instrument of sesing of lyfrent of the samyn in the handis of the saidis provest, &c. to be cancellit, and that for the sowme of ten merkis mony payit be tham to him. Desuper instrumentum. Acta apud dictam cameram horam circiter secundam post meridiem; testibus, Johanne Gray, Jacobo Horne, Jacobo Broune, balivo, Vellelmo Broun, utroque.

1574, 21st April.—*Quo die*, Johne Auchinlek, sumtyme callit Freir Johne, Warding of the Freris Minoris of Hadingtoun, deliverit to James Cokburn, provest, Alexander Thomsoun, Johne Carkettill, ballies, and to the counsall of the said burght, and gaif all evidentis, writtings, charturs, sesingis, thingis, letters, contractis and utheris writtings that he hes, as he allegit, quhilkis pertenet to the said freris place and annuellis alsua to thame pertenant lyand within the said burght, to be usit be the said prowest and ballies and thair successours as thair awin evidentis in all and be all thingis as he and the saidis freiris mycht have usit the samyn; and for him and his successouris renuncit all his rycht thairof for ever in favouris of the saidis provest, ballies and thair successouris, and oblist him that in caise ony maner of writtingis pertening to the saidis annuellis ony tyme cumin fra thynefurth be fundin or apprehendit in his handis or be disponit to him be ony maner of persoun efter the dait heirof, of his awin fre will was contentit and consentit and oblist him never fra thynefurthe ask, craif, uplift nor uptak ony maner of few malis nor utheris deuteis aucht yeirlie to him be the saidis provest, ballies, counsell and communitie of the said burght, fra thaim, nowther be himself nor utheris in his nayme haiffand his mandait. Attour, the said Johne Auchinlek maid, constitute and ordanit the said provest, &c. his cessionaris and assignais in and to all annuellis aughtand to him and the place fore[said] be quhatsumever persounis within this burght of ony termes bypast, with powar to thaim to uptak, ask and craif and uplift the samyn fra the creditouris thairof to thair awin use: And that for greit soumes of mony payit be the saidis provest,

ballies, &c. to him thairfore, as he confessit. Desuper Archibald Kyle, thesaurer, in nayme of the haill communitie, askit instrumentis. Acta infra pretorium burgi de Hadingtoun, horam circiter primam post meridiem; testibus A. Hendersoun, . . . Hendersoun, ejus filio et herede apparente, Philipo Gibsoun, Johanne Douglas, juniore, Archibaldo Kyle, cum diversis aliis.

. . . *Eodem die*, Johne Auchinlek, Wardane forsaid, past to ane yard occupiit be James Tuedy pertening to him and the freris of the place foresaid, and thair with his awin handis gaif stait, sesing heretable and possessioun corporalie, realie and actualie, to Archibald Kyle, thesaurar of the said burght, in nayme of the provest, ballies, counsall and communitie of the said burght, and thair successouris of all and haill the foresaid yard with the pertenantis, liand on the eist syd of Poldrat, the myll dam south, the commone gait and grene eist and northe, and the landis of Thomas Symsoun on the west, be delivering of erd and stane of the ground of the samyn in his handis, efter the tenor of ane charture of alienatioun to be maid. Super quibus, dictus Archibaldus, nomine ut supra, petiit instrumentum. Acta super solum dicti horti horam circiter secundam post meridiem; testibus, Alexandro Thomsoun, ballivo, Johanne Douglas, juniore, Roberto Byris et Andrea Quhit, serjando.

DUMFRIES FRIARY

1. CHARTER OF CONFIRMATION, of the right to collect the toll dues of the Bridge of Dumfries, granted by Margaret, Duchess of Touraine, Countess of Douglas, and Lady of Galloway, to the Grey Friars of Dumfries; dated at Thrieve Castle, 16th January, 1425-26. (*MS. Original in Charter Chest of the Burgh of Dumfries.*)

OMNIBUS hanc cartam visuris vel auditoris Margareta, Ducissa Turonie, Comitissa de Douglas, domina Galwidie et Vallis Anandie, Salutem in Domino sempiternam. Noveritis nos, in pura et simplici viduitate nostra, dedisse, concessisse, et hac presenti carta nostra confirmasse, pro salute anime serenissimi principis, Jacobi, Dei gratia, Regis Scottorum illustris, pro salute anime quondam metuendissimi domini et sponsi nostri, Archibaldi, Ducis Turonie, Comititis de Douglas, domini Galwidie et Vallis Anandie, anime nostre, et anime quondam carissimi filii nostri, domini Jacobi de Douglas, et pro salute animarum progenitorum et antecessorum nostrorum, filiorum nostrorum et filiarum nostrarum, et pro salute animarum omnium fidelium defunctorum, Deo omnipotenti, beate Marie Virgini, Sancto Francisco, ac gardiano et Fratribus Minoribus de Drumfres imperpetuum Deo ibidem servituris, totam et integram illam tollam sive custumam, que per antecessores nostros et nos recipi solebat ad finem pontis de Nith de Drumfres: Tenendam et habendam dictam tollam sive custumam cum pertinentiis dictis gardiano et fratribus adeo libere, quiete, integre, honorifice, bene et in pace, in omnibus et per omnia, sine aliqua contradictione vel retinemento, sicut per antecessores nostros aut nos plenius, quietius aut honorificentius tenebatur, recipiebatur aut quomodolibet possidebatur: Reddendo inde annuatim dicti gardianus et fratres orationum suffragia sanctarum pro omni alio servitio, exactione seculari vel demanda, que de dicta tolla vel custuma aliquo aliter exigi poterunt vel requiri. Et nos, vero,

Margareta Ducissa supradicta, sepefatam custumam seu tollam dictis gardiano et fratribus, ut predictum est, warantizabimus, acquietabimus et imperpetuum defendemus. In cujus rei testimonium huic presenti carte nostre sigillum nostrum apponi precepimus, testibus, discretis viris, Magistro Johane M'Ilhauch, rectore de Kirkanderis, secretario nostro, Domino Wilhelmo Jhonsone, capellano nostro, Georgio Mure et Patricio de Spens, cum multis aliis. Apud le Treif decimo sexto die mensis Januarii, anno Domini m^{mo} cccc^{mo} vicesimo quinto.

2. CHARTER OF CONFIRMATION, of the same right, granted by James, ninth and last Earl of Douglas, on 4th January, 1452-53. (*MS. Original, loc. cit.*)

OMNIBUS hanc cartam visuris vel auditoris Jacobus, Comes de Douglas et de Awandale, dominus Galwidie, &c. Salutem in Domino sempiternam. Noveritis nos dedisse, concessisse, et hac presenti carta nostra confirmasse, pro salute animarum magnificorum et potentium dominorum, Jacobi et Wilhelmi, quondam Comitum de Douglas et Awandale ac dominorum Galwidie, progenitoris et fratris nostri carissimi, necnon pro salute anime nostre et animarum antecessorum nostrorum ac pro salute animarum omnium fidelium defunctorum, Deo omnipotenti et beate Marie Virgini, Sancto Francisco, et gardiano ac Fratribus Minoribus de Drumfres imperpetuum Deo servientibus ibidem et imperpetuum servituris, totam et integram illam tollam sive custumam cum pertinentiis, que per antecessores nostros et nos recipi solebat ad finem pontis de Nytht de Drumfres: Tenendam et habendam dictam tollam sive custumam cum pertinentiis dictis gardiano ac fratribus adeo libere, quiete, integre, honorifice, bene et in pace, in omnibus et per omnia, sine aliqua contradictione vel retinemento, sicut per antecessores nostros aut nos plenius, quietius aut honorificentius tenebatur, recipiebatur aut quomodolibet possidebatur: Reddendo inde annuatim predicti gardianus et fratres orationum suffragia sanctarum pro omni alio servitio, exactione seculari vel demanda, que de dicta tolla vel custuma cum pertinentiis aliquantulum exigi poterunt vel requiri. Et nos, vero, Jacobus, Comes supradictus, sepefatam tollam sive custumam sepepredictis gardiano ac fratribus, ut predictum est, warantizabimus, acquietabimus ac imper-

petuum defendemus. In cujus rei testimonium huic presenti carte nostre sigillum nostrum apponi precepimus, testibus, Hugone, Comite de Ormwnde, fratre nostro carissimo, Magistro Wilhelmo Croysere, Apostolice Sedis prothonotario, Dominis Wilhelmo Stewarte et Symone de Glendinwyn de Dalswynton et Glendynewyn, militibus, Magistro Johanne Olyvere, vicario de Kyrkbeyn, et Domino Thoma de Gilhagy, vicario de Tralflate, cum multis aliis. Apud Drumfres quarto die mensis Januarii, anno Domini millesimo quadringentesimo quinquagesimo secundo.

3. EXCERPT FROM CHARTER OF MORTIFICATION, dated 1st March, 1519-20, by John Logan, Vicar of Knowen, under which, *inter alia*, he constituted an annual rent of five merks over a tenement at the Vennelheid in favour of the Grey Friars of Dumfries, in return for the annual celebration of two masses. (*Original unknown, incorporated in Charter of Confirmation by James V., 6th November, 1529; MS. Reg. Mag. Sig., XXVI., No. 34.*)

. . . GARDIANO et conventui ipsorum Fratrum Minorum et suis successoribus *quinque marcas* dicte monete Scotie, nomine annui redditus, ad prescripta festa, Penthecostes et Sancti Martini in hieme, annuatim pro perpetuo, per equales portiones, tantum pro omni alio onere, exactione . . . &c. . . Tenebuntur etiam dictus gardianus et conventus Fratrum Minorum de Drumfres et sui successores, pro predictis quinque marcis annui redditus annuatim levandis et sibi persolvendis ad predicta festa equaliter de predicto tenemento ante et retro cum pertinentiis in lie Freir Vennelheid, et de dicto annuo redditu viginti solidorum integri tenementi ante et retro contigue coadjacentis marchiandi cum dicto cimiterio Fratrum Minorum, per dictum capellanum et suos successores, celebrare annuatim et ebdomadatim imperpetuum, pro anima mea et animabus supradictis, duas missas ad altare Sancti Salvatoris in ecclesia sua situatum versus altare Beate Marie extra chorum, unam videlicet de *Corpore Christi*, cum officio *Cibavit* et cum nota feria quinta, et alteram de *Quinque*

Vulneribus, cum officio *Humiliavit* absque nota feria sexta, inter horas octavam et novenam. Volo et concedo ac ordino, casu quo dictus gardianus et conventus et sui successores negligentes fuerint in celebratione ipsarum missarum, modo, forma et tempore premissis, trina vicem continue et pariter et hoc notorie cognito, volo illo casu quod dictus annuus redditus quinque marcarum prefate monete remaneat exinde pro perpetuo in futurum cum dicto capellano et suis successoribus, pro mea pura et perpetua elimosina, in augmentum annui redditus et proficui dicte capellanie, et ulterius tenebitur idem capellanus et successores sui sumptibus suis celebrare annuatim et imperpetuum unum anniversarium die obitus mei . . . Apud Drumfres, primo die mensis Martii, anno Domini millesimo quingentesimo decimo nono. . . .

4. OBLIGATION, dated 24th June, 1551, by Robert, Lord Maxwell, to pay a yearly sum of four merks, with twenty merks for entry, as the Reddendo on a Feu Charter granted by the Grey Friars of Dumfries to him of part of their lands. (*MS. Inventory in the Burgh Charter Room.*)

Item, OBLIGATION by Robert, Lord Maxwell, to pay to the Wardane and convent of the Friars Minor of Drumfries, being ane reddendo by way of charter, of the summe of four merks Scots yearly, and of twenty merks of entrans *simpliciter*, as the annual rent of the half acre and half rood of land of the east part of their yeard, lying contigue to the said Lord Maxwell's place and tenement in Drumfries, dated the 24th of June, 1551 years.

5. ABBREVIATE of Feu Charter, dated 15th September, 1555, granted by the Friars of Dumfries, with consents, in favour of John Birkmyre; subjects, the Newyards; feu-duty, forty shillings. (*MS. Abbrev.*)

Cartar. Feudifirme Terrar. Ecclesiasticar., I., f. 178, Treasurer's Office, G.R.H.)

ANE Charter maid be Freir Charlis Hume, Wardane of the Freris Minouris of Drumfreise, and hail convent thereof cheptourlie gadderit, with consent of Johnne Fergusson, Maister Provinciall of the hail Ordour of the saidis freris within the realme of Scotland, and Wardane of the Freris Cordeleiris place of Dundie, and with consent of Freir Johne Congiltoun, Wardane of the place of the Freris Cordeleiris of Innerkething, Freir Andro Quhytheid, Wardane of the place of the saidis freris of Lanark, Freir Henrie Cairnis, Wardane of the place of Roxburgh, to Johnne Birkmyre, burges of Drumfreise, his airis and assignais, of All and Hail thai landis of Newyardis, extending in the hail to nyne rudis of land, with the pertinentis, lyand within the territorie of the burgh of Drumfreise and schirefdome of the samyn, betuix the gait or passage passing oute to Poliwadum, callit the Staitfurd, on the eist parte, and the landis callit the Freirhauch on the west part, the commoun landis of the burgh of Drumfreise, callit the Willeis, on the north, and the stane wall, wallit about the orchard or grite yard of the said place, on the south partis: To be haldin of the said Wardane and his successouris, paying thairfore yeirlie the soume of xxxvi s. money of this realme, quhilk the saidis landis payit of befoir in yerlie maill, and foure schillingis in augmentatioun of the rentall, at twa termes, Witsunday and Martymes in winter, be evin portionis. Datit at Innerkething, the xv day of September, the yeir of God m^o v^c fifty-fyve yeris, before witnesses, Freris Christopher Walker, Johnne Afflek, George Law, Herbert Stewart.

ANE INSTRUMENT OF SESING thairupoun, under the signe and subscriptioun manuell of Herbert Cwninghame, notar publict, datit the xxvii day of Marche, the yeir of God m^o v^c fifty-sax yeris, before witnesses, George Moffett, Gilbert M'Cleir, William Cwninghame, burges of Drumfreise, Patrik Banet and Robert Carrutheris, contening the precept of sasing, insert therin, direct to Heleise Welche, James Rig and Johnne Cwninghame, baillies namit thairin. Datit conforme to the said charter gevin be the said Heleise, baille forsaid; witnesses namit in the said precept, [Friars] Johnne Cant, Henrie Cant, Andro Quhitheid, Cristell Walker.

6. FEU CHARTER of the Brig Custom, granted by the Grey Friars of Dumfries in favour of John Johnstone: Feu-duty, £6, 16s. 8d. Dated 10th July, 1557. (*MS. Original in Burgh Charter Room.*)

OMNIBUS hanc cartam visuris vel audituris, Frater Carolus Houm, gardianus Fratrum Minorum de Drumfres, Ordinis Sancti Francisci, et integer conventus loci dictorum fratrum de Drumfres, unanimi consensu et assensu sine discrepantia quacunq̄ue, ad hoc et propter hoc in domo nostra capitulari capitulariter congregati, Salutem in Domino sempiternam. Noveritis nos, cum consensu et assensu reverendi patris, Johannis Fergusone, Magistri Provincialis totius ordinis Fratrum Minorum infra regnum Scotie ubilibet constitutorum, pro bono et gratuito consilio, auxilio, fortificatione et assistentia providi viri, Johannis Johnistoun in Novinholim, filii et heredis honorabilis viri, Eduerdi Johnistoun, burgensis de Drumfres, nobis et nostro loco multipliciter impensis et impendendis, utilitateque nostra et nostro loco antedicto undique previsa et pensata, et in augmentatione redditus et rentalis dicti nostri loci extendentis annuatim ad quadraginta denarios monete Scotie plusquam unquam custuma sive tolla nostra subscripta nobis aut predecessoribus nostris in firma antea annuatim dedit seu persolvit, dedisse, concessisse, assedasse, arandasse, locasse et ad feudifirmam seu emphiteosim hereditarie dimisisse, et hac presenti carta nostra confirmasse, necnon dare, concedere, assedare, arandare, locare et ad feudifirmam seu emphiteosim hereditarie dimittere et hac presenti carta nostra pro perpetuo confirmare, prefato Johanni Johnistoun, heredibus suis et assignatis, totam et integram nostram custumam sive tollam, *lie brig custom* nuncupatam, in omnibus et singulis locis infra territorium burgi de Drumfres, venientem, exeuntem, levantem et percipientem in quibuscunq̄ue locis existentem, cum omnibus et singulis denariis, proficuis et commoditatibus suis ad predictam custumam sive tollam pertinentibus seu juste pertinere valentibus, vel de rite aut consuetudine regni aut jure ad eandem pertinent seu in futurum pertinebunt: Quam custumam seu tollam quondam Eduerdu Johnistoun, pater ipsius Johannis, de antecessoribus nostris in assedatione habuit et idem Johannes, ejus filius et heres, vigore nostri rentalis pro diversis annis futuris possedit et tempore confectionis presentium dietim occupat: Tenendam et habendam totam et integram illam custumam sive tollam, cum singulis et universis suis denariis, proficuis et commoditatibus earundem ac suis

pertinentiis quibuscunque, de nobis nostrisque successoribus, gardianis et conventibus dicti loci seu locum antedictum tenentibus, in feudifirma et hereditate imperpetuum: Reddendo inde annuatim dictus Johannes Johnistoun, heredes sui et assignati, nobis et successoribus nostris sive locum tenentibus, pro firmis de prescripta custuma seu tolla prius solvi solitis et consuetis summam decem marcarum monete Scotie, quam summam predicte custume nobis et predecessoribus nostris antea annuatim in firma persolverunt, et, in augmentatione nostri rentalis et redditus dicti nostri loci, summam trium solidorum et quatuor denariorum monete antedicte, extendentem in universo ad summam *decem marcarum et quadraginta denariorum* annuatim persolvendam ad duos anni terminos, festa videlicet, Penthecostes et Sancti Martini in hyeme, per equales portiones, nomine annualis redditus feudifirme seu emphiteosis tantum, pro omni alio onere, exactione, questione, demanda seu servitio seculari que de predicta custuma seu tolla per quoscunque juste exigi poterunt quomodolibet vel requiri. Et nos vero, Frater Karolus Hwim, gardianus loci Fratrum Minorum de Drumfres, et integer conventus ejusdem loci, necnon Frater Johannes Fergusson, Magister Provincialis dicti ordinis Fratrum Minorum infra regnum Scotie ubilibet constitutorum, totam et integram predictam custumam et tollam, cum suis pendiculis, denariis et proficuis earundem, prefato Johanni Johnistoun, heredibus suis et assignatis, in omnibus et per omnia, adeo libere et quiete, forma pariter et effectu, ut premissum est, contra omnes mortales warantizabimus, acquietabimus et imperpetuum defendemus. In cujus rei testimonium sigillum nostri loci, unacum sigillo nostri Provincialis, huic presenti carte nostre, unacum nostris subscriptionibus, sunt appensa in domo nostra capitulari, decimo die mensis Julii, anno Domini millesimo quingentesimo quinquagesimo septimo, coram his testibus, Johanne Richartsoun, Patricio Kirkmyre, Vilhelmo Thomsoun, Johanne Merchell, Johanne Dasoun, burgensibus de Drumfres, cum diversis aliis. *Frater Carolus Home, gardianus, manu propria; Frater Harbartus Stewart; Frater Cristophorus Valkcar; Frater Richardus Harlaw.*

7. ABBREVIATE of Feu Charter, dated 1st June, 1558, granted by the Grey Friars of Dumfries, with consents, in favour of John MacBrair; subjects, salmon fishings in the Nith; feu-duty six pounds; composition

made with the Crown 8th January, 1567-68. (*MS. Abbrev. Cartar. Feudifirme Terrar. Ecclesiasticar., I., f. 294, G.R.H.*)

ANE Charter maid be Freir Charlis Hume, Wardane of the Freris Minouris of Drumfreis, and hail convent thairof, with consent of Johne Fergusson, Maister Provinciall of the said hail Ordour, and with consent of Freir James Cant, Wardane of the Freris Minouris of Kirkcudbright, and certane utheris Wardanis mentionat thairintill, to the said umquhile Johne M'Brair, burges of Drumfreis, his airis and assignais, off All and Hail thair fischeingis of the Watter of Nyth, with all and sindrie thair commoditeis, proffittis and pertinentis, liand within the territorie of Drumfreis, parrochin thairof and schirefd[ome] of the samin, betuix the watteris of the Lard of Lag and fischeingis thairof on the south and the watter callit Glenga on the north partis : To be haldin of the said Wardane and his successouris, paying thairfore yeirlie the soume of fyve pundis money of this realme, as the maill and dewitie usit to be payit of before, and xx s. in augmentatioun of the rentall yerlie, at twa termes in the yeir, Witsunday and Mertymes in winter, be evin portionis ; and failzeing of payment of the said few maill be the space of thre termes rynnynng togidder, the few to expire. Datit at Drumfreis the first day of Junij, the yeir of God m^o v^c fifty-aucht yeris.

ANE PRECEPT OF SESING thairupoun, separatid be the selff, under the subscriptioun of the said Freir Charlis Hume, Wardane of the place forsaid, and commoun seill thairof and subscriptionis of Freir Herbert Stewart and Freir Cristopher Walker, direct to James Rig, ballie namit thairin, datit at Drumfreis the first day of Junii the yeir of God m^o v^c fifty-aucht yeris, before witnesses, Johne Rechartson, Johnne Edzar, Martine Edzar, burges of Drumfreis, and Herbert Cwninghame, notar public.

ANE INSTRUMENT OF SESING thairupoun, under the signe and subscriptioun manuall of Herbert Cwninghame, notar publict, bering sesing gevin be the baillie forsaid, contenit in the said precept, upon the vi day of May, the yeir of God m^o v^c thre score yeris, witnesses, Robert Mowatt, Johne Amwlegane, Thomas M'Mande, John Richartson, John Edzar, David Welsche, and Martine Edzar.

8. EXCERPT from Feu Charter granted by Robert Douglas, Provost of Lincluden, in favour of John Marshall, burgess of Dumfries, of three roods of the lands of Corbellie Hill, which are described as bounded by certain lands then occupied by the tenants of the Grey Friars of Dumfries, 26th March, 1558. (*MS. Reg. Mag. Sig.*, XXXII., f. 149.)

OMNIBUS, &c. . . ., totas et integras illas tres rudas terrarum mearum de Corbyhill cum suis pertinentiis, jacentes ex parte orientali hujusmodi montis, infra baroniam de Drumsleit et senescallatum de Kirkcudbright, *inter certas terras Fratrum Minorum de Drumfreise*, die dati presentium occupatas per Willielmum Thomesoun, Willielmum Merschell, Patricium Kirkmyre, Robertum Halyday, Isobellam Asslowand, relictam quondam Davidi Makquhirk, ex parte orientali, ex parte una, et certas terras occupatas per Richardum Maxwell ex parte australi, ex parte altera, et certas terras quondam Johannis Aslowand de Corbyhill ex parte occidentali, *et certas alias terras dictorum Fratrum Minorum* occupatas per prescriptum Johannem Merschell ex parte boreali,¹ extendentes in meo rentali in firmis grassimis et omnibus aliis devoriis et debitis servitiis ad summam trium solidorum usualis monete Scotie. Tenendas, etc.

9. FEU CHARTER by Charles Home, Warden of the Grey Friars of Dumfries, in favour of John Richardson and Elizabeth M'Kynnell, his wife, and the survivor of them in conjunct fee: subjects, western portion of the fore-garden of the friary; feu-duty six

¹ In a Registration of Reversion by Barbara and Agnes Richardson, mention is made of five roods of land lying at the Corbellie Hill, within the Parish of Troqueer, "of auld pertaining to the Freir Minoris of Dumfries." (*Instrument recorded 16th March, 1652, MS. Reg. of Sasines (Dumfriesshire)*, vol. V., G.R.H.)

shillings and eightpence. Dated 10th June, 1558.
 (*MS. Reg. Mag. Sig.*, XXXII., No. 534/1.)

. . . OMNIBUS hanc cartam visuris vel auditoris frater Charolus Hume, gardianus loci Fratrum Minorum de Drumfreise, et ejusdem loci integer conventus, ordinis Sancti Francisci, Glasguensis diocesis, Salutem in omnium Salvatore. Quia ex utriusque juris sanctione et serenissimorum Scotie principum statutis in reipublice et regni commodum editis tantum existit et terras et possessiones, tam ecclesiasticorum quam secularium ejusdem, in feudifirmum seu emphiteosim hereditarie concedendas et locandas fore, quo per prudentium virorum curam, sedulitatem et laborem colantur, meliorentur et ad uberiolem fertilitatis cultum producantur; Noveritis igitur nos unanimiter, unanimi consensu et assensu ad hoc capitulariter congregatos, necnon cum expressis consensu et assensu discreti patris, Johannis Fergussonne, Magistri Provincialis totius ordinis Fratrum Minorum infra regnum Scotie ubilibet constituti, gardianique loci Fratrum Minorum de Dunde, diligentibus tractatibus et maturis deliberationibus prehabitis, in evidentem utilitatem dicti nostri loci et augmentationem rentalis ejusdem, necnon pro certis pecuniarum summis aliisque benemeritis et auxiliis nobis et dicto nostro loco per nostrum dilectum amicum et servitorem, Johannem Richartsoun, burgensem burgi de Drumfreise, pro consilio, fortificatione et assistentia ejusdem, nobis multipliciter factis et correctione nostre ecclesie, quibus loci in nostra urgenti necessitate totaliter et integre persolutis, necnon pro politia in regno habente, dedisse, concessisse, assedasse, arrandasse, locasse et ad feudifirmam seu emphiteosim hereditarie dimisisse, et hac presenti carta nostra confirmasse, necnon dare, concedere, assedare, arrandare, locare et ad feudifirmam seu emphiteosim hereditarie dimittere, et hac presenti carta nostra confirmare, dicto Johanni Richartsoun et Elizabeth M'Kynnell, sue sponse, et eorum alteri diutius viventi, in conjuncta infeodatione, suisque heredibus de corporibus suis procreatis seu procreandis, quibus forte deficientibus propinquioribus heredibus dicti Johannis et suis assignatis quibuscunque, totam et integram portionem terrarum nostri horti jacentem in burgo de Drumfreise ex parte boreali ejusdem, infra bondas sive limites fundi dicti nostri loci fratrum, continentem novemdecim ulnas terrarum in latitudine et viginti octo ulnas in longitudine, cum suis pertinentiis, marchiantem et limitantem cum passagio tendente a via regia, venella fratrum nuncupata, per nostrum hortum ex orientali latere insule Sancti Johannis Baptiste ad nostre ecclesie chorum ex

parte orientali, et predicta fratrum venella ex parte australi, et passagio per orientale gabellum novi tenementi Davidis M'Ghee, noviter edificati, ad fratrum gradus finem, tendente ad interiorem portam dicti nostri loci fratrum nostro magno cubiculo coadjacentem, ex parte occidentali, et boreali [australi?] muro prefate nostre fratrum ecclesie ex parte boreali: Tenendam et habendam totam et integram prefatam terrarum portionem nostri horti prenominati cum suis pertinentiis, prout supra expressatur, prescriptis Johanni Richartsoun et Elizabeth M'Kynnell, sue sponse, et eorum alteri diutius viventi, in conjuncta infeodatione, suisque heredibus prenominatis et suis assignatis, de nobis et nostris successoribus, in feudifirma seu emphiteosi et hereditate imperpetuum, per omnes rectas metas suas antiquas et divisas, prout jacent in longitudine et latitudine, in domibus, edificiis, muris, marresiis, lignis, lapidibus, lapide et calce, cum libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis et asiamentis ac justis suis pertinentiis quibuscunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, procul et prope, ad predictam portionem terrarum horti nostri prenominati cum suis pertinentiis spectantibus, seu juste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo impedimento, revocatione, contradictione aut obstaculo aliquali: Reddendo inde annuatim dicti Johannes Richartsoun et Elizabeth M'Kynnell, sua sponsa, et eorum alter diutius vivens, sui que heredes et assignati, nobis et successoribus nostris summam *sex solidorum et octo denariorum* usualis monete regni Scotie, ad duos anni terminos consuetos, festa videlicet, Penthecostes et Sancti Martini in hieme, per equales portiones, nomine feudifirme; necnon heredes dicti Johannis duplicantes dictam feudifirmam prescripte portionis terrarum primo anno eorum introitus ad eandem, prout usus est feudifirme, tantum, pro omni alio onere, exactione, questione, demanda seu servitio seculari, que de predictis terris cum pertinentiis per quoscunque juste exigi poterint quomodolibet vel requiri. Et nos vero et successores nostri totam et integram prefatam portionem terrarum nostri horti cum suis pertinentiis prefato Johanni Richartsoun et Elizabeth M'Kynnell, sue sponse, et eorum alteri diutius viventi, suisque heredibus prenominatis et suis assignatis, in omnibus et per omnia, adeo libere et quiete, forma pariter et effectu, ut premissum est, contra omnes mortales warrantizabimus, acquietabimus et imperpetuum defendemus. Insuper dilectis nostris Roberto M'Kynnell et Willelmo Thomsoun, burgensibus de Drumfreise, et cuilibet eorum conjunctim et divisim, ballivis nostris in hac parte specialiter constitutis, salutem; vobis precipimus et mandamus

quatenus, visis presentibus, indilate statum, sasinam pariter et possessionem hereditariam predicte portionis terrarum prefatarum horti cum suis pertinentiis predictis Johanni Richartsoun et Elizabeth M'Kynnell, sue sponse, et eorum alteri diutius viventi, in conjuncta infeodatione, vel suis certis attornatis latoribus presentium, per terre et lapidis traditionem, ut moris est, deliberetis et haberi faciatis secundum carte predicte tenorem quam de nobis inde habent; ad quod faciendum vobis et vestrum cuilibet, conjunctim et divisim, ballivis nostris antedictis, nostram plenariam et irrevocabilem tenore presentium committimus potestatem. In cujus rei testimonium sigillum nostrum commune, cum sigillo prefati Magistri Provincialis, unacum nostris subscriptionibus manualibus, presentibus sunt appensa, apud dictum nostrum locum de Drumfreise, decimo die mensis Junii, anno Domini millesimo quingentesimo quinquagesimo octavo, coram his testibus, Roberto M'Kynnell, Williélmo Thomsoun, et Johanne Makjoir, burgense de Drumfreise, et Davide Welsche cum diversis aliis.

10. FEU CHARTER granted by Charles Home, Warden of the Grey Friars of Dumfries, in favour of John Richardson, burgess; subjects, 10 roods of the Freirhauch; feu-duty, £2, 2s. 6d. Dated 14th June, 1558. (*MS. Reg. Mag. Sig.*, XXXII., No. 534/2.)

. . . OMNIBUS hanc cartam visuris vel auditoris frater Carolus Hume, gardianus Fratrum Minorum de Drumfreise, Ordinis Sancti Francisci, et integer conventus loci dictorum fratrum de Drumfreise, unanimi consensu et assensu, sine discrepantia quacunque, ad hoc et per hoc in domo nostra capitulari capitulariter congregati, Salutem in Domino sempiternam. Noveritis nos, unanimi consensu et assensu reverendi patris, Johanni Fergusone, Magistri Provincialis totius ordinis Fratrum Minorum infra regnum Scotie ubilibet constituti, gardianique loci Fratrum Minorum de Dundie, diligentibus tractatibus et maturis deliberationibus prehabitis, in evidentem utilitatem dicti nostri loci et augmentationem rentalis ejusdem, necnon pro diversis pecuniarum summis, aliis benemeritis et auxiliis nobis et dicto nostro loco, et pro bono et gratuito consilio, fortificatione et assistentia discreti viri,

Johannis Richartsoun, burgensis de Drumfreise, nobis multipliciter impensis et impendendis, et in augmentationem annualis redditus dicti nostri loci de Drumfreise, extendentem annuatim ad duos solidos et sex denarios monete Scotie plusquam terre nostre subscripte cum pertinentiis nobis aut predecessoribus nostris in firma antea annuatim dederunt seu persolverunt, dedisse, concessisse, assedasse, arrandasse, locasse et ad feudifirmam seu emphiteosim dimisisse, et hac presenti carta nostra confirmasse, necnon dare, concedere, assedare, arrandare, locare et ad feudifirmam seu emphiteosim hereditarie dimittere, et hac presenti carta nostra pro perpetuo confirmare, prefato Johanni Richartsoun, heredibus suis et assignatis, totas et integras illas terras nostras, *lie Freirhauch* vocatas, extendentes in universo ad decem rudas terrarum cum pertinentiis, quas tempore confectionis dicte nostre carte idem Johannes de nobis in assedatione habuit et occupavit, jacentes infra territorium dicti burgi et vicecomitatum ejusdem, inter unam acram nostrarum terrarum dictarum *lie Freirhauch*, in manibus Johannis Cunynghame existentem, ex parte boreali, terras et tementa, *lie Newtoun* vocata, ex parte australi, muros nostros papales ex parte orientali, et sabulam sive aquam de Nyth ex parte occidentali: Tenendas et habendas totas et integras illas predictas decem rudas terrarum, *lie Freirhauch* vocatas, cum suis pertinentiis, predicto Johanni Richartsoun, burgensi antedicto, heredibus suis et assignatis, de nobis et successoribus nostris, gardianis et conventu loci de Drumfreise, in feudifirma seu emphiteosi et hereditate imperpetuum, per omnes rectas metas suas antiquas et divisas, prout jacent in longitudine et latitudine, tam subtus terra quam supra terram, procul et prope, tam non nominatis quam nominatis, ad predictas decem rudas terrarum, *lie Freirhauch* vocatas, cum suis pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo impedimento, revocatione aut contradictione aliquali: Reddendo inde annuatim dictus Johannes Richartsoun, heredes sui et assignati, nobis et successoribus nostris *sexdecim solidos usualis monete Scotie pro qualibet acra dictarum decem rudarum terrarum* et octo solidos pro dimedia acra cum suis pertinentiis, sicut relique nostre terre sive acre nobis persolverunt seu persolvunt, ac etiam, pro augmentatione nostri rentalis et annualis redditus dicti nostri loci, summam *duorum solidorum et sex denariorum* prescripte monete, annuatim, ad duos anni terminos, videlicet, festa Penthecostes et Sancti Martini in hieme, per equales portiones, nomine annualis redditus feudifirme seu emphiteosis tantum, pro omni alio onere, exactione, questione, demanda seu servitio seculari que de predictis decem rudis terrarum cum suis pertinentiis

per quoscunque juste exigi poterint quomodolibet vel requiri. Et nos vero, frater Carolus Hume, gardianus predicti loci, et integer conventus ejusdem, necnon frater Johannes Fergusone, Magister Provincialis totius dicti ordinis Fratrum Minorum infra regnum Scotie ubilibet constituti, et nostri successores, totas et integras prescriptas decem rudas terrarum de Freirhauch cum suis pertinentiis prefato Johanni Richartsoun, heredibus suis et assignatis, in omnibus et per omnia, adeo libere et quiete, forma pariter et effectu, ut premissum est, contra omnes mortales warrantizabimus, acquietabimus et imperpetuum defendemus. In cujus rei testimonium sigillum nostrum commune, unacum sigillo Magistri Provincialis in signum sui consensus, necnon cum nostris subscriptionibus manualibus et nostri conventus, ad premissa sunt appensa apud Drumfreise, decimo quarto die mensis Junii, anno Domini millesimo quingentesimo quinquagesimo octavo, coram his testibus, Johanne Hereise, Willielmo Thomsoun, Roberto M'Kynnell et Johanne Diksoun, cum diversis aliis.

11. FEU CHARTER granted by Charles Home, Warden of the Grey Friars of Dumfries, with consent, in favour of John Marshall, burgess: subjects, one acre of the disjoined lands in the Parish of Troqueer and the eastern portion of the fore-garden of the friary in Dumfries; feu-duty, twenty shillings and eightpence. Dated 8th July, 1559. (*Loc. cit.*, XXXII., No. 149/2; *Abbreviate of same registered after payment of composition in MS. Abbrev. Cartar. Feudifirme Terrar. Ecclesiasticar.*, I., f. 155.)

. . . OMNIBUS hanc cartam visuris vel audituris Charolus Hume, gardianus loci Fratrum Minorum de Drumfreise et ejusdem loci conventus, Glasguensis diocesis, Salutem in Domino sempiternam. Quum ex utriusque juris sanctione ac serenissimorum Scotie principum statutis in reipublice et regni commodum editis tantum existit et terras et possessiones, tam ecclesiasticorum quam secularium ejusdem, in emphiteosim seu feudifirmam hereditarie concedendas, quo per

prudentium virorum curam, sedulitatem et laborem colantur, meliorentur et ad uberiorem fertilitatis cultum producantur ; Noveritis igitur nos, cum expresso consensu et assensu venerabilis et discreti patris, fratris Johannis Fergusson, Provincialis totius ordinis Fratrum Minorum infra regnum Scotie ubilibet constituti, unanimiter et ad hoc capitulariter congregatos, diligentibus tractatibus et maturis deliberationibus prehabitis, pro certis gratitudinibus benemeritis nobis et dicto nostro loco per honestum virum, Johannem Merschell, mercatorem et burgensem burgi de Drumfreis, multipliciter prestitis et datis, necnon pro diversis pecuniarum summis ad reparationem et correctionem dicti nostri loci per eundem Johannem persolutis, dedisse, concessisse, assedasse, arrandasse, locasse et ad feudifirmam seu emphiteosim hereditarie dimisisse et hac presenti carta nostra confirmasse, necnon dare, concedere, assedare, arrandare, locare et ad feudifirmam seu emphiteosim hereditarie dimittere, et hac presenti carta nostra confirmare, dicto Johanni Merchell suisque heredibus et assignatis totam et integram nostram acram terre cum pertinentiis, jacentem in parochia de Troqueir, infra senescallatum de Kirkcud-brycht, inter viam regiam ex parte orientali, certas terras nostras in manibus Willelmi Thomesoun, burgensis de Drumfreis, ex parte australi, et terras vulgo nuncupatas *baxtaris croft*, preposito de Linclouden spectantes ac instanter occupatas per Johannem Makgowne, ex parte occidentali, et certas terras nostras in manibus Johannis Tod, junioris, ex parte boreali ; Necnon certam portionem terre nostri anterioris horti, jacentem in burgo de Drumfreis versus venellam fratrum, inter nostrum chorum ecclesie ex parte boreali, et tenementa quondam Cristophori Lowry et Andree Mathesoun ex parte orientali, et dictam venellam fratrum ex parte australi, et passagium tendentem a dicta venella fratrum ad nostrum chorum ex parte occidentali, extendentem in longitudine ad viginti sex ulnas et undecim ulnas in latitudine, cum suis pertinentiis, quamquidem acram terre prenominatam, cum prescripta portione nostri anterioris horti supra expressata, dictus Johannes Marchell perprius de nobis in assedatione habuit et habet, extendentibus annuatim nostro in rentali, firmis ejusdem acre terreque prefate portione terre horti prenominati invicem computatis, ad summam viginti solidorum usualis monete regni Scotie : Tenendam et habendam totam et integram prefatam acram terre, cum portione terre nostri anterioris horti supra expressata, cum suis pertinentiis, dicto Johanni Merschell suisque heredibus et assignatis de nobis et successoribus nostris, in feudifirma seu emphiteosi et hereditate imperpetuum, per omnes rectas metas suas antiquas et divisas, prout jacent in longitudine et latitudine, in

domibus, edificiis, muris, murenis, lignis, lapicidiis, lapide et calce, cum libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis, asiamentis ac justis suis pertinentiis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, procul et prope, ad predictas terras cum pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo impedimento, revocatione, contradictione aut obstaculo aliquo: Reddendo inde annuatim dictus Johannes Marcell, sui que heredes et assignati, nobis et successoribus nostris summam *viginti solidorum* monete regni Scotie, tanquam firmam ante presentem infeodationem solvi solitam et consuetam, necnon summam *octo denariorum* pro augmentatione nostri rentalis, ad duos anni terminos, Penthecostes et Sancti Martini in hyeme, per equales portiones; ac etiam heredes dicti Johannis duplicantes dictam feudifirmam primo anno eorum introitus ad predictas terras, prout usus [est], feudifirme tantum, pro omni alio onere, exactione, questione, demanda seu servitio seculari, que de eisdem per quoscunque juste exigi poterint quomodolibet vel requiri. Et nos vero, cum consensu et assensu prefati Johannis Fergussonne, nostri Magistri Provincialis antedicti, et successores nostri pro tempore existentes, totam et integram prefatam acram terre unacum portione terre prenominati nostri anterioris horti, prout jacent in longitudine et latitudine, cum suis pertinentiis, ut supra expressatur, dicto Johanni Marcell suisque heredibus et assignatis adeo libere, in omnibus et per omnia, forma pariter et effectum, ut premissum est, contra omnes mortales warantizabimus, acquietabimus et imperpetuum defendemus. Quocirca dilectis nostris, Johanni Richardsoun et Willelmo Thomesoun, burgensibus burgi de Drumfreis, et vestrum cuilibet, conjunctim et divisim, ballivis nostris in hac parte specialiter constitutis, salutem: Vobis et vestrum cuilibet, conjunctim et divisim, firmiter precipimus et mandamus, quatenus visis presentibus, indilate statum, sasinam hereditariam pariter et possessionem corporalem, actualem et realem totius et integre prescripte acre terre, necnon prefate portionis terre nostri anterioris horti prenominati, cum omnibus et singulis suis pertinentiis, dicto Johanni Marcell, vel suo certo attorney latori presentium, secundum tenorem suprascripte carte, juste haberi faciatis et deliberetis, et hoc nullo modo omittatis. Ad quod faciendum vobis et vestrum cuilibet, conjunctim et divisim, nostram plenariam et irrevocabilem tenore presentium committimus potestatem. In cujus rei testimonium sigillum nostrum commune capituli dicti nostri loci, cum sigillo dicti Magistri Provincialis nostri antedicti, unacum nostris subscriptionibus

manualibus, presentibus, est appensum apud dictum nostrum locum Fratrum Minorum de Drumfreise, octavo die mensis Julii, anno Domini millesimo quingentesimo quinquagesimo nono. . . .

12. DEED OF AGREEMENT between Charles Home, Warden of the Grey Friars of Dumfries, and Archibald MacBrair, Provost of Dumfries, as an individual, whereby the said Warden farmed out to the said Provost the lands and revenues of the friary in his possession as liferenter in return for an annual payment of £43, 12s. 10d. Dated 23rd May, 1569. (*MS. Reg. of Deeds*, IX., f. 419; *G.R.H.*)

AT Edinburcht, the xxiii day of May, the yeir of God m^ov^olxix yeiris. It is appointit, aggreit and fynalie concordit betuix Archebault Makbrair, provest of Dumfreis, on that ane pairt, and Charlis Home, sumtyme Wardane of the Cordileris Freiris of Dumfreis, on that uther pairt, in maner forme and effect as eftir followis. That is to say, the said Charlis Home, Wardane foirsaid, to haif sett and for maill lattin, and be the tenour heirof settis and for maill lattis, to the said Archebault McBrair, his airis and assignayis, All and Haill the landis, annuel rentis, fischeingis, houssis, yardis and uther pertinentis, with the half custome of the brig of Dumfreis, with all malles, fermes, proffettis and dewiteis quhatsumever, perteining to the said Charlis as Wardane foirsaid, for all the dayis and termes of thre yeiris, and fra thre yeiris in thre yeiris induring all the dayis and termes of the said Charlis lyfityme, with power to him to ressaif, craif, intromet, uplift, collect and gadder all and sindre the proffettis, emolumentis and dewiteis thair of fra the tennentis, occupyaris, lauboraris, and manuraris thair of, and to gif acquittances thairupoun als oft as neid beis, quhilk sal be als sufficient as gif the said Charlis had gevin the samin himself. And the said Archebault to apply all and sindre the foresaid . . . annualis and utheris dewiteis perteining thairto to his awin use during the space abovewrittin, the said Archebault McBrair entress thairto to be and begyn at the day and dait heirof. Payand thairfoir yeirlie the said Archebault McBrair, his airis and executouris,

to the said Charlis Home, his factouris and servitouris, in his name, yeirlie within the burght of Edinburght the sowme of xliiii li., xii s., x d. usuale money of this realme, at twa termes in the yeir, Witsunday and Mertymes in wyntir, be equale portionis, induring all the dayis and termes of the said Charlis lyfytyme; the first termes payment thair of to be and begyn instantlie at the day and dait heirof, quhilk is the Witsunday terme approcheand, the quhilk sowme the said Charlis be the tenour heirof granttis me to haif ressavit instantlie at the making heirof. And for suir payment of the said sowme of xliiii li., xiis., xd., yeirlie and termelie at the termes foirsaidis, or within xv dayis thaireftir ilk terme at the farrest, the said Archebauld McBrair hes fundin, and, be the tenour heirof, findis Andro Cuninghame, burges of Dumfreis, and Johne Dunbar, burges of Edinburght, with himself cautioneris and souerteis, conjunctlie and severalie, quha ar becumin cautioneris and souarties, as said is, and bindis and oblissis thame, thair airis and executouris to content and pay to the said Charlis the foirsaid sowmes, at the termes foirsaidis [or] within xv dayis thairefter, as said is. And for the mair securitie, bayth the saidis parteis ar content that this writting and letter of tak be insert and registratt in the Buikis of Counsale to haif the strenth of ane act and decreit of the Lordis thair of in tyme to cum, and letters and executoriallis to be direct thairupoun, of horning or poinding to pas thairupoun at the will and plesour of partie upoun the foirsaidis personis and cautioneris foirsaidis, and that the executioun of the ane preuge nocht the uther. Attour, the said Archebauld McBrair bindis and oblissis him, his airis, executouris and assignayis, to releif the saidis Andro Cuninghame and Johne Dunbar, and siclyk the said Archebauld McBrair and Andro Cuningham bindis and oblissis thame, conjuncttie and severalie, to releiff the said Johnne Dunbar anent the said cautioun; and is content that letters and executorialis be direct at ather of thair instances aganis the said Archebauld for thair releiff, as may be direct at the said Charlis instance aganis thame in forme as efferis. In witnes of the quhilk thing the foirsaidis parteis and cautioneris abovewrittin hes subscrivit this writting and letter of tak with thair handis as followis, day, yeir and place foirsaidis, befor thir witnesses, James Hill, Robert Campbell and James Williamsoun, notaris publict, with utheris diverse. Sic subscribitur, *Archebauld Makbrair; Charlis Home, w^t my hand; Andro Cuninghame, w^t my hand; Johnne Dunbar, w^t my hand at the pen led be James Williamsoun, notar publict, becaus I culd nocht wreitt myself.* Ita est Jacobus Williamsoun, notarius publicus, de mandato dicti Johannis scribere nescientis, &c.

13. DEED OF AGREEMENT between the said Charles Home and certain Representatives of the Burgh of Dumfries, whereby, in return for an annual payment of £20, the said Warden agreed to farm out to the burgh the lands and rents leased in the preceding agreement, now rescinded at the risk of the burgh. Dated 22nd November, 1569. (*Loc. cit.*, XI., f. 171.)

IN presens &c. . . . At Edinburgh, the xxvii day of November, the yeir of God m^ov^ol^oixix yeiris. It is appointtitt, aggreitt and finalle concordit betwix thir pairteis following, to witt, Charlis Houme, Wardane of the Cordeler Freiris of Dumfreis, on thatt ane pairt, and James Rig, Patreik Newell, bailleis of the said burgh of Dunfres, Johne Richertsoun and Johne Maxwell, burgesses of the said burgh, for thameselffis and takand the burding upone thame for the communitie of the said burgh of Dunfreis, on that uther pairt, in maner forme and effect as efter followis. That is to say, the said Charlis Houme, Wardane foirsaid, hes sett and for maill lettin, and, be the tenour heirof, settis and for maill lattis to the saidis personis, thair successouris, airis, executouris and assignais, All and Haill the annual renttis, feitschingis, yairdis, housses and thair pertinenttis, with the halff customes of the brig of Dunfreis, and all mailles, fermes, proffeittis and dewteis quhatsumever, pertening or that rychtuuslie may pertene to the said Charlis as Vardane, als weill nocht nemmitt as nammit, in ony maner of vay possessitt be the said Charles, presentle or in ony tyme bypast, for all the dayis, space and tarmes of thre yeiris in thre yeiris, induring all the dayis, tarmes and space of the said Charles lyftyme, fullele and togidder to be compleitlie outrunnin fra thair entre thairto, quhilk sall be and bygane att the Feist of Vitsunday nixt to cum and thairefter to indour; and thairefter to be peceable bruikit, joysitt, sett, usit and disonitt be the said James Rig, Patreik Newell, bailleis, Johne Rychertstone, William Maxwell and communitie of the said burgh, thair airis, executouris and assignais and successouris unto the eische and finall end of the saidis thre yeiris, and fra thric yeiris in thric yeiris during the said Charlis lyftyme, as said is, with houses, biggingis, yairdis, toftis, croftis, meidous, lesouris, with common pastor, frie ische and entre, and with all and sindre commodeteis and utheris fredomes, aisimenttis and rychtius pertinenttis, pertening or that rychtuuslie may

pertene to the said Charles, Vardane foirsaid, frelie, quietlie, weill and peax, but obstakill, impediment or aganecalling quhatsumever. For the quhilk tak and assedation maid be the said Charles in maner foirsaid, the saidis James Rig and Patreik Newell, bailleis foirsaidis, Johne Richertsonne and Johne Mexwell, burgesses abovevrittin, for thameselffis and taking the burdin upone thame for the communitie of the said burgh, bindis and oblissis thame, conjunctle and severalie, thair airis, executouris, assignais and successouris, to content, pay and thankfullie deliver yeirle to the said Charles, Vardane foirsaid, the sowme of *twente poundis* mony of this realme, at twa tarmes in the yeir, Vitsounday and Mertimes in vynter, be equall portionis yeirle, to be payitt within the burgh of Edinburgh att the saidis tarmes, or within xl dayis nixt efter ilk tarme. And giff itt sall happin that the saidis bailleis, burgesses and utheris abovevryttin failye in non-payment of the said sowme at the saidis tarmes, or within xl dayis thairefter, as said is, thay, be thir presents, bindis and obleissis thame, conjunctlie and severalie, as said is, to pay to the said Charles vi s., viii d. daylie for ilk day that he remains in the said burgh of Edinburgh awayting for paymentt of the said sowme efter the said xl dayis efter ilk tarme be bypast, for his expenses and dampneg sustenit be him, togidder with the said principall sowme in thair default. And also the said Charlis Home, Varrand foirsaid, be the tenour heirof, bindis and oblissis him, his airis, executouris, assignais and successouris to varrand, acqytt and defend this present tak and assedatioun to the saidis James and Patreik, bailleis foirsaidis, Johne Richertsonne and Johne Mexvell foirsaidis, burgesses abounvrittin, for thameselffis and the communitie of the said burgh, thair airis, assignais and successouris as (said) is, in all and be all thingis, as is abounwrittin, aganes all deidlie as law vill, butt fraud or gill. And forsameikle as thar ves ane uther contract and appointmentt maid betwix Archibald McBraire, provest of Dumfress, as principall, Andro Cunninghame, burges of the said burgh, and Johne Dunbar, burges of Edinburghe, cautionaris and souerteis for him, on thatt ane partt, and the said Charles, on that uther partt, registratt in the Buikis of Consall of the daitt the xxiii day of May, the yeir of God m^ov^olxix yeiris, tuiching this letter of tak and mater abounmentionett, the said Charles is content, for his pairtt, and alsua the saidis personis takand the burding upone thame for the said burgh, that the same be deleitt and extornitt furth of the saidis Buikis and haiff na forther strenth nor effect in tyme cuming, and thatt na letters nor executoriallis be direct nor rasitt thairupon att the said Charles instance aganes the said Archibald and his saidis cautioneris in ony tyme

heirefter. And for mair suir observing and keeping of the premisses, baith the saidis parteis ar contentt and consenttis that this present contract and tak and assedation foirsaid be actitt and registrant in the Buikis of Consall, to haiff the strenth force and effect of thair act and decreitt in tyme to cum, and letters and executorialis to be direct thairupoun of horning or poynding att the parteis plesour, and that the execution of the ane prejuge nocht the uther, als weill for the varrandece as for payment of the said yeirlie dewtie abounvryttin. Providing alveyis that it be nocht lesom to the said Charles to varrand the fourte merkis, that the said toun of Drumfreiss payis and the Schireff of Teviotsdaill payis and makis compt in the Chakker, and als that this present tak be extenditt to the commonte of the said burgh quha had thair cornis eittin be my Lord Regenttis grace in speciall. In vitness of the quhillk thing we haif subscrivit this present contract and letter of tak with our handis at Edinburgh, the xxii day of November, the yeir of God m^ov^olxix yeiris, befoir thir vitnesses, James Hill, Robert Campbell and James Villiamson, notarie publick, with utheris diverse. Sic subscribitur—*Johne Maxwell, w^t my hand at the pene led be the notar vnderwrittin at my command ; Charles Home, w^t my hand ; James Rig, w^t my hand ; Patreik Newell ; Jhone Richertson.*

Ita est Jacobus Villiamson, notarius publicus, de speciali [mandato] dicti Johannis scribere nescientis.

14. HOLOGRAPH RECEIPT by the said Charles Home for the half-yearly payment due under the preceding agreement at Martinmas, 1570. Dated 4th April, 1571. (*MS. Original in Burgh Charter Chest.*)

I, CHARLIS HWYM, lyifrenttar of the anuellis, landis, mailis and profettis of the commoditeis of the Freris Minoris place in Drumfreis, grantis me to haif resewit, be deliverance of William Cunyngham, sone and air of umquhill Johne Cunyngham, burges of Drumfres, in the name and behalf of James Rig, Patrik Newall, Johnne Maxwell and Johnne Richertson, takismen of the saidis rentis, annuellis, landis and profettis, the sowme of ten pundis usuale mony of Scotland, for the payment of the Mertymes term in vinter, the yeir

of God m^ov^elx ten yeirs, in compleit payment thair of conform to the assedatioun maid and insert in the Buikis of our Soverane Lordis Counsale. Off the quhillk sowme of ten pundis mony foirsaid, deliverit to me as said is, for the causis above expremit, I hald me weel contentit and thankfully payit be the said William in exonerig of the abovewrittin James, Patrik, Johnne and Johnne, takismen, and, be this present, exoneris and quitclames the saidis James Rig, Patrik Newall, Johnne Mexwell and Johnne Richartstone, and the said William for his interes, thair airis, executouris and assignais, and all utheris havand interes in tyme to cum, for ever be this my simpliciter discharge. Subscrivit be me at Edinburgh, the fourt day of Aprile, the yere of God m^ov^elx ellevin yeris, befor thir vitnes David Horne, burgess of Edinburgh, Andro Charterhouse and Alexander Castelleno, with utheris diverse. *Charlis Home w^t my hand.*

15. LETTER OF GIFT, under which the annuity of twenty merks, formerly payable to the Grey Friary of Dumfries from the Castlewards of Roxburgh, was revived as a pension for Warden Charles Home. Dated 6th July, 1586. (*MS. Reg. Privy Seal, LIV., f. 43.*)

ANE Letter maid makand mentioun thatt thir wes of auld grantit and gevin be our Soverane Lordis maist noble progenitouris of guid memorie to the Wardane and freiris, sumtyme of the place situat besyde the burgh of Drumfreis, the sowme of twentie merkis money of this realme, furth of the Castell Wairdis within the schirefdome of Roxburgh, and that the saidis Wardane and freiris of the place foirsaid wer in possessioun of uplifting of the sowme abovewrittin thir mony yeiris bygane, lyke as Charlis Home, Wardane of the said place for the tyme, wes in possessioun of uplifting thair of dyveris yeiris preceeding the alteratioun of religioun within this realme. And, having consideratioun of the said Charles being of grit age, and willing to support him in his miserabill and aigit dayis, gaif and disponit to him the foirsaid sowme of twentie merkis of the Castell Wairdis foirsaidis during his lyiftyme, as alsua of all yeiris restand awand quhair of compt wes nocht maid in Chekker, as the said letter

maid thairupoun, of the dait the xxi day of Marche the yeir of God m^ov^elxxx ane yeiris at mair lenth proportis. And His Majestie upoun guid considerationis, movit and willing that the gift foirsaid sall remane guid, valide and sufficient to the said Charlis during his lyiftyme, and that the samin sall not be revocable be ony of His Hienes revocatiouns maid or to be maid, thairfore ratifeis and approvis the gift abovewrittin of the sowme and dewitie above-specifeit during his lyiftyme, in all pointis therin contenit efter the tennour thairof, and of new gevis, grantis and disponis to the said Charlis the foirsaid sowme and dewitie of all yeiris bygane restand awand and siclyke in tyme cuming during thair lyiftyme, etc. At Edinburgh, the sext day of July the yeir of God foirsaid [1586]. *Per signaturam.*

16. AGREEMENT between Sir James Douglas of Cavers and the Friars of Dumfries, whereby the sum of 240 merks due to them by him, as Sheriff of Roxburgh, was reduced to 120 merks, provided that payment by instalment was made *ut intus*. Dated 19th September, 1554. (*MS. Reg. Acts and Decrees, VIII., f. 613, G.R.H.*)

. . . At Edinburcht, the xix day of September, the yeir of God m^ov^elxlviij yeiris. It is appunctit, aggreit and finalie concordit betuix ane honorable man, Sir James Douglas of Caveris, knycht, Schireff principale of the schirefdome of Roxburcht, on that ane part, and Freir Charlis Home, Wardane of the Freris of Drumfres, for himself and in name and behalf of the remanent of his brethir, on that uther part, in maner as eftir followis. That is to say, forsamekle as the saidis Freris ar infest of the sovme of xx merkis money of this realm be our Soverane Ladeis maist noble predicessouris, quhome God assolze, to be tane up yeirlie of the Castell Wardis of the said schirefdome, and suld haif bene payit be the Schireff thairof to the saidis Freris, and allowit to him in his comptis in the Chekker; and the said Schireff restis awand to the saidis Freris the sovme of tuelf scoir merkis of termes bypast, onpayit to the saidis Freris of all

termes bypast preceding the dait heirof, comprehendand the Mertimes term nixt to cum heirintill: And for certane gud caussis moving the saidis Freris, thai haif aggreit with the said Schireff to pay to thame the sovme of sex scoir merkis for the saidis tuelf scoir merkis awand be him to thame, as said is, and thairfoir the said Schireff bindis and oblissis him faithfullie be thir presentis to the saidis Freris to content and pay to thame the said soum of sex scoir merkis, as said is, in this maner, as followis: That is to say, now in hand the sovme of ten merkis, uther ten merkis at the feist and terme of Mertymes nixtocum, the sovme of fiftie merkis at the Purificatioun of Oure Lady, callit Candilmess, nixt thairefter, and the remanent fiftie merkis at the terme of Witsounday nixt thairefter, but fraud or gyle, in complete payment of the saidis vi scoir merkis. And gif it sal happin, as God forbeid, that the said Schiref failye in payment of the foirsaidis sovmes termlic, as is abovewrittin, in that caise he sall pay the foirsaid haill soum of tuelff scoir merkis to the saidis Freris in lykwyse, but fraud or gyle. And for observing, keping and fulfilling of thir premissis, ilk ane of the saidis parteis ar faithfullie bindin and oblist to utheris for thair parteis, and for securitie thairof ar content and consentis, that this present contract be actit and insert in the Buikis of oure Soverane Ladyis Consale, havand the strenth of ane decrete of the Lordis thairof, with letters to be direct thairupoun in forme as efferis gif neid beis. In witnes heirof baith the saidis parteis hes subscrivit thir presentis with thair handis, day, yeir and place foirsaidis, befoir thir witness, Rauff Dowglass, Maister Gilbert Grott, and Johnne Lamb, with utheris diverse. *Sic subscribitur, James Dowgals of Caveris; Freir Charlis Home, Wardane of the Freris of Drumfreis.*

DUNDEE FRIARY

1. CHARTER granted by Marjory, Countess of Crawford, in favour of the Grey Friars of Dundee, of an Annual Rent of twenty merks out of the lands of Drumcarne, for the endowment of a daily mass in the friary to be known as the Earl of Crawford's Mass, for the souls of herself, her late husband, David, third Earl of Crawford, their son Alexander, Master of Crawford, and others, as also of a high mass for the same to be celebrated every Friday in the choir of the Church. Dated 17th November, 1478. (*Original unknown: incorporated in Charter of Confirmation by James V., 25th March, 1538; MS. Reg. Mag. Sig., XXV., No. 283.*)

. . . OMNIBUS hanc cartam visuris vel auditoris Marjoria, secunda, alias Ogilvy, Comitissa Craufurdie, eternam in Domino Salutem. Noveritis nos, pro salute anime David, secundi Comitiss Craufurdie, sponsi nostri, et pro salute anime nostre ac animarum antecessorum et successorum nostrorum, cum consensu et assensu predilecti nostri, David, tertii Comitiss Craufurdie ac Domini Le Lyndesay, necnon Alexandri, Magistri Craufurdie, filii sui et heredis apparentis, sub serenissimo rege protectorum defensorum immediatorumque Fratrum Minorum de Dunde, dedisse, concessisse, et hac presenti carta nostra confirmasse, Deo omnipotenti beateque gloriose Virgini Marie et beato Francisco, necnon religioso viro, fratri Jacobo Lyndesay, bacchalario sacre theologie et vicario Fratrum Minorum in regno Scotie ac gardiano, et conventui fratrum burgi de Dunde qui pro tempore fuerint in loco ejusdem divina celebrantibus et pro perpetuo celebraturis, totum et integrum annum redditum nostrum *viginti mercarum* usualis monete Scotie annuatim percipiendum et levandum, ad duos anni terminos usuales, festa videlicet, Penthecostes et Sancti Martini in hieme, per equales dimedias portiones, de totis et integris

terris de Drumcarne cum pertinentiis, jacentibus in dominio de Glenesk et infra vicecomitatum de Forfar: Tenendum et habendum totum et integrum dictum annuum redditum viginti mercarum, cum pertinentiis, dictis vicario, gardiano et conventui qui pro tempore fuerint, de predicto Alexandro, Magistro, domino feodi ejusdem, et suis successoribus, in puram et perpetuam eleemosinam imperpetuum, cum omnibus et singulis libertatibus, commoditatibus, asiamentis ac justis suis pertinentiis quibuscunque, adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, sicut aliquis annuus redditus per quemcunque datus infra regnum Scotie in elemosinam tenetur seu habetur, sine revocatione aliquali nostra vel successorum nostrorum. Volumus tamen et, tenore presentis carte nostre, ordinamus quod dicti vicarius, gardianus et conventus qui pro tempore fuerint, quotidie omni anno imperpetuum celebrent missam in choro loci predicti de Dundee, et omni sexta feria annuatim missam decantent cum nota ad Dei omnipotentis laudem et animabus supradictis; quequidem missa vocetur missa Comitum Craufurdie. Ac etiam volumus quod collocent in choro predicto epitaphium coopertum tapeta decenti, cum duobus cereis supportatis per duos angelos cenneos tanquam candelabra ad dictam missam accensis; quodquidem epitaphium cum thure in thuribulo post venerationem Eucharistie adibunt et item thurisitabunt. Insuper annuatim decantabunt exequies bina vice pro animabus supradictis, scilicet, placebo, dirige et missam de requie in crastino diebus obitus dicti sponsi mei meique et nostrorum antecessorum et successorum et signanter ipsorum inst[it]uentium, cum absolutione speciali apud dictum epitaphium cantata, tantum pro omni alio onere, servitio, exactione seu demanda, que dicto annuo reddito cum pertinentiis exigi poterunt in futurum quovismodo vel requiri. Et nos vero, dicta Mariota et successores nostri, totum et integrum predictum annuum redditum cum pertinentiis dictis vicario, gardiano et conventui, et suis successoribus qui pro tempore fuerint, in omnibus et per omnia, forma pariter et effectum, ut premissum est, contra omnes mortales warrantizabimus, acquietabimus et imperpetuum defendemus. In cujus rei testimonium sigillum nostrum, unacum sigillis ditorum David, tertii Comitum, ac Alexandri, Magistri Craufurdie, ad exprimendum consensum et assensum eorundem, presenti carte est appensum apud Dundee, decimo septimo die mensis Novembris, anno Domini millesimo quadringentesimo septuagesimo octavo, hiis testibus, Thoma Ogilvy de Clova, Thome Fotheringhame de Powry, David Lyndesay de Leccothy, Magistro Gilberto Tyry, vicario de Cargill, Domino Thoma Lyne, vicario de Ferne, David Fotheringhame, Gawino Auchleik, scutiferis.

2. DEED OF INDENTURE entered into between David, Earl of Crawford and first Duke of Montrose, and the Friars Minor of Dundee, concerning the preceding endowment, whereby the friars bound themselves to celebrate the said daily mass at the high altar and a weekly requiem mass on Fridays, to be known as the "Duke's Mess of Montrose," for the souls of the preceding, and of the granter and his wife, Margaret Carmichael, and others. Dated 2nd August, 1489. (*Printed, Lives of the Lindsays, I., 461-2.*)

THIS Indenture, made at Inverkeithing, the second day of August, the year of God a thousand four hundred auchty and nine years, proports and bears witness, that it is appointit and accordit betwix thir parties underwritten, in manner and form as efter follows ; that is to say, a right noble and mighty prince, David, Duke of Montrose and Earl of Crawford, on the ta part, and his humble bedemen and orators, Freir John Yhare, Minister Provincial of the Freirs Minors of Scotland, togidder with consent and assent of the hail Chapter Provincial, Wardens, Discretors and Diffinitors, and specially the Warden and convent of the Freirs of Dundee, on the toder part: That, because the said mighty prince has giffen, be state and possession, twenty marks of usual money of Scotland, of annual rent be year, to be taken up at twa usual times in the year, Whitsunday and Martinmas in winter, be even portions, of his lands of Drumcarn in the lordship of Glenesk, within the sheriffdom of Forfar to his foresaid place and orators, Warden and Conventual of Dundee, beand and for to be for the time, through his special charity and grace, for uphalding and continuation of Goddis service in the samyn : Wherefore, the said Minister Provincial, all and hail the said body of the Chapter, Wardens, Discretors, Diffinitors, Warden and Convent of the said place of Dundee, are bunden, and be this present writ binds and oblis es them in maist strait form of obligation, and their successors, yearly for to do and fulfil, leally and truly in their bodily aiths and conscience, and under all pain and charge that they may dree anens God and man, this service and observance underwritten, for the heal of saul and body of the said mighty prince, Lady Margaret, princess, his spouse, his noble progenitors and successors, and for the saul of a

noble lady of haly memor, Marjory, grand-dame to the said mighty prince, and all Christian sauls, that is to say, that the said Warden and Convent of Dundee, that shall be for the time, every year, perpetually and daily, shall say a mess at the hie altar of the said place, and every Friday shall sing a mess of the Requiem at the said altar, with the haill conventual of the said place beand for the time, for the sauls foresaid, the whilk mess shall be openly callit the Duke's Mess of Montrose. And mairatour the said Warden and convent shall graith an honourable epitaph coverit with an honourable tapet with twa serges borne with twa angels of brass as chandelars, to be lightit at the said mess, the whilk epitaph the ministers of the altar principal, efter the veneration and honouring of the Sacrament, shall incense honourably. Mairatour, the said Warden and conventual shall twice in the year solemnly sing with note, with all debtful ceremonies in maist honourable wise, *Placebo* and *Dirige* with mess on the morn with note, and every brother that is priest a privy mess, that is to say, ane for the faderis saul of the said mighty prince all the days of his life, and efter the decease of the said mighty prince, yearly and perpetually for his saul, and another for the saul of Dame Marjory foresaid, the day of her obit; and in the time of the obit-doing of this said mighty prince, the name of eik Lady Margaret, princess and spouse till him, shall be ne'myt and prayit for. And to the mair augmentation, the said Warden and conventual shall perpetually and nightly sing efter Compline, before the prayer-bell, in the queir of the said place, solemply, this anthem of Our Lady, the glorious Virgin Mary, *Alma Redemptoris*, for the saul of ane hie and mighty prince, James the Third, our Sovereign Lord, the King of Scotland, of haly memor, wham God assoilzie, and all Christian sauls. And, that all thir things abovewritten shall leally and truly be done, to the part of this Indenture to remain with the said mighty prince the seals of the Minister and Wardens Principal of his province is to-hungen, and to the part of this Indenture to remain with the Warden and convent of Dundee the said mighty prince has hungen-to his seal, day, year, and place before written. The whilk day this said mighty prince and Lady Margaret, princess, his spouse, was resavit in the Provincial Chapter to the Confraternity of the Order of Sanct Francis and to the suffrage thereof.

3. OBLIGATION undertaken by Friar James Lindsay, Vicar General of the Conventual Friars in Scotland, and ratified by the Wardens of Haddington, Dumfries, Lanark, Kirkcudbright and Inverkeithing, to celebrate a daily mass, to be known as the "Contass Mes," for the souls of Beatrix Douglas, Countess of Erroll, of her husband, William, and of their son, William, third Earl, in return for the charity of the Countess during the famine. Dated 12th March, 1481-82. (*Printed, Spalding Club Miscellany*, II., 324-5.)

BE it kend tyll all men be thir present letteris ws, Frer James Lyndessay, bachylar in theologe, Wycar Generale of the Freris Minoris of Scotlande, wyth the assent, concent and effec of owre conuent of Donde, tyll the nomyr of forteyn freris, Frer Alexandyr Waus, Frer Alexander Camiueille, Frer Dauyd Lesle, Frer Dauyd Ray, Frer Dawyd Esse, Frer Walther Smytht, Frer Hugo Rede, Frer John Thenande, Frer Alexander Aweyllle, Frer Thomas Kynloch, Frer James Broyn, Frer John Cwyk, tyll boyn and oblesce ws, and byndyss ws and owr successoris for the tym beande, perpetealy and euer to the day doym, tyll say or syngre a daly meiss tyll and for a mychty and rycht nobyll lorde and Herylle of Heraille, Herylle Wylyam the Hay, tyll his spoys, contass and layde Deym Betterrecht of Dogles, tyll thair soyn, Erylle Wylyam present, thar antycessoris and successoris for euer, for the rawarde gewyn till ws intyll gret myster be the handis of the forsade layde Deym Betterregis of Dogles and his soyn, Erylle Wylyam the Hay, present, in this deyr yeir qway . . . mell gywis xxiiij schillingis, mawyte xxx schillingis, beyr ij markis, qweyte xxxij schillingis, a lytil haddock vij pennyis, a kellyn xxx pennyis, a gallon of haylle xxxij pennyis, et cet—in owr supple of owr lewyngre and owr plass raparalyngre and in speciale owr gret est wyndoys mendyn. The qwyk mes sall be doyn at owr he auter, or qwayr it plesis the hojr man for the tym, qweill the forsade layde Layde Betterragis ples to raparalle an awter in owr kyrk for hir deuocion, and than that mes to be doyn at that awter, forhowte frawde, gylle or ony kynde of dissate, with all deligenss be grass grantyt tyll ws fra God Almychte and owr successoris or obstakylle of ony maner. The qwyk mes sall be callyt the Contass Mes or

Erlis Mes. Dyschargyande the forsad lordis and layde Deym Betteragis of Doglas and hoder that efferis of the soym tayn for the forsade mes, for now and euer haldan ws fullely content and payte for ws and our successoris, as the oblygacion of the forsade layde, Layde Betteragis, beris wytnes onder our seyllle of officis of Wycharagis and Wardanis of the conuent of Dundee. And tyll the mayr abondanss the Wardan of Hadynton, Drumfress, Lanak, Kyrubryk and Enderketyng, has appensyt thar sellys the xii day of Marchyss, at Dundee, the yeir of God a° m° cccc° hachte and a yeir.

4. DEED OF INDENTURE, entered into between the said Lady Beatrix, Dowager Countess of Erroll, and the Friars Minor of Dundee, whereby, in recognition of her gift of £100 Scots for the repair of the friary and for the redemption of its books, chalices and ornaments, which had been pawned to provide the friars with the necessaries of life during the famine, the Chapter undertook to continue the celebration of the preceding mass at the high altar, or at the altar of the Three Kings if she carried out her intention of erecting that altar within the friary church. Dated 25th November, 1482. (*Printed, loc. cit.*, II., 325-7.)

HEC indentura, facta apud Dundee vicesimo quinto die mensis Novembris, anno Domini millesimo quadingentesimo octogesimo secundo, testatur quod hec conventio facta fuit inter nobilem et potentem dominam, Betriche Douglas, relictam quondam Willelmi, Comitis de Eraile, in sua viduitate, ex parte una, et venerabiles ac religiosos viros, fratrem Jacobum Lyndessay, Vicarium Generalem ordinis Fratrum Minorum regni Scotie, et gardianum ac conventum eiusdem ordinis de Dundee, ex parte altera, in hunc modum, videlicet: Quia in anno precedente presens scriptum victualia cara erant et dicti fratres unde vivere sufficienter non habebant et pro sustentatione miserabilis vite eorum, qua soli Deo servire poterant, suos libros, calices et iocalia invadiaverant et impignoraverant pro victualibus

unde vivere poterant; et dicta domina Betriche, Comitissa de Eraille, volens vitam eorum reficere et monasterium eorum de Dundee emendare, dedit et concessit eisdem fratribus, videlicet, vicario et conventui, summam *centum librarum* usualis monete regni Scotie ad foris acquietandum suos libros, calices et iocalia invadiata et ad emendandum monasterium de Dundee, in puram et perpetuam elimosinam. Pro quaquidem summa centum librarum predicti fratres firmiter obligantur pro se et successoribus suis, fratribus perpetuis dicti monasterii de Dundee futuris temporibus, dietim celebrare in magno altari monasterii de Dundee unam missam, submissa voce vel cum nota, que missa vocabitur Missa Domine, pro anima dicte Betriche ac pro animabus Willelmi, olim sponsi sui, ac Willelmi, Comitis de Eraile, filii sui, et successorum suorum ac pro animabus omnium fidelium defunctorum. Et si contigerit quod dicta domina Beatriche edificaverit unum altare infra ecclesiam dicti monasterii in honorem Dei omnipotentis, beate Virginis Marie et Trium Regum Orientalium, prout tendit edificare, tunc dicti fratres cum consensu suorum superiorum translabunt dictam missam, que vocabitur Missa Domine, a magno altari ad illud altare Trium Regum Orientalium, et ibidem dictam unam missam celebrabunt pro animabus prenominatis. Insuper, si contigerit dictos fratres in uno die, duobus tribus quatuor aut quibuscunque diebus, in celebratione dicte Misse Domine apud altaria predicta pro animabus prenominatis deficere, pro quibuscunque impedimentis fiendis, quod absit, dicti fratres obligant se et successores suos, fratres professos perpetuos monasterii predicti de Dundee, fide media et per professionem eorum sub penis excommunicationis majoris, prout coram summo iudice voluerint respondere, quod tot missas pro animabus prenominatis celebrabunt apud altaria predicta cum toto conventu dicti monasterij quot dimiserint incelebratas; et sic dietim illa missa Domine pro animabus prenominatis apud altaria predicta celebrabitur, fraude, dolo et cavillatione postpositis. Et hec indentura referetur ad magnam cartam quam dicta domina Betriche habet sub sigillis omnium gardianorum predicti ordinis infra regnum Scotie. In cuius rei testimonium parti huius indenture remanenti penes dictam dominam Betriche, Comitissam de Eraile, sigillum dicti vicarii, unacum sigillo capituli dictorum fratrum, cum manualibus subscriptionibus quatuordecim [13?] fratrum in dicto monasterio de Dundee ad confectionem presentis indenture existentium est appensum; et parti vero huius indenture remanenti penes dictos fratres sigillum dicte domine Betriche, Comitisse de Eraile, est appensum, loco, die, mense et anno prescriptis. Frater Jacobus Lyndessay, Vicarius Generalis, manu

propria confirmat et mandat: Frater Henricus Cylma, gardianus conventus de Dundee, manu propria; Frater David Raa . . . de . . . manu propria; Frater Dauyd Lesle; Frater Johannes Tennand, manu propria; Frater Thomas Kynlocht; Frater Jacobus Walredi, manu propria; Frater Alexander Aweyille, manu propria; Frater Rede Hugow, manu propria; Frater Johannes Bybe (Lyle); Frater Dauyd Esse, manu propria; Frater Jacobus Brine; Frater Alane Vals.

5. CONFIRMATION of the preceding Indenture by the Conventual Provincial Chapter held at Lanark on 11th July, 1490. (*Printed, loc. cit.*, II., 327-8.)

BE it kend tyll all men be thir present lettris ws, Frer Jhon Yhar, Ministyr Principal of the Freris Minoris of Scotland, Frer Andro Russel, wardan of the freris of Dundee, Walter Bachlow, wardan of Dumfress, Richart Inglis, wardan of Lanark, Willyam Tenand, wardan of Hadentoun, Frer Andro Cromy, wardan of Kirkubrichth, Jhon Lyel, wardan of Inuerkethin, Andro Fife, wardan of Roxburgh, to haue rede and understandin in our principall chaptour haldin at Lanark, the xi day of Julii, in the yeir of God m^o iiiii^o lxxxx yheris, certan eidentis and endenturis maid betuext an worschiphul ladye, Betreche of Douglas, Contass of Erole, on the ta part, and Frer James Lyndessay, Wycar Generale of the said ordour conuenit at Dundee, and all the wardanis of the said ordour, on the tother part, twychin a meiss to be songyng or said perpetealy and daly at the he auter of our said plass of Dundee, ay and onto the tym it pleissis the said ladye to big and reperl an auter, in the said kyrke, of The Three Kingis of Colan, efter the quhilk bigyng the said mess to be doyn at the said auter of The Three Kingis, and to be callit the Contass Mes perpetealy for certan meritis, benefice and guid deidis doyn be the said ladye tyl our said plass of Dundee, as in the said eidentis fullar is conteinit. The quhilkis meritis, obligacioun, eidentis and endenturis we haue fully considerit and to reson has fund tham acordinge. For the quhilkis, we, ryply auisit, hafand God and gud consence befor ws, we approue, ratefie and confirmis the said eidentis in all pointis and articles contenit in tham be thir our lettris perpetealy to endure for ws and our successoris. In witnes of the quhilk thing we haue

appendit the sele of our office of ministry, togeder with the seles of the wardanis of Dundee, Hadinton and Dunfreis, for consent of the wardanis abunewritin and all our hail chaptour of Lanark, day, yeir abunewrittin.

6. CHARTER granted by David Ogilvy of Inchmartin in favour of the Grey Friars of Dundee, of an Annual Rent of twelve merks, out of his lands of Pitmedill and Inchmartyn in the Sherifffdom of Perth, for the endowment of a daily mass to be celebrated at the altar of the Blessed Virgin for the souls of himself, his wife, his father, mother and others, of another to be celebrated every Monday, and of another on the morrow of St. Leonard's Day, preceded by a *placebo* and *dirige* for the souls of his father and mother. Dated 30th April, 1492. (*Original unknown; incorporated in Charter of Confirmation by James IV., 6th October, 1505; MS. Reg. Mag. Sig., XIV., No. 361.*)

. . . OMNIBUS hanc cartam visuris vel auditoris David Ogilvy de Inchmartin eternam in Domino Salutem. Sciatis me, cum consensu et assensu Mariote Hay, sponse mee, pro salute anime mee et anime predictae sponse mee, et Andree Ogilvy, patris mei, ac Mariote Ogilvy, matris mee, et animarum omnium antecessorum et successorum nostrorum et omnium fidelium defunctorum, libere dedisse, concessisse, et hac presenti carta mea confirmasse Deo omnipotenti beateque gloriose Virgini Marie et beato Francisco, necnon venerabili viro, fratri Andree Russale, sacre theologie professori, gardiano Fratrum Minorum Conventualium de Dundee, et conventui ejusdem et eorum successoribus qui pro tempore fuerint in ejusdem loco divina celebrantibus et pro perpetuo celebraturis, unum annum redditum *duodecim mercarum* usualis monete regni Scotie annuatim levandum et percipiendum, ad duos anni terminos consuetos, festa videlicet, Penthecostes et Sancti Martini in hieme, per equales portiones dimedias, de totis et integris terris meis de Petmedill et Inchmartyne

cum pertinentiis, jacentibus infra vicecomitatum de Perth: Tenendum et habendum totum et integrum predictum annuum redditum duodecim mercarum cum pertinentiis dictis gardiano et Fratribus Minoribus de Dundee pro tempore existentibus, a me, heredibus et successoribus meis quibuscunque, in puram et perpetuam elemosinam imperpetuum, cum omnibus et singulis libertatibus, commoditatibus, proficuis, asiamentis ac justis suis pertinentiis quibuscunque ad dictum annuum redditum spectantibus seu juste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo retinemento aut revocatione imperpetuum, et adeo libere et quiete sicut aliqua elemosina infra regnum Scotie, per quemcunque quibuscunque datur seu conceditur, cum libero introitu et exitu et plenaria potestate ad namandum et distringendum pro eodem annuo redditu predictas terras meas de Petmedill et villam de Inchmartyn et quemlibet partem earundem, absque licentia cujuscunque ministri juris civilis aut spiritualis, quotienscunque et quandocunque opus fuerit aut eis aut factoribus eorum videbitur expedire. Volo tamen et tenore presentium ordino quod dicti gardianus et conventus, qui pro tempore fuerint, cotidie omni anno imperpetuum, pro animabus nostris prescriptis celebrent ad altare beate Marie, situatum infra dictam ecclesiam, unam missam infra decimam et undecimam horas et qualibet feria secunda celebrent ad dictum altare pro animabus prescriptis unam missam de requie cum nota. Volo, insuper, quod quolibet anno ad festum Sancti Leonardi usque ad obitum meum, quod celebrent pro animabus patris mei et matris mee prescriptorum unum placebo et dirige cum nota, et missam de requie in crastino, cum nota et solemnitate debita et consueta; et post obitum meum volo quod celebrent dictum servitium pro anima mea et anima dicte Mariote, sponse mee, et sic dictum servitium, modo et forma ut prescribitur, continent, prout coram summo iudice in die iudicii velint respondere, tantum pro omni warda et relivio et omni alio onere, servitio seculari, exactione, questione, consuetudine seu demanda, que de dicto annuo redditu cum pertinentiis exigi seu peti poterunt in futurum quovismodo vel requiri. Et si contingat quod dictus gardianus et fratres predicti aut eorum successores presumant quoquomodo dictum annuum redditum vendere seu alienare, quod absit, tunc licebit preposito et ballivis ac consulis de Dundee, pro tempore existentibus, predictum annuum redditum levare et percipere et aliis sacerdotibus seu presbiteris ecclesie parochialis de Dundee pro perpetuo distribuere, pro salute animarum nostrarum predictarum. Et ego, vero, David Ogilvy de Inchmartyn, heredes et successores mei totum et integrum annuum

redditum predictum ac ipsius donationem et concessionem, in omnibus et per omnia, forma pariter et effectu, ut premissum est, contra omnes mortales warantizabimus, acquietabimus et sub ypotheca et obligatione omnium bonorum nostrorum, mobilium et immobilium, presentium et futurorum, imperpetuum defendemus. In cujus rei testimonium sigillum meum, unacum sigillo carissime sponse mee, in signum ejus pleni consensus, cum mea subscriptione manuali, sunt appensa apud Inchmartyn, tricesimo die mensis Aprilis, anno Domini millesimo quadringentesimo nonagesimo secundo, coram hiis testibus, Thoma Lundy, filio et apparente herede Willielmi Lundy de eodem, Patricio Ogilvy, David Scott, Johanne Mortoun, Jacobo Bonar, Andrea Ogilvy, Gilberto Kymnan et Magistris David Craill et Willielmo Berry, notariis publicis, cum multis et diversis aliis.

7. CHARTER granted by Andrew Whitehead, Vicar of Kilmarnock, in favour of the chaplain of the altar of St. Ninian in the Parish Church of Dundee, in which he granted, *inter alia*, an Annual Rent of six shillings and eightpence to the Grey Friary of Dundee, and another of twenty pence to the Lepers and the Leper House. Dated 24th August, 1498. (*Original unknown; incorporated in Charter of Confirmation granted by James IV. on 24th August, 1498; loc. cit., XIII., f. 345; Abstract Reg. Mag. Sig. (Print), II., No. 2446.*)

8. CHARTER granted by John, Earl of Crawford, in favour of the Grey Friars of Dundee, of an Annual Rent of twenty merks out of the lands of Montago, in the Barony of Melginch, for the endowment of a daily mass at the high altar, between the hours of eleven and twelve, for the souls of himself, Mariote

Hume, his wife, his father and brother, Alexander, Lord Lindsay, and for other divine services, including a daily absolution at the cenotaph of the Earls of Crawford. Dated 15th April, 1506. (*Original unknown; incorporated in Charter of Confirmation by James V. on 17th April, 1536; loc. cit., XXV., No. 330, conform to Precept recorded MS. Reg. Privy Seal, X., f. 140.*)

. . . OMNIBUS hanc cartam indentatam visuris vel auditoris Johannes, Comes Craufurdie et Dominus Lyndesay, eternam in Domino Salutem. Noveritis nos, pro salute anime nostre et Mariote Hume, conjugis nostre dilecte, et animabus Jacobi, tertii et quarti, Scotorum Regum, patris nostri, David, Ducis Montis Rosarum et Comitis Craufurdie, ac etiam Alexandri, fratris nostri, Domini Lyndesay, ac omnium fidelium defunctorum et precipue pro animabus eorum de quibus mens nostra est pro eis ut fiant suffragia, libere dedisse, concessisse, et hac presenti carta nostra indentata confirmasse Deo omnipotenti beateque gloriose Virgini Marie et beato Francisco, necnon religioso viro, fratri Andree Russell, sacre theologie professori, guardiano, et conventui de Dundee qui pro tempore fuerint in loco ejusdem divina celebrantibus et pro perpetuo celebraturis, unum annum redditum *viginti mercarum* usualis monete regni Scotie annuatim percipiendum et levandum, ad duos anni terminos usuales, festa videlicet, Penthecostes et Sancti Martini in hyeme, per equales dimedias portiones, de totis et integris terris nostris de Montago cum pertinentiis, jacentibus in baronia nostra de Melginche et infra vicecomitatum de Perth: Tenendum et habendum totum et integrum dictum annum redditum viginti mercarum cum pertinentiis dictis guardiano et conventui de Dundee pro tempore existentibus, de nobis et nostris successoribus, in puram et perpetuam elimosinam imperpetuum, cum omnibus et singulis libertatibus, commoditatibus, asiamentis ac justis suis pertinentiis quibuscunque adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, sicut aliquis annuus redditus per quemcunque quibuscunque datur seu conceditur infra regnum Scotie, in puram et perpetuam elimosinam, cum libero introitu et exitu et plenaria potestate ad namandum et distringendum pro eodem annuo reddito predictas terras nostras de Montago, et quamlibet partem earundem, absque licentia cujuscunque ministri juris civilis aut spiritualis, quotienscunque et quandocunque opus fuerit aut eis aut factoribus eorum videbitur expediens. Volumus

tamen et tenore cartis nostre ordinamus, quod dictus guardianus et conventus, qui pro tempore fuerint, quotidie celebrent missam ad magnum altare chori inter undecimam et duodecimam horas diei, et quotidie ad dictam missam principalis campana loci pulsetur, et quod fratres in competenti numero in choro tempore dicte misse permaneant usque post offertorium ejusdem, et cantabunt ad offertorium, alternatis vicibus, *Ave Gloriosa* et *Angelus ad Virginem*. Et etiam annuatim decantabunt bina vice exequias pro animabus supradictis, scilicet, placebo, dirige et missam de requie die obitus nostri, et signanter pro animabus ipsorum predictorum et altera vice in die Sancti Niniani Confessoris in mense Septembris pro anima fratris nostri, Alexandri Domini Lyndesay, cum absolutione speciali quotidie apud epitaphium comitum Craufurdie, sacerdos celebrans dicat *De profundis*, tantum pro omni alio onere, servitio, exactione seu demanda que de dicto annuo reddito cum pertinentiis exigi poterint vel requiri quovismodo in futurum. Insuper volumus quod, si dicti fratres dicta officia non adimpleverint, ut premititur, causantibus legitimis impedimentis, in hoc casu dictus annuus redditus ad nos et successores nostros revertetur sine quocunque impedimento et dicti fratres a receptione ejusdem penitus et omnino sint exclusi imperpetuum. Et nos, vero, dictus Johannes, Comes Craufurdie, et successores nostri, dictum annum redditum cum pertinentiis dictis guardiano et conventui et suis successoribus qui pro tempore fuerint, in omnibus et per omnia, forma pariter et effectum, ut premissum est, contra omnes mortales warrantizabimus et imperpetuum defendemus. In cujus rei testimonium parti hujus carte indentate, cum dictis guardiano conventu et suis successoribus remansure, sigillum nostrum est appensum, unacum subscriptione nostra manuali, et parti hujus carte mecum et successoribus meis remansure sigillum commune dictorum fratrum et sigillum Ministri Provincialis Fratrum Minorum regni Scotie, scilicet, fratris Johannis Zare, theologii bacularii, sunt appensa apud Dundee, decimo quinto die mensis Aprilis, anno Domini millesimo quingentesimo sexto, coram hiis testibus, honorabilibus et circumspectis viris, Johanne Ogilvy de Innerquharite, Thoma Fothringame de Powry, Adam Creichtoun de Ruthven, milite, Alexandro Crawmond de Aldbar, David Cullais, David Gardin, Magistro Henrico Quhite, rectore Sancti Modoci, Domino Johanne Smart, notario.

9. CHARTER granted by Sir Thomas Maule of Panmure in favour of the Grey Friars of Dundee, of an Annual Rent of twenty shillings out of the lands of Skichen, for the endowment of a Requiem Mass to be celebrated on St. Nicholas' Day, preceded by a *placebo* and *dirige* for the souls of his grandfather, father and Elizabeth Rollok, his wife, and, after his death, for the souls of himself and his second wife, Christina Grahame. Dated 22nd April, 1509. (*Printed, Registrum de Panmure*, II., 276.)

OMNIBUS hanc cartam indentatam visuris vel audituris dominus Thomas Maule de Panmure, miles, Salutem in Domino sempiternam. Noveritis me, cum plenario consensu et assensu Roberti Maule, filii mei et apparentis heredis, pro salute anime mee et anime Christiane Grahame, nunc uxoris mee, et pro salute animarum quondam domini Thome Maule, avi mei, Alexandri Maule, patris mei, Elizabeth Rollok, quondam uxoris mee, et pro salute animarum predecessorum et successorum meorum, et animarum eorum quibus deliqui et bona injuste recepi et amendam condignam non feci, et pro salute animarum omnium fidelium defunctorum, in honore Dei omnipotentis, beate Marie Virginis, Sancti Francisci Confessoris, et in honore omnium sanctorum, libere dedisse, concessisse et assignasse, et hac presenti carta mea confirmasse, necnon dare, concedere et in puram et perpetuam elemosinam assignare, et hac presenti carta mea confirmare religioso et magne scientie viro, fratri Andree Russall, in sacra theologia professori et gardiano Fratrum Conventualium, Minoris Ordinis Sancti Francisci infra oppidum de Dundee, ac ipsis Fratribus Conventualibus dicti ordinis et suis successoribus infra dictum oppidum in suo loco fratrum ejusdem moram trahentibus et divina celebrantibus et pro perpetuo celebraturis, Totum et Integrum meum annuum redditum *viginti solidorum* usualis monete regni Scotie, mihi pertinentem ratione feodifirme de terris de Skethyn, tanquam domino superiori earundem, annuatim levandum et percipiendum ad duos anni terminos consuetos, festa videlicet, Penthecostes et Sancti Martini in yeme, per equales portiones, de totis et integris dictis terris de Skethyne cum pertinentiis, jacentibus in baronia mea de Panmure et infra vicecomitatum de Forfare: Tenendum et habendum totum et integrum dictum annuum

redditum viginti solidorum cum pertinentiis prefatis gardiano et Fratribus Conventualibus Minoribus perpetuis in suo loco infra oppidum de Dundee celebrantibus et pro perpetuo celebraturis, et eorum successoribus, in puram et perpetuam elimosinam, cum omnibus et singulis suis libertatibus, commoditatibus, proficuis, asiamentis et justis suis pertinentiis quibuscunque, tam non nominatis quam nominatis, procul et prope, ad dictum annum redditum viginti solidorum cum suis pertinentiis spectantibus, seu juste spectare valentibus quomodolibet in futurum. Et si contingat, quod absit, dictos gardianum et Fratres Conventuales dicti loci et eorum successores, aut procuratores nomine eorum, vexari, inquietari aut impediri in pacifica possessione, levatione et perceptione dicti annui redditus viginti solidorum cum pertinentiis de predictis terris de Skethyn, modo quo supra, sic quod eodem annuo redditu pacifice gaudere non possint, in illo casu, obligo me, heredes meos et successores et assignatos, et omnes et singulas terras meas baronie mee de Panmure cum pertinentiis et proficua eorundem in securitate et warranto dicti annui redditus. Volo tamen et ordino quod dictus gardianus et Fratres Conventuales et sui successores in suo loco infra oppidum de Dundee commorantes, qui pro tempore fuerint, usque ad diem obitus mei cantent et celebrent seu incantare et celebrare faciant, annuatim in die Sancti Nicholai, episcopi, quinto Decembris, incipiendo in anno millesimo quingentesimo nono, pro animabus dicti quondam domini Thome Maule de Panmure, militis, avi mei, Alexandri Maule, patris mei, et Elizabeth Rollok, uxoris mee, et animabus omnium fidelium defunctorum, unum generalem obitum, videlicet, placebo et dirige cum nota, et in crastino missam de requie cum nota, in habitis congruis et consuetis, cum luminariis et tapeta in medio chori coram summo altari, cum campanis pulsatis et campanaris per villam transeunte, ut moris est in talibus usitatis; et quod dicti fratres presbiteri, eodem die, singillatim missas celebrent de requie pro animabus predictis. Et post obitum meum, volo quod dictum servitium sit nominatim et pro perpetuo cantatum, celebratum et servatum specialiter pro anima mea et anima Christine Grahame, nunc sponse mee, et pro animabus dicti quondam domini Thome Maule, avi mei, et pro animabus predictis, cum omni servitio, honore et ornamentis, sicut predictum est et sicut de similibus qui dictis fratribus talia donarunt et fundarunt. Et si contingat, quod absit, dictos gardianum et Fratres Conventuales aut suos successores desistere et cessare a dicto servitio, modo et forma ut supradictum est, uno anno, duobus aut tribus ad majus, cessantibus legitimis impedimentis, volo et ordino quod dictus annuus redditus per me,

heredes meos et successores teneatur, sumatur, et ad usus nostros applicetur de prefatis terris. Et ego, vero, dictus dominus Thomas Maule de Panmure, miles, heredes mei et successores totum et integrum predictum annuum redditum viginti solidorum cum pertinentiis de Skethyn, et eundem annuum redditum viginti solidorum in securitate et warranto ejusdem, de terris meis, baronie mee de Panmure, annuatim levandum et percipiendum de eisdem, ac ipsas donationem, concessionem, obligationem, securitatem et warrantum ejusdem annui redditus, et in puram et perpetuam elimosinam assignationem ejusdem, in omnibus et per omnia, forma, modo pariter et effectu, ut premissum est, prefatis gardiano et Fratribus Conventualibus dicti loci et suis successoribus et eorum procuratoribus dicti loci, contra omnes mortales warrantizabimus, acquietabimus et imperpetuum defendemus. In cujus rei testimonium parti hujus carte indentate, cum prefatis gardiano et Fratribus Conventualibus dicti loci et suis successoribus pro perpetuo remansure, sigillum meum, unacum sigillo dicti Roberti Maule, filii mei et apparentis heredis, in signum sui consensus et assensus, est appensum; et parti hujus carte indentate, mecum et cum heredibus meis et successoribus pro perpetuo remansure, sigillum commune dicti gardianatus prefati loci, unacum sigillo fratris Joannis Yare, Ministri Provincialis Fratrum Minorum infra regnum Scotie, est appensum apud Panmure, vicesimo secundo die mensis Aprilis, anno Domini millesimo quingentesimo nono, coram hiis testibus, domino Alexandro Guthre de eodem, milite, Alexandro Strachachin, domino juniore de Kermylie, Joanne Guthre de Balnabrech, Georgio Guthrie de eodem, domino David Bell, capellano ac notario publico.

10. TESTAMENT of Sir Thomas Maule of Panmure, confirmed 10th April, 1514. (*Printed, loc. cit.*, II., 286.)

IN Dei nomine Amen. Ego, Thomas Maule de Panmure, miles, disponens me ad regales guerras pro defensione regis et regni, et cum nihil sit certius morte, et nihil incertius hora mortis, hinc est quod trado testamentum meum in hunc modum. Imprimis, do et lego Deo omnipotenti et beate Marie Virgini, et toti curie celesti animam meam et corpus meum ut debite sepeliatur. Item, lego pro

salute anime mee xvi lib. Item, Fratribus Minoribus de Dundee lego iii lib. xii d. ad orandum pro salute anime mee. Residuum vero omnium bonorum meorum do et lego filiabus meis et constituo Cristinam Grayme, sponsam meam, et Willelmum Maule, filium meum, meos executores ut impleant meam predictam voluntatem, prout velint coram summo Iudice fideliter respondere.

Nos, Willelmus, Episcopus Brechinensis, hoc presens testamentum manuscriptum rite factum ratificamus, approbamus, et per presentes confirmamus executoribus conscriptis liberam et omnimodam dispositionem omnium bonorum ipsius defuncti, quatenus creditoribus prompte pareant. In cujus rei testimonium sigillum nostrum rotundum officii presentibus est affixum apud civitatem nostram Brechinensem, decimo die mensis Aprilis, anno Domini millesimo quingentesimo decimo quarto.

11. INVENTORY attached to Testament of Sir Thomas Maule of Panmure, 16th August, 1513. (*Loc. cit.*, II., 285.)

INVENTARIUM omnium bonorum quondam domini Thome Maule de Panmure, militis, factum apud Dundee xvi^o die mensis Augusti, anno Domini millesimo quingentesimo xiii^o, coram his testibus, videlicet, Thoma Shanks, Andrea Gray, et Philippo, viro religioso ordinis Fratrum Minorum, ac multis aliis.

12. EXCERPTS relating to the Grey Friary of Dundee. (*MS. Protocol Books, Vol. I., Burgh Charter Room.*)

1526, XV^o DIE OCTOBRIS, hora tertia post meridiem, presentibus Alexandro Henrison, Thoma Stabill et Johanne Alexandersoun, . . . quod Alexander Mury, ballivus in hac parte Jacobi Rynd de Carse, per literas ballivatus dicti Jacobi sub suo sigillo roboratas etc., . . . contulit et deliberavit sasinam, statum hereditarium et possessionem quarte partis dimedietatis terrarum de Lumlethyn, quas occupat Johannes Durham

ad umbram, jacentium infra vicecomitatum de Forfar, Fratri Johanni Ferguson, gardiano Fratrum Minorum burgi de Dundee et ejusdem loci conventus, secundum tenorem carte predicto Johanni desuper faciende (f. 56).

Eodem die, hora predicta et predictis testibus, dictus gardianus fatetur se, non obstante sasina accepta, quod dictus Alexander Murie g[audet] proficuis pro suo libero tenemento et sponse sue de dictis terris pro vite temporibus et, uno defuncto, fratres gaudebunt dimediam partem et, binis deficientibus, gaudebunt ceteris (f. 57).

1532, Tertio die Junij, anno millesimo quingentesimo tricesimo secundo, indictione quinta, pontificatus et Pape Clementis, sexti, anno nono, personaliter constitutus religiosus vir, Frater Johannes Ferguson, gardianus conventualium de Dundee, cum consensu et assensu fratris Johannis Convelson, magistri generalis totius ordinis dictorum fratrum infra regnum Scotie personaliter presentis, prius etiam habitis consensibus et assensibus omnium gardianorum dicti ordinis infra dictum regnum capitulariter congregatorum apud dictum burgum, utilitate et commodo dicti monasterii fratrum de Dundee primitus provisus et prepensatis, per terram et lapidem sursum reddidit pureque simpliciter resignavit in manibus honorabilis viri, Alexandri Lovell, unius ballivorum dicti burgi, totum et integrum illud tenementum terre cum pertinentiis dictis gardiano et conventui prefati monasterii pertinens, jacens ex parte australi Vici Argadie dicti burgi inter terram sive tenementum capellanie Sancte Anne ad occidentem, terram Sancte Michaelis ad orientem, cimiterium ecclesie parochialis ad austrum, et dictum vicum ad boream, partibus ab una et altera ; Qua resignatione sic facta et per dictum ballivum recepta, idem ballivus contulit sasinam, statum hereditarium et possessionem eiusdem tenementi terre cum pertinentiis Alexandro Alansoun et Cristine Thomsoun, sponse eiusdem, et eorum diutius viventi in conjuncta infeodatione, et heredibus inter ipsos legitime procreatis seu procreandis, quibus forte deficientibus, heredibus de corpore dicti Alexandri legitime procreandis quibuscunque, secundum tenorem carte indentate desuper confecte.

Quibus peractis, dicta Cristina in curia tenta per dictum Alexandrum Lovell, ballivum, in absentia dicti Alexandri, sui mariti, prestitit juramentum, ut moris est, quod inchoata consensit ad resignationem *octo mercarum septem solidorum et octo denariorum* annui redditus pro feodifirma annuali de toto et integro dicto tenemento fiendo per dictum suum sponsum dicto gardiano et conventui et eorum successoribus, et quod contra huiusmodi non. . . . Quibus

factis, dicti Alexander et Cristina per denarium pure et simpliciter resignarunt in manibus dicti ballivi dictum annum redditum; qui ballivus dedit sasinam, statum hereditarium et possessionem eiusdem per dicti denarii donationem prefato fratri Johanni Fergusone, gardiano, nomine dicti conventus, secundum tenorem carte desuper confecte dictis Alexandro et Cristine per dictos fratres. Acta super fundo dicti tenementi, hora decima ante meridiem, presentibus David Doddis et Willelmo Dikkie, fabris, Johanne Bennat, cornuario, et Andrea Ranald, sergeando (f. 232).

1532, XXIII^o die Junij, hora undecima ante meridiem, presentibus in monasterio Fratrum Conventualium dicti burgi Magistro Johanne Barry, vicario de Dundee, Magistro Jacobo Scrimgeour, cantore Brechinense, Domino Andrea Thomsoun, Dominis Thoma Traill et Willelmo Lud, notariis, . . . quod, ad mandatum literarum episcopi Sancti Andree, Jacobus Wedderburn, junior, et Johannes Wait, magno juramento interveniente, se purgarunt de omnibus punctis erraticis eis aut eorum alicui impositis seu recitatis; et etiam purgati sunt per viginti honestos burgenses dicti burgi, magno juramento interveniente (f. 233).

13. ABBREVIATE of Feu Charter of the lands of the Grey Friary in Dundee, under reservation of the church and cemetery, granted by John Ferguson, Provincial Vicar, with consents, to David, Earl of Crawford, in return for an annual feu-duty of seventeen merks. Dated 11th July, 1557. (*Registered f. 211 MS. Abbrev. Cartar. Feudifirme Terrar. Ecclesiasticar., 1564-22nd April, 1569; Confirmed under Charter of Confirmation granted by Queen Mary, conform to Precept of 21st March, 1565.*)

ANE Charter maid be Freir Johnne Fergusson, Provinciall of the haill Ordre of the Gray Freris within the realme of Scotland, and Wardane of the saidis freris foundit within the burgh of Dundee, with consent and assent of the haill Ordour, to David, Erll of Craufurd, his airis and assignais quhatsumevir, of All and Haill the

saidis freris croftis, toftis, yardis, medowis—of the quhilkis medowis ane is possessit and occupiit be James Lovell, burges of Dundee, ane uther be William Kynloch, burges thair, and the residew viz. twa medowis be Andro Barry, burges thair—the houssis and biggingis, with all thair pertinentis possessit be the saidis freris of before, lyand beside the toun of Dundee and within the schirefdome of Forfar, begynning fra the eist part quhair the commoun watter or revar of the said toun is, and rekand fra the said watter to the north, as the commoun medow of the said toun is directit towart the landis of the Constable of Dundee, and as the saidis freris dykis commonlie callit Over Welzardis, rekand on the west part to the hill callit Kentourhill and the Yard of Thornis, and fra the samyn to the croft of Thomas Monorgound, burges of the said burgh, and fra thyne as the saidis freris croftis fra the south parte to the wallis callit Papalis, limitat as said is, except the place and kirkyard of the saidis freris reservit to thame and thair successouris. To be haldin of the said Provinciall and freris forsaidis and thair successouris in feuferme and heretage, paying therfore yerlie the soume of sevintene merkis money of this realme, at twa termes in the yeir, Witsonday and Martymes in winter, be evin portionis, with ane precept of sesing in the end of the said charter direct to Alexander Samsoun, baillie namit thairin. Datit at Innerkething, the ellevint day of July, the yeir of God m^ov^olvij yeris, before witnesses, Maister Hew Lindesay, vicar of Inchebriok, David Lyndesay, Johnne Lyndesay, and James William.

14. PRECEPT UNDER THE SIGNET for a Charter of Confirmation of the preceding Charter by Friar John Ferguson, Provincial of the Friars Minor of Scotland. Dated 21st March, 1565. (*MS. Reg. Privy Seal*, XXXV., f. 13.)

PRECEPTUM carte confirmationis super carta feudifirme facta per fratrem Johannem Fergusson, Provincialem totius ordinis Fratrum Minorum infra regnum nostrum Scotie, ac gardianum dictorum fratrum infra oppidum de Dunde fundatorum, cum consensu et assensu totius huiusmodi ordinis, Davido, Comiti Crawfordi, heredibus suis et assignatis quibuscumque, de totis et integris dictorum fratrum

toftis, croftis, hortis, pratis,—quorum pratorum unum per Jacobum Lovell, burgensem de Dundee, possessum et manuratum, alterum per Willelmum Kynloch, burgensem ibidem, et residuum viz. duo prata per Andream Barry, burgensem dicti burgi,—unacum domibus et edificiis ac singulis suis pertinentiis per dictos fratres perprius possessis, jacentibus apud oppidum de Dundee infra vicecomitatum de Forfar, incipiendo ab orientali parte ubi communis amnis oppidi existit et ab amne predicto extendendo ad boream, sicuti pratum commune dicti oppidi dirigitur versus terras constabularii de Dundee prout etiam fosse dictorum fratrum vulgo vocate lie Welyairdis, tendendo ex parte occidentali ad montem vocatum Centour Hill et hortum spinarum, et ab illis ad croftam Thome Monorgund, burgensis dicti oppidi, et abhinc prout crofte dictorum fratrum ab australi parte ad parietes appellatas Papales, sicut premittitur limitatis, ecclesia, loco, cimiterio dictorum fratrum tantummodo exceptis ipsis suisque successoribus reservatis: Tenendis de dictis Provinciale ac fratribus antedictis ac successoribus suis etc. Salvis etc. precibus, juribus et servitiis debitis et consuetis etc. Apud Edinburgh, vicesimo primo die mensis Martii anno etc. lxxv.

15. LICENSE granted by Queen Mary to the Burgh of Dundee to bury the dead in the yards sometime occupied by the Grey Friars. Dated 11th September, 1564. (*Original in Burgh Charter Room, No. 60 of Inventory; printed in Charters, Writs, &c., of the Royal Burgh of Dundee, 1880, p. 40.*)

WE, understanding that the kirkzarde of oure burgh of Dunde is situat in ye myddis yairof, quhairof ye comone traffique of merchandice is usit; and als ye deid of oure said haill bur^t is buryit; and, throu occasioun of ye said buriall, pest and uther contagius seikness is ingenerit: and efter infectioun it maks ye sam to perseveir and contineu to ye grit hurt nocht onlie to ye inhabitants of oure said bur^t bot alsua of ye haill realme; and wⁱⁿ the realme of France and uther forⁿ p^{ts} thair is na deid bureit wⁱⁿ borrowis, and grit townis bot hes thair bureall places and sepulturis outw^t ye sam for evading of ye contagius seikness foirsaidis; and in ye said kirkzardis quhairin

ye deid was buryit of befoir mair decent policie may be had to ye honor of oure realme and rest of oure leiges; quhairfoir and for uther reasonable causes and considerationes mowing us and for guid trew zail and thankful suite done and to be done to us and our successors hes permittet and licencit and be yir presents permitts and licencis thaim and yair successors foirsaid to bury yair deid in yat place and yardis qlk sumtyme was occupyit be ye Gray Cordelier Freris outw^t and besyd o^r said bur^t: and to intromett, repair, use, clois and big ye sam sufficientlie to ye effect foirsaid in tyme coming, bot ony revocatioun, obstacle, impediment or aganecalling quhatsum-ever. Subscryvit with oure hand and given under oure Signet at Dondei ye ellevint day of September the zeir of God j^m v^c three scoir for zeiris. Mary.

16. PRECEPT UNDER THE SIGNET for a Gift to the Magistrates of Dundee of the ecclesiastical properties within the burgh, including the lands and endowments of the Grey Friars, Black Friars and Grey Sisters. Dated 14th April, 1567. (*MS. Reg. Privy Seal*, XXXVI., f. 74.)

PRECEPTUM litere facte preposito, ballivis, consulibus et communitati burgi de Dunde et ipsorum successoribus imperpetuum super omnibus et singulis terris, tenementis, domibus, edificiis, ecclesiis, capellis, hortis, pomeriis, croftis, annuis redditibus, fructibus, devoriis, proficuis, emolumentis, firmis, elemozinis, lie dailsilver, obitibus et anniversariis quibuscunque, que quovismodo pertinuerunt aut pertinere dinoscuntur ad quascunque capellanas, alteragia, prebendarios, in quacunque ecclesia, capella aut collegio infra libertatem dicti burgi de Dunde fundata seu fundatas per quemcunque patronum, in quarum possessione capellani et prebendarii earundem perprius fuerant, ubicunque prefate domus, tenementa, edificia, pomeria, horti, annui redditus, anniversaria, fructus, proventus et emolumenta jacent aut prius levata fuerant respective, cum maneriis locis, pomeriis, terris, annuis redditibus, emolumentis et devoriis quibuscunque, que Fratribus Dominicalibus seu Predicatoribus et Minoribus seu Franciscanis et monialibus, vulgo Gray Sisteris, dicti burgi de Dunde perprius pertinuerunt, unacum omnibus et singulis terris, domibus tenementisque jacentibus infra dictum burgum et libertatem ejusdem, cum

omnibus annuis redditibus de quacunq[ue] domo, terris aut tenemento infra dictum burgum levandis, datis, donatis et fundatis quibuscunq[ue] capellaniis, alteragiis, ecclesiis, mortuariis aut anniversariis, ubicunq[ue] sint infra hoc regnum; ac etiam cum omnibus et singulis annuis redditibus et aliis devoriis solitis aut que per quamcunq[ue] ecclesiam extra dictum burgum a preposito ac ballivis ejusdem de communi redditu ejusdem pro suffragiis celebrandis demandari poterint cum pertinentiis: Tenendas &c. prefatis preposito, ballivis, consulibus et communitati et eorum successoribus de S. D. N. Regina et suis successoribus imperpetuum &c. Apud Edinburgum, decimo quarto die mensis Aprilis, anno Domini &c. lxxvij°. *Per Signetum.*

17. EXCERPT FROM RENTAL OF CHAPLAINRIES relating to the Grey Friary in Dundee. (*MS. G.R.H.*)

Apud Edinburgh xii^o Augusti anno &c. lxxiii.

COMPERIT J. Scrymgeour and . . . Kyd, commissaris of the toun of Dundee, befoir the Lordis Commissionaris wndirwrittin, viz. Adam, Bischof of Orknay, John Erskin of Dun, Sir Johnne Wischart of Pittarow, knycht, Maister James M'Gill, Clerk of Register, Sir Johnne Bellenden of Auchnoule, knycht, Mr. Johnne Row, Mr. Robert Pont, or ony thre of thame, and producit this rentail following.

The Rentail of all chaiplainreis and annuel rentis pertening to the Choristaris, Blak Freiris, Gray Freiris, Gray Sisteris of the burgh of Dundee, disponit to the said burgh be the Kingis Majesteis darrest moder for sustentatioun and uphald of the ministrey, maister of the scuill and puir of the said burgh and utheris ordinaris concerning the ministrie

* * * * *

The Grey Freiris.

The Rentail in all profeyttis extendis to liij lib. v s. vij d.

The Blak Freiris.

The Rentail in all profeyttis extendis to x li, xl d. less.

The Gray Sisteris.

The Rentail in all profeyttis extendis to xxvij s.

* * * * *

To Johnne Broun, quha wes ane of the Gray Freiris and

man be sustenit upoun the rent thairof during his lifytyme, yeirlie pay to him xvi li.

* * * * *

Gevin for the uphald of the puir, being in the Hospitale, furth of the freiris as the infestmentis beris, . . . xl merkis. Alsua for clayth to cleyth the puir infantis and unabill personis of the said burgh, zeirlie fyftie pundis.

Apud Edinburgh xij^o Augusti anno etc., lxxij.

In the first, for ansuer to the toun of Dundee upoun thair infestment of the annuellis, chaiplainreis and rentallis pertening to the freiris, sisteris and chaiplains of the same.

It is ordanit that the particular rentaille and speciall places quhair of it is takin sal be brocht be the toun of Dundee befor the saidis Lordis Commissionaris or ony thre of thame, and deliverit to the Clerk Register to be keepit in perpetuall rentail for the puir, betuix this and the nixt Generall Assemblie of the Kirk or at the same, and alsua schawing the particular rentailis of all the chaplains yit on lyiff pertening to the toun the same tyme.

Item, that the said toun mak diligent inquisitioun in the menetye of all thing that is omittit ungevin up in rentail or that is fraudfullie sett owt in few, tak or utherwise, and bring the same to the saidis commissionaris or ony thre of thame, as said is, aganis the nixt Assemblie foirsaid.

Item. The toun sall inquyr of all chaiplainreis foundit within the toun be uther patronis outwith the same, and bring ane catholog of the names, the foundatouris and possessouris of the same, and alsua of the rentailis thairof, to the effect that the Act of Parliament may tak effect and executioun thairanent.

Ansuer to the allowances gevin in be the toun of Dundee.

* * * * *

Item, anent the third article, anent the sextein pund gevin to Johnne Broun, freir. Ordanis the same to be allowit for his lifytyme alanerlie.

LANARK FRIARY

1. BULL OF ERECTION granted by Pope Clement VI. for the Friary founded by Robert the Bruce in Lanark, and for another in a place "far from the attack of enemies." Dated at Avignon, 29th November, 1346. (*B.F.*, VI., No. 192.)

DILECTIS filiis, vicario generalis ministri ac fratribus ordinis Minorum in vicaria Scotiae. Inter ceteros ordines etc. Cum itaque, sicut accepimus, inclytæ memoriae Robertus, progenitor carissimi in Christo filii nostri, David, regis Scotiae illustris, quemdam locum in villa de Lanark, Glasguensis diocesis, vobis obtulerit et concesserit, dum adhuc ageret in humanis, et in toto regno Scotiae ordo vester in tribus dumtaxat diocesibus sit locatus et exinde in partibus illis per guerrarum tyrannidem prae ceteris ordinibus sit depressus: Nos, vos et ordinem ipsum volentes prosequi favorabiliter in hac parte, consideratione praefati David, regis, ac carissimæ in Christo filiae nostræ, Ioannæ, reginae Scotiae, eius consortis, nobis super hoc humiliter supplicantium, ac vestris supplicationibus inclinati, vobis et ordini vestro praedicto recipiendi locum praefatum per eundem Robertum, regem, vobis, ut praefertur, oblatum et concessum necnon unum alium locum per dictos David, regem, et Ioannam, reginam, seu eorum subditos, ab insultu hostium distantem, vobis et eidem ordini concedendum, dummodo loca ipsa ad hoc sint idonea et in eorum quolibet duodecim fratres ipsius ordinis inibi pro tempore commorantes honeste ac congrue valeant sustentari, et in quolibet ex locis praedictis habendi et construendi ecclesiam seu oratorium cum campanili et campana et cœmeterium et alias necessarias officinas, absque tamen praeiudicio parochialium ecclesiarum dictorum locorum et iuris cuiuslibet alterius alieni, fel. rec. Bonifatii, Papae, VIII., praedecessoris nostri, . . . et aliis constitutionibus contrariis nequaquam obstantibus, vobis plenam et liberam licentiam auctoritate praesentium elargimur. Nulli ergo, etc. Datum Avinione III. kalendas decembris, anno quinto.

2. INTERLOCUTOR in Action directed against certain burgesses of Lanark by the Lords Advocate. Dated 11th July, 1566. (*MS. Reg. Acts and Decrees*, XXXVII., f. 136.)

1566, 11TH JULY. Anent the summondis rasis at the instance of Maistiris Johne Spens of Conde and Robert Creichtoun of Elyk, advocattis to our Soveranis Lord and Lady, aganis George Tailzefeir, mesoun, David Brentoun, Thomas Tweddell, Alexander Gravet, James Broun, Johnne Cwnynghame, Thomas Tailzefeir, James Bannatyne, Johnne Bannatyne and William Broun, that is to say, the saidis personis to heir thame and ilkane of thame be decernit be decret of the Lordis of Counsale to have done wrang be thameselffis, thair servandis in thair names, of thair causing command, assistance and ratihabitoun and . . . demolesing of the place of the Cordeleris Freiris of the burcht of Lanerk, pertening to our said soveranis, and away taking of diverse and sindry stanis thairof of diverse kyndis, libellat ilkane for thair awin pairt, and to restoir and deliver the samin stanis agane to the said place quhair thai wer takin fra, to the effect libellat, or ellis to pay the prices thairof, ilkane for thair awin pairtis, extending to diverse availles, and also to desist and ceise fra all forther demolesing of the said place, casting doun of the stanis thairof, and away taking of the samin in tyme cuming, or ellis to have allegeit ane ressonabill caus quhy the samin sould nocht be done, lik as at mair lenth is contenit in the saidis letters, actis and letters maid thairupoun : The saidis persewaris comperand be Maister Robert Creichtoun, and the saidis George Tailzefeir, mesoun, David Brentoun, Thomas Tweddell, Alexander Gravet, James Broun, Johnne Cuninghame, Thomas Tailzefeir, James Bannatyne, Johnne Bannatyne, William Broun, comperand be Maister Richard Strang, thair procuratour, the said Maister Robert Creichtoun referrit the said mater simpliciter to the aythis of the defenderis foirsaidis ; and thairfoir the Lordis of Counsale ordanis letters to be direct to warne the personis abovewrittin, defenderis, to compeir parsonale befoir thame the xviii day of November nixt to cum, with continewatioun of dayis, to gif thair aythis simpliciter in the said mater, with certificatioun to thame and ilkane of thame, an thai failze, thai sal be haldin and decernit *pro confesso*. And in the meyntyme continewis the said mater, &c. And the parteis and procuratouris ar warnit heirop.

3. PRECEPT UNDER THE SIGNET for a Charter to Mr. Adam Stewart, brother of the Laird of Mynto, of the site, gardens and ground belonging to the Grey Friars of Lanark. Dated 22nd March, 1570. (*MS. Reg. Privy Seal*, XXXIV., f. 74.)

PRECEPTUM carte Magistri Adami Stewart, fratris germani Domini Johannis Stewart de Mynto, equitis aurati, super toto et integro fundo seu solo et loco, ubi locus olim Fratribus Minoribus, lie Cordeleiris, pertinens, perprius intra burgum nostrum de Lanerk situatus fuerat, cum pomeriis et hortis ejusdem, unacum acra terre cisdem spectante, jacente in territorio dicti burgi, inter terras Willelmi Lempetlaw ex orientali et terras Alisone Mowat ex occidentali partibus: Quiquidem locus, acra terre, horti, pomeria et pertinentes olim dictis fratribus pertinebant; et nunc domino regi pertinentes ac in manibus suis devenientes sueque dispositioni per regni sui leges spectantes: Tenendas etc. dicto Magistro Adamo, heredibus suis et assignatis, de dicto S. D. N. rege et successoribus suis in libera alba firma et hereditate imperpetuum, etc.: Reddendo, etc. summam *tredecim solidorum quatuor denariorum* monete, ad duos anni terminos, festa, viz., Penthecostes et Sancti Martini in hieme, per equales portiones, nomine albe firme tantum, etc. Apud Glasgwo, vicesimo secundo die mensis Martii, anno Domini, etc.—lxx^o.
Per signetum.

4. DECREET BY LORDS OF SESSION in action at the instance of Robert Mure against the claimants to the fermes and duties payable from the friary lands in Lanark. Dated 14th April, 1573. (*MS. Reg. Acts and Decrees*, XLVIII., ff. 382 *et seq.*)

ANENT our Soverane Lordis letters purchest at the instance of Robert Mur, bonet-makar, burges of Lanerk, aganis Maister Michell Cheisholme, Collectour sumtyme, and James Boyd of Hullerhill, now Collectour within the boundis of Cliddisdaill, Maisteris Richart Strang,

Alexander Sym and Climent Litill, procuratouris for the kirk, Mr. Adame Stewart, James Lokhart of the Lee and Maister David Cuninghame, minister of Lanerk: Makand mentioun that, quher the saidis Maister Michell and James Boyd, Collectouris foirsaidis, be vertew of our said Soverane Lordis generall letters, purchest at the instance of the procuratouris of the kirk, hes causit charge the said Robert Mure, as occupyar of the freris landis of Lanerk, to ansuer, obey and mak payment of his firmes and dewiteis therof, the croppis and yeiris of God m^o v^c lxxj and lxxij yeiris and divers yeiris preceding the samin, and siclyke yeirlie in tyme cuming, under the pane of horning. To the quhilk, the said Mr. Michell Chisholme, upone ignorance and simplicite for feir of the said horning, the said Robert maid payment of the saidis firmes and dewiteis of the said lxix yeiris crope, and the said James Boyd, now collectour, chargis him thairfoir yeirlie sensyne, on the ane pairt: And, on the uther pairt, the said Maister Adame Stewart, allegand him to have rycht to the saidis landis, be plane force and assistance of the officiaris of the said burght, upone ane decreit allegit obtenit be him befor the provest and baillies of Glasgw, compellit the said Robert to mak him payment of the saidis firmes and dewiteis of the lxvij, lxviii, lxix and lxx yeiris croppis, and intendis to poynd him thairfoir and in tymes cuming: And, on the thrid pairt, the said James Lokhart of the Lee, allegand him to have rycht to the saidis landis, hes alsua poyndit and compellit the said Robert Mure to mak him payment of his saidis firmes and dewiteis of the lxxi yeiris crope, and intendis to do the elyke in tymes cuming: And, on the ferd (fourth) pairt, the said Mr. David Cuninghame, minister of Lanerk, allegeand him to have the dewiteis of the saidis freris landis assignit to him in pairt of payment of his stipend,¹ hes inlykwyse compellit the said Robert to mak him payment therof of the lxvij and lxviii yeiris and intendis to poind and charge him thairfoir sensyne and yeirlie heirefter; Quhairthrow the said Robert not only maid quadripill payment of his saidis firmes and dewiteis of the yeiris respective foirsaidis, as the pertycular acquittances gevin to him therupone beris, bot alsua wil be compellit to mak the elyke payment of the utheris yeiris bigane restand unpayit and siclyke yeirlie in tyme cuming, at his uter wrak, dampnage and skayth be nocht knawing quhilkis of the saidis parteis hes maist rycht thairto, he being content to ansuer and obey to the partie havand the maist rycht to the samin: And anent the charge gevin to all the saidis parteis and the saidis procuratouris for the kirk, for thair enteres, to

¹ Assigment in his favour of the former Exchequer allowance to the friary, *supra*, I., p. 242.

have comperit befor the Lordis of Consale at ane certane day bipast bringing with thame all thair rychtis and titillis, quhairby thai or ony of thame clames the fermes and dewiteis of the saidis freir landis to pertene to thame, to be sene and considerit be the saidis Lordis quhilk of thame hes maist rycht thairto, sua that the said Robert Mure may be decernit to ansuer and obey to the pairty fundin hevand maist rycht to the samyn of the yeiris bigane unpayit and yerlie in tyme cuming; and the parteis fundin hevand na rycht to be dischargit *simpliciter* of all calling, persewing, trubling, poinding and chargeing of the said Robert thairfor in ony wise for the caussis foirsaidis, as at mair length is contenit in the saidis letters. The said Robert Mure, persewar, comperand be Mr. Henry M'Culzeane, his procuratour, the said Master Adam Stewart comperand be Alexander King, his procuratour, and all the remanent personis defenderis abovewritin being all lauchfullie sumond to this actioun oftymes callit and nocht comperit, the forsaidis pairtiis comperand, rycht, ressonis and allegatiouns herd sene and understand, and the saidis Lordis therwith being riplie avisit, the Lordis of Counsale decernis and ordanis the said Robert Mure to ansuer, obey and mak payment of the firmes and dewiteis of the said freris landis to the said Master Adam Stewart of all yeiris and termes bigane restand awand be him, viz. of the yeris of God m^o v^c lxxj and lxxij yeris last bypast, and siclik yerlie in tyme cuming, as party fundin be the saidis Lordis hevand mast rycht thairto, conform to our Soverane Lordis gift grantit to the said Master Adam of the ground and place of the saidis freris, with the orchard, yard and landis pertening thairto, under the greit seill, of the dait at Glasgw the xxii day of Marche, the yeir of God m^o v^c lxx yeiris, and of his instrument of sasing following thairupoun, of the dait the xx day of Aprile, the yeir of God m^o v^c lxxj yeris, gevin under the signe and subscriptioun manuale of Walter Gray, notar publict, schewin and producit befor the saidis Lordis. For oucht that thai haif yit sene, and inlikwise the saidis Lordis decernis and ordanis all the remanent personis abovewritin to desist and ceise of all calling, persewing, poinding, chargeing, trubling or molesting of the said Robert Mure, persewar forsaid, for his saidis firmes and dewiteis in tyme cuming and of the yeiris foirsaidis, as party fundin be the saidis Lordis hevand na rycht thairto for oicht that thai inlykwise haif yit sene. And ordanis letters to be direct heirupoun gif neid beis in form as efferis.

5. CROWN GRANT to Bernard Lindsay in Inglisberry Grange of the Friary Lands of Lanark. Dated 12th January, 1580-1. (*MS. Reg. Mag. Sig.*, XXXV., 274.)

CHARTER by James VI. to Bernard Lindsay, in Inglisberry Grange, his heirs and assignees, of the place, garden and mansion, called the Freiris place of Lanark, and an acre of land belonging thereto in the burgh roods of the burgh of Lanark, between the lands of Andro Lymptelaw and the deceased Andro Blakie, which formerly belonged to the friars of the said place and fell into the king's hands in terms of the Act of Parliament: paying therefor yearly 26s. 8d. of feu-duty, with duplication at the entry of heirs. (*Abstract, Reg. Mag. Sig. (Print)*, V., No. 79; *Relative Instrument of Sasine, dated 27th March, 1580-81, Registered MS. Protocol Books, T. Lindsay, G.R.H.*, No. 28, f. 297.)

6. CROWN CHARTER OF CONFIRMATION of the preceding grant in favour of Bernard Lindsay. Dated 18th March, 1587-88. (*Abstract, Reg. Mag. Sig. (Print)*, V., No. 1490.)

CHARTER by James VI., after majority, in favour of Bernard Lindsay, in Grange, his heirs and assignees, of the place, gardens, and mansion, called the Freiris place of Lanark, and four acres of land pertaining to them, viz., one acre among the burgh roods of Lanark between the lands of Andrew Lempitlaw and the deceased Andrew Blackie, one acre in the Mains of Lee, and two acres called the Vicar's croft in the Mains of Gleghorne, with five merks of annual rent from certain houses and tenements within the said burgh, which formerly belonged to the said Friars and fell to the King in terms of the Act of Parliament, and were feued by the King in his minority to the said Bernard: Paying annually for the said place and the one acre 33s. 4d. and for the other acres 10s., with duplication at the entry of heirs and 6s. 8d. in augmentation of the rental.

7. INTERLOCUTORS AND FINAL DECREET by the Lords of Session in an action at the instance of Bernard Lindsay against the occupiers of the lands of the Grey Friary in Lanark. Dated 11th December, 1582, and 6th and 11th May, 1583. (*MS. Reg. Acts and Decrees*, XCIII., ff. 8,393,418.)

1582, 18th December.—Anent our Soverane Lordis letteris purchest at the instance of Barnard Lyndsay in Grange, heretour of the landis, yairdis and utheris underwrittin, aganis all and sindrie the persones efter following, makand mentioun that, quhair the said Barnard hes, lyk as he had the tyme of the warnyng underwrittin and yit hes, all and sindre the landis and utheris eftirmentonat with thair pertenantis pertenyng to him in few and heretage, as his infeitment and seasing thair of beiris, and befor the feist and terme of Witson-day, the yeir of God m^ov^c four scoir ane yeris, the said complener causit lauchfullie warnc, conforme to the Act of Parliament maid anent warnyng of tennentis, Issobell Blakie, pretendit tennent and occupyare of ane yaird pertenyng sumtyme to the umquhile freris within the burche of Lanark, Thomas Hamiltoun, hir sone, pretendit tennent and occupyare of ane hous and ane yarde of the saidis freir landis, William Wilkin, burges of Lanerk, pretendit tennent and occupyare of ane hous and ane yarde of the saidis landis, James Mowat, pretendit tennent and occupyare of ane hous and ane yarde of the saidis freir landis, Alexander Hamyltoun, pretendit tennent and occupyare of ane yard pertenyng to the saidis umquhile freir landis, Michael Maxuell, pretendit tennent and occupyare of ane aiker of land and ane yarde extending to ane uther aiker of land with ane kaill yarde, quhilk aker of land lyes betuix the landis of Andro Lempetlaw on the eist parte and the landis of the airis of umquhile Alexander Blakie on the west parte, and the saidis tua yairdis lyes at the west partis of the situatioun of the umquhile freris within the burcht of Lanerk and schireffdome of the samyne; to haif flittit and removeit thameselffis, thair servandis, guidis, geir and fameleis, furtht and fra the saidis houses and landis with thair pertinentis; and thane usit the ordour of warnyng upoun thame conforme to the Act of Parliament maid thairanent. Nochttheles the saidis persones hes violentlie occupeit and withhaldin the samyn fra the said complener, and as yit will nocht desist and ceise thairfra

without thay be compellit. And anent the charge gevin to the saidis persones to haif comperit befor the Lordis of Counsale, at ane certen day of langtyme bipast, to haif herd and sene thame decernit be decreit of the saidis Lordis to flit and remove thameselffis, thair servandis, guidis and geir fra the foirsaidis landis, yairdis, houses and utheris abovwretin, or ellis to haif allegit ane ressonable caus quhy the samyne suld nocht bene done, lyk as at mair lenth is contenit in the saidis letters: The said Bernard Lyndsaye comperand be Mr. Jhone Skene, his procurator, and the saidis persones, defendaris, comperand be Mr. Jhone M'Gill, their procurator, quaha allegit that the saidis tennentis aucht nocht be decernit to flit and remove according to the saidis letteris, becaus thay ar tennentis to the Lard of Ley, lyk as thay haif bene thir twentie yeris bipast, and hes payit him thair malles and dewteis yeirlie be the said space, quhilk Laird of Ley wes takisman, at the leist tennent and maller to umquhile Mr. Adame Stewart, heretour of the saidis landis and utheris libellit. To the quhilk it wes ansuerit and replyit that the saidis tennentis aucht to be decernit to flitt and remove, as is libellit, becaus the saidis tennentis can nocht be herd to invert the persewaris possessioun, seing thay haif payit malleis and dewteis to him voluntarlie sen his infestment, and offerit him to preve the samyne sufficientlie. Thairfoir the Lordis of Counsale assignis to the said Bernard Lyndsay the xx day of Januar nixtocum, with continewatioun of dayes, for preveing of the said ansuer and reply, and to that effect ordanis him to haif letteris to summond sic witnessis and probatioun, and to produce sic wreittis, rychtis, ressones and documentis as he hes or will use for preveing thair of agane the said day. And in the mentyme continewis the principall mater dependand betuix the saidis parteis in the same forme, force and effect as it is now, but prejudice of partie, unto the day foirsaid. And the parteis comperand, as said is, ar warnit heiroyf.

1583, 6th May.—The quhilk day, Mr. Jhone Skene, procurator for Bernard Lyndsay in Grange, askit instrumentis that he repetit the writtis and depositiones of witnessis produceit be him in the actioun and caus of removing persewit be him aganis Issobell Blakie, Thomas Hamiltoun, hir sone, and certen utheris thair colligis, pretendit tennentis and occupyaris of certen landis pertenyng to the freiris of Lanerk as the proces thairupoun beiris. And renunceit farder probatioun in the said mater and thairupoun askit instrumentis as said is.

1583, 11th May.—Anent our Soverane Lordis letteris purchest at the instance of Bernard Lyndsay in Grange, heretor of the landis &c. The ressones and allegationes of the saidis parteis herd, sene and understand, together with the depositiones of dyverse famous witnessis ressavit . . . and examinat in the said mater, and thairwith being ryiplie advysit, the Lordis of Counsale decernis and ordanis the said Issobell Blakie, Thomas Hammiltoun, hir sone, and Mathow Maxuell to flit and remoif thameselffes, thair servandis, familieis, cotteris, guideis and geir furtht and fra the landis, yairdis, houses and utheris abovewrittin with the pertinentis, ilkane of thame for thair awin partis sa far as thai occupy thairof, and to desist and ceis thairfra and leif the samin void and red to the effect that the said Barnard, his tennentis and servandis, in his name, may enter thairto, may peceable bruik, joys, occupy, sett, use and dispone thairupoun as his heretage, at his plesour, in tyme cuming, conforme to his said infestment, precept of warnyng and Act of Parliament maid thairannent. Becaus it was allegit be the said Mr. Johne M'Gill upoun the xviii day of December last bipast that the saidis tennentis aucht nocht to be decernit to flit and remoif according to the desire of the saidis letteris, be ressonne thai ar tennentis to the Laird of Ley, like as thai have bene thir tuentie yeiris bipast, and hes payit to him thair maillis and dewiteis yeirlie during the said space, quhilk Laird of Ley was takisman, at the leist tennent and mailler to umquhile Maister Adame Stewart, heritur of the saidis landis and utheris libellit, and thairfore aucht nocht to remoif as said is. To the quhilk it was ansuerit and replyt that the saidis tennentis aucht to be decernit to flit and remoif, as is libellit, becaus thai can nocht be hard to invert the said Bernard possessioun, seing thai have payit thair maillis and dewiteis to him volunterlie sen his said infestment. Quhilk ansuer and reply being fundin relevant be the saidis Lordis, and diverse termis assignit to the said Bernard for preving thairof, he previt the samin sufficientlie aganis the said Issobell Blakie, Thomas Hammiltoun, hir sone, and Mathow Maxuell allanerlie, like as was cleirlye understand to the saidis Lordis, and thairfore decernis and ordanis letteris to be direct *simpliciter* to the effect foresaid, in forme as effeiris. And assoilzeis the remanent personis defenderis *simpliciter* fra the petitioun of the said Bernard Lindesay and fra the hail pointtis and articlis contenit in the saidis letteris, sa far as concernis thair parte thairof, and decernis thame quite thairfra in tyme cuming.

8. CROWN GRANT to James Lockhart, son and heir-apparent of James Lockhart of Lee, of, *inter alia*, certain lands belonging to the Friars Minor of Lanark. Dated 7th February, 1587-8. (*Reg. Mag. Sig. (Print)*, V., No. 1450; ratified by Parliament, 5th June, 1592, Thomson's Acts, III., 639.)

CHARTER by James VI. in favour of James Lokhert, son and heir-apparent of James Lokhert of Lee, senior, of, *inter alia*, the foundation, place or site and the gardens and houses adjoining, formerly belonging to the Friars Minor (Cordeleris) of Lanark, with an acre in Weitlandsyde within the territory of the said burgh between the lands of David Blakie and William Lempitlaw, which the said *James Lokhert, senior, of old held in feu farm from the said friars*: paying yearly therefor three bolls of oatmeal, or 14s. for each boll.

9. INSTRUMENT OF SASINE of the buildings and composite glebe of the Grey Friary in Lanark, in favour of James Carmichael of Hyndfurd, following upon a Charter granted to him by Sir James Lockhart of Lee. Dated 6th October, 1620. (*Registered, MS. Particular Reg. of Sasines, Lanark, Overward*, II., f. 21, *G.R.H.*)

IN mei, notarii publici, et testium subscriptorum presentia, personaliter accessit super fundum petiae vastae terrae seu horti, stabuli aliorumque subscriptorum, egregius vir, Jacobus Carmichell de Hyndfurd, habens et tenens suis in manibus quandam cartam preceptumque sasine in fine seu calce ejusdem continentem, factam, datam et concessam per honorabilem virum, Dominum Jacobum Lokhart de Lie, militem, (sua subscriptione manuali ut apparuit roboratam) prefato Jacobo Carmichell, heredibus suis et assignatis quibuscunque, in feudifirma hereditarie et irredimabiliter, absque ulla reversione, redemptione seu regressu, de tota et integra illa petia vastae terrae seu horti, ubi ab antiquo fuerunt mansiones seu domum habitationes Fratrum

Minorum, vocatorum lie Freir Cordileiris de Lanerk, cum stabulo sive domo super orientali latere ejusdem situato, olim per quondam Willielmum Wilkine, mercatorem, burgensem dicti burgi, et nunc per dictum Jacobum Carmichell possessa, jacente supra australi latere dicti burgi, inter tenementum Jacobi Mowat, scribae, communem scolam dicti burgi et hortos, nunc ad Willielmum Forrest de Moschokmylne pertinentes, boreali, communem viam regiam dicti burgi, tenementum Roberti Lokhart, burgensis ibidem, et hortum Roberti Hammiltoun, burgensis de Edinburgh, orientali, hortum Joannis Blair, burgensis dicti burgi, australi, et terras vocatas lie freirzairdis, et hortum Magistri Joannis Lyndesay, ministri apud Carlowk, ex occidentali partibus, unacum privilegio duorum introituum seu passagiorum ab antiquo ad dictas habitationes Fratrum Minorum pertinentium, una quorum inter tenementa dicti Magistri Joannis Lyndesay, ministri, et tenementa dicti Jacobi Mowat, scribae, et altera hujusmodi inter tenementa dicti Jacobi Mowat et dictam communem scolam dicti burgi (sine prejudicio tamen liberi passagii sive introitus ad et a presenti ostio dicte scole de Lanerk a communi via ejusdem burgi tantummodo cuiquidem hoc presens infeofamentum nullum erit prejudicium): etiamque de totis et integris illis latitudinibus decem pedum terrae arabilis, extra totam longitudinem orientalis tertie partis trium rodarum terrarum nuncupatarum, dictarum lie freirzairdis, super orientali latere ejusdem orientalis tertiae partis proxime lie freir dykis; quequidem latitudo decem pedum dicto Domino Jacobo Lokhart reservatur e dispositione per ipsum ejusdem orientalis tertiae partis terrarum Roberto Lokhart, burgensi dicti burgi, et Elizabethae Dowglas, sue sponse, facta et concessa secundum tenorem securitatum idcirca perfectarum; et quequidem tres rodac terrarum, vocatarum lie freiryairdis, jacent inter lie freirdyk, orientali, terras Roberti Gairdner, burgensis dicti burgi, australi, venellam vocatam lie freirwynd, occidentali, et ustrinum et hortum Alexandri Bannatyne, burgensis dicti burgi, et hortum dicti Magistri Joannis Lyndesay, ministri, ex boreali partibus.

10. LETTER OF REDEMPTION by John and Samuel Lockhart, sons of Sir James Lockhart of Lee, with consent of James Lockhart, fiar of Lee, Stephen

Lockhart of Wicketshaw, Robert Lockhart, burgess of Lanark, and James Weir of Balshaw, their Curators, in favour of the said Sir James Lockhart, their father.

Dated 15th August, 1622. (*Excerpt, loc. cit.*, II., f. 90.)

OF ane particate of croft extending to three ruids of land or thereby, with the old wallis of ane ruinous house and the little yaird adjacent thereto, lying within the ruidis and brucht of Lanark upon the south side of the common gait thereof, betuix the tenement, dowcot, yeard and croft pertaining to the heiris of umqle David Horne upon the west, the tenement and yeard of John Carmichael of Medowflatt, occupyit be Thomas Wear in Batesmayns and his tenants, on the east part, and of the ground, place or seat-house, biggingis and yeardis adjacent thereto, pertaining of old to the freris callit the little Cordilei[r]is Freris of Lanark, with ane acre of land pertaining thereto lyand on the Weitlandsyde, within the territory of the burgh of Lanark, bounded in manner specifyit in the infestment granted by the said pursuer to me, the said John Lockhart, his son, yrupoun, of the date at the Castle of Lee 6th May, 1610 yeiris. Dated at Lanark the 15th August 1622.

INVERKEITHING FRIARY¹

1. FEU CHARTER of two acres of arable land, part of the Tofts, granted by the Grey Friars of Inverkeithing in favour of James Scot, their former tenant of the same ; feu-duty, 13s. 4d. Dated at Inverkeithing and Dundee 1st and 3rd August, 1560. (*MS. Reg. Mag. Sig.*, XXXII., No. 560.)

OMNIBUS hanc cartam visuris vel auditoris, nos, frater Marcus Flucar, gardianus seu minister loci fratrum de Innerkething, vulgariter vocatorum *Cordeleir Freirs*, cum expressis consensu et assensu religiosorum virorum, Johannis Fergusone, ministri principalis ordinis predicti infra regnum Scotie et conventuum eorundem, necnon cum consensu et assensu fratris Johannis Broun, gardiani de Dundee et conventus ejusdem, et reliquorum gardianorum et conventuum ordinis predicti infra regnum Scotie ubilibet constitutorum, Salutem in Domino sempiternam. Noveritis nos cum unanimi consensu et assensu, matura deliberatione prehabita, sufficiente tractatu precedente utilitateque dicti loci de Innerkething et totius ordinis predicti undique diligenter prehabita, previsa et pensata, dedisse, concessisse, et in feudifirma seu emphiteosi confirmasse, necnon dare, concedere, et in feudifirma seu emphiteosi confirmare dilecto nostro Jacobo Scot, filio legitimo quondam honorabilis viri, Johannis Scot de Spenserfeild, heredibus suis et assignatis quibuscunque, Totas et Integras duas acras terrarum arabilium de lie Tofts dicto loco de Innerkething spectantes et pertinentes, jacentes in baronia de Innerkething et infra vicecomitatum de Fyffe ; quarum una acra jacet inter terras de Tofts dicto Jacobo pertinentes in vitali reddito, ex parte orientali, et terras ejusdem Jacobi sibi pertinentes similiter in vitali reddito, ex parte occidentali, terras de Hilfeild pertinentes constabulario de Dundee, ex parte boreali, et communem viam regiam ex parte australi ; et alia acra predicta jacet infra dictam terram prefati Jacobi, ex parte

¹ Bull of Erection, *supra*, p. 149.

orientali, et terras de Mylnsyd dicto constabulario pertinentes, ex occidentali et boreali partibus, et communem viam regiam ex parte australi; quas duas acras dictus Jacobus nunc occupat pro certis pecuniarum summis per dictum Jacobum nobis et nostris conventibus totius ordinis predicti infra regnum Scotie plenarie et integre gratanter persolutis et in nostrum utilitatem conversis, ac pro aliis gratitudinibus et benemeritis per dictum Jacobum nobis et loco ordini[s] predicti multipliciter impensis et factis, de quibus tenemus nos et totum ordinem predictum integre plenarie et gratanter persolutos et satisfactos, de quibus per presentes dictum Jacobum, heredes suos, executores et assignatos simpliciter exoneramus et quiete indeclamamus imperpetuum: Tenendas et habendas totas et integras dictas duas acras terrarum cum pertinentiis prefato Jacobo Scot, heredibus suis et assignatis, de nobis, gardianis seu ministro dicti loci de Innerkething et conventibus ejusdem, et nostris successoribus nostro juri et titulo seu dominio directo et loco legitimo succedentibus sive succedente contingentibus quibuscunque quovismodo ex quavis legitima causa, in feudifirma seu emphiteosi hereditarie imperpetuum, per omnes rectas metas suas antiquas et divisas, prout jacent in longitudine et latitudine, cum omnibus et singulis suis proficuis et pertinentiis, tam non nominatis quam nominatis, tam sub terra quam supra terram, procul et prope, ad predictas duas acras terrarum cum pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliqua revocatione, contradictione, impedimento aut obstaculo aliquo: Reddendo inde annuatim dictus Jacobus, heredes sui et assignati nobis, gardiano dicti loci de Innerkething, et conventui ejusdem, et nostris successoribus nostro juri et nostro loco quovismodo succedentibus, sive viris religiosi ordinis predicti vel quibuscunque aliis personis ex quavis legitima causa nobis juste forsitan succedentibus, summam *tredecim solidorum et quatuor denariorum* usualis monete Scotie, ad duos anni terminos, videlicet, Penthecostes et Sancti Martini in hyeme, per equales portiones, nomine feudifirme seu emphiteosis, duplicando tamen ad introitum cujusvis heredum suorum, tantum pro omni alio onere, exactione, questione [et] demanda, que de predictis duabus acris per quoscunque juste exigi poterunt quomodolibet vel requiri. Et nos, vero, prefatus gardianus de Innerkething et conventus ejusdem, et minister principalis et reliqui gardiani totius ordinis predicti et conventus eorundem infra regnum Scotie, et nostri successores quicunque nostris loco et fructibus quovismodo succedentes, dictas duas acras terrarum cum pertinentiis memorato Jacobo Scot, heredibus suis et assignatis, adeo libere et quiete, in omnibus et per omnia, forma pariter et effectu, ut

premissum est, contra omnes mortales warrantizabimus, acquietabimus et imperpetuum defendemus, non obstantibus constitutionibus, juribus et privilegiis nobis et dicto nostro ordini inde concessis, quibus in hac parte per presentes expresse et omnino renunciamus imperpetuum. In cujus rei testimonium sigillum nostri conventus, loci et ordinis de Innerkething, unacum sigillis loci de Dundee [et] ministri principalis ordinis predicti infra regnum Scotie, in signa eorum consensus et assensus ac auctoritatis, presentibus sunt appensa, unacum subscriptionibus nostris manualibus, dicti ministri principalis et reliquorum gardianorum et conventuum predicti ordinis infra dictum regnum, apud dictum locum nostrum de Innerkething et reliqua loca ministri, gardianorum et conventuum antedictorum, diebus, primo mensis Augusti et apud Dundee tertio die ejusdem mensis, anno Domini millesimo quingentesimo sexagesimo.

2. CHARTER BY JAMES VI. to Mark Swinton, Provost of Inverkeithing, and his son, of the place and garden of the Grey Friary there. Dated 17th June, 1605. (*Loc. cit.*, XLIV., No. 284.)

JACOBUS, Dei Gratia, Magne Britannie, Francie et Hybernie, Rex, &c., Defensorque Fidei, omnibus probis hominibus totius terre sue, clericis et laicis, Salutem. Sciatis nos, post nostram legitimam et perfectam aetatem, omnesque nostras revocationes, tam speciales quam generales, postque confectionem acti annexationis omnium terrarum ecclesiasticarum omnium beneficiorum regni nostri Scotie corone nostre, potestatem habentes virtute acti dissolutionis in eodem Parlamento confecti dictas terras ecclesiasticas in feudifirma locare, que per prius debite et legitime minime confirmate fuerunt, prout dicta acta in se latius proportant, cum avisamento et consensu nostri confisi et predilecti consanguinei, Magistri Johannis Prestoun de Fentounbarnis, nostri collectoris generalis ac thesaurarii nostrarum novarum augmentationum, dedisse, concessisse, disposuisse, et in feudifirma hereditarie dimisisse, ac pro nobis et successoribus nostris pro perpetuo confirmasse, necnon tenore presentis carte nostre dare, concedere, disponere, et in feudifirma hereditarie dimittere, ac pro nobis et successoribus nostris pro perpetuo confirmare dilectis nostris Marco

Swyntoun, preposito burgi nostri de Innerkething, in vitali reddito pro omnibus vite sue diebus, et Johanni Swyntoun, ejus filio et heredi apparenti, heredibus suis et assignatis quibuscunque, Totum et Integrum illum locum, tenementum vel hospitium de Innerkething cum horto ejusdem per bondas et metas subscriptas, jacentes inter terras Roberti Dempstertoun ex orientali, littus maris ex australi, terras Davidis Stanehous ex occidentali, et nostram viam publicam ex boreali, partibus ab una et aliis, quodquidem tenementum vel hospitium ad fratres ordinis Sancti Francisci et conventum fratrum dicti loci de Innerkething, ejusdem ordinis et diocesis Sancti Andree, perprius pertinuit, et nunc in manibus nostris et ad nostram donationem et dispositionem deveniens virtute acti annexationis terrarum ecclesiasticarum corone nostre vel virtute alicujus alterius acti Parliamenti &c.: Tenendum et habendum totum et integrum prefatum locum, tenementum vel hospitium de Innerkething, cum horto ejusdem per bondas et limites prescriptas, cum pertinentiis, ut dictum est jacens, prenominitis Marco Swyntoun in vitali reddito pro omnibus vite sue diebus et Joanni Swyntoun, ejus filio antedicto, heredibus suis et assignatis quibuscunque, hereditarie de nobis et successoribus nostris, nunc superioribus eorundem virtute dicte annexationis, in feudifirma, feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et divisas, prout jacent in longitudine et latitudine, in domibus, edificiis, hortis, stagnis, agris, sepibus, muris, murenis, lignis, tignis, lapidiciis, lapide et calce, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis et asiamentis ac justis suis pertinentiis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, procul et prope, ad predictum tenementum sive hospitium cum horto ejusdem et suis pertinentiis spectantibus, seu juste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliqua revocatione, contradictione, impedimento aut obstaculo aliquo: Reddendo inde annuatim dicti Marcus Swyntoun, durante vita sua, necnon dictus Joannes Swyntoun, ejus filius et heres apparens, heredes sui et assignati antedicti, nobis et successoribus nostris et aliis jus et titulum habentibus virtute dicti acti annexationis, summam *sex mercarum monete* regni nostri Scotie, ad duos anni terminos consuetos, festa videlicet, Penthecostes et Sancti Martini in hieme, per equales portiones, tanquam pro devoria feudifirme pro predicto loco sive hospicio cum horto et pertinentiis perprius solvi solitam et consuetam, unacum summa *tredecim solidorum et quatuor denariorum* monete antedicte in augmentationem nostri rentalis, ad terminos prescriptos, necnon heredes dicti Joannis Swyntoun duplicando dictam

feudifirmam primo anno eorum introitus in et ad predictum hospitium sive tenementum cum horto et pertinentiis ejusdem, prout usus est, feudifirme tantum, pro omnibus aliis devoriis et debitis servitiis que de eodem exigi vel requiri poterint. Praeterea, quia nobis clare constat, per autentica instrumenta, scripta et documenta coram dicto nostro thesaurario dictarum nostrarum novarum augmentationum producta et ostensa, quod predicti Marcus Swyntoun et Johannes Swyntoun, ejus filius, eorum predecessores et auctores, a quibus eorum jus et titulum dicti loci vel hospitii cum horto et pertinentiis provenit, sunt et erant antiqui nativi feudifirmarii ac tenentes dicti loci et tenementi cum horto et pertinentiis ultra hominum memoriam; idcirco nos cum avisamento predicto ratificavimus, approbavimus et confirmavimus, prout tenore presentis carte nostre ratificamus, approbamus et confirmamus cartam alienationis factam et concessam quondam Johanni Swyntoun, heredibus suis et assignatis quibuscunque, per quondam Johannem Fergusson, guardianum in Dundie fratrum ordinis Sancti Francisci et omnium Fratrum Conventualium ministrum ejusdem ordinis infra regnum nostrum Scotie, et conventum fratrum dicti loci de Innerkething ejusdem ordinis prescripti, diocesis Sancti Andree, de toto et integro dicto loco et hospicio de Innerkething cum hortis et pertinentiis ejusdem ut dictum est jacentibus, de dato apud Innerkething quarto die mensis Julii, anno Domini millesimo quingentesimo quinquagesimo nono, cum precepto et instrumento sasine inde sequuto, unacum omnibus aliis infeofamentis, preceptis, instrumentis sasine, confirmationibus aliorum superiorum, et omnes alias evidencias et securitates quascunque dicto quondam Johanni Swyntoun, Marco Swyntoun et Johanni Swyntoun, ejus filio et heredi apparenti, eorumque predecessoribus vel auctoribus predicti loci de Innerkething cum horto et pertinentiis eorundem factas et concessas, de quibuscunque datis et contentis eodem sint, in omnibus et singulis capitibus, punctis, articulis, clausulis, conditionibus et circumstantiis in eisdem contentis. Ac volumus et concedimus et pro nobis et successoribus nostris decernimus et ordinamus quod hec presens nostra confirmatio et ratificatio dictorum infeofamentorum prescriptorum et securitatum antedictorum sit et erit tanti valoris, roboris, efficacie et effectus in omnibus punctis ac si eadem infeofamenta, scripta et securitates specialiter in hac presenti carta nostra insererentur, ac etiam si hec nostra confirmatio et ratificatio ante sasinam hactenus de dicto loco et horto cum pertinentiis per dictum [Johannem] aut ejus filium eorumque predecessores aut auctores data et concessa fuisset, non obstante sasina hactenus per eos de eisdem capta, penes quam nos, pro nobis et successoribus nostris, per presentis carte nostre tenorem pro perpetuo

dispensamus. In cujus rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus. Testibus ut in aliis cartis consimilis dati precedentibus. Apud Edinburgh, decimo septimo die mensis Junii, anno Domini millesimo sexcentesimo quinto et regni nostri tertio et tricesimo octavo.

3. CHARTER to Friar John the Carpenter of £20 sterling for the term of his life from the New Customs of Inverkeithing. (*Harleian MSS.*, 4628, f. 68.)

DAVID, Dei Gratia, &c. Omnibus &c. Cum Malcolmus Fleming, miles, alumnus noster custosque castrum nostri de Dumbertane dilectus et fidelis, utilitate nostra regia provide prepensata, nomine nostro, per literas suas patentes ex certa conventionione fideliter promississet fratri Joanni, carpentario, ordinis Fratrum Minorum, pro artificio suo et laboribus, tam infra predictum castrum nostrum quam extra ubi duximus ordinare, fideliter impenderi *viginti libras stirlingorum* annuae pensionis pro toto tempore vitae dicti fratris Joannis ad terminos &c. proportionaliter percipiendo. Rex, exigentibus dicti fratris Joannis meritis, dictam pensionem confirmat et eam, tam de firmis suis (regiis) burgi de Innerkething, quam de magnis Customis suis ibidem, concedit ipsumque fratrem Joannem ante omnes alias concessionem (nostras) ibidem preferri volumus in perceptione annuae pensionis predictae. Quapropter, tam prepositis burgi predicti, quam collectoribus novae Custumae nostrae ibidem, districte precipimus ut dicto fratri Joanni solvant. Et quod in hoc apposuerunt in computis suis annuis volumus allocari. In cuius rei testimonium has literas nostras sibi fieri fecimus patentes.

4. DECLARATION made by John Buty, burgess of Kinghorn, in the Grey Friary at Inverkeithing, concerning the forgery of the charter of the Burgh of

Kinghorn. Dated 1st November, 1424. (*MS. Reg. Transcripts, G.R.H.*)

TIL al and syndry that this letter herys or seis, I, Johan Buty, burges of Kynggorne, for til declere myn conciens and for heyle of myn awne saule, makis it opynly kende that I wayt, and it was reveylyt til me be my nychbourris of Kynggorne, the qwylkis har eldar in that burgh than I ham, has tauld me oft tymis and mony that the lettyre that thai of Kynggorn has, that thai cal Kynge Williem charter, the seelle of it was fune in the toun of Orok, but of ony wryt at it, and Jon of Kynggorn, Lorde of Orok, browch it til Kynggorn, and schew it til certan nychbourris, the qwilkis war mast a tentty folk and of the gretest consele of the toun, and speryt at tham gef sic a seelle mych mak tham ony profit and helpe tham til ony charter or evident of Kyng Williem, and than thir men yed til conseel that is til [say], Johan of Kynggorn, Lorde of Orok, Robert German, Johan Clerk, Robert Bel, Walkar Henry of Aytoun, and thir sayd men gayt thaim a clerk, the qwylk mad yon wryt and put that sayd seelle til yt that Johan of Kynggorn gef thaim, and thus that clerk put that seel til yon wryt qwen he had wyrtyyn it, and thai gef him his servis tharefor ; and thus this fals charter was fyrst contrewfyt and maid, and Johan Williamson, tayloure, Lawrens of Balglaly, Jak of Balglaly and Sir Johan of Hil, Vecar of Kyrcaudy, wayt that this was doun and mad in this maner and form befor wyrtyyn. In witnes herof I haf put til my seelle in the Frerys of Innerkethinge the fyrst day of Novembyr the yher of oure Lord j^m cccc xxⁱⁱ and foure.

KIRKCUDBRIGHT FRIARY

1. TACK, dated 11th September, 1551, by Freir Christopher Walker, Wardane of the Freirs of Kirkcudbright, with consent of the convent of our Place of Kirkcudbright, to our luffit friend Niniane Muirhead, burgess of Kirkcudbright, of All and Hail our croft of land, with the meadow and fishing of the same, lying within the territory of the burgh of Kirkcudbright, upon the north part of the same, betwixt ane croft of land pertaining to Walter Beithane upon the said north part, and the common street called the Crek Gait that passes to Sanct Cuthbert's Kirk upon the south part, for the term of nineteen years at the rent of 2 merks Scots yearly. (*Inventory of Writs of the Earl of Selkirk, Hutton MSS., I., 61.*)

2. ABBREVIATE OF FEU CHARTER granted by the Friars of Kirkcudbright, with consents, in favour of John MacBair, of the lands of Spittelfield. Dated 5th July, 1552. (*MS. Abbrev. Cartar. Feudiferme Terrar. Eccles., G.R.H., I., ff. 293, 294.*)

ANE Charter maid be Freir James Cant, Wardane of the Freris Minouris of Kirkcudbright, of the Ordour of Sanct Francis, with consent of the hail convent of the saidis freris, and als with consent of ane reverend fader, Johnne Fergusson, Maister Provinciall of the hail Ordour of the saidis Freris Minouris within the realme of Scotland and Wardane of the place of the Freris Minouris of Dundee, and als with consent of venerable men, Freir Johnne Congiltoun, Wardane of the place of the Freris Minouris of Haddingtoun, Freir Charlis Hume, Wardane of the place of the Freris Minouris of Drumfreise, Freir Andro Quhitheid, Wardane of the place of the Freris Minouris of Lanerk, Freir Henrie Cant, Wardane of the place of Roxburgh, and Freir William Sinclair, Wardane of the Freris

Minouris of Innerkething, to umquhile Johnne M'Brair, burges of the burgh of Drumfreise, sone and air of umquhile Roger Makbrair of Almylgill, his airis and assignais, off All and Hail the landis of Spittelfield, extending in the hail to fifty-twa aikeris of land with thair pertinentis, liand in the parrochin of Drumfreis, within the schirefdome thairof, betuix the landis pertening to the said John M'Brair on the south, the commoun landis of the said burgh callit the Kingholme on the west, the landis of the said Johnne callit the Oxgang on the north, and the kirklandis of the vicarage of Drumfreis on the eist partis: To be haldin of the said Wardane of Kirkcudbright and his successouris, Wardanis of the said place thairof, in fewferme and heretage: Paying thairfore yeirlie the soume of fifty schillingis money of this realme, as the ald maill contenit in the forsaid charter usit to be payit of before, and als the soume of fifty schillingis money forsaid in augmentation of the rental, in name of few anuell, at twa termes in the yeir, Witsunday and Mertymes in winter, be evin portionis. Datit at Kirkcudbright, the fyft day of July the yeir of God m^ov^c fifty-twa yeris. Witnesses, Roger Carrutheris, burges of Drumfreise, Robert M'Culloch, Eleise Makylwee, burges of Kirkcudbright, William M'Ilrewee, Schirris Mark Carrutheris, parsoun of Mouswald, Herbert Andersoun, chaplanis and notars public.

A Precept of Sesing thairon separatid by the charter, direct to Johnne Cwningham, burges of Drumfres, baillie namit thairin, of the same date and before the same witnesses.

Ane Instrument of Sesing thairupoun, under the signes and subscriptionis manuell of Sir Mark Carrutheris and Herbert Cwninghame, notaris publict, of the date the xii day of July, the yeir abovwrittin, berand sesing gevin be the said Johnne Cwninghame, ballie of the burgh of Drumfreis and ballie contenit in the forsaid precept, before witnesses, William Patersoun, Archibald Maxwell, Eleis Trow, Johnne Haliday, burgesses of Drumfreis, Schir Herbert M'Brair, chaiplane, Thomas Colyne, Herbert Makbrair, Thomas Bell, William Morane, Clement M'Brair, William M'Culloch, and Martyne Edzar, seriandis of the said burgh of Drumfreise.

And als ane Instrument of Sesing under the signe and subscription manuell of Herbert Cwninghame, notar publict, berand sesing gevin be vertew of ane precept of Clare Constat, direct be the Wardane forsaid to William Aslowane, ballie namit thairin, to Archibald M'Brair, sone and air of the said umquhile Johnne, off the landis

abovwrittin. Datit the xvii day of Junii, the yeir of God m^ov^elxi yeris, witnesses, William Morane, Johne Collyng, Schir Herbert M^rBrair, and Martyne Edzar, seriand, with utheris diverse.

3. BLENCH CHARTER by James VI. to Thomas Maclellan of Bombie, of the site and ruins of the Place and Church of the Grey Friars of Kirkcudbright. Dated 6th December, 1569. (*MS. Reg. Mag Sig.*, XXXII., No. 77, conform to Precept of same date; *MS. Reg. Privy Seal*, XXXVIII., f. 105.)

JACOBUS, Dei Gratia, Rex Scotorum, omnibus probis hominibus totius terre sue, clericis et laicis, Salutem. Sciatis quia nos ac charissimus noster avunculus, Jacobus, Moravie Comes, Dominus Abirnethie, nostrum ac regni et liegorum nostrorum Regentis, intelligentes quod locus et ecclesia fratrum burgi nostri de Kirkcudbright jam longo tempore retroacto demoliebantur et nunc vasta jacent, sic quod nullum commodum seu proficuum de eisdem pervenit, nec aliqua pars earundem alicui usui bono applicatur, ac nos, cum avisamento dicti nostri charissimi avunculi et regentis, volentes potius eadem in certum usum commodum seu necessarium converti quam in uno cumulo congesto et confuso jacere, igitur, ac pro republica hujus nostri regni ac politia intra dictum nostrum burgum habenda seu intertenenda per edificationem quorundam manerii et domorum super eisdem per dilectum nostrum Thomam Makclellane de Bomby, dedimus, concessimus et disposuimus, ac tenore presentis carte nostre damus, concedimus et disponimus ipsi Thome, heredibus suis et assignatis, hereditarie, Totum et Integrum solum, fundum et locum super quibus dicti locus et ecclesia fratrum de Kirkcudbright perprius construebantur seu edificabantur, cum omnibus lapidibus super eisdem existentibus unacum pomeriis, hortis, pendiculis et pertinentiis eorundem, jacentia intra dictum nostrum burgum de Kirkcudbright, inter fluvium et mare ex boreali, communem viam nostram ex occidentali, ac terram Roberti Forestar ex australi partibus, infra senescallatum nostrum de Kirkcudbright: Tenendum et habendum totum et integrum fundum, solum seu locum antedictum, unacum lapidibus, pomeriis, hortis, pendiculis et pertin-

entiis eorundem, dicto Thome, heredibus suis et assignatis, de nobis et successoribus nostris, in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et divisas, prout jacent in longitudine et latitudine, cum libero introitu et exitu, ac cum omnibus et singulis libertatibus, commoditatibus, proficuis, asiamentis ac justis suis pertinentiis quibuscunque, tam non nominatis quam nominatis, ad predictum solum, fundum et locum, cum lapidibus, pomeriis, hortis, pendiculis et pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliqua revocatione aut contradictione quacunque: Reddendo inde annuatim dictus Thomas, heredes sui et assignati, nobis et successoribus nostris unum denarium super solum loci antedicti in festo Penthecostes, nomine albe firme, si petatur tantum. In cujus rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus. Testibus, prout in aliis cartis precedentibus consimilis dati. Apud Edinburgh, sexto die mensis Decembris, anno Domini millesimo quingentesimo sexagesimo nono et regni nostri tertio.

4. MINUTE OF DISPOSITION by the said Thomas Maclellan in favour of the Bailies, Councillors and Community of Kirkcudbright, of the Friary Church and Churchyard. Dated 24th March, 1570. (*Imperfect Copy in Burgh Charter Room.*)

DISPOSITION, dated at Kirkcudbright 24th March 1570, by Thomas Mackclellane of Bomby, having the place and kirk within the town of Kirkcudbright which sometime pertained to the Freirs Minor of Kirkcudbright, received by him from the King with consent of the deceased James, Earl of Murray, Regent, and also being patron of the patrimony of the kirk within the said burgh called St. Andrew's kirk, with the kirkyards, chaplainries, chalmers and yards thereof, to John Hunter and Herbert Gledstaines, bailies of the said burgh for the time, Edward Forrester, Robert Forrester, Andrew Gaw, John Doungalson, Robert M'Culloch, John M'Kuffie, William Hay, John M'Coll, Thomas M'Cartney and . . . Whytheid, for themselves and the remanent councillors and community of the said burgh, for pay-

ment of 200 merks and 100 bolls of lime. The said kirk, called the Freirs' kirk, and the kirkyard of the same, to be a parish kirk, and also all right he has to the said kirk of St. Andrews, &c. ; the said Thomas M'Lellan agrees to uphold the queir or the third part of the said kirk called the Freirs' kirk, which is the east part thereof, for the parson's part, and to assist the bailies to compel the inhabitants to maintain the third part in thack, tymmer and stanes ; and it is further stipulated that it shall not be lawful to the bailies or any persons to cut or take away any of the growing timber within the said kirkyard. It is further agreed that when reformation shall happen to come to the kirk and religion within the realm, so that the said Thomas may not lawfully warrand and defend the said two kirks to the bailies, he will repay to them the 200 merks and the 100 bolls of lime, the bailies re-entering him again and discharging all infetments given hereupon. This is to be registered in the Steward Court books of Kirkcudbright. —Witnesses, Thomas M'Clellan . . . , and William M'Clellan of Netherthird, Ninian Muirhead, Gilbert Muir in Flularg and Archibald M'Clellan.

OBSERVATINE FRIARIES

CHRONICLE OF THE OBSERVATINE
PROVINCE OF SCOTLAND BY FATHER JOHN HAY,
O.M. OBSER. (*A.M.*, XIX., 126, Nos. XVI.-XXX°.)

REVERENDISSIMO patri, Fratri Francisco de Gonzaga, totius Ordinis Minorum Generali Ministro, Frater Joannes Hayus, ejusdem Ordinis, et Provinciae Coloniae indignus Minister, omnem obedientiam et reverentiam ex animo offert: Cogis me, reverendissime pater, in arenam difficilem descendere, a qua Provinciae Scotiae (quae me Religioni, per secundam post secuti naufragii tabulam,¹ immeritum genuit) exordium, progressum et finem Ecclesiae Catholicae et Ordini meo exponam—grave certamen, nisi certo scirem hujus historiae veritatem et mei sacri exilii et Religionis meae beati Francisci in regno Scotiae plantatae testimonium usum fidelissimum. Quod cum lubens acceperis, cave, reverendissime pater, ne ipsius veri testimonii ornamenta in lucem prodeant, nisi uti fuerint iudicio tuae amplitudinis purgata. Vale. Datum Coloniae in domo Fratrum Minorum de Observantia, anno 1586, mensis Januarii die 28, V. Rme. P. F. Joannes Hayus, Provinciae Minister indignus.

PROVINCIA SCOTIAE, ut ab iis accepimus qui in ea professi sunt, anno Domini 1224, vivente beato Francisco, originem habuit, ubi floruit quidem per viros doctissimos in XIV. conventibus,² sed qui a puritate suae professionis post obitum B. P. Bonaventurae defecerat. Verum enim anno Domini 1430, per discipulos beati Bernardini denuo Religio ad suam primam puritatem, in qua B. P. Franciscus reliquerat, in multis mundi partibus fuisset restituta. Jacobus, hujus nominis primus, Scotorum rex centesimus primus, audiens in partibus Germaniae inferioris Ordinem beati Francisci per viros quosdam

¹ Note 2, *infra*, p. 183.

² Seven Conventual Friaries.

pietate insignes ad suum primum splendorem restitutum, missis his ad Provinciam Coloniensem, petiit ut patres Germani pii et docti in Scotiam mitterentur, qui Religionem collapsam ad puram observantiam reducerent. Itaque P. Joannes de Mauberto, primus Vicarius Apostolicus et Generalis per Eugenium IV. anno Domini 1446 declaratus,¹ postea informatus de petitione praefati regis, ex Provincia Coloniae S. P. Cornelium a Zericzea cum sex sociis in Scotiam misit, qui tanta sanctitate et admiratione apud populum et regni primates claruit, ut statim ipsius et sociorum vita et doctrina efficeret quod novem loca de Observantia erigerentur. Quorum primicerius fuit qui in civitate metropoli regni, Edimburgo, emerit; qui cum inter reliquos principatum obtineat ab eo auspicandum nobis erit.

DE PRIMO CONVENTU OBSERVANTIAE EDIMBURGI ERECTO.

Sumsit hic locus exordium statim primo anno adventus P. Cornelii a Zericzea in Scotiam, cujus sanctissimae paupertatis conservandae ardor adeo nedum plæbeorum et omnis populi, verum et nobilium ac ecclesiasticorum, corda commoverat, ut illius metropolis civitatis insignem et situ accommodissimam acciperet portionem sibi et ordini in Domini haereditatem, et tam notabiliter structuris et aedificiis ac hortorum amoenitate ornatam, ut non habitacula pauperum sed magnatum viderentur. Quae cum ille mundi contemptor, P. Cornelius, non acceptaret, affirmans ordinis fundatorem in testamento reliquisse quod fratres libenter maneremus in domibus et ecclesiis pauperculis et derelictis, Primas regni, Archiepiscopus Sancti Andreae, non cessavit donec, anno 1455, Pius II. (Æneas Silvius prius dictus, qui in Scotia apud Jacobum I. regem legatum egerat) literis apostolicis eundem locum Romanae Ecclesiae incorporavit, ac fratribus, etiam nolentibus, ut peregrinis secundum suae professionis normam, ad inhabitandum dedit. In quo vixere semper 50 vel 60 patres sacerdotes, ex quibus primi fuerunt et genere ac sanctimonia clari et pietate et doctrina vere clarissimi. Fama siquidem sancti viri Cornelii et sociorum undique diffusa, statim comitum et nobilium filii ex academiis, potissimum Parisiensi et Coloniensi, advolantes in patriam, et verbis et exemplis illius patris Cornelii commoti, tanquam Christum in eo loquentem *sequere me* audientes, secuti sunt: ac titulis nobilitatis et doctoratus mundique pompis contemptis, apostolicam vitam cum patre sancto filii agere coeperunt. Tanta fuit eo tempore pauperum Christi in honore sacra vestis, quod magnatum

¹ 1443, *supra*, I., pp. 49-51, 53, n. 53.

fili, purpura et bysso abjectis, certatim accurrentes, eam tanquam stolam innocentiae per vitae professionem amplecterentur, de quibus fratribus postea suo loco dicitur. In hoc conventu potissimum continuo fuit et floruit provinciae seminarium philosophiae et sacrae theologiae, ex quo viri pientissimi et prudentissimi prodierunt, qui provinciam in pura Regulae observantia observaverunt usque ad annum Domini 1559, quo fides et Religio ex Scotiae regno profligata est.

DE SECUNDO CONVENTU IN S. ANDREA ERECTO.

Secundus Observantiae locus fundatus est ab Archiepiscopo Sancti Andreae, in ejus metropoli sede Sancti Andreae dictae D. Jacobo, anno Domini 1458, exemplo et pietate P. Roberti Crethy, Comitis de Merchal legitimi filii, ante Religionis ingressum sacrae theologiae doctoris clarissimi; cujus nedum doctrina eximia sed et humilitas profundissima effecit, quod flos universitatis sacrae juventutis in praefata civitate, relictis mundi illecebris, eundem pium patrem professione sequerentur. Sacrae enim Religionis fundamentum humilitas adeo virum Dei ad sui cognitionem dejecerat, ut, cum esset omnium illius temporis et fama et experientia eruditissimus, cum in humanis tum in divinis literis, in oculis suis tamen se nihil scire perturbabat. Unde, quadam nocte media horae matutinales cum Edimburgi a fratribus cantarentur, et ipse novitius, a P. Cornelio ibidem receptus, a presidente chori lectio ei daretur ad legendum, corrector eum tentaturus male correxit; ille ex vera humilitate sui, exemplum posteris relicturus, statim quod bene lectum ab eo erat male legendo repetebat. Idem conventus semper seminarium novitiorum extitit, ubi praeter novitios habitabant passim 24 patres sacerdotes, concionatores et confessarii ab Archiepiscopo ordinati, qui confessiones juvenum studentium in Universitate frequentium exciperet.

DE TERTIO CONVENTU IN S. JOANNE ERECTO.

Tertius de Observantia locus, anno Domini 1460, in oppido Sancti Joannis dicto erectus est per Comitem de Olyphant. Misso siquidem eo patre Hieronymo Lyndsay, filio Comitis de Crafrordt, ad Religionem converso per patrem Cornelium a Zericzea et ante Religionis ingressum Parisiis utriusque juris Doctore promotus, tam efficaciter civium et populi corda pietate et concionibus ad opera misericordiae commovebat, quod trium annorum spatio alii religiosi ordinis Sancti Dominici et Fratres de Monte Carmelo loca erecta acceperint in eodem oppido.

DE QUARTO CONVENTU IN ABERDONIA ERECTO.

Quartus locus Ordini datus fuit in Aberdonia, civitate ubi prima Universitas erat, constitutus¹ anno Domini 1470 ab Episcopo loci pro tempore, vere pientissimo. Is ex ecclesiae suae thesauris sempiternam posteris sui reliquit memoriam. Nam, posteaque quatuor celeberrima collegia juris, artium liberalium, medicinae et philosophiae erexisset, eaque amplis fundis et possessionibus vallasset, pauperesque viros numero 20 hospitali insigni cum redditibus amplis ditasset, etiam conventum amoenissimum in oppido universitati adjunctum construxit, ubi viri graves et celebres ad religionem conversi magna pietatis et mortificationis exempla posteris transmiserunt. In eodem loco sacerdotes 24, et aliquando 30, habitabant, pro confessionibus suscipiendis juvenum studentium ab episcopo ordinati.

DE QUINTO LOCO IN CIVITATE GLASCO ERECTO.

Cum in regno Scotiae duae sint metropolitanae ecclesiae, altera in Sancto Andrea, altera in civitate Glasco, hujus Archiepiscopus, flagrantissimo amore erga Ordinis observantiam² praeditus, et ipse, missis pro quibusdam sanctis patribus conversis per patrem Cornelium, anno Domini 1472, locum insignem in sua civitate eis aedificavit, ubi habitabant passim probi 20 sacerdotes deputati potissimum pro audiendis confessionibus studentium.

DE SEXTO LOCO IN OPPIDO AREA ERECTO.

In occidentali plaga regni Scotiae oppidum est antiquissimum, Area nomine, cujus incolae famam odoriferam diffusam de fratribus audientes qui Glascoam advenerant, et ipsi non cessarunt donec monasterium fratribus a fundamentis continerent anno 1474. Maxima ibi fuit frequentia mercatorum confitentium patribus, qui 20 numero quotidie ibi habitabant. In ecclesia fratrum, B. Virgo Maria, Dei Genetrix, summa veneratione frequentia christianorum colebatur, cujus precibus et meritis ibidem plurima miracula fiebant.

DE SEPTIMO LOCO IN OPPIDO ELGINIO ERECTO.

Dominus Joannes, Vicecomes de Innes, in partibus regni borealibus inter nobiles clarissimus, anno 1479, animatus ad poeni-

¹ That is, Bishop Thomas gave his consent to the erection of the friary. *Vide* Letter of Consent, *infra*, p. 217.

² *Ordinem Observantiae.*

tentiam et fervorem praedicatione fratrum qui Aberdoniae residebant, praeclarum locum a fundamentis in oppido Elginio construi fecit, ubi 24 sacerdotes morabantur, occupatissimi in praedicatione verbi Dei et confessionibus cleri ibidem copiosi et populi suscipiendis.

DE OCTAVO LOCO ERECTO STRIFLINGI.

Octavus de Observantia locus fundatus est et aedificatus a Jacobo, rege Scotorum, ejus nominis quarto, anno Domini 1494, viro certe pientissimo, qui posteaquam palatium in eodem oppido plane regium parasset elegantissimum, coenobium Ordinis, tanquam suum futurum oratorium et sacellum, maximis sumptibus erigere curavit. Tanta zelotypia circa illius loci executionem ferebatur, quod sub gravibus poenis praefectis operis interdixit, ne ab ullo mortali, nobili aut divite, quidquam ad clavum usque pro aedificatione illius loci acciperent, sed ex regis erario dumtaxat. Rex in tanta veneratione locum illum habuit, quod quotidie, curia in eo oppido constituta, ad Missam et Vesperas cum tota nobilitate ibidem convenire solitus erat; pari ratione, si qui exterorum regum aut principum legati sive nuntii apostolici in regnum venissent, non prius suam praesentiam eis dedisset, nisi ubi ad locum venissent. Idem rex, in haebdomada sancta quandiu vixit, ipse ab omni mundi strepitu et curiae sui regni sequestratus, cum fratribus in eodem loco poenitentiam solemnem, cum suorum subditorum aedificatione maxima, fecit; qui in die Parasceves, cum panem et aquam comesturus humi cum fratribus sedere vellet, rogatur a guardiano loci ut tandiu lectoris officio sua majestas fungeretur mensae assidendo, donec illa vetus coenobitarum caeremonia de humi prandendo a fratribus fuisset peracta. Idem admonitus a suo confessario P. Patritio Ranny, illius loci guardiano, quod cum puer esset et infans, a nobilibus, qui in mortem patris sui Jacobi III. conspiraverant, ad praelium adductus neci patris interfuerat, catheram ferream grossam pro poenitentia circa lumbos gessit, a qua nec a confessario nec a Pontifice Maximo dispensationem accipere voluit; "*ad vitam*" inquit "*meam, cathena hac circumdatus ero, quia mea praesentia, etsi coacta, occasio fuerim qua pater meus vitam amiserit.*" In eodem loco patres 40 habitabant, qui potissimum orationi et contemplationi vacabant. In eodem loco anno 1551,¹ die V. Aprilis, coram serenissima Maria Guisiana, Jacobi V. relicta, et primatibus regni praecipuis, sacram Religionem suscepit et professus

¹ *Supra*, I., p. 375.

est hujus historiae scriptor, qui Dei gratia in eadem usque in finem perseverabit.

DE NONO LOCO IN JEDVVARDIAE OPPIDO ERECTO.

Nonus et postremus locus Observantiae a nobilibus patriae proximae Angliae in oppido Jedvvardiae erectus est sub principio regni Jacobi V., anno Domini 1513, in quo habitabant communiter 30 sacerdotes; qui, ob continua bella inter Anglos et Scotos habita, locus cum oppido flammis traditus est non diu post ipsius erectionem.

DE INTERNA ET EXTERNA FRATRUM CONVERSATIONE.

Fratres ita dispersi per regnum per varia loca propter divinum cultum, quem tragica voce cantando die noctuque incunctanter persolvebant, semper orationi et lectioni publicae intenti erant, suis et aliorum conscientias serenandis occupatissimi, a consuetudine et consortio quorumcumque, nisi in re conscientiae, remotissimi. Tanta fuit ratio fratribus domi manendi ut nunquam in publicum prodirent, nisi ad praedicandum verbum Dei et audiendum confessiones eorum qui morti proximi erant. Unde diebus non festivis, cum fratres in plateis oppidi ubi morabantur viderentur, statim populus attonitus clamabat, *fratres exeunt, aliquis moritur*. Et quia ipsi reges ac principes regnique praelati fratrum conversationem amant, ad ipsos fratres, tanquam ad divina oracula, pro consiliis habendis passim omnes currebant. Nulla publica negotia regni attentata (sunt) nisi patrum consilio. Nullae sententiae mortis, etiam nobilissimorum, a regibus et concilio datae executioni traditae sunt, nisi prius probatissimorum patrum consilio et conscientia limatae fuissent. Ea de causa, si quae lites inter nobiles componendae, si quae matrimonia contrahenda semper fuerint, fratribus tanquam mediatoribus nobiles utebantur; quo factum est, ut rarissimae discordiae, divortia nunquam, in familiis nobilium invenirentur.

DE RATIONE VICTUS ET VESTITUS FRATRUM.

Cum, secundum Regulam B. Patris Francisci, triplex sit ratio vivendi fratribus, aut ex iis quae offeruntur liberaliter, vel ex iis quae mendicantur humiliter, vel ex iis quae acquiruntur labore manuum solícite, prima vivendi ratio fratribus tam fuit copiosa et abundans, ut rarissime aliis duabus ad vitae necessaria acquirenda usi sint. Unde eis nulla granarea, nulla cellaria fuere; tantum de quotidianis oblati-

eleemosynis a rege, principibus, episcopis, dominis et populo actitarunt, quae in tanta copia dabantur, etiam postremis temporibus quibus Religio periclitabatur, omni in loco, quod locorum guardiani magnam eleemosynarum oblatarum partem ad eos a quibus acceperant remittere cogebantur. Nulla cum saecularibus quibuscumque communia sive prandia in locis fratrum permissa sunt instrui. Ibi sempiternum silentium in refectorio fratrum audire erat. facta lectione conditum. Vestitus fratrum humilis et dimissus, coloris cinericii, panni quidem lanei pro interiori exteriorique tunica, non auro vel argento comparati sed manibus et labore nobilissimarum dominarum confecti. Putabant enim ipsae et pro religione habebant, imitatrices illarum sanctarum feminarum Dorcadis et Elisabethae effectae, magnam sibi fieri gratiam, si possent singulis annis telas pannis fratribus sufficientes suis manibus conficere. Inde sancta contentio subinde inter ipsas nobiles matronas suborta est, contentibus quaeenam prior esset quae illo anno telas panni pro habitibus fratrum pararet; qui denuo a fratribus contriti ab eisdem dominabus repetebantur, et pro magnis reliquiis pro sepeliendis et involvendis defunctarum suarum prolium et cognatorum corporibus reservabantur. Quamobrem necdum alienus pecuniae tactus detestabilis incognitus fratribus: verumne, et pecuniae quidem apud syndicos ullus fuit usus, quorsum pecuniae usus syndicis pro necessitatibus fratrum, cum omnia sine usu pecuniae fratribus necessaria darentur. Tanta enim fuit ratio administrandi necessaria fratribus per amicos ut ne fratres quidem de pecunia cogitarent. Si quando ad domos ac castra nobilium concionandi causa diverterent fratres, in tanta veneratione sunt habiti, ut ipse comes aut baro suis manibus pelvinus cum aqua fratribus pro abluendis manibus offerret, ipsiusque domina conjux suis manibus pedes fratrum lavaret; et antequam ulla ad comedendum fercula ponebantur, prius signo campanae sacelli dato, tota familia comparebat cibum vitae ab altero fratrum acceptura. Si qui vero nobilissimi, etiam episcopi, interea ad castrum amicitiae causa accederent, semper is honos mundi contemptoribus et offerebatur et nolentibus tradebatur. Primum in mensis nobilium locum inviti debebant fratres accipere, ubi non sales facetiae risu dignae, a seniore fratrum sed veteris vel novi Testamenti aut probatorum sanctorum Patrum historiae, tempori loco et praesentibus personis accommodae, in medium adferebantur, quibus saepe assidentium lacrymis perfundeabantur. Quid multis immoror? Tam carum fuit fratrum omnibus contubernium, ut putarent se angelum Domini recepisse aut comitasse, si fratrem aliquem hospitio vel collegissent vel per viam comitassent.

DE SIGNIS ET MIRACULIS MULTORUM FRATRUM ANTE ET POST
MORTEM OSTENSIS, EORUM SANCTIMONIAM DECLARANTIBUS.

Posteaquam S. P. Cornelius a Zericzea cum sociis provinciam Scotiae spatio quindecim annorum fundasset, et pro ipsius fundamento stabiliendo scientia evangelicae conversationis in cordibus et corporibus plurimorum jecisset, suos fratres per regnum praedicaturos edocuit ut quorum fides potentium exigeret, manus super infirmos ponerent, quorum plurimi et tactu manuum et oratione communi ecclesiae praemissa, cum recitatione Evangelii *in principio erat Verbum*, a fratribus a morbis natura incurabilibus sanabantur. Caeci ad lumen oculorum restituebantur. Haec pia et sancta caeremonia adeo cum effectu a discipulis S. P. Cornelii fuit observata, quod eorum discipuli non sine fructu eandem caeremoniam posteris continuo transmiserunt. Unde quidam ab Ordinis professione alieni, cum turpis lucri gratia sanctos hos patres imitari satagerent, sanctam illam caeremoniam contaminantes nihil effecerunt, et in risum fidelibus habiti sunt. Ob haec et hujusmodi dona S. P. Cornelio collata, ipse in suam propriam provinciam Coloniensem rediens et in conventu Antuerpiensi moriens, ejus caput parietibus ecclesiae insertum erat, ubi cum debita veneratione mansit usque ad annum 1566, quo D.O.M. rebelles haeretici et Catholici Regis Hispaniarum infideles ministri ipsum caput, cum aliis sanctorum reliquiis et imaginibus ecclesiae Antuerpiae et in plerisque civitatibus et oppidis inferioris Germaniae, flammis tradiderunt; quorum nefandissimorum hominum scelus gravissimis poenis, usque in hodiernum diem, justo Dei judicio castigatur. Commune etiam hoc fuit patribus morituris, ut paucissimi mortem attingerent, nisi prius aut octogesimum aut certe nonagesimum attigissent: quando passim eis divina dispensatione singulari ante obitum revelatio certa salutis aeternae ostendebatur. Voces angelorum canentium in navi ecclesiae non raro ante et post mortem eorum audiebantur, revelationes non paucis factae de Ecclesiae Catholicae ex Scotia transmigratione. Haec et multa majora a sanctis illis patribus facta sunt.

NOMINA PRAECIPUORUM PATRUM QUI ET SANCTITATE ET
MIRACULIS IN REGIMINE PROVINCIAE PRAEFUERUNT.

P. ROBERTUS CREYTH, doctor sacrae theologiae, sanctitate clarus, bis Minister Provinciae fuit post P. Cornelium, cum suo germano F. Joanne Creyth, Ministro semel.

P. HIERONYMUS LYNDSEY, sacrae theologiae doctor, ter Minister

Provinciae fuit; Ordinem et sanctitate et doctrina mirabiliter illustravit.

P. JOANNES ROBERTI, ter Minister electus, quarta vice, anno aetatis suae 78, ad capitulum generale profectus, ibi multis lacrymis et precibus sui depositionem petiit et impetravit.

P. JOANNES LYSTAR, senior et junior, ambo bis Ministri, fratres in Domino et in carne carissimi, sanctitate et doctrina multum conspicui.

P. ARCHIBALDUS MELTRINUS, cum suo germano fratre, Davide Meltrin; ille Minister ter fuit, hic lectoris officio ad vitam functus est.

P. PATRITIUS RANUS, ter Minister, et duorum regum confessarius, exemplar omnis poenitentiae fuit.

P. JOANNES ROYTNOLL quater Ministerio functus est; mirae sanctitatis et angelicae contemplationis fuit. In regimine mirificus fuit et dexterrimus.

P. ANDREAS CURNIUS (CAIRNS),¹ juris doctor celeberrimus, ter Minister exstitit; de quo dicebatur quod ipsius vita et responsa plus negotia regni promovebant quam omnium aulicorum et consiliariorum ingenia exquisitissima.

P. LUDOVICUS GULIELMI, sanctae austeritatis et abstinentiae pater, ob suam sanctimoniam bis ministerio functus est, in quo, octuagenarius existens, diem et locum mortis suae fratribus praedixit; inter quos ille unus exstitit, qui hunc catalogum patrum provinciae Scotiae, uti ex traditione patrum suorum accepit, conscripsit. Nam idem anno Domini 1553 praescius suae mortis Stirlingo, Edinburgum proficiscens, vocatis potioribus provinciae patribus resignatoque eis provinciae sigillo, plenus virtutum et dierum, in festo Immaculae Conceptionis B. V. quam unice colebat, diem clausit extremum, maximo sui inter patres provinciae desiderio relicto. Pridie quam moriretur, jubet ad se praefectum et burgimagistros vocari, quos admonens ut in constantia fidei et obedientia Romanae Ecclesiae perstarent, praedixit futurum infra annos paucos praecipua regni membra a suo capite ecclesiae et regni lapsuros.

P. ROBERTUS STUOARDT (de quo *supra*), Jacobi V. regis cognatus, bis Minister Provinciae fuit, sanctae humilitatis et austeritatis vir tunicam laneam interiorem, quam semel induit nunquam donec interiret mutavit, indignum asserens poenitentiam solemnem agentem debere uti mutatoriis. Fortis tamen robore et spiritu fortior, vixit usque ad annum aetatis suae 80. Is moriens in conventu Sancti Andreae et mortis suae diem praedicens, calamitatem regni in januis esse etiam praedixit. Laetus in Domino moritur.

Supra, I., p. 76.

P. JOANNES PATRICII, bis Ministerio functus, eximiae sanctitatis et experientiae pater, jubilatus in Ordine et sacerdotio, meruit pro confessione nominis Christi et sacrae Religionis sacrum exilium ex Scotia cum 80 patribus sacerdotibus pati. Qui omnes, anno 1559, a rebellibus et haereticis regno disturbati, in provincia inferioris Germaniae cum summa charitate a P. Francisco Immomellano, P. Ministro, recepti, et a Reverendissimo P. Francisco Zamorra, tunc Generali Ministro, provinciae anno Domini 1563 incorporati fuere. Inter quos duo erant guardiani vita et doctrina celebres. Alter, P. Robertus Riccardi, Lovanii receptus anno 1560 Kal. Septembris, diem mortis praedicans ac coram patribus conventus qui aderant calamitatem in provincia inferioris Germaniae ex professo pronuncians, ipso die Nativitatis B. Mariae ex hac vita migravit. Alter pater, guardianus Thomas Motto nomine, pedagogus juvenum provinciae inferioris Germaniae continuo exstitit, donec anno 1579 provincia pene a rebellibus et haereticis fuit extincta; quo anno cum quibusdam aliis in provinciam Franciae Parisiensis profectus est, ubi in Rotomagi conventu fratrum adhuc Dei beneficio vivit, a quo plura accepit fide digna qui hanc historiam texuit.

P. ALEXANDER ARBUHELL, pius et fidelis Provinciae Minister, quo ministerio ter functus est. Is, cum esset in omnibus liberalibus scientiis apprime eruditus, neque parem in regno in tribus linguis—latina, graeca et hebraica—haberet, plurima certamina cum haereticis et haeresiarchis habuit: in quibus victor semper evasit. Dolore calculi ad mortem afflictus expulsusque ex sua Religione in patria, in familia cujusdam catholici episcopi diem clausit extremum anno 1562. De aliis patribus et fratribus disserere eorumque pietatem admirabilem, doctrinam eximiam cum humilitate et vitae austeritate singulari, conjuncta per singula, recensere mihi dies deficeret. Itaque provincia Scotiae in Observantia regularis vitae per discipulos B. Bernardini stabilita duravit continuo ab anno Domini 1436 usque ad annum Domini 1559, hoc est a generalatu P. Antonii de Rusconibus, electi in Generalem Paduae anno 1435,¹ usque ad generalatum P. Francisci Zamorensis, electi in capitulo generali Aquilano anno, ni fallor, 1559. Provinciae sigillum impresserat Sanctum Andream et Sanctum Franciscum conventuumque sigilla Sanctum Franciscum et patronum oppidi aut civitatis ubi conventus erant erecti pro tempore. Si quis causas eversionis fidei et religionis catholicae ex Scotia disserere velit, habet de origine, moribus et rebus gestis Scotorum libros decem Joanne Leslaeo, Episcopo Rossensi, auctore,

¹ Father Anthony was elected General in 1443 and not, as stated above, in 1435; A.M., XI. 176, No. III.; A.F., II. 308.

Romae, ad Gregorium XIII. dedicatos et impressos, anno Domini 1578, ubi libro decimo, pag. 465, causas ruinae fidei ostendit. Hoc tamen de duobus vel tribus patribus, qui a fide destructa Religione (defecerant) dixerim. Cum a fundatae provinciae exordio, nec unus¹ quidem vel suspectus in fide vel haereticus unquam fuerit, subversa Religione et provincia haereticorum et rebellium injuria, duo aut tres erant, ad summum, patres Observantiae, concionatores et guardiani, qui, sub spe praedicandi verbum Dei et audiendi confessiones, in castris nobilium haeserunt, idque in habitu saeculari; qui quotidiana consuetudine cum haereticis et blanditiis mundi allecti, et ipsi tandem haereticis rebellibus subscripserunt. Reliqui omnes usque ad 140 patres sacerdotes in Germaniam inferiorem vel in Franciam ad suam Religionem profecti sunt anno 1559. In quibus provinciis superstites quidam manent usque in hodiernum diem, 28 Januarii anni 1586.

Haec sunt, reverendissime pater, de provinciae Scotiae origine, progressu et fine, quae partim fida relatione a patribus accepi, partim experientia oculata didici, partim ex scripto praefati patris Thomae Motto collegi; quae omnia limata et trutinata a Vestra Reverendissima Paternitate velim antequam in lucem prodeant. Haec de Scotiae Provincia, Joannes Hayus.

[*Translation.*]

To the most reverend father, Friar Franciscus Gonzaga, Minister General of the whole Order of the Friars Minor, Friar John Hay of that Order, and unworthy Minister of the Province of Cologne, heartily offers all obedience and respect. You compel me, most reverend father, to enter upon a most difficult subject, to describe for the Catholic Church and my Order the rise, progress and end of the Province of Scotland, which gave me birth, unworthy as I am, for the service of religion by the second plank of the shipwreck which followed: ² a heavy task had I not certain knowledge from the use of the most trustworthy sources of the truth of this narrative, of my sacred exile and of my Religion of the blessed Francis implanted in the Kingdom of Scotland. And when you have graciously received this narrative, I pray you see that those embellishments of trustworthy evidence be not

¹ Friars Melville, Dick and others, *supra*, I., pp. 104-109.

² *I.e.*, as a priest penitent of his sins since the date when original sin was absolved by baptism, the first plank of the shipwreck.

published until they have been revised by your excellency's judgment. Written at Cologne in the house of the Friars Minor of Observance, 28th January, 1586. Farewell, most reverend father. Friar John Hay, unworthy Minister of the Province.

THE Province of Scotland, as we learn from those who professed (religion) in it, had its origin in the year of our Lord 1224¹ during the lifetime of the blessed Francis, when it owed its prosperity to learned men dwelling in fourteen convents; but, subsequent to the death of the blessed Father Bonaventura, it had lapsed from the purity of its profession. In the year 1430, however, Religion had anew been restored in many parts of the world by the disciples of the blessed Bernardine to the pristine purity in which the blessed father Francis had left it. James, first of that name and one hundred and first King of Scots, hearing that the Order of the blessed Francis had been restored to its early splendour in Lower Germany by certain men of distinguished piety, who had been sent to the Province of Cologne, requested that holy and learned German fathers should be sent to Scotland to restore the fallen Religion to a pure Observance. Wherefore, John de Maubert, first Vicar Apostolic and General appointed by Eugenius IV. in the year 1446,² when subsequently informed of the petition of the aforesaid king, sent the holy father Cornelius of Zierikzee with six companions from the Province of Cologne to Scotland. His holiness and the admiration in which he was held by the people was such, that, as a result of his teaching and manner of living and of that of his associates, nine Observatine convents were founded, the chief of which was that erected in Edinburgh; wherewith, as holding pride of place, we shall begin.

THE FIRST CONVENT OF OBSERVANCE, ERECTED IN EDINBURGH.

This convent was founded at once in the year of the coming of Father Cornelius of Zierikzee to Scotland. His zeal in the observance of holy poverty had so stirred the hearts not merely of the common folk and the nation as a whole, but even of the nobles and churchmen, that he received for himself and his Order, as the heritage of the Lord, a conspicuous and conveniently situated portion of that metropolitan city; a portion so remarkably equipped with buildings, houses and pleasant gardens, that they seemed not to be the dwellings of poor men but of the great ones. As Father Cornelius, that

¹ *Supra*, I., p. 5, n. 3.

² He was appointed ultramontane Vicar General in 1443; *supra*, I., pp. 49-51.

despiser of the world, would not accept them, affirming that the Founder of the Order had laid it down in his will that we friars should be content to dwell in poor and neglected houses and churches, the Archbishop of St. Andrews, Primate of the realm, did not rest till in the year 1455 Pius II.—formerly called Aeneas Silvius, who acted as Legate in Scotland in the time of James I.—incorporated the convent into the patrimony of the Roman Church by Apostolic letters, and, in spite of their objections, gave it to the friars to be occupied by them as pilgrims according to the Rule of their profession. Here, there always resided fifty or sixty priestly fathers, the first of whom were men of noble birth and sanctity, and truly distinguished in piety and learning. As the fame of the holy man Cornelius and his companions spread in every direction, the sons of earls and nobles flocked to their native land from the universities, mainly those of Paris and Cologne; and, under the influence of his example, hearing as it were Christ in him saying to them, “follow me,” they followed him. Scorning titles of nobility and the pomps of learning and of the world, as sons they embraced an apostolic life with the holy father. Such was the esteem in which the sacred habit of Christ’s poor was held at that time, that the sons of the high born, casting aside purple and fine linen, vied with each other in their haste to don that dress as the stole of innocence. Mention will afterwards be made of these friars in the proper place. A provincial seminary of philosophy and sacred theology was maintained uninterruptedly in this convent, and sent forth pious and prudent men who kept the Province in a pure observance of the Rule until the year of our Lord 1559, when Faith and Religion were cast out of the Kingdom of Scotland.

THE SECOND CONVENT, ERECTED IN ST. ANDREWS.

In the year 1458 the second convent of Observance was founded by James, Archbishop of St. Andrews, in his Metropolitan Seat of St. Andrews under the influence of Father Robert Crethy, lawful son of the Earl Marischal, and, before the coming of the Religion, a distinguished doctor in sacred theology. It was due to his great learning as well as to his profound humility, that the flower of the youth of the sacred University deserted the allurements of the world, and became followers of that holy father in his profession. For humility, which is the foundation of sacred religion, had so brought down the man of God to a knowledge of himself that, although by reputation and practice he was the most learned man of his time, in the lay and

in the sacred writings, he deemed himself a man of no knowledge. Thus, on one occasion at midnight, when matins were being sung by the friars of Edinburgh and the president of the choir had allotted the lesson to him—a novice who had been received there by Father Cornelius—the corrector made a wrong correction in order to test him. In his true humility, as an example to posterity, he forthwith repeated the wrong reading of that which he had at first read correctly. The same convent (St. Andrews) was always a seminary for novices, and in it, in addition to the novices, there were ordinarily in residence twenty-four priestly fathers, preachers and confessors delegated by the Archbishop to hear the confessions of the young students who attended the University in great numbers.

THE THIRD CONVENT, ERECTED IN PERTH.

The third convent of Observance was erected in Perth by Lord Oliphant in the year 1460. Thither was sent Father Jerome Lindsay, son of the Earl of Crawford, a convert of Father Cornelius of Zierikzee, and, before the coming of the Religion, a Doctor of Civil and Canon Law of Paris. His piety and preaching so deeply stirred the hearts of the citizens and people to good works that, in the space of three years, other religious men of the order of St. Dominic and the Carmelite friars received convents in the same town.¹

THE FOURTH CONVENT, ERECTED IN ABERDEEN.

The fourth convent granted to the Order was in the city of Aberdeen, where the first University was, and was formally established in the year 1470 by the then Bishop of Aberdeen, a truly pious man. From the treasury of his church he left to posterity a lasting memorial of himself. For, after he had erected four famous colleges, of Law, the Liberal Arts, Medicine and Philosophy, and had secured to them ample endowment and provision, and had provided a noble hospital with ample revenues as an endowment for twenty poor men, he also built in the town a pleasant convent² adjoining the University, wherein men of influence and fame, converts to religion, handed down to posterity noble examples of piety and self-denial. In this (the Observatine) convent there resided twenty-four and sometimes thirty priests, delegated by the Bishop to hear the confessions of the young students.

¹ *Supra*, I., p. 299.

² Father Hay here confuses Bishop Thomas Spence with Bishop Elphinstone, *infra*, p. 217. *Vide supra*, p. 176, n. 1.

THE FIFTH CONVENT, ERECTED IN GLASGOW.

Since, in the kingdom of Scotland, there are two metropolitan churches, the one in St. Andrews and the other in Glasgow,¹ the Archbishop of the latter, imbued with an earnest love for the Order of Observance, sent for some holy friars, converts of Father Cornelius, and in 1472 built a magnificent convent for them in his city. Twenty worthy priests generally resided in it with the special duty of hearing the confessions of the students.

THE SIXTH CONVENT, ERECTED IN AYR.

On the west coast of the kingdom of Scotland lies the ancient town of Ayr. When the "fragrant" report which spread abroad concerning the friars who had come to Glasgow reached the ears of the inhabitants of Ayr, they did not rest until in the year 1474 they possessed a completed monastery for the friars. Thither resorted a great throng of merchants confessing to the fathers, of whom twenty spent their daily life there. In the church of the friars the blessed Virgin Mary, the Mother of God, was worshipped with the highest veneration by the throng of Christians, and through her prayers and merits many miracles were wrought there.

THE SEVENTH CONVENT, ERECTED IN THE TOWN OF ELGIN.

In the year 1479, John, Laird of Innes, of highest rank among the nobility of the northern parts of the kingdom, moved to penitence and fervour by the preaching of the friars resident in Aberdeen, erected a magnificent convent in the town of Elgin, wherein there tarried twenty-four priests, most diligent in preaching the Word of God, and in hearing the confessions of the people and the many clergy there.

THE EIGHTH CONVENT, ERECTED IN STIRLING.

The eighth convent of Observance was founded and built in the year 1494 by James, King of Scots, fourth of that name, a man of undoubted piety, who, after he had built a royal palace of great magnificence in the town, erected at his own expense a convent of the Order as his future oratory and chapel. Such was the zeal which he displayed in the completion of this convent that he inter-

¹ In the lifetime of the chronicler.

dicted the masters of the work under severe penalties from accepting anything, even a nail, for the building of this convent from any one, noble or rich, save only from the royal treasury. Such was the veneration in which the King held this convent that, while the Court was in residence in the town, it was his custom to hear Mass and Vespers in it each day in the company of his nobles. In like manner if any foreigners, ambassadors of kings or princes or Apostolic nuncios, came to the kingdom, they were not received in audience until they had first visited the convent. The same king in his lifetime withdrew from the noise of the world and of the court of his kingdom during Holy Week, and did solemn penance there in the company of the friars, to the great edification of his people. On the day of the Preparation when he wished to sit on the ground with the friars to partake of bread and water, the Warden of the convent begged His Majesty to sit at the table and perform the duties of reader until the friars had performed the ancient ceremony of taking their repast on the floor. The same king, in reply to the admonitions of his confessor, Father Patrick Ranny, Warden of this convent, wore a thick iron chain round his loins because, when a boy of tender years, he had been brought to the battle by the nobles who had conspired to bring about the death of his father, and had been present at his father's death. He refused to accept dispensation from this penance either from his confessor or from the Pope: "During my life," he said, "I shall be girded about with this chain since my presence, though under compulsion, may have been the cause whereby my father lost his life." In this convent lived forty fathers who made preaching and contemplation their special occupation. There, also, in the year 1551 on the 5th of April, in presence of her most serene highness, Mary of Guise, widow of James V., and the chief nobles of the kingdom, the writer of this narrative took the habit and made profession of the holy Religion, and, by the grace of God, will persevere therein until the end.¹

THE NINTH CONVENT, ERECTED IN JEDBURGH.

The ninth and last convent of Observance was erected in the town of Jedburgh by the border nobility in the year 1513, at the beginning of the reign of James V. In it there lived thirty priests. Not long after its erection, owing to the continuous wars between the English and the Scots, this convent, along with the town, fell a prey to the flames.

¹ At this date the Queen Dowager was in France.

THE INNER AND OUTER LIFE OF THE FRIARS.

The friars thus dispersed over the various districts of the country for divine worship—which with solemn voice they offered at any hour of the day or night—were ever devoted to prayer and public reading, and busily engaged in soothing their own and the consciences of others. They held themselves aloof from the acquaintance and society of all, except in matters of conscience. So strict was the rule upon the friars to remain within the convent that they never appeared in public except to preach the Word of God and to hear the confessions of those near to death. Hence, on days other than holy days, when the friars were observed in the streets of the town where they lived, the people exclaimed in astonishment, “The friars are going out, some one is dying”; and since kings themselves and princes and prelates of the realm loved the life of the friars, they all used to resort to them, as to divine oracles, for counsel. No public business of the realm was dealt with except on the advice of the friars. No death sentence, even upon the highest of the nobility, though passed by the king in council, was delivered for execution until it had first been approved of by the advice and knowledge of these proven fathers. For this reason, the nobles employed them as mediators in the settlement of their lawsuits and in contracts of marriage, with the result that but few quarrels and no divorces were ever to be met with in the families of the nobility.

THE MANNER OF SUSTENANCE AND DRESS OF THE FRIARS.

Although, in accordance with the Rule of the blessed Father Francis, a threefold manner of living is permitted to the friars—the proceeds of liberal offerings, humble mendicancy or the wages of their manual labour—the first mode of sustenance produced such plenty and abundance that they seldom resorted to the two others to obtain the necessaries of life. Hence, they had neither granaries nor cellars. They lived solely upon the daily alms of the king, the princes, bishops, lords and people of the realm; and such was the abundance in which they were everywhere given—even in the last days when Religion was tottering to its fall—that the Wardens of the convents were compelled to return much of the proffered alms to those from whom they had been received. No intercourse or meals with laymen were allowed within the convents of the friars, where unbroken silence reigned in the refectory, varied only by the reciting of the lessons.

The dress of the friars was humble and lowly, of the colour of ashes. Indeed, the woollen stuffs for the under and upper tunics were not purchased for gold or silver, but were made by the hand labour of high-born ladies. For these ladies, deeming it to be an act of religion, thought that, as imitators of the saintly women Dorcas and Elizabeth, they were highly honoured if they could complete with their own hands during the year webs of cloth sufficient for the garments of the friars. Thus, there sprang up a holy rivalry among these noble matrons, who vied with each other as to who should be the first in the year to get ready the webs of cloth for the habit of the friars; which, when worn out by the friars, were eagerly sought after by these same ladies and laid aside as cherished relics, to be used as the burial wrappings for the bodies of their deceased children and kinsmen. Wherefore, the detestable touch of money was unknown not only to the friars, but even the syndics had no use for it in providing for their needs because everything was given gratuitously. So perfect, indeed, was the system of providing for their needs through friends, that money never entered into their thoughts.

If, on occasion, the friars halted at the houses or castles of the nobles to preach, they were held in such veneration that the Earl or Baron would himself bring a basin of water for the friar to wash his hands, and the Lady, his wife, would in like manner bathe his feet. Before any dishes were laid for the meal, the signal was given by the chapel bell, and the whole household assembled to receive the bread of life from one of the friars. If any great noble or even bishop happened to be at the castle on a friendly visit, that honour was none the less proffered and paid to the despisers of the world against their will. However unwilling to do so, they were compelled to accept the first place at the tables of the nobles, where, instead of shafts of mirth-provoking wit, the tales of the Old or New Testament, or the history of well-known holy fathers—suitable for the time, place and company—were narrated by the senior friar, and often drew tears from those seated around.

Why further enlarge? So dear to all was the companionship of the friars, that they thought they had entertained or accompanied an angel of the Lord if they had a friar as their guest or accompanied one on his way.

SIGNS AND MIRACLES OF MANY FRIARS, REVEALED BEFORE AND AFTER THEIR DEATH, MAKING MANIFEST THEIR HOLINESS.

After the holy Father Cornelius and his companions had founded the Province of Scotland within the space of fifteen years, and, to

consolidate his foundation, had implanted in the hearts and bodies of many a knowledge of the evangelical life, he taught those of his friars, who were to be preachers of the Word throughout the kingdom and whose faith should command the power, how to lay their hands upon the sick. Of these many were healed by the friars, even of incurable diseases, by the laying on of hands and offering up of the common prayer of the church together with the reading of the gospel, "In the beginning was the Word." The blind were restored to sight; and with such results was this pious and holy ceremony observed by the disciples of the holy Father Cornelius, that they in turn handed it down to their successors, and not unfruitfully. Wherefore certain ones, strangers to the profession of the Order, when they busied themselves in imitation of these holy fathers for the lust of gain, defiled that holy ceremony, effected nothing, and were held up to the ridicule of the faithful. After the return of the holy Father Cornelius to his native province of Cologne, and his death in the convent at Antwerp, because of these and kindred gifts his head was inserted in the wall of the church, and remained there in due veneration until the year 1566 when the rebellious heretics and faithless servants of the King Catholic of Spain cast it into the flames along with other relics of the Saints and images in the Church of Antwerp. They did likewise in many cities and towns of Lower Germany, and the crime of these wicked men is even to this day visited with the severest penalties by the just judgment of God.

This also was a common feature of the death of the friars, that but few of them died until they had reached their eightieth or even ninetieth year, when, by a singular divine dispensation, a sure revelation of eternal salvation was manifested to them before they died. Voices of angels singing in the nave of the church were frequently heard before and after their death, and the passing of the Catholic Church from Scotland was revealed to not a few. These and many greater things were done by those holy fathers.

NAMES OF THE LEADING FATHERS, WHO ASSUMED THE GOVERNMENT OF THE PROVINCE ON ACCOUNT OF THEIR SANCTITY AND MIRACLES.

FATHER ROBERT KEITH, Doctor of Sacred Theology, a man of renowned holiness, was twice Minister of the Province after Father Cornelius: FRIAR JOHN KEITH, his kinsman, was also once Minister.

FATHER JEROME LYNDSEY, Doctor of Sacred Theology, was

thrice Minister of the Province, on which his holiness and learning cast a wondrous lustre.

FATHER JOHN ROBERTSON was thrice chosen Minister, and on the fourth occasion, when in the seventy-eighth year of his age, proceeded to the Chapter General, where, with many tears and prayers, he asked for and obtained his deposition.

FATHERS JOHN LYSTAR, senior and junior, were each Minister for two terms, brothers in the Lord, dearest friends in the flesh, and men of remarkable holiness and learning.

FATHER ARCHIBALD MELTRIN and his brother-german, DAVID MELTRIN: the former was thrice Minister, the latter performed the duties of Reader during his lifetime.

FATHER PATRICK RANNY, thrice Minister and the confessor of two Kings, was a model of complete penitence.

FATHER JOHN RYNTOULL four times filled the office of Minister. He was a man of wondrous sanctity and angelic contemplation (rapture), and was endowed with extraordinary administrative ability.

FATHER ANDREW CURNEY (CAIRNS), a celebrated Doctor of Law, was thrice Minister. Of him it used to be said that his life and opinion did more to advance the affairs of the kingdom than the keenest talent of all the courtiers and counsellors.

FATHER LUDOVIC WILLIAMSON, a father of holy austerity and abstinence. By reason of his holiness he twice filled the office of Minister, in which, when eighty years of age, he foretold to the friars the date and place of his death. Of these friars one still survives, the compiler of this list of the fathers of the Province of Scotland. For in the year of our Lord 1555 this Father Williamson, having foreknowledge of his death, set out from Stirling to Edinburgh, summoned the chief fathers of the Province and placed its seal in their hands. Full of years and good deeds and deeply regretted by the fathers of the Province, he brought his life to a close on the feast of the Immaculate Conception of the Blessed Virgin which he was wont to observe with special devotion. On the day before his death, he ordered the provost and magistrates to be summoned to him, exhorted them to remain steadfast in faith and obedience to the Roman Church, and foretold that it would come to pass within a few years that the leading members of the kingdom would desert its spiritual and temporal head.

FATHER ROBERT STUART (of whom above), a kinsman of James V., a man of holy humility and austerity. Having once put on a woollen under tunic he never changed it till the day of his death, maintaining that it was unworthy that he should avail himself of

changes during a solemn penance. He was, however, strong in constitution and stronger still in the spirit, and lived till the eightieth year of his age. On his deathbed in the Convent of St. Andrews, when predicting the day of his death, he foretold that a national disaster was at hand.

FATHER JOHN PATRICK, a man of exceptional holiness and experience, was twice Minister. Having attained his jubilee in the Order and the priesthood, along with eighty priestly fathers, he won the honour of sacred exile from Scotland for the sake of the confession of the name of Jesus Christ and the Religion. In the year 1559,¹ they were all driven from the kingdom by the rebellious heretics and were received with the greatest kindness in the Province of Lower Germany by Father Francis Immomelanus, its Minister, and were incorporated into the province in the year 1563 by the most reverend Father, Francis Zamorra, then Minister General. Among their number were two Wardens, distinguished alike for their mode of life and for their learning. The one, FATHER ROBERT RICHARD of Louvain, was admitted on 1st September 1560, and, when foretelling the day of his death in the hearing of the fathers of the convent, distinctly prophesied the calamity to the Province of Lower Germany. He departed this life on the day of the Nativity of the blessed Virgin Mary. The other Warden, by name FATHER THOMAS MOTTO, an instructor of the youth of the Province of Lower Germany, remained until the province was almost overthrown by the rebellious heretics in the year 1579. Then, in the company of certain others, he departed for the province of Paris in France, where, by the help of God, he still lives in the convent of Rouen. The writer of this narrative has received much trustworthy information from him.

FATHER ALEXANDER ARBUCHIELL, a devout and faithful Minister of the province, thrice filled the office. Thoroughly versed in all the liberal sciences, and without his equal in the kingdom in the three tongues—Latin, Greek and Hebrew—he engaged in many disputations with the heretics and arch-heretics from which he always emerged victor.² Afflicted unto death with stone and driven from the exercise of religion in his native land, he ended his life in the household of a certain Catholic bishop in the year 1562.

Time would fail me to treat of the other fathers and friars, and to review one by one their admirable piety and great learning, combined with striking humility and austerity of life. Thus, through the disciples of St. Bernardine the Province of Scotland remained stead-

¹ *Vide* Fate of the Friars, I., p. 159.

² *Supra*, I., pp. 293-294.

fast in the Observance of the Regular Life from the year 1436¹ until the year 1559; that is, from the Generalship of Father Antonius de Rusco, elected to that office at Padua in the year 1435,² until that of Father Francis Zamorra, elected in the General Chapter at Aquila in the year 1559, if I am not mistaken.

The seal of the province bore as its impress St. Andrew and St. Francis, and those of the convents St. Francis and the patron of the town or city where the convents were erected.

Should any one desire to discuss the causes of the overthrow of the Catholic Faith and Religion in Scotland there are ready to his hand ten books concerning the origin, customs and history of Scotland, written by John Leslie, Bishop of Ross, dedicated at Rome to Gregory XIII. and printed in the year 1578, in the tenth book of which, at page 465, he sets forth the causes of the downfall of the Faith. This, however, I would say in the case of the two or three fathers who retracted their faith when religion was destroyed. Though since the foundation of the province not even a single one was ever a suspect in the matter of faith or heresy;³ yet, when Religion and the province were overthrown by the misdeeds of the rebellious heretics, two or at the most three Observatine fathers, preachers and Wardens, remained in the castles of the nobility in secular dress, in the hope of preaching the Word and of hearing confessions. But, through daily intercourse with the heretics and lured by the blandishments of the world, they at length joined the rebellious heretics. All the rest, to the number of 140 priestly fathers, in the year 1559 departed to Lower Germany or to France to their own Religion. In these provinces there remain survivors to this present day, the 28th of January 1586.

This, most reverend father, is what I have learned concerning the origin, progress and end of the Province of Scotland, partly from the trustworthy narration of the fathers, partly from personal observation, and partly from the writings of the aforesaid Father Thomas Motto, and I desire that it be examined and sifted by your paternal reverence before publication.

This is the narrative of the Province of Scotland by John Hay.

¹ *Vide* Rise of the Observatines, I., p. 51.

² The chronicler's date is again at fault. Friar Anthony was elected Minister General in 1443; A.M., XI. 176, No. 3; A.F., II. 308.

³ Friars James Melvil and Alexander Dick, *supra*, I., pp. 104-109.

EDINBURGH FRIARY

I. CROWN CHARTER OF MORTIFICATION
of the sites of the Observatine Friaries in Edinburgh, St.
Andrews, Aberdeen and Glasgow. Dated 21st Decem-
ber, 1479. (*MS. Reg. Mag. Sig.*, IX., No. 2.)

JACOBUS, Dei Gratia, Rex Scotorum, omnibus probis hominibus totius terre sue, clericis et laicis, Salutem. Sciatis nos, pro singulari favore et devotione quos gerimus erga dilectos et devotos oratores nostros, Fratres Minores ordinis Observantie, et pro salute anime nostre et animarum antecessorum et successorum nostrorum, approbasse, ratificasse, confirmasse, et pro nobis et successoribus nostris pro perpetuo mortificasse, necnon approbare, ratificare, admortizare, et ad manumortuam per presentes imperpetuum confirmare situationem loci eisdem fratribus pertinentis infra burgum nostrum de Edinburgh, ac fundum et terras infra dictum locum existentes et contentas, ac eis donatas et emptas per communitatem dicti burgi, Jacobum Douglas de Cassillis, seu alias quascunque devotas personas : Et similiter situationem loci eisdem fratribus pertinentis infra civitatem Sancti Andree, ac fundum et terras ibidem jacentes, eis donatas per quondam reverendum in Christo patrem, Jacobum, Episcopum Sancti Andree, ac ejus successorem, Patricium, olim Episcopum Sancti Andree, cum consensu capituli ejusdem : Ac etiam situationem loci eisdem fratribus pertinentis infra civitatem Glasguensem, ex dono reverendi in Christo patris, Johannis, Episcopi Glasguensis moderni, cum consensu capituli sui, ex dono magistri Thome Fersithe, rectoris de Glasgw : Necnon situationem loci eisdem fratribus pertinentis in burgo nostro de Aberdene, ac fundum et terras infra dictum locum contentas, eis donatas et emptas per communitatem dicti burgi de Aberdene, et per quondam Ricardum Vaus de Many, Jacobum Bissate, sive alias quascunque devotas personas : Tenendas, habendas et possidendas situationes, funda et terras dictorum quatuor locorum de Edinburgh, Saynt Andros, Glasgw et

Aberdene dictis Fratribus Minoribus et eorum successoribus juxta formam et modum ordinis eorundem, in puram et perpetuam elimosinam, mortificatas et ad manum mortuam imperpetuum confirmatas. Et insuper similiter confirmavimus et mortificavimus, et pro nobis et successoribus nostris, tenore presentium, confirmamus et mortificamus omnes donationes, cartas, evidencias et instrumenta dictis oratoribus nostris super dictis quatuor locis confectas et conficiendas, salvis nobis et successoribus nostris orationum suffragiis devotarum tantum. In cujus rei testimonium presenti carte nostre confirmationis et mortificationis magnum sigillum nostrum apponi precepimus. Testibus, reverendissimo in Christo patre, Willelmo, Archiepiscopo Sancti Andree, ac reverendis in Christo patribus, Johanne, Episcopo Glasguense, Willelmo, Episcopo Moraviense, nostri secreti sigilli custode, Thoma, Episcopo Aberdonense, Andrea, Episcopo Orcadense, dilectis consanguineis nostris, Andrea, Domino Anandale, Cancellario nostro, Colino, Comite de Ergile, Domino Campbell et Lorne, Magistro Hospitii nostri, David, Comite de Craufurde et Domino Lyndesay, Johanne, Domino Carlile, Magistris Archibaldo Quhitelaw, Archidiacono Laudonie, secretario nostro, et Alexandro Inglis, decano Dunkeldense, clerico nostrorum rotulorum et registri. Apud Edinburgh, vicesimo primo die mensis Decembris, anno Domini millesimo quodringentesimo septuagesimo nono, et regni nostri vicesimo.

2. EXCERPTS FROM CHARTERS OF MORTIFICATION to the altars in St. Giles, Edinburgh, relating to the distribution of obit doles by the Observantine Friars.

I. *Carta Walteri Bertrahame ad sustentationem unius capellani* (ad altare Sancti Francisci). Dated 20th December, 1477, and 4th February, 1494-95. (*MS. Reg. Mag. Sig.*, VIII., No. 108; XIII., No. 191.)

. . . ETIAM ordino . . . necnon quinquaginta portiones pauperum in cibis et potu singulis annis in elimosinam, quarum octo dabuntur Fratribus Observantiae de Edinburgh, tres leprosis et tres domui hospitali in Venella Sanctae Mariae, cetera dabuntur pauperibus

quibus melius visum fuerit : et quelibet portio habebit tres denarios in pane, tres in ceruisia et tres in carnibus, piscibus, caseo vel butiro, prout tempus exigerit. Et in die dicti anniversarii ordine elemosinam proportionabiliter ponendam super tabulam infra ecclesiam per totam missam.

II. *Carta Andree Mowbray, burgensis de Edinburgh, ad sustentationem unius capellani* (ad altare Beati Niniani). Dated 3rd July, 1478, and 19th December, 1492. (*Loc. cit.*, VIII., No. 129; XIII., No. 48.)

. . . ITEM do de huiusmodi annuo redditu duodecim solidos ad distribuendum pauperibus viginti quatuor portiones in cibo et potu, videlicet, quod unaqueque portio valet in pane tres denarios, in potu tres denarios et in carnibus, piscibus seu butiro et caseo tres denarios, prout tempus exoptulat; quarum portionum quatuor Fratibus Minoribus de Observantia de Edinburgh et quatuor infirmis hospitalis Venelle Sancte Marie et relique distribuuntur ad discretionem capellani magis indigentibus, et quod portiones ponantur in ecclesia super tabulam per totam principalem missam ante earum distributionem.

III. *Carta admortizationis Ricardi Hopper, burgensis de Edinburgh, ad sustentationem unius capellani secularis ad altare Virginis et ejus visitationis et Sancti Rochi*. Dated 17th January, 1502-03. (*Loc. cit.*, XIV., No. 65.)

. . . TENEBITUR etiam capellanus distribuere quinquaginta portiones pauperum in cibo et potu in die obitus mei; et quelibet portio habebit tres denarios in pane, tres in ceruisia et tres in carnibus, piscibus, caseo vel butiro, prout tempus exigerit; quarum portionum octo dabuntur Fratibus Observantiae de Edinburgh, tres leprosis et tres domui hospitali in Venella Sancte Marie, cetera autem illis in quibus senectus, pauperies et debilitas respective magis occurrunt; et in die obitus mei ordine dictam elemosinam proportionaliter ponendam super tabulam infra predictam novam insulam per totam missam et post missam distribuendam.

IV. *Carta admortizationis Alexandri Lawdere de Blyth, militis, uni capellano divina celebranti ad altare in novo sacello ecclesie Divi Egidii in honorem Virginis Marie et Sancti Gabrielis, arch-*

angeli. Dated 11th October, 1510. (*Loc. cit.*, XIV., No. 65.)

. . . ETIAM volo quod una divisio elemosinaria in die huiusmodi obitus pauperibus danda sexaginta portionum, unaqueque portio habens valorem novem denariorum, trium in pane, trium in ceruisia et trium in carnibus aut piscibus, secundum exigentiam temporis, videlicet, quod Fratres Minores huiusmodi burgi de Observantia habebunt xii portiones.

V. *Carta Alexandri Rynde uni capellano celebranti [divina] ad altare Salvatoris nostri Jhesu Christi.* Dated 20th August, 1512. (*Transumpt in City Chambers ; Charters of St. Giles*, pp. 193-197.)

. . . ITEM pro divisione pauperum, videlicet, triginta sex, quisque eorum habebit novem denarios sic locandos, scilicet, tres in pane, tres in ceruisia et reliquos tres in carnibus vel piscibus, cuius summa extendit ad summam viginti septem solidorum ; de quibus octo portiones largientur Fratribus ordinis Minorum infra dictum burgum, tres hospitali Sanctae Mariae, tres hospitali Sancti Pauli, due hospitali Sancti Leonardi, et cetere pauperibus debilioribus ville quibus dicto collectori magis necesse videbitur.

VI. *Carta domini Willelmi Broune, Rectoris de Mousuald, uni capellano divina celebranti ad altare Sancti Blasii, martheris.* Dated 17th September, 1517. (*Loc. cit.*, pp. 208-211.)

. . . ITEM pro divisione pauperum, videlicet, triginta, quisque eorum habebit novem denarios sic locandos, tres in pane, tres in ceruisia et reliquos tres in carnibus vel piscibus secundum exigentiam temporis, cuius summa extendit ad viginti duos solidos et sex denarios ; et sic alie septem consimiles divisiones largientur Fratribus ordinis Minorum infra burgum, et sic restant &c.

VII. *Indentura inter Nicholaum Carncors et alios burgenses et dominum Thomaum Erwin, capellanum.* (*Loc. cit.*, pp. 213-216 ; *confirmed by charter, 10th July, 1529, registered MS. Reg. Mag. Sig., XXVIII., No. 479.*)

THIR indentouris maid at Edinburgh the x day of Julii, the yheir of God j^mv^cxxii yheiris, conteinis, porportis and beiris witnes. . . .

And als the said Kirkmaisteris sall gar sing ane *Dirige* yheirle one the said patrone day eftirnone, as use is, and ane saule mes one the morne thaireftir deuotelie, as effeirs, and sall caus be put twa walx candillis one the bere, twa walx candillis one the altare, with twa torcheis to pass befor the processiou, and sall caus xxxⁱⁱ priestis to say *Dirige* and mes on the morne, with ane daill to be maid of thre scoir and xvi portionis, ilk portioun to be ane quhete laif worth iiiii d., and vi d. in money apoun the heid of ilk laif, quhilk sall be delt and disponit on this maner, that is to say, xxxvi portionis to the Gray Freris, foure to the Sisters of Sanct Mary Wynd, thre to the lippir folkis of Sanct Ninianis chapell, and the remanent to honest pure personis that hes maist myster, and vi s. thairattour to be gevin to vthir pure folkis that gettis nane of the daill.

VIII. *Carta admortizationis domini Roberti Hoppare uni capellano divina celebranti apud Altare Sancti Rochi.* Dated 29th March, 1527. (*MS. Reg. Mag. Sig.*, XXI., No. 91.)

. . . TENEBITUR etiam capellanus distribuere sexaginta portiones in cibo et potu pauperibus in die crastino post festum Sanctae Triduanæ, virginis, et quelibet portio habebit quatuor denarios in pane, quatuor in ceruisia et quatuor in carnibus; quarum portionum duodecim dabuntur Fratribus Observantiae de Edinburgh, quatuor leprosis apud ecclesiam sive capellam Sancti Niniani prope dictum burgum et quatuor domui hospitali in Venella Sancte Marie ceteraque illis in quibus senectus, paupertas et debilitas respective maius occurrunt.

IX. *Carta Ade Ottirburne Deo Omnipotenti et Beate Marie et altari ejusdem.* Dated 19th March, 1535-36. (*Charters of St. Giles*, pp. 234-36.)

. . . ITEM pro quinquaginta duobus *le dalibus* pauperibus debilioribus honestis tamen dicte ville, quibus dictis prebendariis magis necesse videbitur, summa quinquaginta duorum solidorum, videlicet, unicuique eorundem unum libum frumenti valoris quatuor denariorum, et octo denarios in pecunia numerata pro carne et ceruisia; et de illis volo ut dentur quinque portiones Fratribus Minoribus de Observantia et alie quinque sororibus pauperibus hospitalis in Venella Sancte Marie ultra portas.

3. LETTER OF RECEPTION by James, Bishop of St. Andrews, confirming grant, dated 18th November, 1464, by Master William Forbes, Vicar of St. Giles, Edinburgh, of the church of St. John the Baptist, *extra burgum*, to the Friars Minor. Dated 20th November, 1464. (*Charters of St. Giles*, No. 81.)

UNIVERSIS sancte matris ecclesie filiis ad quorum notitias presentes littere pervenerint, Jacobus, Dei et Apostolice Sedis gratia, Sanctiandree episcopus, salutem in omnium Salvatore. Sciatis nos quasdam litteras venerabilis viri, magistri Willelmi Forbace, vicarii perpetui ecclesie parochialis Beati Egidii de Edinburgh, nostre diocesis, religiosi viri, fratribus ordinis Minorum, in ecclesia sive capella Beati Johannis Baptiste extra burgum de Edinburgh situata, concessas sigillo dicti vicarii sigillatas, sanas et integras non vitiatas nec in aliqua sua parte suspectas, sed omni prorsus vitio et suspitione, ut apparuit, carentes, vidisse et intellexisse ad plenum tenorem qui sequitur de verbo ad verbum continentem. Universis sancte matris ecclesie filiis ad quorum notitias presentes littere pervenerint, Willelmus de Forbace, canonicus Abirdonensis ac vicarius perpetuus ecclesie parochialis Beati Egidii de Edinburgh, Sanctiandree diocesis, salutem in omnium Salvatore. Quia, per venerabilem patrem, fratrem David de Carnok, ordinis Minorum, intellexi quod, in ecclesia sive capella Beati Johannis Baptiste extra burgum de Edinburgh situata et ad meam ecclesiam de Edinburgh in possessione et proprietate spectante, ipse et fratres de dicto ordine cupiunt Deo militare, et, secundum gratiam eis ab alto concessam, secundum institutionem Fratrum Minorum de Observantia a beato Francisco eis traditam, deservire illudque facere nequeunt nisi meum consensum obtineant in premissis. Unde dictus frater David ex parte totius ordinis michi magnis cum instantiis supplicavit quatenus meum consensum ad premissa divine caritatis intuitu et religionis augmento prebere dignarer, ego, vero, Willelmus, vicarius antedictus, huiusmodi supplicationem fore iustam, necnon ex canonibus sacrorum conciliorum plantare sacram religionem et plantatam fovere pre oculis considerans modis omnibus debere, idcirco prefate supplicationi annuens omnibus viis et modis possibilibus accedentibus ad hoc consensibus quorum interest consensum meum in premissis prebeo, et dictum locum in longitudine et latitudine, sicut iacet cum commoditatibus et asiamentis, a me et ecclesia mea Deo et

beatissimo patri nostro Romano Pontifici, pro parte dictorum fratrum caritatis intuitu, dono libere et assigno ad effectum supradictum quamdiu locum predictum fratres ipsi inhabitare voluerint, protestando quod, si locus ipse per ipsos Fratres de Observantia predicti ordinis ad effectum predictum non occupetur, idem locus ad me et meos successores cum libertate pristina et omnibus suis commoditatibus et asiamentis libere revertetur. In cuius rei testimonium sigillum meum presentibus est appensum apud Sanctumandream, decimo octavo die mensis Novembris, anno Domini millesimo quadringentesimo sexagesimo quarto. Quasquidem litteras prefatis fratribus, ut premittitur concessas, in omnibus suis punctis et articulis modis viis et circumstantiis universis, nos, Jacobus, episcopus Sanctiandree prefatus, auctoritate nostra ordinaria tenore presentium pro nobis et successoribus nostris approbamus, ratificamus et imperpetuum confirmamus nostrum consensum et assensum ad premissa adhibentes. In cuius rei testimonium sigillum nostrum autenticum presentibus est appensum apud civitatem nostram Sanctiandree vicesimo die mensis Novembris, anno Domini millesimo quadringentesimo sexagesimo quarto et consecrationis nostre anno vicesimo octavo.

4. EXCERPT from MS. Notarial Protocol Books,
General Register House. (*G. Grote*, No. 15.)

1556, 22nd September. . . . procuratour for ye Lard of Richartoun in his name and behalf warnit ye Lady Pumfrastoun and hir sone at yair lugeing wⁱⁿ Ed^r besyd ye place of ye Gray freris, and maid intimatioun of ye said warning to ye said Lady personalie apprehendit wⁱⁿ ye Kirk of ye said Gray freris conforme to ye lettres procuratorie.

ST. ANDREWS FRIARY

1. NOTARIAL INSTRUMENT, dated 21st September, 1559, recording (1) the resignation of the Grey Friary in St. Andrews by Friar Symon Maltman, then Warden, in favour of the Magistrates of St. Andrews on 18th May, 1559; and (2) the investiture of the Magistrates by grant of sasine on 21st September following. (*MS. Original, Reg. Evident. Civitat. St. Andree, f. 31.*)

CURIA civitatis Sancte Andree tenta in pretorio ejusdem per honorabiles viros, Magistros Alanum Lawmonth, Alexandrum Wald, Johannem Moffat et David Wolwod, dicte civitatis ballivos, die xviiij mensis Maij, anno Domini m^o v^o lix, . . . vocatis et curia affirmata.

The quhilk day Freir Symon Maltman, Wardour of the Gray Freris place within the cite of Sanct Androis, and Freyr Jhon Fergeson, Vicar of convent, his brother for them and thar convent, judiciaire and frely resigned and gaive in fre gyft to the communitie of the said cite thar closter place and haill boundis tharof, with all that tharin is, be themselfis left undisturbut. Upon the quhilk, David Rutherford requiris act in name of the town and communitie, acceptpis the foyrsaid gyft and resignacioun.

In Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter, quod, anno Incarnationis Dominice m^o v^o quinquagesimo nono, mensis vero Septembris die vigesimo primo, indictione secunda, pontificatus Pauli, quarti, anno quinto: In mei, notarii publici, et testium subscriptorum presentia, personaliter accesserunt honorabiles viri, prepositus, ballivi et consules civitatis Sancte Andree, ad fundum vastum et in edificiis dirutum, continentem in latitudine sex particatas terre, olim et [nuperrime] ante destructionem hujusmodi inhabitatum et possessum per fratres Symonem Legerwod, alias Maltman, gardianum, Ioannem Fergeson, vicarium, et conventum Fratrum Minoritarum, jacentem infra civitatem Sancte

Andree in vico forali, et ex parte boreali vici ejusdem, et procedente versus boream ad vicum borealem, inter terras heredum quondam Roberti Smyth et Williampi Symson ad orientem, heredis quondam Joannis Jakson ad occidentem, vicos publicos dicte civitatis ad partes borealem et australem; et ibidem honorabilis vir, Magister Alanus Lawmonth, unus ballivorum civitatis predicte, virtute officii sui ballivatus ac vigore donationis et resignationis fundi predicti, judicialiter, die decimo octavo mensis Maij, anno Domini m^o v^o lix, per prefatos Symonem, gardianum, et Ioannem, vicarium, et conventum, possessores hujusmodi fundi pro tempore, in favorem totius communitatis civitatis predicte, date, facte et concesse, per terre et lapidis fundi predicti deliberationem in manibus honorabilis viri, Patricii Lermonth, prepositi dicte civitatis, nomine totius communitatis et reipublice ejusdem civitatis, statum, sasinam et possessionem hereditariam totius et integri fundi predicti cum pertinentiis ad perpetuam remanentiam et in augmentationem reipublice dicte civitatis, dedit, contulit atque donat; necnon dictum Patricium Lermonth, prepositum, et eo nomine totius communitatis et reipublice civitatis predicte, in actualem realem et corporalem possessionem dicti fundi ac terre vaste induxit et investivit, jure salvo cujuslibet. Super quibus omnibus et singulis, Ioannes Martyn, decanus gilde dicte civitatis, nomine communitatis predicte, a me, Ioanne Motto, notario publico, eis fieri petiit instrumenta publica unum vel plura. Acta erant hec super fundum predictum, horam circa tertiam post meridiem, presentibus ibidem David Spens de Wolmorstoun, Alexandro Lauson, ejus servo, et Jacobo Brown, carpentario, testibus. *Ioannes Motto, notarius in premissis, subscripsit.*

2. PRECEPT for a Gift to the City of St. Andrews of, *inter alia*, the churches, lands and possessions of the Black and Grey Friars within the burgh. Dated 17th April, 1567. (*MS. Reg. Privy Seal, XXXVI., f. 75.*)

PRECEPTUM litere facte preposito, ballivis, consulibus et communitati civitatis Sancti Andree et ipsorum successoribus imperpetuum, super omnibus et singulis terris, tenementis, domibus, edificiis, ecclesiis, capellis, pomeriis, hortis, acris, croftis, annuis redditibus, fructibus,

devoriis, proficuis, emolumentis, firmis, lie dailsilver communibus omnium ecclesiarum infra dictam civitatem situatarum, obitibus et anniversariis quibuscunque, que quovismodo pertinuerunt aut pertinere dinoscuntur ad quascunque capellanas, alteragia aut prebendas in quacunque ecclesia aut capella, infra libertatem, privilegium et parochiam dicte civitatis, fundata seu fundatas per quemcunque patronum, in quarum possessione capellani et prebendarii earundem perprius fuerant, ubicunque prefate domus, tenementa, edificia, pomeria, horti, acre, crofte, annui redditus, lie communia anniversaria, fructus, proficua et emolumenta jacent aut levata fuerunt perprius respective, cum locis, bonis, hortis, acris terrarum, annuis redditibus, emolumentis et devoriis quibuscunque, que Fratribus Dominicalibus seu Predicatoribus et Minoribus seu Franciscanis dicte civitatis perprius pertinuerunt, unacum omnibus et singulis terris, domibus et tenementis jacentibus infra dictam civitatem et libertatem ejusdem, ac cum omnibus annuis redditibus de quacunque domo, terris aut tenemento infra dictam civitatem levandis, datis, donatis et fundatis quibuscunque capellaniis, alteragiis, ecclesiis, mortuariis aut anniversariis, ubicunque sint infra regnum nostrum. Ac etiam cum omnibus et singulis capellis, terris, tenementis, edificiis, annuis redditibus, toftis, croftis, anniversariis, hortis ac aliis pertinentiis ad capellas, terras et tenementa infra dictam civitatem aut ecclesiam parrochiam ejusdem spectantibus, et nominatim ad capellas Dive Anne, Sancti Nicolai, necnon ad capellas de Kynglassye, Kynmynmonth, ecclesiam collegiatam de Kirkhill, nuncupatam *the Lady College of Kirkhill*, hortos earundem et earundem prebendarias pertinentes, cum omnibus annuis redditibus, terris et aliis devoriis ad easdem spectantibus asiamentisque et commoditatibus quibuscunque, necnon cum omnibus aliis et singulis annuis redditibus ac aliis devoriis solutis aut que per quamcunque ecclesiam extra dictam civitatem a preposito et ballivis ejusdem de communi redditu ejusdem et suis pertinentibus aut ab Archiepiscopo Sancti Andree aut commendatario ejusdem infra eandem aut archidiacono ejusdem demandari poterint. Tenendas &c. memoratis preposito, ballivis, consulibus et communitati et eorum successoribus de S. D. N. Regina et suis successoribus imperpetuum &c. Proviso nihilominus quod hoc presens infeofamentum nullatenus prejudicabit nec extendetur ad terras, annuos redditus aut quascunque commoditates seu proficua que prius pertinuerunt, pertinent aut quovismodo pertinere poterint ad collegia Divi Salvatoris, Novi Collegii aut Sancti Leonardi infra dictam civitatem aut ad cenobium seu monasterium ejusdem commendatarium conventumve ejusdem, sed quod possessores eorundem eisdem adeo libere gaudere poterint in futurum ut prius, &c.

Apud Edinburght xvij die mensis Aprilis anno Domini, &c. lxxvij^{mo}.
Per Signetum.

3. EXCERPT FROM RENTAL OF CHAP-
 LAINRIES relating to the Grey Friary in St. Andrews.
 (*MS. Original, G.R.H.*)

Apud Edinburgh, xij^o Augusti, Anno &c. lxxiiij^o.

COMPEIRIT befor the Lordis Commissionaris Mr. Williame Cok, Alexander Sybald, commissionaris for the toun of Sanctandrowis, and productit thair infestment of the dait at Edinburgh, the xvij day of Aprile, the yeir of God j^mv^olxxvij yeiris, quhairin is contenit in the narrative, "Sicque nobis ex officio incumbere omni honesto modo pro ministris verbi Dei providere, et quod hospitalia pauperibus, mutilatis et miseris personis, orphanis, orbatis infantibus infra dictam civitatem preservarentur": And in the halding "Memorati autem prepositus, ballivi, consules et eorum successores tenebuntur et astricti erunt ministros, lectores, expensas pro coena Domini celebranda et administranda quoties ecclesie visum fuerit annuatim, et alia ecclesie onera, dictis annuis redditibus, proficuis, lie commownis et devoriis secundum valorem et quantitatem eorundem, sustinere, locaque et edificia reparanda in hospitalitatem et alios usus prescriptos applicare," as at mair lenth is contenit in the said charter . . . and allegit that (thai) gett nathing thairof bot alanerlie xvij merkis for the Gray Freiris place and yaird.

PERTH FRIARY

1. CHARTER granted to the Poor of Perth under which, for the foundation and maintenance of a Hospital, the ecclesiastical lands, buildings and endowments within the burgh were assigned, subject to the liferent use of the churchmen in possession, and under exception of the lands and annual rents disposed in feu by the Carmelite Friars to Sir Patrick Murray of Tibbermure. 9th August, 1569. (*MS. Reg. Mag. Sig.*, XXXII., No. 61.)

JACOBUS, Dei Gratia, Rex Scotorum, omnibus probis hominibus totius terre sue, clericis et laicis, salutem. Sciatis quia cum avisamento et consensu charissimi nostri consanguinei, Jacobi, Comitis Moravie, Domini Abirnethie &c., nostri ac regni nostri et subditorum Regentis, ac etiam cum avisamento Dominorum nostri Secreti Concilii, recordantes officium nostrum erga divinum servitium et pro ardenti zelo quem ob intertenendam seu tractandam politiam et equabilem ordinem inter subditos nostros, et presertim infra burgum nostrum de Perth, observandum habemus, considerantes itaque quod imprimis et ante omnia erga Deum munus amplecti debere, cujus providentia regimini hujus regni proponimur, et quod ex officio nobis omni honesto modo hospitalia pro pauperibus, mutilatis, miseris personis, orphanis et parentibus destitutis infantibus infra dictum nostrum burgum providere incumbit, dedimus, concessimus et disposuimus, et pro nobis et successoribus nostris pro perpetuo confirmavimus, ac tenore presentis carte nostre damus, concedimus, disponimus, ac pro nobis et nostris successoribus pro perpetuo confirmamus pauperibus membris Jesu Christi, nunc et in omnibus temporibus affuturis infra dictum nostrum burgum de Perth commorantibus et residentibus, imperpetuum, omnes et singulas terras, tenementa, domos, edificia, ecclesias, capellas, hortos, pomeria, croftas, annuos redditus, fructus, devorias, proficua, emolumenta, firmas, elimosinas, lie dailsilver, obitus et anniversaria quecunque, que quovismodo pertinuerunt aut pertinere

dinoscuntur ad quascunque capellanas, alteragia, prebendarias in quacunque ecclesia, capella aut collegio infra libertatem et privilegium dicti nostri burgi de Perth, fundatam seu fundatas per quemcunque patronum, in quarum possessione capellani et prebendarii earundem perprius fuerant, ubicunque prefate domus, tenementa, edificia, horti, pomeria, crofte, annui redditus, anniversaria, fructus, proficua et emolumenta jacent aut prius levata fuerunt respective, cum locis, maneriis, hortis, terris, annuis redditibus, emolumentis et devoriis quibuscunque, que Fratribus Dominicalibus seu Predicatoribus, Minoribus seu Franciscanis et Albis Fratribus dicti nostri burgi de Perth perprius pertinuerunt, absque tamen prejudicio infeofamentorum feudifirme per Patricium Murray de Tibbermure et alios de terris prefatis Albis Fratribus perprius pertinentibus impetratorum, dummodo firmas feudifirmarias earundem annuatim, predictis pauperibus membris in infeofamentis feudifirme desuper obtentis tantum persolverunt, unacum hortis, monasterio seu loco de Charterhous apud dictum nostrum burgum pertinentibus, ac cum omnibus aliis et singulis terris, domibus et tenementis jacentibus infra predictum nostrum burgum et libertatem ejusdem quibuscunque capellaniis, altaribus, ecclesiis, mortuariis aut anniversariis, ubicunque sint infra regnum, datis, donatis et fundatis; ac etiam cum omnibus et singulis annuis redditibus et aliis devoriis solitis aut que per quamcunque aliam ecclesiam extra dictum nostrum burgum a preposito, ballivis et inhabitantibus ejusdem de communi reddito hujusmodi burgi aut aliis terris in eodem burgo jacentibus pro suffragiis celebrandis demandari poterint cum omnibus suis pertinentiis: Tenendas et habendas omnes et singulas predictas terras, tenementa, domos, edificia, pomeria, hortos, croftas, annuos redditus, firmas, feudifirmarias, fructus, devorias, proficua, emolumenta, firmas, elemosinas, lie dailsilver, obitus, anniversaria, ecclesias, capellanas, hortos fratrum cum pertinentiis eorundem predictis pauperibus membris Jesu Christi infra dictum nostrum burgum nunc presentibus et futuris et pro tempore existentibus, de nobis et successoribus nostris imperpetuum, prout eedem terre, horti et alie terre respective superius descripte jacent in longitudine et latitudine, in domibus, edificiis, planis, viis, semitis, aquis, stagnis, rivulis, pratis, pascuis, pasturis, cum libero introitu et exitu, &c., ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis, asiamentis ac justis suis pertinentiis quibuscunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, procul et prope, ad predictas terras, tenementa, domos, edificia, pomeria, hortos, croftas, annuos redditus, firmas, feudifirmarias, fructus, devorias, proficua, emolumenta, firmas, ele-

mosinas, lie dailsilver, obitus, anniversaria, ecclesias, capellanas, hortos fratrum et pertinentiis eorundem spectantibus, seu juste spectare valentibus quomodolibet in futurum, cum potestate prefatis pauperibus membris, per eorum collectorem aut magistrum hospitalitatis annuatim, per ministrum et seniores dicti nostri burgi tempore electionis eorum seniorum et deaconorum nominandum et eligendum, levandi et recipiendi suprascriptos annuos redditus, firmas, feudifirmarias, fructus, devorias et emolumenta quecumque a personis easdem prius solvere astrictis, predictas terras, hortos et tenementa locandi et tenentes eorundem removendi, predicta loca diruta edificandi et reparandi, et eidem hospitalitati vel aliis piis et divinis usibus, prout per consilium et consultationem ministri et seniorum dicti nostri burgi expediens videbitur, applicandi adeo libere in omnibus et per omnia ac si prescripti prebendarii, capellani et fratres temporibus elapsis eisdem uti et possidere potuissent; proviso nihilominus quod prefate firme, feudifirmarie, proficua et devorie, cum omnibus maneriis et edificiis reparandis, et proficua earundem hospitalitati et non alias applicabuntur. Insuper nos, considerationem habentes de ingenti fraude per numerum non parvum predictorum prebendariorum, capellanorum et fratrum publice edita, qui, tempore reformationis religionis, terras, annuos redditus et tenementa mortificata eorum capellaniis, prebendariis et locis respective, particularibus personis disposuerunt, alienarunt et abdididerunt et similiter quod diversi nostri subditi jus ad certas terras, tenementa et annuos redditus, per eorum predecessores mortificata, per breviam nostre capelle aut alias acclamantes seu pretendentes sasinam de eisdem, tanquam heredes eorum predecessorum, adepti sunt eisdem terris, annuis redditibus et tenementis per prius ecclesie fundatis et donatis, que res, partim per negligentiam officiariorum seu magistrorum prefati nostri burgi et partim per collusionem inter prescriptos capellanos, prebendarios et fratres successit; propterea nos, cum avisamento predicto, rescindimus et annullamus omnes et singulas hujusmodi alienationes, dispositiones et sasinam quarum occasione prima mens sive inventio fundatorum rumpitur, alteratur et permutatur per applicationem et abstractionem earundem in particulares usus, ad effectum quod suprascripte terre, tenementa et loca ad usus prescriptos convertantur. Quamquidem declarationem volumus tantae esse fortitudinis et efficacie ac si persone dictarum dispositionum impetratores in jus particulariter conventi fuerint et eorum infeofamenta in specie rescissa fuerint absque ulteriori processu. Necnon, cum avisamento suprascripto, unimus et incorporamus omnes et singulas predictas terras, tenementa, domos, edificia, ecclesias, cimiteria,

capellanas, pomeria, hortos, croftas, annuos redditus, firmas, feudifirmarias, fructus, devorias, proficua, emolumenta, firmas, elemosinas, lie dailsilver, obitus, anniversaria, fratrum loca, hortos eorundem cum suis pertinentiis, in unum corpus, temporibus affuturis nostram fundationem hospitalitatis dicti nostri burgi nuncupandam. Ac volumus quod unica sasina semel suscepta per prefatum collectorem aut magistrum hospitalitatis, nomine suprascriptorum pauperum membrorum Jesu Christi, apud pretorium prefati nostri burgi tanti erit roboris in omni aevo affuturo ac si eadem super particularibus seu specialibus terris predictis capellaniis, prebendariis, pertinentiis et eorum domibus respective suprascriptis, aut eis in solutionem dictorum annuorum reddituum, anniversariorum, firmarum, feudifirmariarum, proficuorum et devoriarum suprascriptorum astrictis, suscepta fuisset, non obstante locorum distantia. Nihilominus per presentes volumus quod capellani, prebendarii et fratres, qui ante prefatam reformationem promoti et provisi extiterant, per hoc nostrum infeofamentum minime prejudicentur, reservando eis usum dictorum fructuum et devoriarum durante tempore eorum vite tantum. Insuper inhibemus nostrum computorum rotulatore presentem et affuturum, eorum factores et collectores et alios quorum interest generaliter, et in specie quod eorum nemo super se attemptet vel onus suscipiat ad recipiendum vel levandum aliquam partem suprascriptorum fructuum in hoc nostro infeofamento particulariter contentorum pro aliquibus temporibus preteritis vel futuris, aut ad impediendum vel obstaculum faciendum predictis pauperibus presentibus et futuris eorumve successoribus, collectoribus aut magistro hospitalitatis eorum nomine in pacifica gavisione earundem. Requiritur similiter et ordinamus nostri Concilii Dominos quatenus literas in quatuor formis ad instantiam prefatorum pauperum presentium et futurorum eorum collectorum et magistri hospitalitatis ad effectum superius descriptum concedant: mandamus etiam quibuscunque collectoribus seu receptatoribus hujusmodi fructuum quatenus de eisdem prompte pareant, intendant, respondeant et solutionem eorundem faciant. Proviso nihilominus quod idem collector aut magister hospitalitatis singulis annis officio defungatur et de novo alius per prefatos ministrum et seniores tempore suprascripto eligatur, qui similiter pro suis laboribus rationabile stipendium eidem ad ipsorum discretionem ascribant, et quod de ipsius receptis et distributionibus, tam superintendenti patri et ministris et senioribus dicti nostri burgi, quam etiam in nostro scaccario, prout ad idem requisiti fuerunt, computet et rationem reddat. In cujus rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus.

Testibus, reverendo in Christo patre, Alexandro, Episcopo Candide Case nostreque capelle regie Strivilingen., dilectis nostris consanguineis, Jacobo, Comite de Mortoun, Domino Dalkeith, cancellario nostro, &c., Willelmo, Comite Mariscalli, Domino Keith, venerabili in Christo patre, Johanne, commendatario monasterii nostri de Coldinghame, nostri Secreti Sigilli custode, dilectis nostris familiaribus consiliariis, Magistro Jacobo Makgill de Rankelour Nethir, nostrorum rotulorum registri ac concilii clerico, et Johanne Ballenden de Auchnoule, milite, nostre Justiciarie Clerico. Apud civitatem Sancti Andree nono die mensis Augusti, anno Domini millesimo quingentesimo sexagesimo nono, et regni nostri tertio.

ABERDEEN FRIARY

1. TRANSUMPT OF A CHARTER OF DONATION by Richard Vaus of Many to the Ultramontane Vicariate of the Observatines, of the site of the Grey Friary in Aberdeen, on the east side of the Gallowgate, valued at £100 Scots. Dated 20th July, 1469, and transumed for preservation, at the request of the said Richard Vaus, 6th May, 1475. (*Original in the possession of the burgh of St. Andrews.*)

UNIVERSIS et singulis presentes transumpti litteras sive presens publicum instrumentum inspecturis, lecturis, visuris pariter et auditis, Alexander Vaus, Canonicus ac Officialis Aberdonensis, Salutem in Domino sempiternam. Noveritis quod honorabilis vir, Richardus Vaus de Fyndone, quemdam cartam suam perganimo scriptam, sigillo suo sigillatam, donationis unius terre infra burgum de Aberdene in vico furcarum, in puram et perpetuam elimosinam Fratribus Minoribus de Observantia sub vicariatu familie Cismontane, vulgariter nuncupata, datae, prout plenius continet in eadem, exhibuit et judicialiter presentavit ac produxit, petens humiliter a nobis hujusmodi cartam transumi et exemplari ut mandare dignaremur ad futuram rei memoriam auctoritate nostri officii, ita et taliter quod ipsi transumpto possit et debeat ubique plenaria fides adhiberi sicuti dictis litteris originalibus si in originali forma producerentur. Unde nos, Alexander Vaus, Officialis antedictus in hac parte deputatus, petitiones hujusmodi rationi fore consonas et justas considerantes volentesque hujusmodi negotio rite procedere, vocatis presentibus omnibus et singulis sua communiter vel divisim interesse putantibus, in valvis ecclesie Sancti Nicolai de Abberdene ad terminum juris nostrum mandatum ibidem manentem, ad videndam et audiendam hujusmodi cartam per nos judicialiter transumi et exemplari ac in publicam formam redigi ad futuram rei memoriam. Quibus die loco et tempore, ipsis interesse habentibus in nostris litteris assignatis, mandato hujusmodi nostro

lecto ad instantiam dicti Richardi hoc impetrantis et petentis, vocatis omnibus et singulis, ut prefertur, et nullo opponente sive contradicente, in poenam contumaciorum vocatorum in genere et non comparentium, duximus eandem cartam fore transumendam eamque examinavimus ac diligenter inspeximus: et quia, per diligentem examinationem et inspectionem, comperimus hujusmodi literam fore sanam et integram, non vitiatam, non cancellatam, non abrasam, nec in aliqua parte ejusdem suspectam, sed omni prorsus vitio et suspicione carentem, sigillo dicti Richardi sigillatam, idcirco nos, Alexander Vaus, Officialis antedictus, pro tribunali sedens, hujusmodi cartam infrascriptam per scribam nostre curie, notarium publicum subscriptum, transumi et exemplari et in publicam transumpti formam redigi mandavimus et jussimus ad futuram rei memoriam. Cuius carte tenor de verbo ad verbum sequitur et est talis: Universis sancte matris ecclesie filiis ad quorum notitias presentes littere pervenerint, Richardus Vaus de Many, Salutem in Domino sempiternam. Considerato quod omnes stabimus ante tribunal Domini nostri Jhesu Christi, prout in corpore gesserimus sive bonum sive malum fuerit, recepturi mercedem, propter quod bonum est et expediens diem exterius missionis operibus nostris prevenire sic quae seminata in terris cum multiplicato fructu in coelis recogliere valeamus: Noveritis me, propterea, ad augmentum divini cultus intuitu caritatis, pro salute anime mee et animarum parentum meorum, uxoris, prolium, fratrum consanguineorum, affinium, tam vivorum quam defunctorum, omnium et singulorum, in honore Dei omnipotentis et gloriose Virginis Marie Sanctique Johannis Baptiste, necnon alius confessoris Christi, Francisci, et omnium sanctorum, dedisse, concessisse ac confirmasse, et hac presenti carta do, concedo et confirmo Fratribus Minoribus de Observantia, vulgariter nuncupatis, sub vicariatu familie Cismontane juxta formam provisionis Eugeniane Domino Deo famulantibus, Totam et Integram illam meam terram jacentem infra burgum de Aberdene in vico furcarum, ex orientali parte ejusdem vici, inter terram David Colyson ex boreali parte, ex una, et terram Jacobi Bissate ex australi parte, ex altera, et communes vias regias versus orientem et occidentem: Tenendam et habendam dictam terram cum suis attinentiis, in modo dictorum Fratrum de Observantia professioni congruo, in puram elemosinam et perpetuam, cum omnibus et singulis libertatibus, commoditatibus et asiamentis, cum lignis et lapidibus et edificiis desuper constructis et suis contiguis quibuscumque, tam innominatis quam nominatis, subtus terram et supra, prope ac procul, spectantibus seu juste spectare valentibus quomodolibet in futurum, adeo libere et quiete, plenarie, integre, honorifice, bene et in pace, in omnibus et per

omnia, sicut aliqua terra aut tenementum infra regnum Scotie aut extra, sepedictis Fratribus de Observantia secundum formam ipsis licitam possibilem ac eorum professioni congruam, in puram et perpetuam elimosinam, datur, conceditur aut ad perpetuam rei memoriam possidetur, sine revocatione, reclamatione aut aliqua contradictione mei aut meorum heredum seu assignatorum aut aliorum quorumcunque nomine nostro aut ex parte nostra inde futuris temporibus qualitercunque faciendis, quatenus prelibati fratres Domino Deo sincerius famulantes et sibi per vite meritum ad gloriam omnipotentis Dei sanctorumque omnium proficiant et proximis per exemplum salutaris vite semitas salutis ostendant, ac per hoc michi et meis parentibus, uxoribus, prolibus, fratribus consanguineis, affinibus, tam vivis quam defunctis, omnibus et singulis, sicut et sibi dictam terram occupantibus ita et nobis uberes fructus cum manipulis plurimis gratiarum divine misericordie caritatis intuitu perpetuo multiplicando succurrantur. Et quia predicta terra sive tenementum astringitur capellano altaris Sancti Johannis Baptiste in ecclesia parochiali Sancti Nicolai de Aberdene in uno annuo reddito viginti sex solidorum et octo denariorum annuatim, prepositus, consules et communitas dicti burgi de Aberdene obligantur et astringuntur et per presentes obligant se et astringunt ad relevandam et exonerandam dictam terram, cum predictis fratribus ibidem commorantibus, de hujusmodi annuo reddito, et ad solvendum eundem annum redditum dicto altari et capellano ejusdem et suis successoribus statutis terminis de eorum thesaurario et communi bono dicti burgi, donec et quousque infeodaverint dictum altare et capellanum ejusdem qui pro tempore fuerit de hujusmodi annuo reddito in loco et terris competentibus. Et ego, prelibatus Richardus Vaus, heredes mei et assignati, totam et integram terram predictam cum suis pertinentiis Fratribus sepedictis de Observantia, tam presentibus quam futuris, in omnibus et per omnia, ut premissum est, contra omnes mortales warantizabimus, acquietabimus et imperpetuum fideliter defendemus. In quorum omnium testimonium sigillum meum, unacum sigillo communi dicti burgi, presentibus sunt appensa apud dictum burgum de Abirdene, vicesimo die mensis Julij, anno Domini millesimo quadringentesimo sexagesimo nono. Testibus Alexandro de Camera, Andrea Alani, Roberto Colonie et Johanne Vaus, predicti burgi burgensibus, cum aliis diversis testibus ad premissa rogatis. Post quae omnia et singula supradicta, Nos, Alexander Vaus, Officialis Aberdonensis, hoc presens transumptum sive publicum instrumentum cum dictis literis originalibus diligenter auscultari, examinari et collationari fecimus; et quia post diligentem auscultationem,

examinationem et collationem hujusmodi comperimus presens transumptum cum dictis literis originalibus in omnibus et per omnia concordare, et in nullo discrepare cum literis prefati Richardi Vaus, Nos, igitur, Officialis antedictus, auctoritate qua fungimur in hac parte, decernimus et tenore presentium decrevimus quod presenti transumpto sive instrumento publico detur et adhibeatur de cetero plena fides in iudicio et extra ubique locorum et talis et tanta qualis et quanta ipsis literis originalibus data fuerit et adhibita ac daretur et adhiberetur si in medium originales producerentur. In quorum omnium et singulorum fidem et testimonium premissorum, presentes literas sive publicum instrumenti transumptum, hujusmodi in se continentes sive continens, per scribam curie nostre ac notarium publicum infrascriptum de mandato nostro sigillo nostri officii, unacum subscriptione ejusdem, jussimus et fecimus communiri et publicari. Data et acta fuerunt hec in ecclesia cathedrali Aberdonensi, anno Domini millesimo quadringentesimo septuagesimo quinto, die vero mensis Maii sexto, indictione octava, pontificatus sanctissimi in Christo patris et Domini nostri, Domini Sixti, divina providentia, Pape, quarti, anno quarto. Presentibus ibidem venerabilibus et discretis viris, Magistris Willelmo Fratour, canonico Aberdonensi et prebendario de Fillortht, Laurencio Duncani, Vicario de Lungley, Alexandro Fyfe et Jacobo Vaus, cum diversis aliis.

Et ego, Matheus Pacok, Clericus Sancti Andree dioceseos, publicus imperiali et regia auctoritatibus notarius, predictam cartam perganimo scriptam, sigillo dicti Richardi sigillatam, vidi, tenui et perlegi ac de verbo ad verbum, ut prefertur, nil addendo, mutando aut diminuendo quod sensum mutet aut variet rationem fideliter transcripsi, preterquam hanc literam cum dimedia ad signum crucis in decima quarta linea a fine retrograde computando imponendam, et rasuram in octava linea prope finem, similiter computando, illorum verborum prefati Richardi Vaus quas ratifico et approbo, factaque collatione et examinatione diligenti cum litera originali, presentes literas in omnibus concordare inveni ideo huic presenti transumpto sive instrumento signum meum solitum et consuetum propria manu scriptis apposui, unacum appensione sigilli domini mei, Officialis antedicti, rogatus et requisitus in fidem et testimonium veritatis omnium et singulorum premissorum.

2. INSTRUMENT OF SASINE, dated 12th July, 1471, in favour of the Friars Minor of Observance, of the foregoing plot of waste and uninhabited land on the east side of the Gallowgate of Aberdeen : *Proceeding* upon a Letter of Gift and Charter of Donation by the said Richard Vaus of Many, dated respectively 1st May and 20th July, 1469 ; Instrument of Resignation by the said Richard Vaus in favour of Alexander Vaus, Canon and Official of the Cathedral Church of Aberdeen ; and Instrument of Resignation, dated 8th May, 1469, by the said Alexander Vaus in favour of Friar John de Mitia, Commissary and Visitor of the Ultramontane Vicariate of the Observatines : *Containing* Discharge by Andrew Alain, Provost of Aberdeen, of an Annual Rent of 26 shillings and 8 pence secured over the land in favour of the Chaplain of the Altar of St. John the Baptist in the Church of St. Nicholas : *And Incorporating ad longum* the above-mentioned Letter of Gift, Instrument of Resignation by Alexander Vaus, and the Letter of Consent to this mortification granted by James III. at Edinburgh under the Privy Seal on 9th May, 1469, the Letter of Consent by Thomas Spence, Bishop of Aberdeen, dated 23rd May, 1469, and the Commission granted to Friar John de Mitia, Warden of the Friary of Limburg, by Friar Francis Blonde, Vicar General of the Ultramontane Observatine Vicariate, dated 7th February, 1471. (*MS. Original now in the possession of the University of Aberdeen, and formerly a writ in the progress of Titles belonging to the Altar of St. John the Baptist in the Church of St. Nicholas.*)

IN Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter, quod, anno ab Incarnatione Domini millesimo

quadragintesimo septuagesimo primo, mensis vero Julii die duodecima, indictione quarta, pontificatus sanctissimi in Christo Patris ac Domini nostri, Domini Pauli, divina providentia, Pape, secundi, anno septimo; In mei, notarii publici, ac testium subscriptorum presentia, personaliter constitutus venerabilis ac religiosus pater, frater David Crannoch, super omnes Fratres Minores de Observantia, vulgariter nuncupatos, in regno Scotie Vicarius, omni instantia qua decuit requisivit honorabiles viros, prepositum et ballivos burgi de Aberden, quatenus secum transire dignarentur ad illam terram vastam et inhospitatam jacentem in vico furcarum, ex orientali parte ejusdem vici, inter terram David Colyson ex parte boreali, ab una, et terram Jacobi Bissait ex australi, partibus ab altera, et communem viam regiam versus oriens et occidens, ad dandam sasinam ac statum et possessionem realem actualem et corporalem sibi et nomine et parte ordinis Minorum antedicti. Unde dicti prepositus et ballivi, suo requestui miti inclinati, cum prefato venerabili patre et testibus fide dignis infrascriptis ad dictam terram libenter accesserunt, et literas quasdam et evidencias, instrumenta et munimenta concessionis et donationis Ricardi Vaus, domini de Many, datoris fundi, necnon confirmationis, approbationis et mortificationis supremi domini nostri regis, super donationem predictam, ac etiam assensus et consensus reverendi in Christo patris ac domini, domini Thome, Dei et Apostolice Sedis gratia, Episcopi Aberdonensis, necnon resignationis dicte terre facte per venerabilem virum, magistrum Alexandrum Vaus, Officialem Aberdonensem, in manibus reverendi patris, fratris Johannis de Mitia, super omnes Fratres Minores de Observantia in regno Scotie cum plenaria potestate in utroque foro commissarii generalis, in sua presentia legi et publicari fecerunt. Quarumquidem litterarum, evidentiarum, instrumentorum et munimentorum tenores de verbo in verbum sequuntur et sunt tales: *Tenor littere collationis fundi*: Pateat per presentes me, Ricardum Vaus de Many, burgensem de Aberden, ad honorem omnipotentis Dei et gloriose Virginis Marie ac omnium sanctorum, ob salutem anime mee ac meorum predecessorum et successorum, ex speciali devotione quam gero ad ordinem Fratrum Minorum de Observantia Sancti Francisci, velle dare et assignare ad usus eorundem fratrum ibidem Deo servire volentium totam et integram terram meam cum pertinentiis jacentem infra dictum burgum in vico furcarum, ex orientali parte ejusdem vici, inter terram David Colyson ex parte boreali, ex parte una, et terram heredum quondam Duncani Patrikson ex parte australi, ex parte altera, cum lapidibus et muris actu existentibus in quantum et quando ipsi habeant et [obtineant] licentiam, auctoritatem et consensum Sedis

Apostolice, diocesani ac supremi domini nostri regis. In cuius mei consensus irrevocabilis testimonium sigillum meum est affixum apud dictum burgum de Aberden, primo die mensis Maii, anno Domini millesimo quadringentesimo sexagesimo nono. *Tenor littere domini regis*: Jacobus, Dei Gratia, rex Scotorum, universis et singulis ligeis et subditis nostris ad quorum notitias presentes littere pervenerint, salutem. Sciatis nos quasdam patentes litteras Ricardi Vaus de Many, burgensis de Abirden, testimoniales, unacum subscriptione notarii eiusque Ricardi, sigillo sigillatas vidisse et inspexisse; quequidem littere in se continebant quod dictus Ricardus Vaus, nostro ad hoc habito consensu, ex sua speciali devotione quam habuit ad ordinem Fratrum Minorum de Observantia Sancti Francisci, voluit dare et assignare ad laudem Dei et usum dictorum fratrum ibidem Deo ministrantium, totam et integram terram suam cum pertinentiis jacentem infra burgum de Aberden in vico furcarum, ex orientali parte eiusdem vici, inter terram David Colyson ex parte boreali, ex parte una, et terram heredum quondam Duncani Patrikson ex parte australi, ex parte altera, cum muris et lapidibus super solum dicte terre existentibus, prout in litteris dicti Ricardi nobis ostensis plenius continetur; Nos, igitur, intentioni pie dicti Ricardi inclinati, ut terre predictae dictis fratribus donatio fiat, nostrum ad hoc consensum pariter et assensum plenarie impartimus, et cartas et evidencias per dictum Ricardum dictis fratribus de dicta terra factas vel faciendas, in omnibus suis punctis et articulis secundum omnem vim, formam et effectum earundem, approbamus, ratificamus, et pro nobis et successoribus nostris pro perpetuo confirmamus, et in quantum in nobis est admortizamus. Datam sub nostro secreto sigillo apud Edinburgh, nono die mensis Maii, anno Domini millesimo quadringentesimo sexagesimo nono, et regni nostri nono. *Tenor littere consensus episcopi*: Universis et singulis sancte matris ecclesie filiis ad quorum notitias presentes littere pervenerint, Thomas, Dei et Apostolice Sedis gratia, Episcopus Abirdonensis, salutem. Pastoralis cure sollicitudo debet ea diligenter intendere que laudem Dei omnipotentis et divini cultus augmentum ampliare et augere noscuntur, et tales in grege dominico instituere pastores per quos talentum sibi creditum in reddenda ratione multiplicato fructu Domino afferre et presentare peroptat. Cum enim persuasum habeamus per celebres et egregios viros, Fratres regularis Observantie ordinis Minorum, in vinea Domini ferventer insudare et universum quasi orbem suis doctrinis et predicationibus divini verbi perlustrare in grege nobis commisso et nostra modica diocese eosdem plantare ad perpetuam rei memoriam summopere peroptamus: verumquidem, ut accepimus, providus vir,

Ricardus Vaus de Findoun, volens sue saluti anime providere, quamdam terram in burgo Abirtonensi nostre diocesis, pro structura et fabrica ecclesie in honore omnipotentis Dei et sue piissime matris, gloriosissime Virginis Marie, annuente illustrissimo principe, Iacobo, Scotorum rege, metuendissimo domino nostro, in perpetuam elimosinam dictis fratribus donavit, nostrum consensum tanquam eiusdem loci ordinarii efficaciter implorando, Nos, igitur, qui divini cultus augmentum et animarum salutem ferventi studio peroptare debemus, huic concessioni et donationi, necnon ecclesie ad laudem Dei omnipotentis per dictos fratres construende de licentia speciali sanctissimi domini nostri Pape etiam concessa, nostrum consensum pariter et assensum presentium tenore impartimur. In cuius rei testimonium presentibus in nostri consensus et assensus testimonium sigillum nostrum rotundum est affixum apud Edinburgh, vicesimo tertio die mensis Maii, anno Domini millesimo quadringentesimo sexagesimo nono. *Tenor instrumenti resignationis:* In Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod, anno Incarnationis Dominice millesimo quadringentesimo septuagesimo primo, mensis vero Maij die octava, indictione quarta, pontificatus sanctissimi in Christo patris et Domini nostri, Domini Pauli, divina providentia, Pape, secundi, anno septimo; In mei, notarii publici, et testium subscriptorum presentia, personaliter constitutus venerabilis et circumspectus vir, magister Alexander Vaus, canonicus ecclesie cathedralis Aberdonensis, quamdam terram inhabitatam sive tenementum cum pertinentiis jacentem infra burgum de Aberden in le Galowgait eiusdem burgi, inter terram David Colyson ex parte boreali, ab una, et terram Jacobi Bissate ex parte australi, ab altera, et communem regiam viam ex orientali et occidentali partibus, quequidem terra cum pertinentiis fuit Ricardi Vaus de Many, et quam idem Ricardus caritatis intuitu dicto magistro Alexandro, nomine et vice religiosorum virorum, Fratrum Minorum de Observantia, ibi immoratorum et inhabitatorum atque illic in edificiis reparationem factorum ad laudem et cultum Dei sueque genetricis, Marie Virginis, ac beati Johannis Baptiste et omnium ceterorum civium inibi servitutorum, tradidit et assignavit in manibus venerabilis patris, Johannis de Mitia, conventus Limpurgensis, provincie Colonie, guardiani, reverendique patris, Francisci Blonde, reverendissimi patris ministri generalis ordinis Minorum quoad Fratres de Observantia cismontanarum partium generalis vicarii, in partibus regni Scotie commissarii et visitatoris dictorum Fratrum ordinis Minorum, ut premittitur, dicti regni specialiter constituti, nomine dictorum fratrum in dicta terra sive tenemento com-

moraturorum et Deo serviturorum, sursum reddidit pureque et simpliciter resignavit ac totum jus et clameum que in vel ad dictam terram sive tenementum ratione possessionis et saisine sibi desuper de eodem tradite habuit vel habere poterit quomodolibet in futurum. Quamquidem terram sive tenementum cum pertinentiis venerabilis pater commissarius, ut predicatur, nomine prefatorum fratrum et religiosorum Minorum ordinis de Observantia, inibi commoraturorum ob incrementum observantie regularis sanctius et honorificentius . . . , acceptavit, juxta potestatem sibi a dicto reverendo patre, vicario generali, limitatam. *Cujus tenor sequitur de verbo in verbum et est talis:* In Christo sibi karissimo patri, fratri Johanni de Mitia, conventus Limpurgensis provincie Colonie gardiano, frater Franciscus Blonde, reverendissimi patris Ministri Generalis nostri Minorum ordinis quoad fratres de Observantia cismontanarum partium generalis vicarius, salutem et pacem in Domino sempiternam. Cum juxta regulam nostram sacram et ordinis instituta necesse habeam singulis provinciis et vicariis mihi commissis officium debite visitationis impendere, nec hoc valeam pro presenti variis et arduis praepeditis negotiis quoad vicariatum Scotie ob difficultatem accessus personaliter adimplere, hinc est quod tibi, de cuius fervido religionis zelo, discreta industria ac ydoneitate multiplici plenius confido in Domino, ad dictum vicariatum, conventus et loca ac fratres mihi subditos committo plenarie vices meas et do tibi auctoritatem et facultatem omnimodam in utroque foro, videlicet, publice et private, visitandi, scrutandi, monendi, corrigendi, inhibendi, ordinandi et statuendi, instituendi ac destituendi, ligandi et solvendi, privandi et restituendi, et per quaslibet censuras ecclesiasticas compellendi et puniendi, relevandi et rehabilitandi, necnon et quecumque negotia manutenentia et incrementum regularis observantie et nostri vicariatus cismontani concernentia, tam intra quam extra ordinem, etiam coram quibuscunque iudicibus quantumque auctoritate fungentibus vel functuris, suscipiendi, gerendi, provocandi, appellandi et appellationem provocandi, opponendi et respondendi, componendi et concordandi, ac finaliter in causa concludendi, necnon alia quecumque disponendi, faciendi et perficiendi, que ego ipse ex officio possem et deberem si personaliter interesssem, etiam si talia forent que majori expressione verborum indigerent que omnia et singula presentium serie habere volo pro sufficienter expressis idque etiam efficacius peragenda, te, ut premittitur, cum plenaria auctoritate visitatorem procuratorem et meum commissarium instituo, ac institutum denuncio per presentes omnibus et singulis patribus et fratribus dicti vicariatus michi subditis per obedientiam salutarem in virtute

. . . , precipiens quatenus tibi tanquam mee persone humiliter et reverenter obediant et pareant cum effectu, et ut labores et pericula tibi propensius cedant per eandem obedientiam tibi mando [et] pariter injungo ut te ad eundem vicariatum Scotie quatenus transferas officium tibi impositum fideliter ac diligenter secundum gratiam tibi datam a Domino executurus. Vale in Christo Jhesu et ora pro me. Datum in conventu nostro Maguntino, sub sigillo mei officii, anno incarnationis Dominice millesimo quadringentesimo septuagesimo primo¹ die septima mensis Februarii. Post cuiusquidem commissionis sic inserte ostensionem et lecturam dicteque terre sive tenementi resignationem et acceptationem, ut premititur, factam, prefatus venerabilis pater, visitator, procurator et commissarius supradictus, super quibus omnibus et singulis, a me, notario publico, sibi fieri petiit presens publicum instrumentum. Acta fuerunt hec in domo capitulari monasterii Cordigerorum et fratrum Minorum de Observantia prope Edinburgh, hora quasi decima ante meridiem vel eocirca, sub anno, mense, die, indictione et pontificatu quibus supra, in presentia venerabilium honorabiliumque virorum, magistri David Crannoch, fratris dicti ordinis loci ejusdem, Johannis Myrton, rectoris de Monymusk, Johannis Wynton, in artibus magistrorum, Johannis Knowis, burgensis de Aberden, Ricardi Kintor, Gilberti Kintor, Symonis Craufurd, burgensium dicti burgi, David Lesly, scutiferi, Andree Lesly et aliorum quamplurium testium ad premissa vocatorum pariter et rogatorum. Post quarumquidem litterarum, evidentiaram, instrumentorum et munimentorum productionem, ostensionem, publicationem et lecturam, providus vir, Johannes Vaus, unus ballivorum dicti burgi, ad instantiam et requestum prefati venerabilis patris, fratris David Crannoch, ac etiam de mandato honorabilis viri, Andree Alain, tunc temporis prepositi dicti burgi, prefatum patrem cum suis fratribus introduxit in dictam terram sibi que saisinam, statum et possessionem realem actualem et corporalem dicte terre cum pertinentiis, per traditionem terre et lapidum, realiter contulit et assignavit, ipsumque corporaliter in eadem terra pro se et suo ordine pro perpetuo investivit, secundum vim formam et continentiam litterarum, evidentiaram, instrumentorum et munimentorum desuper confectorum. Prius tamen prefatus prepositus, Andreas Alain, nomine et ex parte communitatis dicti burgi, cum aliis certis personis sibi assistentibus, predictam terram cum pertinentiis de quodam annuo reddito viginti sex solidorum et octo denariorum debito capellano altaris Sancti Johannis Baptiste in ecclesia Sancti

¹ *Sic.* The date of this Instrument of Sasine is 12th July, 1471.

Nicolai Aberdonensis situati gratiose exoneravit et relevavit, prout predecessor suus, Alexander de Camera, in tempore prepositure sue noscitur fecisse. Super quibus omnibus et singulis, prefatus venerabilis pater, frater David Crannoch a me, notario publico subscripto, ac etiam Roberto de Gylhespy, scriba communi curie predicti burgi de Aberden ac notario publico, sibi fieri petiit publicum et publica instrumentum et instrumenta. Acta fuerunt hec in fundo dicte terre, hora undecima vel eocirca ante meridiem, sub anno, die, mense, indictione et pontificatu quibus supra, presentibus ibidem honorabilibus viris, Andrea Alain, preposito, Ricardo Kyntor, Roberto Mylne, Alexandro Blyndseil, Thoma Alain, Alexandro Alain, burgensibus, ac Philippo de Drumbrek, uno . . . orum dicti burgi Aberdonensis, cum diversis aliis testibus ad premissa vocatis pariter et rogatis.

[The notarial docquet is now illegible.]

3. CHARTER OF DONATION by the Provost, Bailies and Community of Aberdeen, in favour of the Friars Minor of Observance of the Ultramontane Vicariate, of a piece of ground within the tenement of the deceased James Bisset, 30 feet in width and upwards of 60 feet in length, bounded on the north by the friary, on the south by the land of Thomas Crondan, and on the west by the friary garden; purchased for the friars by Walter Bertram, burgess of Edinburgh, 1494. (*MS. Protocol Book I., Burgh Charter Room.*)

OMNIBUS hanc cartam visuris vel auditoris, prepositus, ballivi, consules et communitas burgi de Aberdene, eternam in Domino salutem. Noveritis nos, caritatis intuitu et salute animarum nostrarum, parentum, benefactorum et omnium fidelium defunctorum, in honore Dei omnipotentis, beatissime Virginis Marie, alius Confessoris, beati Francisci, et omnium sanctorum, dedisse, concessisse, assignasse, et hac presenti carta nostra confirmasse religiosi viris, Fratribus Minoribus de Observantia, vulgariter nuncupatis, sub vicariatu familie Cismontane juxta formam provisionis Eugenii, Pape, quarti, Domino

Deo famulantibus, pro amplificatione loci dictorum Fratrum Minorum, totam et integram illam nostram petiam terre cum suis pertinentiis jacentem infra dictum burgum, infra tenementum quondam Jacobi Bysset in vico furcarum, ex orientali parte eiusdem vici, inter terram quondam Thome Crondan ex australi, ex una, et locum sive monasterium dictorum fratrum ex boreali, partibus ab altera, et angulum horti infirmarie dictorum fratrum ex occidentali, extendentem in longitudine ad antiquum fontem lapideum et sexaginta pedes ab eodem fonte in longitudine, continentem triginta pedes in latitudine viri mediocris: Tenendam et habendam totam et integram dictam petiam nostram terre cum suis pertinentiis, prefatis Fratribus de Observantia et suis successoribus, professioni sue modo licito et congruo, a nobis et heredibus nostris, in puram et perpetuam elimosinam imperpetuum, cum omni iure et iuris clameo, cum debitis longitudine et latitudine, cum lapidibus et calce, cum edificiis desuper construendis ac cum omnibus aliis et singulis libertatibus commoditatibus et asiamentis ac justis suis pertinentiis quibuscunque ad dictam petiam terre cum pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum, adeo libere, plenarie, integre, honorifice, bene et in pace, in omnibus et per omnia, sicut aliqua terra infra regnum Scotie, predictis Fratribus de Observantia secundum formam ipsis licitam possibilem et ipsorum professioni congruam, in puram et perpetuam elimosinam, datur, conceditur ac possidetur sine revocatione aut contradictione aliquali nostrum heredum successorum et aliorum quorumcunque: Faciendi inde dicti fratres et sui successores divina suffragia pro animabus nostris, et presertim orent pro Waltero Bertrame, burgensi burgi de Edinburghe, emptore dicte terre, uxore sua, liberis et eorum parentibus. Et nos, vero, dicti prepositus, ballivi, consules et communitas de Aberdene et successores nostri, totam et integram dictam petiam terre cum suis pertinentiis prefatis fratribus et suis successoribus in omnibus et per omnia, ut premissum est, per omnes terras nostras et bona nostra contra omnes mortales warantizabimus, acquietabimus et imperpetuum defendemus. In cuius rei testimonium sigillum nostrum commune dicti burgi et sigillum providi viri, Andree . . ., unius ballivorum dicti burgi . . . incomplete . . . Dated, without month or day, 1494, in the presence of Alexander Reid, Provost, Robert Blinsell, Andrew Alain, junior, William Cupar, Alexander Natto, Patrick . . ., Philip Dumbrek and John of Stirling, Notary Public.

4. NOTARIAL CERTIFICATE to the effect that, on 9th February, 1503, Margaret Candoche or Kanduly and Alexander Modray, her husband, resigned into the hands of Bailie Rattray of Aberdeen, on behalf of the Friars Minor, a tenement of land on the east side of the Gallowgate, bounded on the north by the friary, on the south by the lands of Gilbert Menzies, and on the east and west by the common highways. (*MS. Protocol Book II., Burgh Charter Room.*)

IX° DIE FEBRUARII, anno Domini millesimo quingentesimo tertio, indictione septima, pontificatus Sancti in Christo Patris ac Domini, Domini nostri, Juliani, Pape, secundi, anno primo; In mei, notarii publici, et testium subscriptorum presentia, personaliter constituta, Margareta Candoche et Alexander Modray, sponsus suus, pure et simpliciter resignavit in manibus Johannis Retre, unius ballivorum burgi de Abirdene, totum et integrum tenementum ac petiam horti in prothagollo immediate precedente¹ in favorem Fratrum Minorum de Observantia in manibus dicti ballivi. Insuper dicta Margareta prestitit . . . quod non fuit choacta, seducta, nec aliquo dolo nec fraude circumventa. . . .

5. INSTRUMENT certifying that Margaret Kanduly and Alexander Modray, her spouse, presented their seals for the sealing of a charter of a plot of land granted to the Friars Minor of Aberdeen. Dated 9th February, 1503. (*Loc. cit.*)

IX° DIE FEBRUARII, anno millesimo quingentesimo tertio, indictione septima, pontificatus Juliani, Pape, secundi, anno primo, personaliter constituta Margareta Kanduly et Alexander Modray, sponsus suus,

¹ This protocol is now wanting, but a full description of the land will be found in the Instrument of Registration of the Sasine, *infra*, p. 224.

manibus propriis sigilla sua propria Alexandro Gray, burgensi de Aberdene exhibuerunt ad sigillandam cartam seu cartas unius terre et petie horti eiusdem jacentis infra dictum burgum in vico furcarum, ex orientali parte eiusdem vici, inter terram Gilberti Menzeis ex australi et domum Fratrum Minorum de Observantia ex boreali, ad utilitatem et commodum dictorum fratrum et suorum successorum. Super quibus, dictus Alexander Gray presens instrumentum [petiit]. Acta erant in claustro exteriori dicte domus hora quasi tertia post meridiem, presentibus, David Thomas, Johanne Froster in Moravia et Gilberto Prestone, serjando de Aberdene.

6. NOTARIAL CERTIFICATE to the effect that, on 12th February, 1503, sasine of the foresaid piece of ground was granted by Bailie John Rattray to Friar Anthony, Commissary of the Vicar of the Ulramontane Observatine Province, and that Andrew Kennedy had relinquished his right to an annual rent of 2 merks secured over the land, by resigning his title into the hands of John Rattray on behalf of the friars. (*Loc. cit.*)

DUODECIMA die mensis Februarii, anno immediate quo supra, Johannes Retre, ballivus, contulit fratri Anthonio, vicario commissario Fratrum Minorum de Observantia, sasinam successoriam unius terre anterioris et interioris ac petie horti eiusdem cum suis pertinentiis jacentis infra burgum de Aberdene in vico furcarum, ex orientali parte eiusdem vici, inter terram Gilberti Menzeis ex australi, et locum dictorum fratrum ex boreali et communem viam regiam versus occidens et oriens, per terre et lapidis donationem secundum tenorem carte sue, salvo jure cuiuslibet: Insuper Robertus Blinsell, notarius, procurator Andree Kynndy, ut asseruit, resignavit annum redditum duarum mercarum de predicta terra in manibus prefati ballivi in favorem dictorum fratrum. Super quibus, frater Anthonius petiit instrumentum. Acta erant hec super solum dicte terre hora quasi septima ante meridiem. Testibus, Andrea Cullane, Alexandro Gray, Richardo Vaus, in vico superiore, David Mare, incola, Andrea

Steivinsone, David Futhes, Johanne Grene, Andrea Beltmaker, Andrew Bubne, et Andrea Nartj, serjando.

7. MINUTE OF AGREEMENT, dated 2nd April, 1505, between Warden Childe and Gilbert Menzies, burgess, to the effect that the southern boundary of the Friary Lands shall extend from the gable of Gilbert Menzies' land down to the common highway, and shall replace a wicker fence erected along that line by Sir William Keith, of Inverugie, as arbiter. (*Loc. cit.*)

SECUNDO die Aprilis, anno Domini millesimo quingentesimo quinto, indictione octava, pontificatus sanctissimi in Christo Patris ac Domini, Domini nostri, Julii, divina providentia, Pape, secundi, anno secundo; In mei, notarii publici, et testium infrascriptorum presentia, plenarie concordatum et firmiter appunctuatum fuit ad requestum nobilis viri, Willelmi Ketht de Inneriagy, militis, inter honorabilem virum, Gilbertum Menzeis, burgensem burgi de Aberdene, ex una, et fratrem Jacobum Childe, [gardianum] loci Fratrum Minorum de Observantia, partibus ab altera, penes metas et divisas inter terram dicti Gilberti jacentem ex australi parte dicti loci et . . ., quod gabulum seu murus occidentalis dicte terre prefato loco appropriate imperpetuum stabit integer et sanus, et dicti fratres edificabunt et construent suum murum, in longitudine a dicto gabulo extendentem ad communem viam regiam . . . dicto loco per sanctissimum Dominum nostrum, Papam, appropriatum, jacentem ex boreali parte ejusdem terre sue, oriens secundum metas ligneas interea per dictum militem effixas, fraude et dolo semotis. Super quibus, dictus miles petiit instrumentum unum ac plura. Acta erant hec super solum dicte terre hora quasi xij in meridie; presentibus, Alexandro Irvyn de Drum, Willelmo Fraser de Phillorthe, militibus, Alexandro Irvyn, filio suo et herede apparente, Johanne Ross de Auchlossin, Alexandro Mortymer de Cragrude, Alexandro Cardny, Gavino Murray, Magistro David Menzies.

8. RECORD of the apostasy, flight and surrender of Friar Alexander Dick. (*MS. Acta Dominorum Concilii*, XLIII., f. 193 *et seq.*)

1532, 7th May.—Maister Adame Ottirburn, advocat to our Soverane Lord, askit instrumentis that the Constable of Dundee grauntit thair wes letters direct to him to tak Freir Alexander Dik and that thai did deligence thairin.

Compeirit Alexander Craile, ane of the bailyes of Dundee, and askit instrumentis and protestit solemply that quhatever war done in the mater betuix the Kingis grace and the toun of Dundee anent the takin and detentioun of Freir Alexander Dik, Freir Minour, tuiching the dissobeyans of His Hienes letters in that behalf, as is allegit, suld turn him, quhilk is ane of the bailzeis of the said toun, to na prejudice on na sort, becaus, the tyme that the Kingis letters war direct to the provest and bailzeis of the said toun for apprehensioun of the said freir and lang eftir, he was in Sanct Jhonstoun doand his lefull erandis and knew na thing thairin, as Maister Henry Lawder and diverse utheris testifit befor the saidis Lordis, and thairfor that na thing be laid to his charge, considerand he is innocent of the premisses.

Comperit Maister Johnne Lethan, procuratour for the provest and balzeis of Dundee, beand summond to heir thame punist for non-putting to executioun in the takin of Freir Alexander Dik, protestit that quhat confessioun thai maid for thair defencis anent the having of the said Freir befor or the saidis letters war put to thame suld turne thame to na prejudice, because fra the samin letters was deliverit to thame thai did thair exact deligence in taking of the said freir eftir the tenour of the saidis letters.

Comperit Freir . . . Lang and schew how diverse of the men of Dundee bostit him and his Ordour, sayand, and thai gat thame (not) quhar thai war wont to gang, thai suld pull thair cowlis our thair heidis, and thairfor protestit, that gif ony truble come to him or ony of his Ordour, that the wyte thairof suld be imput to the inhabitantis of the toune of Dundee, and thai to be accusit thairfor. The quhilk protestacioun the Lordis admitit. . . .

1532, 11th May.— . . . Anent oure Soverane Lordis letters purchest at the instance of Maister Adame Otterburne of Auldham, advocat to the Kingis Grace, aganis James Scrimgeour, provest of Dundee, James Rollok, James Wedderburn and Alexander Crale :

That, quhar freir Alexander Dik of the Ordour of the Gray Freiris past furth of the clostir of Abirdene as apostita, and come to the burgh of Dundee amangis his freindis, quhar the constable ballies and utheris of the said burgh tretit and held him with thame in seculare habit and wald nocht restore and deliver him to ane reverend fadir in God, Johnne, Bischop of Brechin, nor to his brethir of the said place, bot undir colourit maner had him with thame to Sanctandrois, sayand to ane maist reverend fadir in God, James, Archibischop of Sanctandrois, that, gif ony persouns wald accuse the said Freir Alexander of heresy, thai suld deliver him to the said maist reverend fadir. Howbeit thai wald nocht deliver him nor bring him to the lycht and audience, the saidis provest and ballies being requirit be the brethir of Sanctandrois to deliver him to thame, quhilk thai refusit to do and had him agane with thame to the said burgh of Dundee, quhar thai war of new requirit be our Soverane Lordis letters to deliver him agane to the said brethir. Quhilkis chargis and requisiciouns thai alwayis dissobeit, nocht allanerlie incurrand the Kingis indignatioune, bot haldand ferme and stable, ratifiand and apprevand the spulze of the said freire Alexanderis persoun furth of his Ordour, and committand verry spulze thameselfis in the with-halding, treting, carying and convoying of him. And anent the charge gevin to James Scrimgeour, constable and provest of Dundee, and James Wedirburne, James Rollok and Alexander Craile, ballies of the said burgh, to heir thame be decernit to be punist for thair said contemptioun, evill example, occasioun and scandir, gevin be thame baith to spirituale and temporale within the realme, in thair persouns and gudis with all rigour in example of utheris to eschew siclik contemptioun in tyme cuming, and to restore and deliver the said Freir Alexander agane owthir to the clostir of Abirdene or Sanctandrois as at mair lenth is contenit in the said letters, our Soverane Lordis advocat beand personalie present, and the said James Scrimgeour, James Wedirburne, James Rollok and Alexander Craile, beand in likwyise personalie present, thair rychtis, resounis, allegatiouns, &c. The Lordis of Counsale decretis, deliveris and ordanis the saidis James Scrimgeour and James Rollok to have done wrang in intrometting with the said freir and thairfor ordanis thame to restore and deliver the said Freire Alexander agane owthir to the clostir of Abirdene or Sanctandrois, because it was understand to the saidis Lordis be the depositionis and confessiouns of the said James and James that thai intromettit with the said freire, and thairfor ordanis letters be direct to command and charge the saidis persouns to mak restorance of the said freire in manere abouvewrittin in forme as

efferis, and assolzeis the saidis James Scrimgeour, James Rollok, James Wedirburne and Alexander Craile, fra the petitioun of our Soverane Lord for the contemptioun done be thame in the allegit intrometting with the said apostita freir, and decernis thame quyte thairfra in tyme to cum, because it was nocht previt that thai dissobeit the Kingis letters direct to thame anent the said freir. And als assolzeis the saidis James Wedirburne and Alexander Craile fra the restitutioun and deliverance of the said freir, because it was referrit to thair aythes quhethir thai intromettit with the said freir or nocht ; quhilkis maid faith that thai never intromettit with him.

9. CONFIRMATION of Thomas Myrton, Archdeacon of Aberdeen, as executor of a sum of money entrusted to him by the late Bishop Elphinstone of Aberdeen, and instructions to him, *inter alia*, to devote 80 merks to the purchase of a garden and tenement for the Friars Minor. 16th November, 1514. (*Reg. Episc. Aberd.*, II., 310.)

JOHANNES, miseratione divina, prior ecclesie metropolitane Sancti Andree, necnon et sede vacante vicarius generalis eiusdem, venerabili viro, domino Thome Myrton, Archidiacono Aberdonensi, salutem. Quia ex propria vestra confessione dicitis vos habere in deposito et custodia a reverendo in Christo patre pie memorie, domino Willelmo, episcopo Aberdonensi, in argento et auro summam ducentarum quindecim librarum xvjs. ix. usualis monete regni Scotie, necnon decem ducatos maiores quorum quilibet valet decem ducatos usuales, item duos ducatos quorum quilibet valet duos ducatos usuales cum uno ly ryole gallicano valente xxs.; insuper fatemini habere ab eodem unum salsarium argenteum ponderis xij uncearum et sex annulos aureos parvos ponderis unius uncee aut eocirca; quequidem summa pecunie in argento et auro restabat in manibus vestris tempore obitus dicti episcopii; nos igitur totius dicte summe vos executorem per presentes damus, instituimus et confirmamus ut hoc modo per vos distribuatur. Nam octoginta mercas dabitur pro emendo quodam horto et tenemento Fratibus Minoribus de Aberden, residuum vero dicte summe dabitur religioso viro, fratri Johanni Adamson, provinciali

fratrum ordinis Predicatorum, et ipsi ordini ad edificandum conventum dicti ordinis infra universitatem Sancti Andree; ipseque ordo obligabitur in conventu Edinburgensi, ubi dicti reverendi domini episcopi viscera humata requiescunt, ad celebrandam unam cotidianam missam sine nota et unum perpetuum anniversarium cum missa solemnem in die obitus dicti domini episcopi pro anima eiusdem. In cuius rei testimonium huic presenti scripto signetum nostrum unacum subscriptione manuali apposuimus apud Edinburgh xvj die mensis Novembris in anno salutis millesimo quingentesimo quarto decimo. Sic subscribitur, Johannes, prior Sancti Andree ac vicarius generalis eiusdem.

10. FEU CHARTER of a piece of waste ground, hitherto used as the burgh midden, 75 feet in length and 11 feet in breadth, on the east side of the Gallowgate in front of the friary, and bounded on the north by the front gate of the friary, on the south by the land of the deceased Andrew Menzies, and on the east by the friary cemetery, granted by the Magistrates of Aberdeen, with the consent of the Friars Minor, to Thomas Reid, William Robertson, Thomas Mudy and Patrick Dewy, for the erection of five booths, each having a frontage of 15 feet and not exceeding $4\frac{3}{8}$ ells in height. Feu-duty, ten shillings. Dated 9th January, 1552/53. (*Registered MS. Burgh Council Reg. under date.*)

Dies Lune. Curia capitalis ballivorum burgi de Abirdene tenta in pretorio eiusdem, nono die mensis Januarii, anno Domini j^m v^c quinquagesimo secundo, per honorabiles viros, Thoma Menzes, prepositum, Davidem Menzes, Alexandrum Chalmer, Gilbertum Malysoune et Gilbertum Colysoun, ballivos.

*

*

*

*

*

The townis consent to set in few the vast pece ground before the Gray Freiris.

THE said day, the haille toune all in ane voce and consent grantit to sett in few to thair nyctbouris, William Robertson, Thomas Reid, James Mudy and Patre Duwy, burgesses of the said burgh, and to thair airis, the pece of vast ground befor the Gray Freiris (quhar thai had wont to gaddir myddingis and fulze and culd nocht be kept clene), contenand iij^{xx}xv futas of lyntht and allevin fuytis of breid fra the Gray Freiris wall, to big fywe buythis or choppis thairupone, that is to say, to be devydit in fywe pairtis, and William Robertsoun to haf tua pairtis thairof, and everie ane of the saidis personis ane pairt thairof, because it is sua convenit amang thameselffis, and that for clenging of the said vast rowme and halding thairof clene in tym cumyng, and for yeirly payment to the toune of *tenne shillingis* usual money of Scotland for the yeirly few thairof at Witsunday and Mertimes, viz., of everie ane of the said fywe chopis ij shillingis of few, and everie chop to ansuer to the toun for the said tua shillingis allanerly: and that with consent and assent of the saidis Gray Freiris and with consent and assent of Androw Crawford and Alexander Reid, quha gat ane act of the townis consent thairof o'befor, quhilk act the toune annullit and dischargit. Provyding alwyse that the saidis personis abounwrytin be gud and thankfull nyctbouris to the saidis freiris and fulfill and keip all conditionis, clausis and restrictionis contenit in the few chartour. Quhilk chartour the toun ordanis to be registrat in thair Court Buik, and ordanis the keiparis of thair commoun seall to seill the samen, of the quhilk the tenour follouis. And als ordanis ane bailze to pas with thame and gif every ane of theme heritabill possessioun of thair awin pairtis respective, as said is, of the said ground merchit and meithit and boundit as is contenit in thair few chartour, efter the forme and tenour thairof:—Omnibus hanc cartam visuris vel audituris, prepositus, ballivi, consules et communitas burgi de Aberdene, eternam in Domino Salutem. Noveritis nos, unanimi consensu et assensu, utilitate nostra in hac parte undique previsa et diligenter considerata, ex certis causis rationabilibus animos nostros ad hoc moventibus, et presertim pro communi via regia purganda et purgata tendenda ante locum religiosorum virorum, Fratrum Observantie (quos Minores appellamus) dicti burgi, ubi antea solebat omnis spurcitie et immunditie congeries congregari, cum expressis etiam consensu et assensu dictorum fratrum pro ipsis et suis successoribus, dedisse, concessisse, et ad feudifirmam seu perpetuam emphiteosim hereditarie dimisisse et hac presenti carta nostra confirmasse, necnon tenore presentium dare, concedere et ad

feudifirmam seu perpetuam emphiteosim hereditarie dimittere, et hac presenti carta nostra confirmare, dilectis nostris concivibus, Vilhelmo Robertsoun, aurifabro, Jacobo Mudy, Thome Reid¹ et Patricio Duwy, burgensibus dicti burgi, eorumque heredibus et assignatis, Totam et Integram illam petiam terre jam penitus vastam cum pertinentiis jacentem infra dictum burgum in vico furcarum, ex orientali parte ejusdem vici, inter portam anteriorem dictorum fratrum ex boreali, ex una, et terram anteriorem quondam Andree Menzes ex australi, partibus ab altera, communem viam regiam versus occidens et terram dictorum fratrum versus oriens, continentem in longitudine spatium sexaginta et quindecim pedum et in latitudine undecim pedum a muro anteriore eorundem fratrum, dividendam in quinque partes equales ad edificandas quinque bothas sive oppellas sine focus seu camenis sive luminariis seu fenestris in pariete orientali et sine latrinis; quarum quelibet pars continebit de longitudine spatium quindecim pedum: et dictus Thomas Reid seu heredes et assignati habebunt hereditarie unicam partem, viz., borealem seu partem propinquiorem porte anteriori dictorum fratrum antedictae; dictus Vilhelmus Robertsoun sui heredes et assignati duas habebunt hujusmodi partes contigue coadjacentes ex australi latere partis dicti Thome Reid antedictae; dictus Patricius Duwy, sui heredes et assignati unicam habebunt hujusmodi terre partem, viz., australiorem seu terre dicti quondam Andree Menzes propinquiorem; et dictus Jacobus Mudy unicam habebit hujusmodi terre partem jacentem inter terram Patricii Duwy ex australi parte, quod sic inter seipsos in divisione huiusmodi terre conventum et appunctuatum est: Tenendam et habendam totam et integram dictam terram sic partitam et divisam cum pertinentiis prefatis Vilhelmo, Jacobo, Thome et Patricio respective, seu heredibus et assignatis, de nobis et successoribus nostris, in feudifirma seu emphiteosi hereditarie ac in libero burgagio imperpetuum, cum omni jure et juris clameo, titulo, proprietate et possessione, cum debitis longitudine et latitudine, cum edificiis desuper constructis seu construendis ac cum omnibus aliis et singulis libertatibus, commoditatibus et asiamentis ac justis suis pertinentiis

¹ On 9th March, 1553-4, Letters under the Quarter Seal were directed to the Town Council presenting to them Alexander Reid in Cults as their vassal in place of this feuar, Thomas Reid, whose succession had been escheated to the Crown because he drowned himself "on the sea shore between the waters of Dec and Don." The subjects are described as "the choip lying contiguous to the dyke or wall of the Kirkyard of the Minorite Friars, between the choip of William Robertson, smith, on the south, the Gallogait on the west, the entrance of the outer gate or port of said Friars on the north and their Kirkyard on the east." (*Calendar of Charters*, No. 1608, *G.R.H.*)

quibuscunque ad predictam terram cum suis pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine impedimento obstaculo aut revocatione quibuscunque: Reddendo inde annuatim dicti Vilhelmus, Jacobus, Thomas et Patricius sui que heredes et assignati nobis et successoribus nostris seu collectoribus pro tempore summam decem solidorum usualis monete regni Scotie, viz., pro unaquaque parte dictarum quinque partium duos solidos, ad duos anni terminos usuales, Pentecostes et Sancti Martini in hyeme, per equales portiones, nomine feudifirme tantum pro omni alio onere, servitio seculari, exactione seu demanda que de dictis quinque partibus terre cum pertinentiis alicqualiter exigi poterunt aut requiri. Volumus tamen et consentimus quod nullus eorundem astringatur persolvere feudifirmam alterius, sed quisque proprium pondus portabit et sua pro parte respondebit. Volumus etiam et ordinamus quod non erit licitum dictis personis nec eorum alicui suisve heredibus et assignatis construere parietem orientalem dictarum botharum altiolem spatio quam quatuor ulnarum et quarte partis cum dimedio quarte partis ulne metiendo a lapide inferiore (vulgariter the laucht soill) porte anterioris ipsorum fratrum antedictae sursum ad verticem dicte parietis orientalis, quiquidem paries orientalis incumbit dictis fratribus in proprietate; nec licebit dictis personis habere luminaria seu fenestras quadratas nec rotundas magnas nec quantumvis privas in huiusmodi muro orientali; neque habebunt focos, cemenas nec latrinas in huiusmodi bothis seu domunculis ibidem construendis in ulla parte earundem. Et insuper non erit licitum dictis personis nec ulli eorundem parietem anteriorem sive occidentalem dictarum botharum altiolem erigere lapide superiore hostiorum (vulgo the ower lintell of the durris). Ac etiam quod possessores et occupatores dictarum botharum sint grati et boni proximi dictis fratribus et eorum successoribus, eis nullum gravamen, dampnum, molestiam aut injuriam imposterum inferendo. Adhuc non licebit eis nec eorum alicui aliquam partem dicte terre vendere et alienare absque speciali facultate et licentia prepositi, ballivorum et concilii dicti burgi et fratrum antedictorum et eorundem successorum optata et concessa. Et si contigerit dictis personis, suis heredibus et assignatis eorumve alicui in observatione premissarum aut earundem aliquo deficere, et pro huiusmodi delicto coram preposito et ballivis dicti nostri burgi pro tempore notificari aut . . ., in illo casu, delinquentes seu delinquens cadent et cadet a jure huiusmodi infeodationis, et presens carta desuper confecta erit in se nulla et invalida sed omnino expirata pro parte huiusmodi delinquentis. Et licitum erit dictis fratribus

murum orientalem dictarum botharum antedictarum destruere et annihilare, prout extenditur in longitudine ad partem bothe persone delinquentis, ad manus proprias absque quovis juris ministro aut periculo dampni inde orituro, hujusmodi tamen infeodatione premissa observantibus in robore suo permansura, salvis etiam supreme domine nostre, regine, et suis successoribus, regibus seu reginis Scotie, servitiis burgagiis de dicta terra debitis et consuetis. Et nos, vero, dicti prepositus, ballivi, consules et communitas dicti burgi de Abirden et nostri successores totam et integram dictam terram vastam cum suis pertinentiis dictis Vilhelmo, Jacobo, Thome et Patricio, suis heredibus et assignatis in quinque partes divisam, viz., cuilibet eorum unam tantum partem, et prefato Vilhelmo Robertstone, qui duas habet partes ejusdem terre, in omnibus et per omnia, forma pariter et effectum, ut premissum est, contra omnes mortales warrantizabimus, acquietabimus et imperpetuum defendemus, omnibus dolo et fraude seclusis. In cujus rei testimonium huic presenti carte nostre sigillum nostrum commune appendi fecimus apud dictum burgum nostrum de Abirdene, nono die mensis Januarii, anno Domini millesimo quingentesimo quinquagesimo secundo, coram testibus, Vellelmo Lyoune, Magistro Roberto Lumisden, Gilberto Menzes, Andrea Crawford, Alexandro Reid, Magistro Gilberto Murray, Magistro Andrea Herwy, Vellelmo Berclay, Davide Kintoir, Johanne Jenor, tribus serjandorum dicti burgi, Magistro Johanne Kennedy et Magistro Johanne Nicholstone, notariis publicis, cum diversis aliis.

II. INSTRUMENT OF RESIGNATION under which Warden John Roger, infested the Town Council and Community of Aberdeen in the entire possessions of the Friars within the burgh, under reservation of restitution if the Roman Catholic Religion were re-established in Scotland. Dated 29th December, 1559. (*MS. Original in Burgh Charter Room; printed in Charters of Aberdeen, p. 332. Vide Facsimile, supra, l., p. 323.*)

IN Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum, quod, anno Incarnationis Dominice mille-

simo quingentesimo quinquagesimo nono, mensis vero Decembris die vigesimo nono, indictione tertia, pontificatus Pii, Pape, quarti, anno primo; In mei, notarii publici, et testium infrascriptorum presentia, personaliter constitutus religiosus vir, frater Joannes Roger, gardianus Fratrum Minoritarum burgi de Abirdene, qui publice exposuit qualiter certi enormes homines huius regni Scotie, quo animo ducti Deus scit, destruxerunt et dissipaverunt templa, hospitia, edes et hortos monasteriorum et locorum religiosorum regni eaque funditus everterunt et solo equarunt; et, ut communis populi vox est, certi eiusdem secte homines, regno capite destituto in absentia domine nostre regine, jam pridem venturi sunt obruere et dissipare templa, loca, hospitia, edes et hortos eorundem Fratrum Minoritarum, quibus invasoribus, ut asseruit, resistere nequit. Ideo, cum consensu et assensu conventus sui capitulariter congregati, resignavit huiusmodi hospitia, edes et hortos ipsis incumbentes infra dictum burgum jacentes in manibus Davidis Mar, unius ballivorum dicti burgi, in favorem prepositi, ballivorum, consulum et communitatis prefati burgi de Abirdene, pure et simpliciter, proviso tamen quod si contigerit supremam dominam nostram reginam restituere reliquis fratribus religiosis eorum loca, templa vel edificia, quod ipsis Fratribus Minoritis similis restitutio fiet, absque eorum prejudicio aut indignatione regine incurrente. Super quibus omnibus et singulis, Thomas Nicolson, ballivus, procuratorio nomine totius communitatis dicti burgi, a me, notario publico subscripto, sibi fieri petiit instrumentum seu instrumenta, unum vel plura. Acta erant hec in aula dictorum Fratrum Minoritarum, hora tertia post meridiem, sub anno, mense, die, indictione et pontificatu quibus supra, presentibus ibidem, Gilberto Menzes, Patricio Menzes, Patricio Malysoun, Colino Porterfeld, Georgio Lesly, Joanne Gareauch, Vilhelmo Barclay, Vilhelmo Craufurd, Hallibrando Menzes, cum diversis aliis, testibus ad premissa vocatis pariterque rogatis.

Et ego, magister Joannes Kennedy, clericus diocesis Abirdonensis, sacra auctoritate apostolica notarius publicus ac scriba communis burgi de Abirdene, premissis omnibus et singulis, sic ut premittitur, dictis actis et factis unacum prenominatis testibus personaliter interfui, eaque omnia et singula sic fieri vidi, scivi et audivi ac in notam cepi; ex quibus hoc publicum instrumentum manu aliena fideliter scriptum exinde confeci, signavi et subscripsi in fidem et testimonium veritatis omnium et singulorum premissorum, rogatus et requisitus.

12. CHARTER by James VI. to the Provost and Magistrates of Aberdeen of the *habitaculum* or mansion-house of the Friars Minor of Aberdeen, with its gardens and pertinents. Dated 30th December, 1567. (*Original in Burgh Charter Room. Printed in Charters of Aberdeen*, pp. 68-71; *Precept under the Privy Seal, of even date, and relative Instrument of Sasine, dated 22nd July, 1569, in the Charter Room. Charter of Confirmation by James VI., on attaining majority, 1587, Charters*, pp. 88-90.)

JACOBUS, Dei Gratia, Rex Scotorum, omnibus probis hominibus totius terre sue, clericis et laicis, Salutem. Sciatis nos, pro ardenti zelo quem ob intertenendam politiam et bonum ordinem inter subditos nostros gerimus, precipue vero intra burgum nostrum de Abirdene, intelligentes itaque quod super omnia munus erga Deum, cuius providentia regimini nostro preponimur, amplecti obvincti sumus ac pro sustentatione hospitalitatis pauperibus, mutilatis impotentibusque personis, orphanis et parentibus destitutis infantulis preservande, sollicitos fore, cum avisamento et consensu charissimi avunculi nostri, Jacobi, Moravie Comitis, Domini Abirnethie et nostri regni ac ligeorum nostrorum Regentis, dedisse, concessisse, et hac presenti carta nostra confirmasse hereditarie dilectis nostris preposito, ballivis, consulibus et communitati burgi nostri de Abirdene eorumque successoribus imperpetuum totum et integrum habitaculum sive mansionem jacentem intra dictum nostrum burgum, cum hortis et pertinentiis eiusdem, ad Fratres Minores dicti burgi olim spectantem per ipsosque inhabitatum, ad effectum quod prepositus, ballivi, consules et communitas idem in hospitale pro receptione dictorum pauperum, mutilatarum et impotentium personarum, orphanorum et infantulorum parentibus destitutorum predictorum convertere possent et non alias. Pro quoquidem etiam effectu nos tenore presentium dictam mansionem, habitaculum et hortos eorundem in unum perpetuum hospitale facimus, creamus et erigimus, novum hospitale de Abirdene omni tempore affuturo nuncupandum: Tenendum et habendum totum et integrum dictum habitaculum et mansionem cum hortis et pertinentiis eorundem dictis preposito, ballivis, consulibus et communitati eorumque successoribus ad effectum predictum, de nobis et successoribus nostris in feodo et hereditate imperpetuum, cum potestate ipsis cum dicto habitaculo

et mansione intromittendi, idem et hortum eiusdem vel aliquam eorundem partem, prout ipsis ad effectum superius specificatum videbitur bonum et expediens, alterandi, mutandi, demoliendi, reformandi et reparandi in omnibus que pro asiamento et receptaculo dictorum pauperum et impotentium personarum commoda esse poterint, leges ac constitutiones pro observatione dicti hospitalis in bono et decenti ordine faciendi et promulgandi, que adeo valabiles tanteque efficacie erunt ac si eedem in hac presenti nostra infeodatione latius erunt expresse, cum omnibus et singulis aliis libertatibus, commoditatibus, proficuis et asiamentis ac justis suis pertinentiis quibuscunque, tam non nominatis quam nominatis, ad predictum habitaculum et mansionem cum hortis et pertinentiis eorundem spectantibus seu juste spectare valentibus quomodolibet in futurum, adeo libere in omnibus et per omnia sicut aliqua hospitalia in quibuscunque partibus regni nostri per quoscunque nostros progenitores temporibus preteritis fundata, dotata et erecta, sine aliqua revocatione aut contradictione quacunque: Reddendo inde annuatim dicti prepositus, ballivi, consules et communitas dicti burgi ardentes et devotas suas preces omnipotenti Deo pro statu prospero nostri et successorum nostrorum tantum. In cuius rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus. Testibus, reverendissimo in Christo patre, Johanne, Archiepiscopo Sanctiandree, et dilectis nostris consanguineis, Jacobo, Comite de Mortoun, Domino Dalkeith, Cancëllario nostro, Wilelmo, Comite Mariscalli, Domino Keith, venerabili in Christo patre, Johanne, Priore monasterii nostri de Coldinghame, nostri Secreti Sigilli Custode, dilectis nostris familiaribus consiliariis, Magistro Jacobo Makgill de Rankelour Nethir, nostrorum Rotulorum Registri ac Concilii Clerico, et Johanne Bellenden de Auchnoule, milite, nostre Justiciarie Clerico. Apud Edinburgh penultimo die mensis Decembris, anno domini millesimo quingentesimo sexagesimo septimo et regni nostri primo.

13. EXCERPT FROM THE RENTAL OF CHAPLAINRIES.

Apud Edinburgh xiiij Augusti anno &c. lxxii^o.

COMPEIRIT David Mar, commissionare for Abirdene, and allegit that the toun hes na gift of the freiris chaplainreis nor annuellis. As to

the ministerie, ansumeris that he is nocht instructit thairin nor hes na commissioun thairanent and thairfoir can gif na ansuer.

14. DESCRIPTIVE NOTES by Mr. P. J. ANDERSON, LL.B., Librarian, Aberdeen University, on certain manuscript volumes¹ alleged by the late Professor Stuart² to have belonged to the Observatines of Aberdeen.

Moralium Gregorii, Papae, in Lib. Job. pars 5 ta. Registri B. Gregorij, Papae.

MS. D². 5. 31, formerly H. 1. 2. Twelfth century. Vellum. 224 folios, 15 in. × 10 in. Fol. 1 v^o. begins: Liber primus quintae partis libri Iob. Finita sunt verba Iob. Fol. 224 r^o. ends: Expliciunt moralia beati Gregorii, Papae, urbis Romae, in librum Iob in xxx quinque libros divisa.

Pastoralia Gregorij.—Hugo super Regulam Augustini.—B. Gregorij Homiliae et Dialogi.

MS. D². 5. 40, formerly H. 1. 4. Fourteenth century. Vellum. 213 folios, 12¼ in. × 9 in. Fol. 4 r^o. begins: Incipit prologus beati Gregorij in libro pastorali. Fol. 38 r^o. ends: Explicit liber qui dicitur pastoralis editus a beato Gregorio, Papa. Fol. 43 r^o. begins: Incipit regula beati Augustini. Fol. 45 r^o.: Explicit regula. Expositio eiusdem edita ab Hugone de Sancto Victore. Fol. 60 r^o.: Explicit expositio regule. In nomine Dei summi incipit epistola sancti Gregorij, Pape, urbis Rome, in libro Omeliarum ad Secundinum episcopum Tauromitanum. Fol. 139 v^o.: Explicit liber Omeliarum etc. Fol. 147 r^o. begins: In nomine domini nostri Jesu Christi incipit dialogorum liber Gregorij, Pape, urbis Rome. Fol. 202 r^o. ends: Explicit dialogorum liber quartus a Sancto Gregorio editus.

S. Hieronymi Glossa in Isaiam, Hieremiam, Thronum et Baruch.

MS. D². 5. 32, formerly H. 1. 5. Twelfth century. Vellum. 154 folios, 15 in × 10¾ in. Fol. 3 r^o. begins: Ieronimus, Sic exponam

¹ Now preserved in the Library of the Aberdeen University.

² *Arch. Scot.*, II., 466.

Ysaïam. Fol. 154 v°. ends: Explicit exemplum epistole Ieremie prophete. This is the commentary by Gilbertus Autissiodorensis.

Ejusdem Epistolae.

MS. D². 5. 61, formerly H. 1. 6. Early thirteenth century. Vellum. 122 folios, 13¼ in. × 9½ in. Ornamental initials. Fol. 2 r°. begins: Hec sunt capitula libri huius numero cxxvi. Fol. 122 r°. ends: Explicit liber epistolarum beati Ieronimi, presbiterj; and, in 15th century hand, a note of 12 lines ending, videtur facere de Girardo fratre suo nuper defuncto (that is, the brother of a commentator, Ber).

S. Augustini Sermones de verbis Domini.

MS. D². 5. 39, formerly H. 1. 7. Eleventh century. Vellum. 137 folios, 12¾ in. × 9¼ in. "Schöner kalligraphisch geschriebener-codex," *Schenkel*. Fol. 2 r°. begins: Incipiunt capitula Sancti Augustini de verbis Domini. Fol. 137 v°. ends: non videtur ab eis qui foris sunt.

Ejusd. Expositiones in primos 50 Psalmos.

MS. D². 5. 34, formerly H. 1. 8. Twelfth century. Vellum. 204 folios, 13½ in. × 10 in. Fol. 1 r°. begins: Aurelii Augustini, doctoris eximii, Expositionis super Psalmos prima pars incipit. Fol. 203 r°. ends: Aurelii . . . explicit.

Ejusd. Exp. in postumos Psalmos.

MS. D². 5. 35, formerly H. 1. 9. Twelfth century. Vellum. 352 folios, 14 in. × 9 in. Fol. 1 r°. begins: Ecce unus pauper orat. Fol. 352 v°. ends: Aurelii Augustini episcopi tractatione psalmo centesimo quinquagesimo explicit.

Ejusd. Homiliae super Evangel. Joannis.

MS. D². 6. 40, formerly H. 1. 10. Thirteenth century. Vellum. 283 folios, 12 in. × 9 in. Fol. 1 v°. begins: Incipiunt capitula Omeliarum beati Augustini in evangelio beati Johannis evangeliste. Fol. 283 r°. ends: Explicit tabula super Omelias Augustini in evangelio Johannis.

Idem de Concordia Evangelistarum.—P. Blesensis super Job.—Idem de Transfiguratione Domini.—Idem de Conversione D. Pauli.

MS. D². 6. 35, formerly H. 1. 11. Twelfth century. Vellum. 81 folios, 11½ in. × 9¼ in. Fol. 1 r^o. begins: Aurelii Augustini, egregii doctoris, liber primus incipit de concordia evangelistarum. Fol. 73 r^o. begins: Blesensis super Job. Fol. 80 v^o. ends abruptly—Christus semel mortuus est jam non moritur non crucifi—a folio being evidently lost. Fol. 81 r^o. begins: Dubitabilia sapienti sunt hec. *Ibid.*, line 36:—Item In Polycratico Johannis. Ends: qui in hyrcum stransformatur aut suem. Last two items by P. Blesensis wanting.

Augustini contra Julian. Lib. 6.—Ejusd. Epistolae.

MS. D². 5. 36, formerly H. 1. 12. Thirteenth or fourteenth century. Notes in a later hand. Vellum. 148 folios, 14 in. × 9 in. Fol. 5 r^o. begins: Contumelias tuas et verba maledica Juliane. Fol. 51 r^o. begins: Epistola Augustini ad Volusianum. Fol. 48 r^o. ends: Qui autem de libera per repromissionem.

Ejusd. de perfectione Justitiae contra Celestium.—Idem de Ordine, Lib. 2.—Et de Civitate Dei, Lib. singularis.

MS. D². 5. 38, formerly H. 1. 13. Fourteenth century. 116 folios, vellum, 13 in. × 10½ in. Fol. 1 r^o. begins: Sanctis fratribus et coepiscopis. Fol. 5 r^o. begins: Incipit Retractatio beati Augustini in libro de ordine. Fol. 13 r^o. begins: Interea cum Roma Gothorum irruptione. Fol. 116 v^o. ends Lib. xxii: in secula seculorum Amen.

Ejusd. Opuscula.

MS. D². 5. 37, formerly H. 1. 14. Fourteenth century. Folios numbered 1 to 257, but 225 to 247 and 252 to 254 are wanting. Vellum. 13 in. × 10½ in. Fol. 1 r^o. begins: Augustinus de pastoribus. Fol. 257 v^o. ends part of Epistola Cyrilli ad Aug.: ita ut minimum nostrarum cogitationum sicuti fuerat apparebat.

S. Bernardi Opera Varia.

MS. D². 6. 39, formerly H. 1. 15. Twelfth or thirteenth century. Vellum. 180 folios, 11½ in. × 8½ in. Fol. 1 r^o. begins: Incipit prefatio exortationum Bernardi, abbatis Clarevalensis, ad Eugenium, Papam. Fol. 19 v^o.: epistola domini Bernardi, abbatis, ad magistrum Hugonem

de Sancto Victore. Fol. 24 r^o.: Incipiunt sermones Sancti Bernardi de Claravalle. Fol. 90 r^o.: expositio in psalmos (imperf.). Fol. 106 r^o.: plures textus de libris biblie quos idem Bernardus exposuit. Fol. 176 r^o. ends: Expliciunt flores Bernardi.

Rufini Historia Ecclesiastica, illuminat.

MS. D². 7. 36, formerly H. 2. 1. Thirteenth century. Vellum. 99 folios, 11 in. × 8 in. Fol. 1 r^o. begins: Incipit prologus Ruphini. Fol. 99 r^o. ends: Explicit liber undecimus ecclesiastice historie et sic totum opus, Deo gratias.

Aristotelis Politicorum Libri per Aretinum, elegantiss.

MS. D². 7. 46, formerly H. 2. 2. Italian of 15th century. Vellum. 125 folios, 11 in. × 8 in. Fol. 1 r^o. begins: Leonardi Aretini Prefatio in libros Politicorum Aristotelis. Fol. 124 v^o. ends: Joannes Andree in Colonia hunc librum scripsit quem tandem gratia divina absolvisse laetatur Deo gratias referens infinitas. Fol. 125 v^o.: Volumen Magistri Richardi Iruing, 1603, 3 Maij.

Legenda Sanctorum.

MS. D². 7. 32, formerly H. 2. 3. Fourteenth century. Vellum. 209 folios, 10½ in. × 7 in. De adventu Domini begins on fol. 2 r^o.: De dedicatione ecclesiarum on fol. 191 v^o.: De septem sacramentis ecclesie on fol. 194 v^o. Fol. 199 r^o. ends: Secunda est fornicationis remedium. Tabula super legendam sanctorum on ff. 201-9.

Richard de S^{vo} Victore de Patriarchis.—Hugo de Atra Anima.—Bernardi Lib. de Consideratione.—Gregorius in Ezechielem.—Et Didascalion Hugonis de Studio.

MS. D². 7. 33, formerly H. 2. 5, and o. 4. 2. Thirteenth century. Vellum. 181 folios, 10 in. × 6½ in. Fol. 1 r^o. begins: De Sacramento Eucharistie (fourteenth century). Fol. 5 r^o.: Incipit tractatus magistri Ricardi, Canonici de Sancto Victore, De Patriarchis. Fol. 27 v^o. De horrilogio Achaz. Fol. 28 v^o.: Incipit liber Hugonis de Arra anime. Fol. 37 r^o.: Incipit liber De consideratione Bernardi, abbatis Clarev., ad Papam Eugenium. Fol. 61 r^o.: Hic est sermo beati Hieronymi, presbyteri, De omnipotentia et invisibilitate et immensitate atque eternitate Dei. Fol. 64 r^o. Assumpta est Maria in celum. Fol. 65 r^o.: Incipit Omelia prima Sancti Gregorii, Pape, in prima parte

Ezechielis prophete. Fol. 114 r^o.: Expositio Anselmi, Cantuariensis archiepiscopi, super evangelium "Intravit Jesus in quoddam castellum." Fol. 116 r^o.: Incipit omelia prima Sancti Gregorii, Papae, urbis Rome in extrema parte Ezechielis. Fol. 163 r^o.: Didascalion Hugonis De studio legendi.

Officium Ecclesiae Cathed. Sarisberionsis, illuminat.

MS. C². 4. 82, formerly H. 3. 32. Early fifteenth century. 137 folios, 7½ in. × 4½ in. Vellum. Ff. 1-6: Calendar with English obits. Fol. 7 r^o.: Incipit officium beate Marie Virginis secundum usum Sarum. Fol. 57 r^o.: Incipiunt septem psalme penitentiales. Fol. 75 r^o.: Incipiunt Vigilie mortuorum. Fol. 128 r^o.: Hic incipit psalterium sancti Ieronimi. Use of Sarum.

Isidori Hist. Naturalis, illuminat.

MS. D². 6. 34, formerly H. 2. 7, o. 4. 6. Thirteenth century. Vellum. 104 folios, 12 in. × 8 in. Fol. 1 r^o.: In principio creavit Deus celum et terram. Fol. 7 r^o.: Incipit liber de naturis bestiarum. Fol. 80 v^o.: Ysidorus de natura hominis. Fol. 95 r^o. (in another hand): De lapide.

Breviarium Roman. Antiquum, illuminat.

MS. C². 4. 81, formerly H. 3. 1, o. 4. 14. Middle of fifteenth century. Vellum. 231 folios, 8½ in. × 6 in. Ff. 1-6. Calendar. Fol. 7 r^o.: Services of B.V.M., of the Dead, Anthems and Collects of Saints, Psalter, Litany and other devotions. Use of Sarum.

S^{ti}. Gregorij Homiliae.

Schenkel's description is inaccurate. MS. C². 4. 79, formerly H. 3. 2. Thirteenth century. Vellum. 156 folios, 8½ in. × 6 in. Fol. 2 r^o.: Hec sunt statuta Magistri Alexandri de Stavenesby, episcopi de Coventri et Lichfield. Fol. 9 r^o.: Incipit prefatio homiliarum beati Gregorii, Pape. Fol. 94 v^o. ends abruptly (Hom. 39) with the words despiciendus esset. Fol. 95 r^o.: Incipit prologus De miraculis sanctissime et perpetue Virginis Marie, matris domini nostri Jesu Christi. Fol. 126 r^o.: Sermo de nativitate sancte semper Virginis. Fol. 130 r^o.: Sermo venerabilis Fulberti, episcopi, de nativitate beate Marie. Fol. 132 r^o.: Incipit miraculum sancte Dei genetricis, Marie, editum a domino Willelmo, quondam abbate de Binetona. Fol. 135 r^o.:

Inquisitio facienda a sacerdotibus ad confitentes. Fol. 148 r.: [D]ixit Petrus Alfunsus, servus Christi Jesu, compositor huius libri.

A Commentary on the Book of Revelations, composed by K. James the VI. with marginal notes and corrections in His Majesty's handwriting.

MS. C². 5. 75, formerly H. 3. 7, o. 4. 20. Paper. 248 folios, 7½ in. × 5¾ in. Fol. 1 r^o.: The Epistle to the wholle Christiane Kirke militant in whatsumeuer pairt of the earth. Fol. 5 v^o.: The Argument of this wholle Epistle. Fol. 15 r^o.: A Paraphrase of the Revelation of the Apostle Ihone faithfullie set doune by the Kingis M. Fol. 223 r^o.: Ane Table conteining ane historically narration of things mentioned in the paraphrase. (It is difficult to understand why Dr. Stuart included this work by King James VI. among MSS. "which belonged to the Franciscan Convent." It bears the (post 1603) royal arms stamped on the leather binding, and seems to have come to the Library among the books presented by Secretary Thomas Reid, by whom the MS. is written, with notes in the King's hand.)

Miscellanea de locis ambiguis in Hebr. fonte de Talmud, Cabbala, etc.

MS. C². 6. 86, formerly H. 3. 13. Sixteenth century. Paper. . . . folios, 5½ in. × 4 in. Fol. 1 r^o.: In hebraico fonte sunt quae ambiguitate non.

V. Martialis Epigrammata.

MS. C². 6. 78, formerly H. 3. 15, and o. 4. 30. End of twelfth century. 81 folios, 5½ in. × 3½ in.; imperfect at beginning and end.

Opera Miscellanea, Latine, illum^d. letters.

Not identified.

Biblia Latina Hieronymi.

MS. D². 6. 37, formerly d. 3. 13, and o. 3. 5. Thirteenth century. Vellum. 269 folios, 12 in. × 8 in. Fol. 1 r^o.: Prologus: Frater Ambrosius michi tua munuscula. Fol. 3 r^o. begins Genesis. Fol. 257 v^o. ends Apocalypse. Ff. 258-69, Index.

Breviarium Romanum, richly illuminated.

MS. C². 4. 83. Middle of fifteenth century. 126 folios, 7 in. × 5 in. Ff. 1-12. Calendar in French. Fol. 13 r^o.: Service of B.V.M., 7 Penitential Psalms, Litany, Service of the Dead and other devotions; including, in a later hand, Anthems and Collects of St. Firmin, Bishop and Confessor, and St. Firmin, Bishop and Martyr, both of Amiens. Use of Amiens.

Abbertino de Passione, Resurrectione et Ascensione.

MS. C². 4. 80, formerly e. 5. 21. Fourteenth century. Vellum and paper. 205 folios, 8½ in. × 5½ in. Fol. 1 r^o.: Nel nome de Jesu et de la gloriosa madre Maria incomença el quarto libro de frate Vbertino de la passione, resurrectione et ascensione del nostro signore Jesu Christo. Fol. 205 v^o. ends: Secondo elleuata in primo de glosa. . . .

De Sacramentis.

Not identified.

Psalterium, Lat. et Eng. forte a Wicliffe.

MS. D². 7. 35, formerly b. 3. 9, and o. 4. 11. Early fifteenth century. Vellum. 160 folios, 11 in. × 7¾ in. Fol. 1 r^o.: Beatus vir, etc., being Richard Rolle of Hampole's Commentary on the Psalms, the Prologue being omitted. Fol. 133 v^o.: The end of David's psalmes. Confitebor tibi, etc., being the Commentary on the 12 Canticles ascribed to Wyclif. Fol. 153 r^o.: Audivi vocem de celo, etc., being part of the Office for the Dead, the nine lessons of Dirige being followed by long expositions. Fol. 160 r^o. ends: Deo gratias quod Yad [*i.e.* Day written backwards]. Ecce dies murus: hiis binis iungito terus. Amen.

Seneca de Clementia, etc.

MS. D². 4. 83, formerly H. 1. 16, and o. 4. 13. Early fourteenth century. Vellum. 160 folios, 10 in. × 7 in. Fol. 1 r^o.: Incipit liber primus de clementia. Fol. 10 v^o.: Liber de illustribus viris de Seneca. Fol. 10 v^o.: Hic incipiunt epistole Senece, philosophi, ad beatum Paulum et Pauli ad Senecam. Fol. 12 v^o.: Annei Lucij Senece de naturalibus questionibus ad Lucilium juniorem. Fol. 56 r^o.: March

Tulii Ciceronis novus liber rethoricorum incipit. Fol. 96 r^o. :
Epistole Petri Blesensis.

Pomponii Melae Geographia.

MS. C². 7. 62, formerly o. 4. 16. Fifteenth century. Vellum. 48 folios, 8 $\frac{1}{4}$ in. \times 6 in. Fol. 1 r^o. : Pomponii Melae de cosmografia, liber primus incipit. Fol. 48 v^o. ends: Andreae Scorti de Sancto Miniato V.M. (If this volume had been in the Franciscan Convent it came indirectly to Marischal College, as entries on Ff. 1, 17, 34, 48 testify in a modern hand, "Liber Joannis Gordon, jurisconsulti, qui natus Abredoniae $\frac{2}{13}$ die Maij 1715. . . . Given to the Library of Marischal College by me, John Gordon, . . . 16 Maij 1761.")

GLASGOW FRIARY

1. EXCERPTS relating to the acquisition of two strips of land by the Grey Friars of Glasgow in 1512. (*Glasgow Diocesan Registers*, II., Nos. 560, 564, 565.)

DIE Dominica, xxij Februarii, anno quingentesimo xj, indictione xv, pontificatus Julii 2^{di}, anno ix, et regni Jacobi quarti xxiiij: Magister Robertus Blacader, canonicus ecclesie Glasguensis ac prebendarius de Glasgw, primo in eadem, cum expressis consensu, presentia et voluntate capituli Glasguensis, post sonum campane pulsate capitulariter propter id congregatorum et capitulum facientium et representantium, pro se et successoribus suis, pro perpetuo concessit, in puram et perpetuam elemosinam, Fratribus Minoribus de Observantia in Glasgw et successoribus suis viginti pedes terre in crofta sua, que adiacet muros hortorum dictorum fratrum versus occidentem ultra prefatos muros occidentales dictorum fratrum et omnes partes huiusmodi murorum, ad amplificationem edificiorum et hortorum dictorum fratrum. Petiit Frater Johannes Johnson, guardianus dicti loci de Glasgw pro tempore, nomine proprio et dictorum fratrum et successorum suorum, instrumenta. Acta in loco capitulari, hora x ante meridiem vel circa. Testibus, dominis capitularibus, Rolando Blacader, presidente, Martino Rede, cancellario, Thoma Murhede, Richardo Bothwell, Roberto Fawside, David Dowgles, Andrea Merschell.

Die Lune, xxij Martii, anno, indictione, pontificatu et regno, quibus immediate supra, in ecclesia Glasguensi, hora novena ante meridiem vel circa, Jacobus, Glasguensis archiepiscopus, constituit M. Adam Colquhoun, canonicum Glasguensem, suum ballivum in hac parte, ad nomine eiusdem dandum saisinam et statum hereditarium Fratribus de Observantia Minoribus in Glasgw de quadam petia terre de Rammishorn pertinente dicto domino archiepiscopo et successoribus, contigue adiacente muros hortorum dictorum fratrum ad occidentem, extendente ad xx^{ti} duos pedes in latitudine extra huiusmodi muros, et jacente inter terras rectoris de Glasgw ad

austrum, et quondam hortum Ranald ad boream, cum clausulis de rato et grato et aliis necessariis. Petiit idem reverendissimus instrumenta. Testibus, Magistris Andrea Sibbould, et dominis Bartholomeo Blare, notario publico, et Johanne Johnson, presbitero.

Eodem die, hora decima ante meridiem vel circa, testibus, Johanne Heriote, Johanne Graham, Willelmo Pedegrew et Johanne Flemyng, laicis, dictus Magister Adam Colquhoun, ballivus in hac parte prefati reverendissimi, dedit per terram et lapides saisinam, statum hereditarium et corporalem possessionem dictorum xxij pedum terre in le Rammishorn pertinentis dicto archiepiscopo, boundate et limitate ut immediate supra, salvo iure cuiuslibet, imperpetuum, fratri Jacobi Pedegrew, provinciali ordinis Minorum, nomine eorundem Minorum et suorum successorum, in puram et perpetuam elemosinam ad amplificationem sui monasterii et domus et hortorum eorundem, adeo libere, quiete sicut reliqua terra dicti monasterii et sedes aliarum suarum domorum in regno eis donantur et conceduntur: Tenende et possidende imperpetuum. Quiquidem provincialis acceptavit et recepit, nomine proprio et dictorum fratrum ac suorum successorum, huiusmodi saisinam, statum hereditarium et corporalem possessionem dicte terrule terre, iuxta et in vim commissionis apostolice eis et religiosis dicti ordinis ad recipiendum possessiones et terras pro situatione suarum domorum gratiose concessas. Petiit frater Johannes Johnson, guardianus dicte domus in Glasgw pro tempore, instrumenta. Acta super solum dicte terrule terre.

2. INSTRUMENT OF ASSIGNATION, dated 19th June, 1560, under which Friar James Baxter constituted Master Robert Herbertson his cessionary and assignee in and to the four merk lands of Haghill in the Barony of Glasgow. (*MS. Prot. Book, Henry Gibson, I., f. 36.*)

DIE decimo nono mensis Junii, anno Domini millesimo quingentesimo sexagesimo, indictione et pontificatu suprascriptis [tertia, pontificatus Pape, Pii, quarti, anno primo], in mei, notarii publici, et testium subscriptorum presentia, personaliter constitutus Jacobus Baxter,

Frater Minor ita nunc explosus, et frater germanus quondam Roberti Baxter, civis Glasguensis, non vi, dolo, fraude aut metu ductus seu quacunq̄ sinistra informatione aut machinatione circumventus, sed sua mera libera et spontanea voluntate et liberalitate, ut apparuit, animoque deliberato, omnibus melioribus modo, via, forma, jure et tam quibus melius tutius et efficacius potuit, et debuit proterve aut debet, fecit, constituit, creavit et irrevocabiliter ordinavit, prout tenore presentis instrumenti facit, constituit, creat et irrevocabiliter ordinat, dilectum suum consanguineum, Magistrum Robertum Herbertsoun, suum verum et indubitatum cessionarium, donatarium et assignatum in et ad quatuor mercatas terrarum de Haghill, de presenti occupatarum per Robertum Graye et Georgium Graye, jacentium infra baroniam de Glasgu, in quibus terris ipse Jacobus fuit et est, ut asseruit, rentalizatus per Archiepiscopum Glasguensem, superiorem earundem: Dando, cedendo et transferendo omne jus, juris titulum, clameum, omnemque actionem realem et personalem, quod seu quam prefatus Jacobus habuit seu habere poterit in et ad dictas terras de Haghill, pretextu sui rentalis sibi desuper facti seu alias quovismodo eidem Jacobo competere valet, in prefatum Magistrum Robertum. Et hoc, donatione, cessione seu assignatione mera, pura, simplici et irrevocabili, idem Jacobus se de jure et actione dictarum terrarum divestiendo et predictum Magistrum Robertum investiendo, donandoque prefato Magistro Roberto suam plenariam atque omnimodam potestatem et posse easdem terras in judicio et extra, coram quibuscunque judicibus, recuperando ac signanter et expresse agendo et conveniendo occupatores, colonos et personas tenendas dictarum terrarum in quibuscunque curiis et coram quibuscunque judicibus, tam ecclesiasticis quam secularibus, utpote cessionarius, donatarius et assignatus quicunque pro re sua agere et convenire posset in uberiori forma, et generaliter omnia alia et singula faciendo, procurando et exercendo que juris ordo vel qualitas facti postulant et requirunt et que ipsemet Jacobus, donans, cedens et assignans, facere posset, si presens personaliter adesset. Promittens se prefato Magistro Roberto, cessionario et donatario, ac mihi, notario publico infrascripto, tanquam publice et autentice persone, stipulanti et recipienti vice et nomine quorum interest ac in futurum interesse poterit, se ratum, gratum, firmum atque stabile habiturum id totum et quicquid per dictum Magistrum Robertum actum, dictum, gestumve fuerit in premissis in uberiori forma. Super quibus premissis, petiit ipse Magister Robertus a me, notario publico subscripto, sibi fieri instrumentum et instrumenta. Acta erant hec infra civitatem Glasguensem in cubiculo ipsius Magistri Roberti in Rattourow, horam circiter decimam

ante meridiem, presentibus, Domino Roberto Watson, capellano, prebendario ecclesie Beate Marie de Glasgw, Johanne Steward, clerico parochiali de Glasgw, et Domino Richardo Herbertsoun, capellano, testibus ad premissa.

3. NOTARIAL RECORD of the sale and transference of the Grey Friary in Glasgow by Sir John Stewart of Minto to Joanna Cunningham and her son. Dated 23rd December, 1575. (*MS. Prot. Book, Henry Gibson, II., f. 241.*)

DIE prescripto, vigesimo tertio mensis Decembris, anno Domini millesimo quingentesimo septuagesimo quinto, in mei, notarii publici, et testium subscriptorum presentia, personaliter accessit discretus vir, Johannes Herbertsoun, scriba procurator et eo nomine honorabilis viri, Joannis Steward de Mynto, militis, in suis manibus habens et tenens ad effectum subscriptum unum sufficiens et speciale procuratorium per ipsum Joannem Steward debite subscriptum et sigillatum, et ballivo subscripto ac mihi, notario, et testibus infrascriptis exhibitum, productum et ostensum, accessit, inquam, ad totum et integrum olim locum Fratrum Franciscanorum civitatis Glasguensis, cum hortis et muro circumjacente ac singulis suis pertinentiis, jacentem in civitate Glasguense inter terras Rectoris de Glasgw de Medoflatt, ad occidentem, terras Willelmi Hegait, ad australem, et communes vias ad orientem et boream, partibus ab altera : Et ibidem procurator, nomine prefati Joannis Steward, totum et integrum dictum locum Fratrum Minorum seu Franciscanorum, cum hortis et muro circumjacente ac singulis suis pertinentiis, jacentem et limitatum ut supra, ac omne jus, juris titulum, proprietatem, possessionem et interesse sibi Joanni Steward constituenti desuper competens seu competere valens, in manibus honorabilis viri, Willelmi Conyghame, alterius ballivorum dicte civitatis pro tempore, pure et simpliciter resignavit, extradonavit et dimisit secundum tenorem ac effectum suprascripti procuratorii, et hoc in favore Joanne Coningham, relicte quondam Thome Forret, civis Glasguensis, pro sasina sibi desuper danda per terre et lapidis fundi ejusdem deliberationem, ut moris est. Qua resignatione sic facta et per dictum ballivum admissa et recepta, idem

Willelmus, ballivus, ex debito sui officii ac speciali mandato dicti procuratoris, statum et saisinam hereditariam, necnon realem actualem et corporalem possessionem supradicti loci, cum hortis et muro circumjacente ac singulis suis pertinentiis, jacentem et limitatum ut supra, prefate Johanne Conyghame, heredibus suis et assignatis, per dicte terre et lapidis fundi eiusdem deliberationem, ut moris est, tradidit, dedit ac pro perpetuo deliberavit juxta tenorem et effectum predicti procuratorii et salvo jure cujuslibet. Insuper absque mora paulo postmodum prefata Joanna Conyghame, sic saisita, pro specialibus favore et amore filialibus quos habuit et gessit erga Willielmum Forrett, eius filium seniore, totum et integrum predictum locum, olim Fratibus Franciscanis spectantem, cum hortis et muro circumjacente ac singulis suis pertinentiis, jacentem et limitatum ut supra, cum omni jure et titulo, clameo, proprietate, possessione et interesse sibi desuper competente seu competere valente, in manibus dicti Willelmi Conygham, ballivi, in favorem dicti Willelmi Forrett, heredum suorum et assignatorum, pro saisina sibi desuper danda per terre et lapidis fundi eiusdem deliberationem, ut moris est, pure et simpliciter resignavit, extradonavit et dimisit, reservando tantum sibi Joanne liberum tenementum et usufructum eiusdem loci cum hortis, muro et pertinentiis durante toto tempore vite sue. Qua vero resignatione sic facta et per dictum ballivum admissa et recepta, idem Willelmus, ballivus, ex debito sui officii ballivatus ac speciali mandato resignantis, statum et saisinam hereditarios, necnon realem actualem et corporalem possessionem totius et integri dicti loci olim Fratibus Franciscanis spectantem, cum hortis et muro circumjacente ac singulis suis pertinentiis, jacentem et limitatum ut supra, dicto Willelmo Forrett, heredibus suis et assignatis, per dicte terre et lapidis fundi eiusdem deliberationem, ut moris est, dedit, tradidit et pro perpetuo deliberavit, salvo tantum jure cujuslibet, reservando tantum liberum tenementum et usufructum eorundem prefate Joanne resignanti pro toto tempore vite sue. Super quibus omnibus premissis, dicta Joanna et Willelmus hinc inde et successive a me, notario publico subscripto, ipsis fieri petierunt unum et plura publica instrumenta. Acta erant hec super fundo dicti loci, horam paulo post secundam pomeridianam, sub anno, die et mense predictis, presentibus ibidem, Thoma Pettigrew, cive Glasguense, Jacobo Andersone, Roberto Lettrik et Joanne Stobo, officariis, testibus ad premissa vocatis.

AYR FRIARY

I. BULL OF ERECTION for the Grey Friary in Ayr granted by Pope Sixtus IV. in reply to the petition of James, Bishop of Dunkeld. (*MS. Regesta Laterana*, 817, f. 282 ; *copy G.R.H. Edinburgh.*)

JACOBUS, Episcopus Dunkeldensis. Facultas edificari faciendi domos pro usu Fratrum Minorum de Observantia.

Sixtus etc. Ad futuram rei memoriam. Quoniam in hiis que Religionis propagationem et divini cultus augmentum respiciunt, nostra iugiter versatur intentio, cum exinde Christifidelium devotio plurimum augmentetur, idcirco ad ea libenter operarias manus apponimus, per que cultus ipse ampliari et copiosus in vinea domini cultorum numerus cum animarum fidelium predictorum salute valeat feliciter provenire. Sane pro parte venerabilis fratris nostri, Jacobi, Episcopi Dunkaldensis, nobis nuper exhibita petitio continebat quod, licet alias de licentia felicitis recordationis Pii, Pape, II., predecessoris nostri, in regno Scotie quatuor domus pro usu et habitatione fratrum ordinis Minorum, de Observantia nuncupatorum, piis Christifidelium elemosinis et largitionibus cum magna consolatione incolarum dicti regni constructe et edificate fuerint, quia tamen, propter bona dictorum fratrum opera et vitam exemplarem, in dicto regno devotio fidelium, tam ad fratres predictos quam erga divini cultus observantiam, admodum crevit, si adhuc aliquae alie domus pro usu et habitatione fratrum predictorum cum necessariis officinis in dicto regno construerentur et edificarentur, profecto incolarum predictorum desiderio plurimum satisfaceret ac eorum devotio indes per amplius augetur; Nos, igitur, qui divini cultus augmentum et religionis propagationem ac animarum salutem nostris potissimum temporibus affectamus, prefati episcopi in hac parte supplicationibus inclinati, quod vicarius ordinis Fratrum Minorum, de Observantia nuncupatorum, provincie Scotie secundum morem dicti ordinis, qui pro tempore erit in regno predicto, si ad hoc se facultas obtulerit, duas aut tres domos dumtaxat pro usu et habitatione fratrum eorundem

cum ecclesia, altaribus, campanili humili, campana, cimiterio, claustro, dormitorio, refectorio, hortis, hortilitiis et aliis necessariis officinis, sine alicujus preiudicio, construendi et edificandi sive construi et edificari faciendi, aut illas, si ab aliis construentur et edificabuntur, recipiendi, ac fratribus eisdem illas perpetuo inhabitandi auctoritate apostolica ex certa nostra scientia tenore presentium statuimus, decernimus pariter et ordinamus, iure tamen parochialium ecclesiarum, infra quarum limites domus construende et edificande predictae fuerint, et quorumlibet aliorum in omnibus semper salvo. Et nihilominus prefatis domibus postquam constructe et edificate fuerint, ut prefertur, ac fratribus, qui illas pro tempore inhabitabunt, ut omnibus et singulis privilegiis, prerogativis, exemptionibus, libertatibus, indulgentiis, gratiis et indultis aliis domibus et fratribus ordinis et observantie predictorum etiam ultramontanis in genere concessis hactenus et concedendis, et quibus illi in genere utuntur, potiuntur et gaudent, seu uti, potiri et gaudere poterunt quomodolibet in futurum, uti, potiri et gaudere, libere et licite possint et debeant eisdem auctoritate scientia et tenore concedimus pariter et indulgemus. Non obstant[e constitutione] felicitis recordationis Bonifatii, Pape, VIII., etiam predecessoris nostri, prohibente ne predicti, et cuiusvis alterius ordinis mendicantium fratres, ad inhabitandum nova loca recipere seu iam recepta mutare presumant sine dicte Sedis licentia speciali de prohibitione huiusmodi specialem et expressam mentionem faciente, et quibusvis aliis constitutionibus et ordinationibus apostolicis, necnon ordinis et observantie predictorum juramento, confirmatione apostolica vel quavis alia firmitate roboratis, statutis et consuetudinibus ceterisque contrariis quibuscumque. Nulli ergo etc. nostri statuti, constitutionis, ordinationis, concessionis et indulti infringere etc. Si quis etc. Datum Rome apud Sanctum Petrum, anno Incarnationis Dominice millesimo quadringentesimo octuagesimo primo, quarto-decimo kalendas Aprilis, anno undecimo.

2. EXCERPTS from the records of lawsuits in which the Grey Friars of Ayr appear as parties. (*MS. Acta Minorum Concilii et Sessionis, G.R.H.*)

1532, 14th June.—Mr. Thomas Marjorybanks, procurator for the heirs of Carloun, asks instruments on his production of an instrument

of sasine of Margaret Cathcart, eldest daughter and heir of the deceased Allan Cathcart of Carloun, in the place and half lands of Carloun, dated at Carloun Castle, 2nd May, 1510. (I., f. 21.)

Action at the instance of the Crown against Margaret Cathcart, one of the daughters and heirs of the deceased Allan Cathcart of Carloun, and "ane of the allegit heretouris of the hundreth merk land of Carloun," and Hew Campble, her spouse, for his interest, and Janet Cathcart, Marion Cathcart, Marion Kennedy and Janet Kennedy, daughters and alleged heritors to the deceased Sibilla Cathcart, the other daughter and heir of the said Allan, and Robert Crawford, spouse to the said Janet Cathcart, and Gilbert Grahame of Knokdoliane, spouse to the said Marion Cathcart, for their interest, for hearing and seeing the said lands of Carloun apprised for payment of the bygone duties thereof since the death of the said Allan, when they fell to the Crown through non-entry. Compareance being made, Mr. Thomas Marjoribanks, as procurator, alleged "that the said Sibilla Cathcart wes sufficiently sesit in the saidis landis of Carloun, and that hir instrument of sesing wes in keping of the Wardane of the Gray Freris of Air, quha wald nocht deliver the samin without command of the saidis Lordis." The Lords continue the matter till 21st June instant and grant letters for requiring "the said Wardane to deliver the said instrument, massit in papir and closit under the cheptour sele, to be productit befor the saidis Lordis;" and they assoilzie the said Margaret Cathcart and her spouse from the prosecution, because the procurator foresaid has produced the sasine given to her of the half lands of Carloun, dated 2nd May 1510. (*Ibid.*, f. 22.)

1532, 21st June.—This term being assigned to the procurator, as above, to prove "that the said Sibilla Cathcart wes sufficiently sesit in the saidis landis of Carlton and that hir instrument of sesing wes in keping of the Wardane of the Gray Freris of Air, quhilk wald nocht deliver the samin without command of the saidis Lordis," compareance being made, it was alleged by Mr. Adam Otterburn, His Majesty's Advocate, "that the instrument of sesing of Sibillais Cathcart of the half of the saidis landis productit in jugement, send auctentikly fra the saidis freris of Air under the signe and subscription manuale of Schir Jhon M'Quharr, notar public, being of the daite at the saidis landis of Carlton the secund day of May, the zere of God j^m v^c and x zeris, was fals and fenzeit in the self, and offerit him to impreif the samin civily

and lauchfully." The Lords assign the 6th of July next to him for this effect. (*Ibid.*, f. 36.)

1532, 6th July.—This term being assigned to the Lord Advocate to prove "the instrument of seising of Sibilla Cathcart of the half lands of Carltoone, producit in jugisment send auctentiklie fra the Gray Freiris of Aire [to be fals and fenzeit]," the Lords continue the matter in full force to the 19th instant, "and ordanis our Soverane Lordis Advocat to have letters to summond Johnne, Lord Cathcart, under gretar panys to compeir befor thame the said day to beir witnesse in the said mater, and als to require Freir . . . Ra (Rae), Wardane of the Gray Freiris of Aire, to compeir inlikwise the said day to give informatioun to the Lordis in sic thing as sal be opinnit and schawin to him at his cuming." (*Ibid.*, ff. 51, 52.)

1532, 29th November.—Submission by John Campbell, natural son of John Campbell of Little Cesnock—as having the gift under the Privy Seal of the ward "of all landis and annuellis baith properteis and tenandriis" which pertained to the deceased Sibill Cathcart, lady of the half of the barony of Carloun, and to the deceased John Cathcart, her spouse, with the marriage of Marion and Janet Cathcart, their daughters, and of Margaret and Janet Kennedy, also daughters to the said Sibill—and by Duncan Crawford, brother german to Bartholomew Crawford of the Kerse—"having the ward and nonentres of all and haile the half of the propertie of the xvij merk land of Carloun," with the marriage of Janet and Marion Cathcart, Janet and Marion Kennedy, as above,—to the decision and sentence of the Lords of Council which they shall give in the action raised by the Crown against the heirs of Carloun for the non-entry of the lands of Carloun. (II., f. 17.)

1532, 16th December.—The action by the Crown against the heirs of Carloun being called, and compearance made for all parties, the Lords finally decern as follows, that the gift made to the deceased John Campbell of Little Cesnok, and assigned to the said John Campbell, his natural son, of the ward of all lands and annual rents pertaining to the said deceased Sibill Cathcart and the deceased John Cathcart, her spouse, with the marriage of the said Marion Cathcart, their daughter, and Margaret and Janet Kennedy, daughters of the said Sibilla and the deceased Gilbert Kennedy, her spouse, shall belong to and be used by the said John Campbell at his pleasure; and the ward, relief and non-entry of the lands pertaining to the said

Janet Cathcart through decease of the said Sibilla, her mother, with her marriage, are to belong to Robert Crawford, her spouse, in time coming. The four daughters are assoilzied from the Crown's claim for non-entry and apprising; and the said Duncan Crawford's claim to the ward and non-entry of the half of a xvij merk land of Carloun, and marriage of the heirs foresaid, is nullified, being granted after the gift thereof made to John Campbell. (*Ibid.*, f. 28.)

3. CROWN LEASE of one acre of the Grey Friary yards in Ayr granted to William Campbell, younger, of Skeldoun, for 19 years at a rent of twenty shillings per annum, 7th February, 1566-67. (*MS. Reg. Privy Seal*, XXXVI., f. 16.)

ANE letter of tak maid with awyse of the Comptrollar to Williame Campbell, youngar of Skeldoun, his airis and assignais and subtennentis, ane or maa, of all and hail the Gray Freir yairdis of the toune of Air, extending to ane aiker of land or thairby, liand upoun the west syde of the said burgh, for all the dayis and termis of nyntene yeiris nixt and immediatlie following thair entres thairto, quhilk sal be and begin at the day of the dait of thir presentis and thaireftir to indure, etc. Attoure our Soveranis Lord and Lady gevis, grantis and disponis to the said Williame all and hail the stanis of the place, kirk and houses of the saidis Gray Freiris, quhairevir the samin may be apprehendit, to be usit and disponit upoun be him as he sall think maist expedient, dischairgeing all utheris of ony intromissioun thairwith be thir presentis. Payand yeirlie the said Williame, his airis, assignais and subtennentis foirsaidis, to our Soveranis, thair comptrollaris or collectouris in thair names, for the foirnemmit yairdis or aiker of land the sowme of twenty schillingis usuall money at twa termes in the yeir, Witsounday and Mertimes in winter, be equall portionis, of maill allanerlie etc. At Edinburgh the sevint day of Februare, the yeir of God j^m v^c lxxvj yeiris. *Per signaturam.*

4. PRECEPT UNDER THE SIGNET for a Gift to the Burgh of Ayr of, *inter alia*, the lands and possessions of the Black and Grey Friars within the burgh. Dated 14th April, 1567. (*MS. Reg. Privy Seal*, XXXVI., f. 74; *Relative Charter MS. Reg. Mag. Sig.*, XXXII., f. 322.)

PRECEPTUM litere facte preposito, ballivis, consulibus et communitati burgi de Air, et ipsorum successoribus imperpetuum, super omnibus et singulis terris, tenementis, domibus, edificiis, ecclesiis, capellis, pomeriis, hortis, acris, croftis, annuis redditibus, molendinis, piscationibus, fructibus, devoriis, proficuis, emolumentis, firmis, elemosinis, lie dailsilver, obitibus et anniversariis quibuscunque, que quovismodo pertinuerunt aut pertinere dinoscuntur ad quascunque capellanas alteragia aut prebendas in quacunque ecclesia, capella aut collegio infra libertatem aut parrochiam dicti burgi de Air, fundata seu fundatas per quemcunque patronum, in quarum possessione capellani et prebendarii earundem perprius fuerant, ubicunque prefate domus, tenementa, edificia, pomeria, horti, acre, crofte, annui redditus, piscationes, molendina, anniversaria, fructus, proficua et emolumenta jacent aut prius levata fuerunt respective, cum molendinis, locis, hortis, acris, terris, annuis redditibus, emolumentis et devoriis quibuscunque, que Fratribus Predicatoribus seu Dominicalibus et Minoribus seu Franciscanis dicti burgi perprius pertinuerunt, unacum omnibus et singulis terris, domibus et tenementis jacentibus infra dictum burgum, parrochiam et libertatem ejusdem, cum omnibus annuis redditibus de quacunque domo, terris aut tenemento infra dictum burgum levandis, datis, donatis et fundatis quibuscunque capellaniis, alteragiis, mortuariis aut anniversariis, ubicunque sint infra hoc regnum. Ac etiam cum omnibus et singulis annuis redditibus et aliis devoriis solitis aut que per quamcunque ecclesiam extra dictum burgum a preposito aut ballivis ejusdem de communi redditu ejusdem pro suffragiis celebrandis demandari poterint cum pertinentiis. Tenendas &c. memoratis preposito, ballivis, consulibus et communitati et eorum successoribus de S. D. N. Regina et suis successoribus imperpetuum &c. Apud Edinburcht decimo quarto die mensis Aprilis anno &c. lxxvij^o. *Per Signetum.*

ELGIN FRIARY¹

1. PRECEPT for a Charter of the Grey Friary in Elgin, with its lands and buildings, to Robert Innes of Innermarkie, under a feu-duty of forty shillings, with duplication at the entry of heirs. Dated 20th April, 1573. (*MS. Reg. Privy Seal*, XLI., f. 122; *Relative Charter MS. Reg. Mag. Sig.*, XXXIV., No. 32.)

PRECEPTUM carte Roberti Innes de Innermarkie super totis et integris locis, edificiis, domibus, pomeriis et hortis, cum suis pertinentiis, olim Fratribus Minoribus burgi de Elgin pertinentibus, jacentibus infra dictum burgum. Quequidem loca, edificia, domi, pomeria et horti, cum suis pertinentiis, olim dictis fratribus pertinebant et nunc ad S. D. N. regem pertinent et in manibus suis per religionis reformationem infra regnum acta et statuta desuper confecta devenerunt. Tenenda &c. dicto Roberto Innes de Innermarkie, heredibus suis et assignatis, de dicto domino rege et successoribus suis in feudifirma et haereditate imperpetuum &c. Reddendo &c. dicto domino regi et successoribus suis suisve computorum rotulatoribus suo nomine summam *quadraginta solidorum* monete Scotie ad duos anni terminos consuetos, festa, videlicet, Penthecostes et Sancti Martini in hieme, per equales portiones, nomine feudifirme, necnon heredes dicti Roberti duplicando dictam feudifirmam primo anno eorum introitus ad predicta loca, edificia, domos, pomeria et hortos cum pertinentiis, prout usus est, feudifirme tantum. Vobis &c. Apud Edinburgh vigesimo die mensis Aprilis, anno Domini millesimo quingentesimo septuagesimo tertio. *Per Signetum.*

¹ Bull of Election, *supra*, p. 250.

STIRLING FRIARY

I. BULL OF ERECTION for the Grey Friary in Stirling granted by Pope Alexander VI. on the petition of James IV. Dated 9th January, 1497-98. (*A.M.*, XVI., 551.)

CONCEDITUR ei facultas aedificandi domum Observantium in oppido Striuling.

Charissimo in Christo filio, Jacobo, Scotorum Regi illustri.

Dum inter cetera, &c. Sane pro parte tua nobis nuper exhibita petitio continebat, quod tu, fervore devotionis accensus, cupiens transitoria in aeterna, et temporalia in coelestia felici commercio commutare, ob singularem, quem ad ordinem Fratrum Minorum, de Observantia nuncupatorum, sub Vicariis degentium, et eorum personas, et propter eorum exemplarem vitam, ac uberes fructus, quos incolis locorum in quibus degunt, assidua et devota divinorum officiorum celebratione, verbi Dei praedicatione, et confessionum discreta auditione afferre solent, geris devotionis affectum, de bonis tibi a Deo collatis unam domum pro perpetuis usu et habitatione ordinis Fratrum Minorum hujusmodi in oppido Striuling in tuo dominio consistenti, Sancti Andreae diocesis, construi et aedificari facere summopere desideras, si tibi illam construi et aedificari faciendi et fratribus praedictis illam pro eorum usu et habitatione hujusmodi recipiendi, per Sedem Apostolicam licentia concederetur. Quare, pro parte tua nobis fuit humiliter supplicatum, ut domum praedictam cum ecclesia, campanili humili, campana, cimiterio, claustro, rectorio, dormitorio, hortis, hortaliitiis et aliis necessariis officinis construi et aedificari faciendi, ac fratribus praedictis illam, postquam constructa fuerit, pro eorum perpetuis usu et habitatione praedictis recipiendi, eamque perpetuo inhabitandi licentiam concedere, aliasque in praemissis opportune providere de benignitate Apostolica dignemur; Nos, igitur, tuis in hac parte supplicationibus inclinati,

tibi domum praedictam cum ecclesia, campanili humili, campana, cimiterio, claustro, refectorio, dormitorio, hortis, hortaliis et aliis necessariis officinis pro perpetuis usu et habitatione fratrum praedictorum in dicto oppido, sine cujuscumque praejudicio, fundandi et construi et aedificari faciendi, necnon fratribus ipsis illam pro eorum perpetuis usu et habitatione hujusmodi recipiendi et perpetuo inhabitandi, auctoritate Apostolica, tenore praesentium licentiam concedimus. Non obstantibus fel. record. Bonif., Papae, VIII. et aliis Apostolicis constitutionibus, caeterisque contrariis quibuscumque. Nos enim dictae domui, si illam per te vigore praesentium construi et aedificari contigerit, ut prefertur, et illius pro tempore guardiano et fratribus, ut omnibus et singulis privilegiis, libertatibus, exemptionibus, indulgentiis, gratiis, favoribus et indultis, aliis ejusdem ordinis domibus, guardianis et fratribus per Sedem concedendis, uti, potiri et gaudere libere et licite possint, praefata auctoritate concedimus. Nulli ergo, &c., Si quis, &c. Datum Romae apud Sanctum Petrum, anno Incarnationis Dominicae 1497, v Idus Jan., Pontif. nostri anno sexto.

2. PRECEPTS for Audit of the Accounts of Andrew Ayton, Master of Works at Stirling, 20th December 1496 to 3rd August, 1507. (*MS. Reg. Privy Seal*, III., ff. 93, 119.)

1506-1507, 1st February, Edinburgh.—A Commission direct to William, Bishop of Abirdene, James, Abbot of Dunfermling, Henry, Abbot of Iedworth, Schir John Ramsay, James Redeheuch, Comptrolare, and Schir Johne Striveling of Cragbernard, or ony thre of thaim, to here the comptis of Andro Aytoun of the werkis within the castell of Striveling, the parkis, orchartis and stankis of the sammyn, with the kirk and place of the Gray Freris and Sanct Rolkis chapell at the Brig end, and of all soumes of mone resavit be hym thairto sen the xx day of December, the zere of God [1498] zeris, etc. *Per Signaturam subscriptam per Regem. Rex.*

1507, 3rd August, Edinburgh.—A Commissioun made to William, Bishop of Abirdene, James, Abbot of Dunfermlin, thesaurar, James, Abbot of Scone, David, Abbot of Cambuskinneth, Henry, Abbot of

Iedburgh, M. Gawine Dunbar, Archdene of S[anctandrois], and Johne of Strivelin of Cragbernard, knyght, James Redeheuch, Comptrollare, Johne Ramsay of Trarinzeane, knyght, Robert Colvile of Hiltoun, M. David Abircrumby, Subdene of the chapel royal Stirling, and Schir Andro Cunnyngham, persoun of Lochow: Gevand power to thaim, or ony thre of thaim, conjunctly, to here and ressavit the comptis of Andro Aytoun, capitane of Strivelin, of all soumes of money ressavit be him of our Soverane Lordis casualite and cofferis in al tymes bigain sen (17 December 1497), and of al expens made anent the bigging of the castel of Strivelin, kirk and place of the Gray Freris in Strivelin, the park, orchard and stankis of Strivelin, Sanct Rochis chapel, the hewing and caryng of tymmer furth of divers woddis to the kingis schippis in Leith, and al utheris his expens made in the kingis use within the said space. . . . *Per Signaturam, manu Regis subscriptam.*

3. PRECEPT for Crown Charter of the ecclesiastical properties within the Burgh of Stirling granted by Queen Mary in favour of the magistrates. Dated 15th April, 1567. (*MS. Reg. Privy Seal, XXXVI., f. 75; Relative Charter of even date under Great Seal, original in Burgh Charter Room.*)

PRECEPTUM litere facte preposito, ballivis, consulibus et communitati burgi de Striviling et ipsorum successoribus imperpetuum super omnibus et singulis terris, tenementis, domibus, edificiis, ecclesiis, capellis, hortis, pomeriis, croftis, annuis redditibus, fructibus, devoriis, proficuis, emolumentis, firmis, elemozinis, lie dailsilver, obitibus et anniversariis quibuscumque, que quovismodo pertinuerunt aut pertinere dinoscuntur ad quascunque capellanas, alteragia, prebendarias, in quacunque ecclesia, capella aut collegio infra libertatem dicti burgi de Striviling fundata seu fundatas per quemcunque patronum, in quarum possessione capellani et prebendarii earundem perprius fuerant, ubicunque prefate domus, tenementa, edificia, pomeria, horti, annui redditus, anniversaria, fructus, proventus et emolumenta jacent aut prius levata fuerant respective, cum maneriebus, locis, pomeriis, terris, annuis redditibus, emolumentis et devoriis quibuscumque, que Fratribus Dominicalibus seu Predicatoribus et Minoribus seu Franciscanis dicti

burgi de Striviling perprius pertinuerunt, unacum omnibus et singulis terris, domibus tenementisque jacentibus infra dictum burgum et libertatem ejusdem, cum omnibus annuis redditibus de quacunque domo, terris et tenemento infra dictum burgum levandis, datis, donatis et fundatis quibuscunque capellaniis, alteragiis, mortuariis aut anniversariis, ubicunque sint infra hoc regnum, ac etiam cum omnibus et singulis annuis redditibus et aliis devoriis solitis aut que per quamcunque ecclesiam extra dictum burgum a preposito et ballivis ejusdem de communi redditu ejusdem pro suffragiis celebrandis demandari poterint cum pertinentiis. Tenendas &c. prefatis preposito, ballivis, consulibus et communitati ac eorum successoribus de S. D. N. Regina et suis successoribus imperpetuum &c. Apud Edinburcht decimo quinto die mensis Aprilis, anno Domini millesimo quingentesimo sexagesimo septimo. *Per Signetum.*

4. EXCERPTS from the Rental of Chaplainries relating to the religious houses in Stirling. (*MS., G.R.H.*)

Apud Edinburgh 12 Augusti anno 1573.

COMPEIRIT befor the Lordis Commissionaris Robert Foster, youngair, and Johnne Auchmontie, commissionaris for Stirling, and gaif in thair infestment of the Freiris landis, rentis annuellis and chaiplanreis berand, "Memorati autem prepositus, ballivi, consules et eorum successores tenebuntur et astricti erunt ministros, lectores et alia ecclesiastica onera prefatis annuis redditibus, proficuis, devoriis, secundum valorem et quantitatem earundem, sustinere, locaque et edificia in hospitalitatem et alios usus prescriptos applicare," as at mair lenth is contenit in the said infestment of the dait at Edinburgh the xv of Aprile, the yeir of God j^m v^c lxxvij yeir, togidder with this rentaille following, and allegit thai intromettit with na mair bot alanerlie the obit silver extending yeirlie to x li. quhilk thai allege thai haif nocht gottin up bot this yeir alanerlie, and that thai haif bestowit upoun the bigging of the kirkyaird and buriall place.

The rentaill of the alterages, chaiplanreis and obits of the toun of Stirveling.

Item.—In the first, this is to lat your godlie wisdomes understand that thair is at the gift of the said toun of alteragis onlie sex, quhilk

sex chaipilains ar all on lif at this present, viz., Maister Alexander Chalmer, Alexander Forgye, Johnne Stodart, Patrik Gillesbie, James Mont and Mr. Williame Gullane.

Secundlie. Thair is of land patronagis at the gift of thir personis following five, thai ar to say the landis of Garden, . . . Cunninghame of Polmais, . . . , Murray of Polmais, Johnne Shaw of Broth, quihilk patronages ar yit nocht vacand be reasoun the personis that wer providit thairto of auld ar yit on lif, and we ressave na proffite of the same.

And as to the rest of the chaipilains of our kirk, thai wer sustenit be the craftismen of thair awin boxis without ony fundatioun.

Ferdlie.—As to the Blak Freiris your godlie wisdomes sall understand that Alexander Erskin hes the haill profettis pertaining thairto; And, as to the Gray Freiris, my Lord of Ergile hes the yaird and roume of the place, and sua we ressave na proffeit as yit. Thairfoir, your godlie wisdomes may persave that we nevir resavit na proffeit as yit, except onlie ane small thing for the obitis. Beseiking heirfoir your wisdomes to haif consideratioun of the premisses and caus us report mair proffeit nor we haif done in tymes bypast, in respect that we have sustenit gryte expense in setting furthward of the trew religioun of Jesus Chryst at all tymes sen the begynning thairto within this realme. And your wisdomes ansuer humlie we beseik.

Item.—We haif receavit the obite silver extending yeirly to x li.

JEDBURGH FRIARY

BULL OF ERECTION granted to the Grey Friary in Jedburgh by Pope Adrian VI. (*A.M.*, XVI., p. 549.)

UT possint aedificare conventum in burgo de Gedeborch.

Dilectis filiis, Ministro et Fratribus ordinis Minorum regularis Observantiae, Provinciae Scotiae, juxta morem dicti ordinis.

Cum communitas burgi de Gedeborch, Glasguen. diocesis, atque habitatores et incolae vicecomitatus circumjacentis in regno Scotiae, ob singularem, quem ad ordinem Fratrum Minorum regularis Observantiae, devotionis gerunt affectum, et uberes animarum fructus, quos ex eorum exemplari vita et assidua divinorum celebratione proventuros sperant, terrena in coelestia felici commercio commutare satagentes, suis expensis in aliquo loco congruo et convenienti, sub invocatione de qua tibi ministro videbitur, unam domum in predicto burgo pro perpetuis usu et habitatione eorundem Fratrum ordinis Minorum regularis Observantiae, cum ecclesia, campanili humili, &c. et aliis necessariis officinis construere et aedificare, sive construi et aedificari facere summopere cupiant; et propterea Nobis fuit supplicatum, ut tam honestae et religiosae petitioni benevolentia paterna de benignitate Apostolica annuere dignaremur; Nos, itaque, qui divini cultus augmentum ubique et praesertim nostris temporibus internis desideriis peroptamus, huiusmodi supplicationibus inclinati, vobis ut in loco congruo, et sub invocatione ut supra, unam domum praemissam cum ecclesia, campanili, &c. et aliis necessariis officinis, pro perpetuis usu et habitatione dictorum Fratrum Minorum regularis Observantiae, Provinciae Scotiae, erigendi, aedificandi et construendi, seu erigi, aedificari et construi faciendi, illamque recipiendi et habitandi, ac domui huiusmodi, postquam constructa fuerit et fratribus in ea pro tempore morantibus, quod omnibus et singulis privilegiis et gratiis &c. uti, potiri et gaudere libere et licite possint et valeant, auctoritate apostolica, tenore presentium, jure parochialis ecclesiae et cujuslibet alterius semper salvo, licentiam concedimus et indulgemus &c. Non obstantibus quibuscumque. Datum Romae apud Sanctum Petrum sub annulo Piscatoris, die xxxi Januarii, Mdxxi, pontificatus nostri anno viii.

THIRD ORDER OF ST. FRANCIS

LETTERS OF CONFRATERNITY

I. ROBERT ARBUTHNOT AND MARION SCRIMGOR, his wyffe, ther reception in the Fraternitie of the Ordour of Observantia, 1487. (*Spalding Club Miscellany*, II., 103.)

IN Christo sibi carissimis, Roberto de Arbuthnot, domino eiusdem, eiusque sponse, ac utriusque sexus prolibus, Deo ac beato Francisco devotis, Frater Johannes Grohin, reverendissimi patris, Ministri Generalis ordinis sacri Minorum, super omnes fratres eiusdem ordinis cismontanarum partium, de observantia nuncupatos, Generalis Vicarius, Salutem in domino ac bonis perfrui sempiternis. Fervidus vestre devotionis affectus, quem ad nostrum geritis ordinem, exigentia digna requirit, ut, quia in temporalibus non possumus vicem vestre caritati respondere, in spiritualibus tamen quantum nobis auctore Deo suppetit, proutque nostris apud Deum servamus desideriiis, et quantum vestra promeretur caritas, vestris beneficiis gratitudinis debito compensemus. Quapropter, vos ad nostram confraternitatem recipio, in vita pariter et in morte, plenam et specialem participationem omnium carismatum et operum meritoriorum, videlicet, missarum, orationum, divinorum officiorum, devotionum, suffragiorum, jejuniorum, vigiliarum, disciplinarum ceterorumque bonorum spiritualium, tenore presentium vobis gratiose conferendo que per fratres mihi subditos, sorores Sancte Clare, necnon fratres et sorores de penitentia fieri dederit Auctor omnium bonorum, Dei Filius, ut multiplici suffragiorum adiuti presidio, et hic augmentum gratie et in futuro mereamini eterne vite praeemia possidere, volens ut, dum obitus vester, quem Deus in longum ad bonorum operum lucrosa exercitia protrahere dignetur, in nostris denunciabitur capitulis, pro vobis fiant orationes eadem que pro precipuis benefactoribus nostris est in nostro ordine hactenus laudabiliter fieri consuetum.

In cuius concessionis testimonium sigillum prefati officii mei cum manu mea duxi presentibus appendendum. Datum in conventu nostro Sancte Marie de Angelis apud Tholosam, provincie Aquitanie, tempore generalis capituli super festo Penthecostes inibi celebrati. Anno Domini millesimo cccc^{mo} octuagesimo septimo.

I. Smaloyssel, de mandato R. P., Vic. Gen.

2. LETTER OF CONFRATERNITY addressed to Sir John Drummond of Drummond by Friar Oliver Maillard, Ultramontane Vicar General of the Observantines, from the Chapter General held at Toulouse, 1496. Dated 27th May, 1496. (*Copy, Hutton MSS., XII., 38b, Adv. Lib. Edinburgh.*)

DILECTIS sibi in Christo, nobili et egregio viro, Johanni Drummond, ac Domine eiusdem sueque nobilissime sponse, Elizabeth, cum omnibus prolibus, Deo et beato Francisco devotis, frater Oliverius Maillardi, omnium Fratrum Minorum cismontanorum, de Observantia nuncupatorum, humilis servus et Generalis Vicarius, Salutem et pacem ac bonis perfrui sempiternis. Licet familia nostra Observantina universis Christicolis precibus et meritis et exemplis debeat suffragari, illis praecipue tamen obligatur qui dilectione praecipua vel elemosinarum largitione vel subsidio eam amplectantur; proinde, quia sic singulariter, ut mihi relatum est, dicte familie nostre afficimini, ad confraternitatem nostram vos recipio, in vita pariter ac in morte, specialem ac singularem participationem omnium bonorum spiritualium, videlicet, missarum, divinatorum officiorum, omnium jejuniorum, abstinentiarum, disciplinarum, penitentiarum, praedicationum ceterorumque operum virtuosorum ac Deo acceptorum, que per fratres prefate familie, sorores Sancte Clare et fratres et sorores de penitentia sub mea obediencia degentes operari dignabitur, clementia Salvatoris, quantum mihi conceditur ac quantum divine clementie acceptare placuerit, proutque vestra desideria sive opera promerentur, vobis gratiose conferendo et peculiariter elargiendo ut multiplici suffragiorum adiuti presidio, et hic augmentum gratie et in futurum beatitudinem gloriae valeatis adipisci vicemque caritati vestre et, si non temporaliter, saltem spiritualiter, dicta nostra familia Observantina possit recom-

pensare, laetarique in eternum possitis super caritate impensa propter Deum fratribus et sororibus prefate familie. In huiusmodi autem concessionis, benedictionis, participationis testimonium sigillum officii mei, cum signo meo manuali, duxi presentibus appendendum. Datum in conventu nostro Tholosano, provincie Aquitanie, A.D. millesimo quadringentesimo nonagesimo sexto, die vero vicesima septima mensis Maii, tempore nostrae generalis capitularis congregationis. F.O. Ma^d, Vic. G^l.

3. LETTER OF CONFRATERNITY addressed to Sir Thomas Maule of Panmure from the Provincial Chapter held at St. Andrews by Friar Anthony Vitali, Commissary of the Ultramontane Vicar General. Dated 20th April, 1504. (*Registrum de Panmure*, II., 268.)

DILECTIS sibi in Christo, Thome Maule, militi, cum sua uxore et prolibus, Deo et beato Francisco devotis, frater Anthonius Vitali, reverendi patris, Vicarii Generalis cismontani ordinis Minorum de Observantia, commissarius, Salutem in Domino ac bonis perfrui sempiternis. Licet caritatis debito omnium electorum teneamur optare salutem, illis tamen longe amplius obligamur quorum dilectionem sive beneficia frequentius experimur, proinde devotionis vestre sinceritatem, quam ad nostrum geritis ordinem et precipue ad fratres nostros in regno Scotie, attendentes dignum et justum quia temporalitates vicarii vestri caritati impendere non valemus, in spiritualibus tamen, quantum nobis suppetit et prout vestra caritas et beneficia merentur, gratitudinis debito recompensare tenemur: quapropter vos et quemlibet vestrum ad confraternitatem nostram et ad universa et singula fratrum predicti regni Scotie verum etiam totius nostre familie, de Observantia nuncupate, suffragia vigore mee commissionis in vita recipio pariter et in morte, plenam et specialem participationem omnium carismatum et spiritualium donorum, videlicet, missarum, orationum, suffragiorum, vigiliarum, abstinentiarum, observantiarum, disciplinarum, penitentiarum, predicationum, laborum ceterorumque operum virtuosorum Deo acceptorum, tenore presentium gratiose conferendo, que per omnes fratres nostros et sorores Sancte Clare et per fratres et sorores de penitentia predictae nostre familie operari

dignabitur, clementia salvationis, ut multiplici suffragiorum presidio adiuti et hic augmentum gratie et in futuro mereamini eterne vite premia possidere. In cuius receptionis testimonium sigillum commissariatus mei presentibus duxi imprimendum in convocatu nostro Sancti Andree predicti regni Scotie, xx^o die mensis Aprilis, anno Domini millesimo quingentesimo quarto.

4. LETTER OF CONFRATERNITY addressed to Sir Patrick Hepburn of Wauchton by Friar Ludovic Williamson, Provincial Minister of the Scottish Observatines, in virtue of authority delegated to him by the Minister General. Dated at Edinburgh, 1542. (*Copy, Hutton MSS., IX., pt. II., 5.*)

IN Christo plurimum dilectis, Patricio Hepburne de Wauchton, militi, cum uxore et prolibus, Deo et beato Francisco devotis, Frater Ludovicus Willelmi, ordinis Minorum regularis Observantie Provincialis Minister, Salutem in Domino sempiternam: Cum mihi sit a reverendissimo patre nostro, Ministro Generali, concessa facultas recipiendi quasdam personas nostre religioni devotas ad confraternitatem, hinc est quod vos, de quorum devotione et beneficiis mihi plenius constat erga nostram religionem, vigore facultatis prefate, ad confraternitatem universi ordinis nostri recipio, in vita pariter et morte, specialem participationem omnium bonorum spiritualium, videlicet, missarum, divinorum officiorum, jejuniorum, abstinentiarum, penitentiarum, predicationum, confessionum ceterorumque operum meritoriorum que per fratres nostros et sorores Sancte Clare Tertiavorum . . . necnon de annunciata operari dignabitur, divina clementia, prout vestra devotio ac charitatis opera merentur, vobis gratiose conferendo ut multiplici suffragiorum adiuti presidio et hic augmentum gratie et in futuro glorie beatitudinem adipisci valeatis. In cuius rei testimonium sigillum meum officii duxi imprimendum mea manuali subscriptione apud Edinburgum, anno Domini 1542. (Sic scribitur) Fr. Ludovicus Willmi, Minister Provincialis, manu propria.

ABERDOUR NUNNERY

1. CHARTER of the Hospital of St. Martha in Aberdour granted by James, Earl of Morton, to Isabelle and Jean Wicht, Frances Henrison and Joan Drosse, Sisters of the Third Order of St. Francis, with the consent of Vicar John Paterson and others, conveying to the said Sisters four acres of land, comprised in the Earl's charters of 22nd July, 1474, and 1st September, 1479, along with four other acres of the lands of Inchmartyne for the support of the Hospital. Dated 16th October, 1486. (*Registrum de Honoris de Morton*, II., 240-243.)

OMNIBUS hanc cartam visuris vel auditoris, Jacobus, Comes de Mortoune ac Dominus de Dalkeith, Salutem in omnium Salvatore. Noveritis quod alias prece religiosa et pulsatione divina dedimus et concessimus unam acram terre jacentem in territorio ville nostre de Abyrdour, ad orientalem plagam et ex parte boreali vie que pro-tenditur ab eadem nostra villa versus villam de Kyngorne, et tantum terre spatium extra illam acram sicut hospitale et domorum edificia pro necessitatibus et utilitatibus contemplativorum pauperum construenda capient; ac etiam tres alias acras terre cum pertinentiis, jacentes in dicta villa nostra de Abyrdour ex parte boreali ejusdem, quas pridem occupaverunt pro firma Johannes Yonge, Felanus Roberti et Walterus Cante, in puram elemosinam pro sustentatione et alimento pauperum peregrinorum et viatorum ad predictum hospitale directum construxisse affluentium. Et quia hujusmodi nostra donatio non sortita est ad effectum, neque consecuta ut ordinatum fuerat et concessum, sciatis nos ea propter, volentes priora pietatis opera incepta benevola Dei gratia priori effectui accordando consequi et finire, cum consensu et assensu carissimi nostri primogeniti et heredis apparentis, Domini Johannis Douglass

de Robertoune, militis, in honorem omnipotentis Dei et gloriosissime Virginis Marie, ejus matris piissime, beate Marthe, hospite Domini nostri Jhesu Christi, omniumque sanctorum celestium, propter augmentationem divini cultus et servitii, pro salute et incolumitate animarum et corporum excellentissimi et serenissimi principis, Jacobi, tertii, moderni Scotorum regis illustrissimi, et Margarete, conjugis sue, regine Scotie nuper defuncte, excellentisque principis nostri, Jacobi, quarti, primogeniti domini nostri regis predicti, proliumque suarum procreatarum et procreandarum, antecessorum et successorum suorum, necnon pro salute animarum quondam bone memorie patris nostri, Domini de Dalketh, et matris nostre animeque nostre et anime illustris domine Johanne, conjugis nostre, filie quondam excellentissimi et metuendissimi principis quondam bone memorie, Jacobi, primi, Scotorum regis serenissimi, pro saluteque animarum parentum, amicorum, antecessorum, successorum et benefactorum nostrorum omniumque fidelium defunctorum, dedisse, concessisse, et hac presenti carta nostra confirmasse, tenoreque presentis carte dare, concedere et hac presenti carta nostra confirmare dictis omnipotenti Deo et sue beatissime genitrici, Virgini Marie, et Sancte Marthe, devotisque feminis Esabelle Wycht, Johanne Wicht, Francisse Henrisone et Johanne Drosse, sororibus de penitentia tertii ordinis Sancti Francisci, earumque successoribus ejusdem ordinis sororibus, predictam acram terre et dictum tantum spatium pro hospitali et edificiis ut supra construendis, ac etiam tres alias dictas terre acras cum libero introitu et exitu ex omni parte, tam circa hospitale edificia quam acras terre,¹ ita quod circa hospitale, edificia et primam terre acram una carra poterit bene per ambitum circumduci et intrare in quocunque loco, necnon quatuor acras terrarum nostrarum de Inchmartyne, dicti hospitali propinquius et convenientius adjacentes, quas nunc occupat et ad firmam habet David Gyfferd pro duobus annis futuris festum Pentecostes prox . . . mentatione et infeodatione per nos concessas libere ab omni seque . . . et exactione quibuscunque, in puram et perpetuam elemosinam ad sustentationem . . . earumque successorum predicti ordinis et receptationem aliorum pauperum . . . dictum hospitale et locum ejusdem visitantium et adibi confluentium, jacentes in baronia. . . Abirdoure infra vicecomitatum de Fyfe: Tenendas et habendas totas et integras predictas . . . acras terre in

¹ In the Second Charter, 1st September, 1479, these three acres are described as "*jacentes in dicta villa nostra de Abirdour, ex parte boreali ejusdem, quasquidem tres acras terre cum pertinentiis nunc occupant et ad firmam habent Johannes Young, Fulanus Roberti et Walterus Cante.*" (*Reg. Hon. de Morton*, II., 238-240.)

universo et dictum terre spatium pro hospitali et edificiis ut . . . cum omnibus suis pertinentiis predictis omnipotenti Deo et beate Virgini Marie et Sancte Marthe, dictisque sororibus de penitentia et earum successoribus hujusmodi ordinis sororibus, in liberam meram puram et perpetuam elemosinam, cum omnibus suis et singulis libertatibus, commoditatibus, proficuis . . . asiamentis ac justis suis pertinentiis opportunis quibuscunque, tam non nominatis quam nominatis, tam sub [terra] quam supra terram, procul et prope, ad predictas octo terre acras, hospitale, locum et edificiaria cum per . . . spectantibus, seu juste spectare valentibus quomodolibet in futurum, ac sine retinemento, revocatione aut obstaculo aliquali heredum nostrorum vel successorum temporibus futuris. Volumus etiam et ordinamus ne quis in futurum, auctoritate nostra, heredum vel successorum nostrorum, assedatione vel concessione quacunque edificet vel occupet in communi via ante dictum hospitale ex parte australi, sed relinquat tantum spatium sicut nunc est inter edificium Clementis Cante, ex una parte, et edificium David Houme, ex parte altera, pro communi via ante dictum hospitale, que nunc habet et ad minus habebit spatium sexdecim ulnarum in latitudine, extendens et protendens versus le Pylgramys Well, perpetue conservanda : et etiam quod hujusmodi nostra donatio dictis sororibus earumque successoribus predicti ordinis adeo sit libere, quiete, plenarie, integre, honorifice, bene et in pace, sine revocatione, ut dictum est, sicut aliqua donatio terrarum aut proficuorum quorumcunque alicui per aliquem, in puram et perpetuam elemosinam liberius conceditur vel concedi poterit qualitercunque in futurum. Volumus insuper et ordinamus immoque tenebuntur predictae sorores earumque successores dicti ordinis de penitentia, que pro tempore fuerint, in capella hujusmodi hospitalis, peregrini, et pauperes inibi residentes, indies hora meridiei campanam pulsare, qua cessata, convenient omnes, et flexis genibus ibidem devote dicant pro animabus supradictis suisque fundatoribus quinque Pater noster et tot salutationes angelicas, scilicet, Ave Maria cum ceteris devotis orationibus eis complacentibus. Ulteriusque obligamus nos, heredes et successores nostros, omnes et singulas predictas octo acras terre in universo, predictumque terre spatium pro hospitali loco, capella et edificiis, ut premittitur, necessariis edificandis et construendis, cum omnibus et singulis suis pertinentiis quibuscunque preinsertis, Deo omnipotenti et gloriosissime Virgini Marie ac beate Marthe, hujus foundationis matrone, dictisque sororibus de penitentia suisque successoribus ejusque ordinis sororibus adeo libere et quiete, in omnibus et per omnia, forma pariter et effectu, ut prescriptum est, contra omnes mortales quoscunque

warantizare, acquietare et imperpetuum defendere. In cujus rei testimonium sigillum nostrum huic presenti carte nostre est appensum apud Dalkeith, decimo sexto die mensis Octobris, anno Domini millesimo quadringentesimo octuagesimo sexto, coram hiis testibus et cetera.

2. ABBREVIATE of a Feu Charter of the Sisterlands and Nunnery buildings at Aberdour, dated 18th August, 1560, granted by the Mother Superior and Sisters in favour of James, Earl of Morton. (*MS. Abbrev. Cartar. Feudifirme Terrar. Ecclesiasticar.*, fol. 194, 1564-1569, *G.R.H.*)

ANE Charter maid be the mother and sisteris of the place of the nwnnis of Abirdour, with ane consent and assent, to ane noble and potent lord, James, Erll of Mortoun, Lord of Dalkeith, his airis and assignis, of all and haill aucht aikeris of land callit the Sisterland, with the saidis mother and sisteris place and yardis and all thair pertinentis, lyand in the toun and territorie of Abirdour, lordschip and barony of Abirdour, regalitie of Dalkeith, and within the schirefdome of Fyffe, to be haldin of thame and thair successouris in feuferme and heretage, paying yeirlie for ilk aiker of the saidis landis the soume of sax schillingis aucht pennyis money of this realme, togidder with vj s. viij d. for the saidis place and yardis, at twa termes in the yeir, Witsunday and Mertymes in winter, be evin portionis. Datit at the said place of Abirdour, the xvij day of August, the yeir of God j^mv^c thre score yeris, contening precept of sesing in the end of the said charter direct to David Douglas, servitour to the said Erll, before witnesses, Johnne Robertsoun in Abirdour, Johnne Boswell thair, Francis Cuke, David Douglas, servitour to the said Erll, and Sir Walter Robertsoun, vicar of Abirdour, notar publict.

Ane uther Charter maid be the saidis mother and sisteris to the said Erll, his airis and assignais, of all and haill the saidis aucht aikeris of land, with thair pertinentis lyand as said is, paying yerlie for everie aiker of the saidis viij aikeris vj s. viij d., as said is. To be

haldin of the saidis prioress and convent and thair successouris in feuferme and heretage: of the same date and before the same witnesses.

An Instrument of Sesing thairupoun under the signe and subscription of James Myllare, noter publict, of the same date, before witnesses, Johne Robertsoun, Robert Craig, Mathow Gray, Johne Johnston, induellaris in the toun of Abirdour, and Walter Robertsoun, notar publict.

3. LEASE of the lands comprised in the preceding Charter, recorded in the Books of Council and Session (*G.R.H.*), 1st January, 1584-85.

WE, Jhone Cuik and Jhonne Wemys in Abirdour, byndis and oblissis ws, our airis, executouris and assignis, cautioneris, souerteis and full dettouris, conjunctle and severalie, for Jhone Robertson, alias Downy, induellar thar, that the said Jhone Robertson sall content and pay to Margaret Talliefeir, lifrenter of the Sisteris land of Abirdour, and Maister Robert Young, noter and writter, hir spous, for his interes, ellevin bollis meill usuale ferm in the cuntre and ellevin bollis beir with ane pect to the boll, and that for the dewite of the said Margretis landis occupcit be thame of the crop and yeir of God j^mv^c four scoir twa yeris. That is to say, xj bollis meill betuix the dait heirof and Pesche nixt to cum, and xj bollis beir betuix that and Witsonday nixt thairefter following, or ellis the uter avail and price the samin sall gif in the cuntre. And also we bind and oblissis ws cautionaris, conjunctlie and severalie, for the said Jhone, that he sall yerlie heirefter content and pay to the said Margret and Maister Robert, hir spous, for occupatioun of the saidis landis xj bollis meill at the feist of Yule and xj bollis beir forsaid at the feist of Pasche thairefter; and heirto we bynd and oblissis ws, lik as also the said Johne byndis and oblissis him to releif his cautioneris forsaidis; and for securite is content the samen be registrat in the Bukis of Consale, gif neid beis, and executorialis to follow thairupoun upoun ane symple charge of sax dayis in form as efferis. And for registring heirof makis Maister William Hert, advocat, our procuratouris *in uberiori forma*, ferm and stable, &c. In witnes quhairof, we haif subscrivit the samin with our handis as followis, at Abirdour the first day of Januar, the yeir of God

j^mv^c four scoir tua yeiris, befor thir witnes, James Cuik, Jhone Bucheane, and Jhone Portious, with utheris diverse, James Boswell and Jhone Alesoun, witnes likwise heirto, and Peter Blakwod, wryter and noter. Sic subscribitur . . . Jhone Wemys; Jhone Cuik w^t my hand led at the pen be the not. underwrittin: Ita est Petrus Blakwodenus, notarius, testis, manu sua.

DUNDEE NUNNERY

I. CHARTER OF DONATION under which James Fotheringham, burgess of Dundee, conveyed the Chapel of St. James the Apostle, and the croft attached thereto, to Jonete Blare and Mariote Oliphant, Sisters of the Third Order of St. Francis, for the purposes of a Nunnery. Dated 8th March, 1501-02. (*MS. Reg. Mag. Sig.*, XIII., No. 500.)

OMNIBUS hanc cartam indentatam visuris vel audituris, Jacobus Fotheringhame, burgensis burgi de Dundee, eternam in Domino Salutem. Noveritis me, zelo devotionis pro animabus patris et matris mei ac pro anima mea et anima Isabelle Spalding, sponse mee, dedisse, concessisse, et hac presenti carta mea confirmasse religiosis sororibus, Jonete Blare et Mariote Oliphant, nomine reliquarum sororum religiosarum ordinis Sancti Francisci, nuncupatarum Penitentes, capellam meam fundatam in honore Sancti Jacobi Apostoli, cum crofta mea eidem adjacente et pertinentiis, jacentes ad occidentalem finem burgi predicti, versus portam de Argilishgait, inter terram arabilem Willielmi Blare ab occidentali, ex parte una, et vias regias tam ad australem quam ad boream, ac terram communitatis dicti burgi ab orientali, partibus ab altera, pro loco perpetuo eisdem sororibus religiosis et suis successoribus, etiam similibus sororibus habitaturis et in eodem divina celebraturis: Tenendam et habendam totam et integram predictam capellam, unacum crofta antedicta cum pertinentiis, prefatis sororibus religiosis et suis successoribus similibus a me et heredibus meis, in puram et perpetuam elemosinam, sine retinemento imperpetuum, cum omnibus et singulis libertatibus, commoditatibus, asiamentis ac justis suis pertinentiis quibuscumque, tam in longitudine quam in latitudine, tam in fronte quam in cauda, tam subtus terra quam supra terram, tam non nominatis quam nominatis, procul et prope ad predictam capellam unacum crofta predicta pertinentibus seu pertinere valentibus quomodolibet in

futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine revocatione aut obstaculo aliquali. Volo tamen quod dicte sorores religiose et earum successores infra dictam capellam orent et dicant cotidie post missam ibidem celebratam et post vespervas celebratas, pro animabus patris et matris mei supradictis et pro anima mea et anima Isabelle Spalding, sponse mee, psalmum *De profundis* cum tribus collectis, videlicet, *Pietate tua Deus, Qui patrem et matrem*, et *Fidelium Deus omnium*, unacum placebo dirige, bina vice in anno, videlicet, die obitus mei cum contigerit et in festo Nativitatis Domini, et hoc annuatim. Et si contigerit me et dictam sponsam meam infra dictam capellam sepeliri seu tumulari, volo quod capellanus, celebrans missam dictis sororibus religiosis, dicat predictum psalmum cum dictis collectis immediate in alba post missam super nostrum tumulum cum aspersione aque benedice, tantum pro omni alio onere, servitio seu exactione que de dictis capella et crofta cum pertinentiis per quoscunque exigi poterunt in futurum quovismodo vel requiri. Insuper volo quod, si contingat quod dicte sorores religiose vel sue successores a perfectione et regula sue religionis deviant aut defamatae per malam et suspectam vitam inveniuntur, licebit heredibus meis, cum consilio prepositi, ballivorum et consulum dicti burgi, ad premissa suum consensum et assensum prebentium, eas a dicta capella et crofta removere et alias sorores religiosas dicti ordinis, si que sint, imponere, quibus deficientibus unum ydoneum capellanum eligere et easdem sibi conferre ad orandum imperpetuum pro animabus predictis, modo et forma quibus supra. Et ego, vero, dictus Jacobus et heredes mei, totam et integram predictam capellam, unacum crofta sepedicta cum pertinentiis, ac donationem, concessionem et presentis carte mee confirmationem earundem sepedictis sororibus religiosis et earum successoribus, in omnibus et per omnia, forma pariter et effectu ut premissum est, contra omnes mortales warantizabimus, acquietabimus et imperpetuum defendemus. In cujus rei testimonium parti hujus carte indentate cum dictis sororibus remansure sigillum meum unacum sigillo communi causarum dicti burgi est appensum; et parti hujus carte mecum et successoribus meis remansure predictum sigillum commune, per dictas sorores religiosas procuratum, est appensum apud Dunde octavo die mensis Martii, anno Domini millesimo quingentesimo primo, hiis testibus Henrico Barry, Jacobo Haye, Thoma Spalding, Roberto Weddirburne, Andrea Barry, Magistro David Carail et Roberto Seres, notariis publicis, cum diversis aliis.

GENERAL DEEDS

1. Rescript of Pope Alexander IV. to the Chapter General, on the petition of King Alexander III., concerning the appointment of a Provincial Minister in Scotland. (*B.F. Supplementum*, p. 140; *supra*, I., p. 9.)

DE carissimo in Christo filio nostro, illustri rege Scotiae, ad nostram gaudemus notitiam pervenisse, quod ferventer in suo voto geritur, ut aetatis suae teneritas virorum religiosorum ac Deum timentium, et precipue fratrum vestri ordinis in suo regno manentium, consiliis salutem animae suae contingentibus fulciatur; ac etiam quod provincialis minister de ordine ipso instituat ob illam causam ibidem, ut et jam dictus rex per informationem ipsius aliquando in iis, quae digna sunt, possit, divina gratia suffragante, prosperari facilius, et praefatus ordo sit magis per ejusdem regis latitudinem reverendus. Cum itaque dignum sit ut tam laudabile ipsius regis desiderium, Nobis faventibus, optatum habeat complementum, universitatem vestram attente rogandam duximus et monendam, per apostolica vobis scripta mandantes, quatenus provincialem ministrum in regno ipso affectu prompto et benevolo pro Apostolicae Sedis et nostra reverentia sine dilatione aliqua instituere studeatis, ita quod et Nos vobis exinde gratiosi praemia compensemus, et benevolentia regis ejusmodi circa vos et ordinem vestrum de bono in melius augeatur. Datum . . . Pontificatus nostri anno sexto.

2. BULL of Pope Pius II., dated 9th June, 1463, granting permission to the Vicar General of the Ultramontane Observatine Province to erect three or four friaries in Scotland, and to receive two or

three houses of the Scottish Conventuals under the stricter Rule. (*M.F.*, II., 264.)

PIUS, episcopus, servus servorum Dei, dilecto filio, Vicario Generali ordinis Minorum de Observantia regulari ultramontano, Salutem et Apostolicam benedictionem.

Intelleximus te nuper, ob devotionem carissimae in Christo filiae nostrae, Mariae, reginae Scotiae illustris, et populi illius, ad requisitionem quorundam mercatorum, tuos fratres, causa praedicandi, ad ipsum regnum misisse, in quo nulla domus observantiae tui ordinis constructa est, cum tamen et hoc summe utile videretur et populo gratum et acceptum. Nos igitur, qui omnium salutem desideramus, per praesentes concedimus tibi, ac tuo pro tempore successori, facultatem in dicto regno erigendi, fundandi et aedificandi, pariter et recipiendi, tres aut quatuor domos, si inveneris qui gratiose ad hujusmodi foundationem et erectionem se offerant; ac etiam recipiendi duas aut tres domos Conventualium tui ordinis, ubi sanior pars aut major consenserit, de consensu tamen ordinariorum. Et insuper, per praesentes concedimus quod fratres in dictis domibus aedificandis et recipiendis sub Observantia pro tempore commorantes uti et gaudere possint et valeant omnibus et singulis gratiis et privilegiis ac indulgentiis tuo ordini, aut etiam tuae familiae, concessis et concedendis, non obstantibus constitutionibus et ordinationibus Apostolicis caeterisque contrariis quibuscumque.

Data Romae apud Sanctum Petrum, anno Incarnationis Dominicae millesimo quadringentesimo sexagesimo tertio, quinto Idus Junii, Pontificatus nostri anno quinto.

3. LETTER addressed by King James IV. to Pope Julius II. on behalf of the Scottish Observatines, entreating His Holiness to protect them against the encroachments of the Conventual Friars. Dated 1st February, 1506-7. (*Ruddiman, Epistolae*, I., 23; *supra*, I., p. 91.)

BEATISSIME Pater, providentia factum crediderim ut, sedente Innocentio tertio, innocentiae virtus plurimum sit illustrata, et

religio, innocentiae mater, novo divi Francisci instituto maxime celebrata, qui humilitatis et innocentiae doctor praecipuus sanctae Dominicae passionis stigmata, mirabile dictu, accepit: sic Dei mysteriis intentus, inauditam sacrae professionis regulam cœlitus instituit; cum qua, si religionis cœtus conferantur, nulla nec integritate nec cultu aut ceremoniis sanctior hactenus claruit, nec in plures diffusa regiones ampliora sensit incrementa. Adeo devotissimi Patris felix professio doctrina et sanctitate refulget, ut non injuria quos suis sacris initiaverit, manifesto humilitatis argumento, Minores dixerit, eosdemque pro evangelica frugalitate tunica nativi velleris induerit, funiculo praecinxerit et pedes nudaverit, ut tuta spes his fratribus Deus optimus maximus habeatur, quem, in tanto rerum contemptu, vigiliis et pia prece ad hominum salutem noctes atque dies exorant. Quo mihi causa in primis magna videtur hujus familiae extollendae, prout domus haec eadem mirum in modum undique invaluit. Sed quanto in virtute et locorum numero excreverit, tanta acrior invidia novae religioni conflatur et multifariam, sic aiunt, ab his quos minime decuit oppugnantur, ut vel Conventualium divi Francisci liberius viventium fermento immisceatur, vel unionis seu reformationis speciem ex professa Minoritani ordinis observantia revocet. Quorum utrumque incredibile est memoratu, quantum cladis, proh dolor! Christianae pietati inferat cum vel veteris institutionis liberior societas ex spectatissimo et observantissimo ordine abortum pariat, vel mutuam caritatem ex optima et immixta religione deturbet. Quae profecto jactura aliis deploranda, nobis autem publicis ex causis multo miserrima foret. Primum, cum animarum salus per hos observantissime hic promoveatur, aliorum negligentia plenius reponatur et sacramenta ministrentur ac Christi verbum per fidelium ora diffundatur: quae immutari nefas summum quis non videt? Dein, popularis haec religio nonum et octogesimum annum nata, Pontificum et Conciliorum decretis rata permansit, ac plerosque volentes a libero parentum, bonorum et vitae studio ad sui contemplationem arctiori professionis vinculo religavit. Quos ad licentiosem seu diversam vivendi semitam invitos revocatum iri, iniqui juris est, nisi publica ratio, consulto tuae Sanctitatis decreto, secus jubeat. Sed quam sanctioris vitae spem, Pater optime, tabidus grex promittet, cujus pecus nec legibus nec imperio pridem paruerit? Unde fratres hos, alios alio more viventes, in unum coalescere haud facile crediderim; in quo Beatitudini tuae meam fidem, qui utrorumque mores isthic probo, obstringo. Praeterea, ordinem hunc observantissimum, antea his terris ignotum, avia mea illustris alterum supra quadragesimum annum induxerat; prima locorum fundamenta jecerat; genitor inde

carissimus decoraverat; postremo pia mater omni studio coluerat. Ego ipse, quasi haereditario pietatis vinculo, hujus religionis domos alias super alias absolvi, supellectili bona ornavi; ubi conscientiae nostrae lavacrum et praecipuum devotionis ardorem reposui, atque me in filium et defensorem dedi. Haec sunt, Pater sancte, quorum te, verae fidei et virtutis nutricium, admonendum censeo, ut hujus ordinis in hoc regno te minime poeniteat, cujus immensam fructus ubertatem literis consequi non facile putavero. Te, igitur, Christianae Ecclesiae moderatorem, patria haec appellat, populus vociferat, princeps invocat, clerus obtestatur, denique fidelium devotio contendit, ut observantissimis divi Francisci fratribus professo vivendi ritu agere liceat, ut instituta legitime norma suis votis libere decurrat; ne quod majores tui decretis optimis pie ac sancte approbarunt, tu fugiendo exemplo infirmasse videaris: quin potius quicquid aliorum simulata probitas aut suggestus hujus ordini derogaverit, id ut indignum tua sanior sententia maturius reponat, ut sacrorum seraphici Francisci cultus abs te antiquam obtineat pietatem. Vale, felix Pater et Pontifex maxime. Ex regia nostra apud Edinburgum, Kalendas Februarii, anno salutis sexto, &c.

4. RELATIVE LETTER by James IV. to the Cardinal Protector of the Franciscans at Rome. (*Loc. cit.*, I., 26.)

JACOBUS, Dei gratia, Rex Scotorum, reverendissimo in Christo, Patri, etc., Salutem. Majores nostri Christi legem, millesimum supra trecesimum annum amplexi, Dei cultui plurimum intenderant, annuo pia loca proventu abunde dotarunt, et praeclaris monumentis suffulta reliquerant. Quanquam Minoritani nominis ordo tardius ad nos venerit, cujus sera felix tamen professio, Deo pariter ac homini accepta, adeo maturavit ut nulli priorum ordinum sit secunda, quin etiam favore populari ac aliorum numero, omnes regularium institutiones longe hic anteeat; ut non injuria dixerim, singulari auctoris merito institutam vivendi regulam caelitus processisse. Plurima quippe sanctitate Franciscus ille Assisias, vir in Umbria Italiae religione clarus, optimam Dei optimi maximi gratiam in se provocaverat, qui primum Aurelii Augustini sacris initiatus, calceatusque et scortea zona cinctus, aliquamdiu conspectus est. Inde animo reputans illud

evangelicae lectionis, quo sanctissimi jubentur Apostoli, neque binas tunicas neque sacculum habere, nativi velleris induit tunicum, et funiculo se praecingens pedes nudavit, anachoretam mox egit in Apennini jugo, ubi divinis intentus Dominicae passionis stigmata promeruit. Quos sibi pientissimi instituti fratres ab initio optaverat, paravit, honestaque praecipiendo et parendo humiliter, doctrina et sanctitate usque profecit, ut juniores et ab eis nati in antiqua pietate ad hunc diem persistent; et profecto in hac gentis familia, felicitis vitae semitam ante oculos depingi evangelica frugalitas docet. Sed huic innocentiae plurimum turbinis quorundam movet invidia, qui non virtute sed malitia certantes, quos ad integritatem prodire conspexerint, convitiis incessant, calumniis lacerant et ex composito palam criminari festinant. Quae ne invidorum rabies observantissimum Francisci ordinem apud nos sataget, ne ex antiquae professionis pietate dejiciant, te, supremum ordinis patrem ac regni hujus et divi Francisci Protectorem, querula voce appello ut gregem hunc, virtute et innocentia in his terris praestantem, tua auctoritate, quae plurima est, ab injuria defendas. Literas in eam sententiam ad Pontificem et harum exemplum ad te dedimus, qui certo judicio rectum pariter et iniquum ponderes. Rem igitur tuo arbitrio commendans, causam optimam verbis non defendo, quod, te iudice, aequitas ex dicendi inopia nusquam laborat. Hic finis esto; unum modo tuam reverendissimam paternitatem admonuerim, utcunque futurum sit, celebrem Francisci observantiam hic immutari pia majorum prohibent instituta, nec regni salus patitur et nostra sinet auctoritas. Reverendissime in Christo, Pater etc.

5. LETTER addressed by King James V. to Pope Clement VII., entreating His Holiness to maintain the provisions of the Bull of Concordance (*Omnipotens Deus*), granted by Pope Leo. X. Dated 6th March, 1531-32. (*Theiner, Mon. Vet. Hib. et Scot.*, p. 597; *supra*, I., p. 93.)

Rex Scotiae Pontifici fratres ord. Minorum de Observantia impense commendat.

SANCTISSIMO Domino nostro Pape. Beatissime pater, post humillimam prostrationem ad pedes sanctissimos, quoniam ea semper

mente et animo fuimus, uti litere nostre ad Sanctitatem vestram sepius sunt testate, ut religionis status in regno nostro, quantum nos curare possemus, augeatur semper et florescat, et cum Fratrum Minorum de Observantia ordo sanctimonia vite et puritate in omnium hominum conspectu clarissime luceat et resplendeat, et a quondam clarissimo patre nostro et a nobis in maxima semper veneratione habitus, non alienum ducimus a nostro officio illum in suis ordinationibus et statutis ab omni malevolorum impugnatione tueri, defendere ac protegere, et quantum rogatu et precibus nostris efficere valemus, id idem a Sanctitate vestra et aliis omnibus, qui fratribus ipsis auxiliari possunt, expetere. Verum quia pertimescunt, ne subrepant nonnulli, qui ipsorum statum tranquillitatemque perturbent et molestent, vestram Sanctitatem propensissime rogamus, eis regulas suas, ordinationes, statuta et privilegia a jure et Romanis pontificibus concessa, illesa, libata et intacta servet et confirmet, nec quicquam novi in ordine illo suboriri permittat, quod aut scandalum suscitet, aut viros Deo officiosissime servientes inquietiores reddat. Demum iam omnibus constat, quid litis ac dissidii inter eos et Fratres Conventuales ortum fuit, et quid in ea re a Leone, decimo, Pontifice Maximo, diffinitum est, qui desuper bullam suam concordie edidit et ordinavit, ut huius ordinis divi Francisci due tantum essent secte, altera Minorum de Observantia, quibus ministrum generalem, altera Conventualium, quibus magistrum suum, qui et Conventualium dicitur, preesse voluit. Cuius quidem bulle formam tam proinde constitutam nichilo immutare velit Sanctitas vestra, quam decet tam piis et religiosis patribus, cum summa laude et veneratione vitam agentibus, tutelam suam impartire, quibus nostra nunquam deerit auctoritas, cum Deus ipse defuturus non sit, qui vestram Sanctitatem quam longissime sospitem et felicem conservet. Ex arce nostra Sterlingensi sexto die mensis Martii, anno ab Incarnatione Dominica trigesimo primo supra millesimum et quingentesimum. E. S. V. Devotus filius Scotorum Rex. James, Rex.

OBITUARY CALENDAR
OF THE
OBSERVATINE GREY FRIARY
AT ABERDEEN

Now preserved in the Library of the
University of Aberdeen

*Reproduced by permission of the Senatus of the
University of Aberdeen*

OBITUARY CALENDAR of the Observatine Grey Friary at Aberdeen

FOR the history of the Scottish Franciscans this small volume¹ of 57 folios ranks second in importance only to Father John Hay's "Chronicle of the Observatine Province of Scotland," and it is to-day the single extant fragment of the few permanent records that were kept by the Chapters of the sixteen friaries in this country.² Within its leather cover, now protected by a strip of vellum, we find a record of the deaths of the Observatine wardens and friars of Aberdeen, of their Provincial Ministers, and of the churchmen and laymen who provided for their bodily welfare, or contributed towards the erection and maintenance of the friary; but, partly on account of the migratory habit of the friars, and partly from irregularities in registration, the names of many—friar, warden and Provincial Minister—have been omitted from its pages.³ It was compiled and maintained in obedience to the statute passed by the Observatine Chapter General held at Barcelona in 1451:—"Let a book of dead friars and special benefactors be kept, as has been the custom, and let there be inscribed in it the names of those who have built friaries in whole or in part, or have erected or provided for the erection of buildings for the friars, or have bountifully bestowed large alms upon them. Let mention be made of their benefactions in the chapter once in each year, and let special prayers be offered for their souls."⁴

A scrutiny of the obituary notices proves the manuscript to be an imperfect transcript of an older register, which was not itself contemporaneous with each of the entries recorded in it;⁵ and the several mistakes in dates and figures illustrate the disregard for accurate

¹ 7½ inches by 5½. Thirty-three pages have only the initial letters; sixteen have the initial letters and certain Feast Days; thirteen have initial letters and entries made after 1560 by subsequent owners; and the remaining fifty-two—less the blank portions at the bottom—with the obits are here reproduced.

² *Supra*, pp. 6, 96; I., 180, n. 1.

³ Paucity of obits of friars between 1469 and 1553; additional friars, *supra*, I. 332; additional Ministers General, *supra*, p. 180.

⁴ M. F., II. 117.

⁵ *E.g.*, the deaths of the first friars—Walter and John Leydes, Alexander Merser, William Marshall and John Richardson—are entered one in 1459 and the others in 1469. *Cf.* Obit of David Crannok.

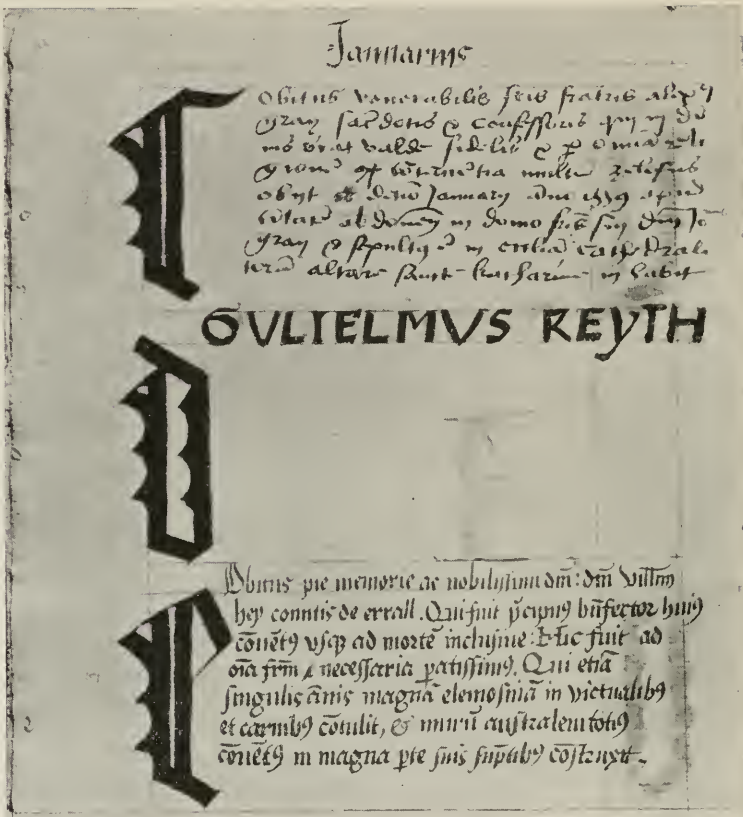
chronology so common in Franciscan records. Three of the obits have been entered under wrong dates. That of Thomas Myrton¹ proves that this copy of the older register was made after 1540 by a friar who was unacquainted with the circumstances surrounding the acquisition of the plot of ground referred to; and an analysis of the writing, in relation to the dates of the obits,² places the date of the compilation of the present volume between the years 1552 and 1553, and also points to the co-operation of five or six friars who have each transcribed several consecutive folios. It served the purposes of an Obituary Calendar from 1553 until 1560, the obits being written in the cursive hand to be met with in the state papers and correspondence of the period. The last entry relating to the death of a friar is entered under date 10th January, 1559-60. The handwriting is that of men well versed in their art; and the phraseology of the notices, while lacking the scholarship of St. Bonaventura or the polished simplicity of Father Hay, shows that the friar-registrars were good Latinists, endowed with the faculty of reducing to simple prose the "seraphic" eulogies that are at once the joy and despair of those who are brought into contact with Franciscan records.

The older record doubtless shared the fate of the friary library when it was distributed among the Dutch, French and German friaries in which the Scottish Observatines found shelter; and we gather from the additions made to its successor between 1573 and 1601 that it passed into the possession of Archibald Douglas, son of Robert Douglas, whose obit is entered on 4th May, 1545. During this period it served the dual purpose of a register for the births and deaths of Archibald Douglas' family, and of a rental book, in which he entered the names of David Lonsday, Mathe Wood, and others, "who entered into boarding" with him and one Marion Young.³ At a later date it was in the possession of William Keith, and, before its acquisition by the library of the University, two of its folios were torn out, and the obituary notice of Richard Vaus, the founder of the friary, as well as a part of that of Duncan Burnet, deleted. It has been twice published, first by the old Spalding Club, and by Mr. Howlett in the Roll Series; while Professor Cooper, of Glasgow University, has printed a translation founded, apparently, upon the Spalding Club issue.

¹ *Supra*, I., pp. 337-38.

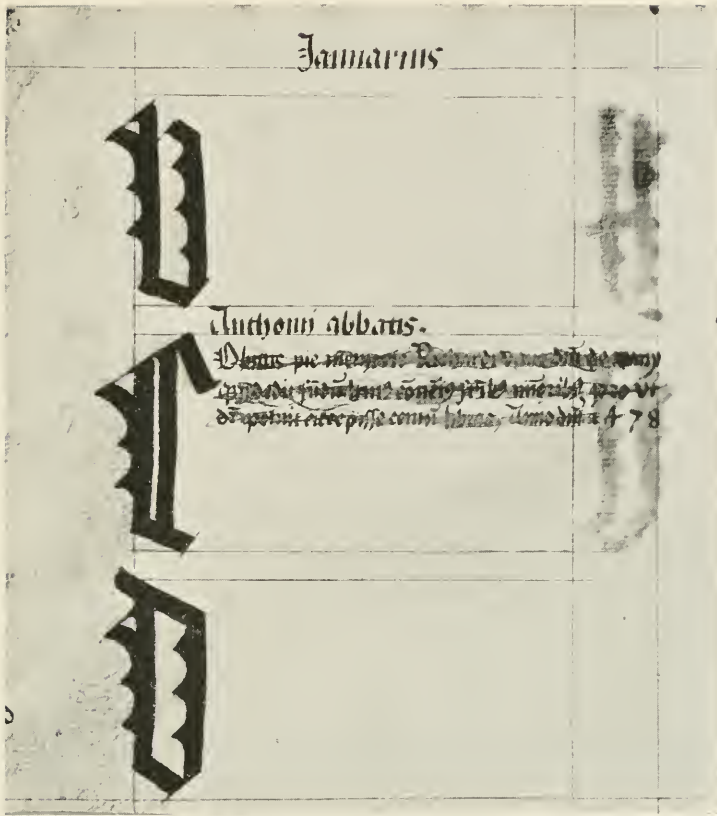
² *E.g., infra*, pp. 294, 295, 296; 322; 328, 329.

³ The payments varied from 10 firlots of meal to £20 for one quarter, and it is therefore improbable that Archibald Douglas was the Master of the Hospital.

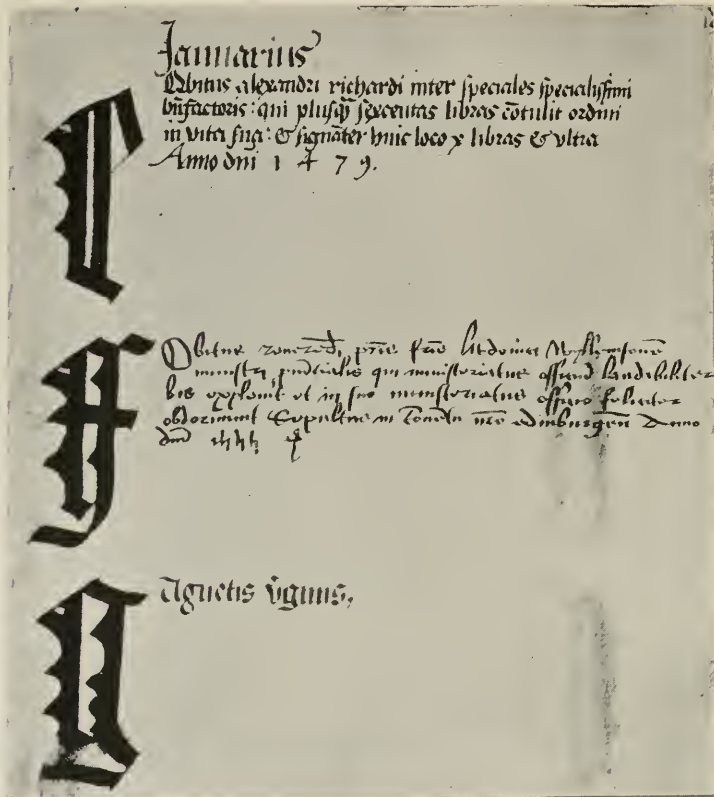


OBITUS venerabilis fratris, Fratris Alexandri Gray, sacerdotis et confessoris, qui in divinis erat valde fidelis et per omnia religionem concernentia multum zelus. Obit decimo Januarii, anno 1559, apud civitatem Aberdonensem in domo fratris sui, domini Johannis Gray, et sepultus est in ecclesia cathedrali coram altare sancte Katharine in habitu.

OBITUS pie memorie ac nobilissimi domini, domini Villelmi Hey, Comitis de Errall, qui fuit precipuus benefactor huius conventus usque ad mortem inclusive. Hic fuit ad omnia fratrum necessaria paratissimus, qui etiam singulis annis magnam elemosinam in victualibus et carnibus contulit, et murum australem totius conventus in magna parte suis sumptibus construxit.

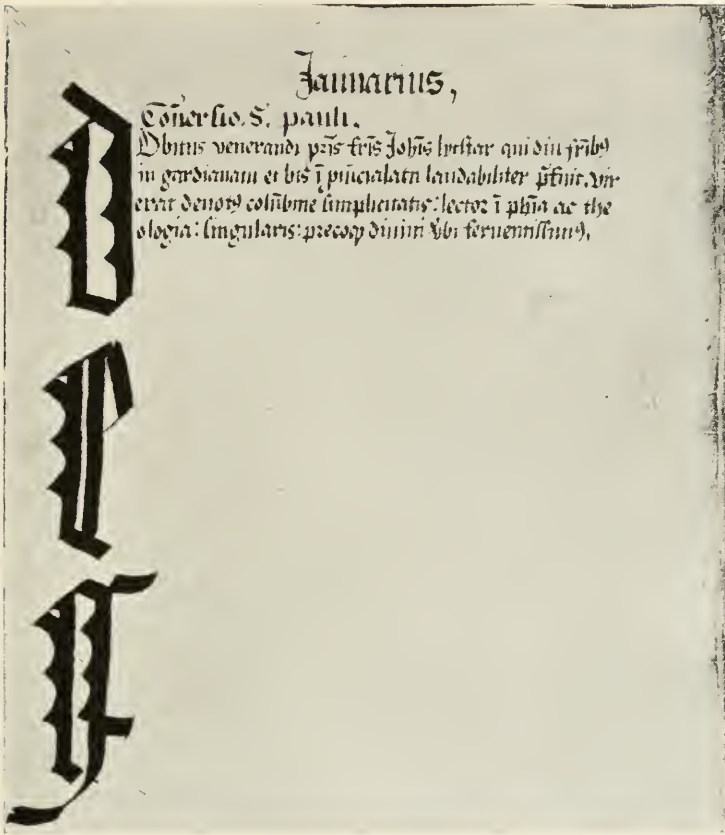


OBITUS pie memorie Richardi Vaus, domini de Many, qui dedit fundum huius conventus Fratribus Minoribus; prout dicitur, potuit accepisse centum libras. Anno Domini 1478.

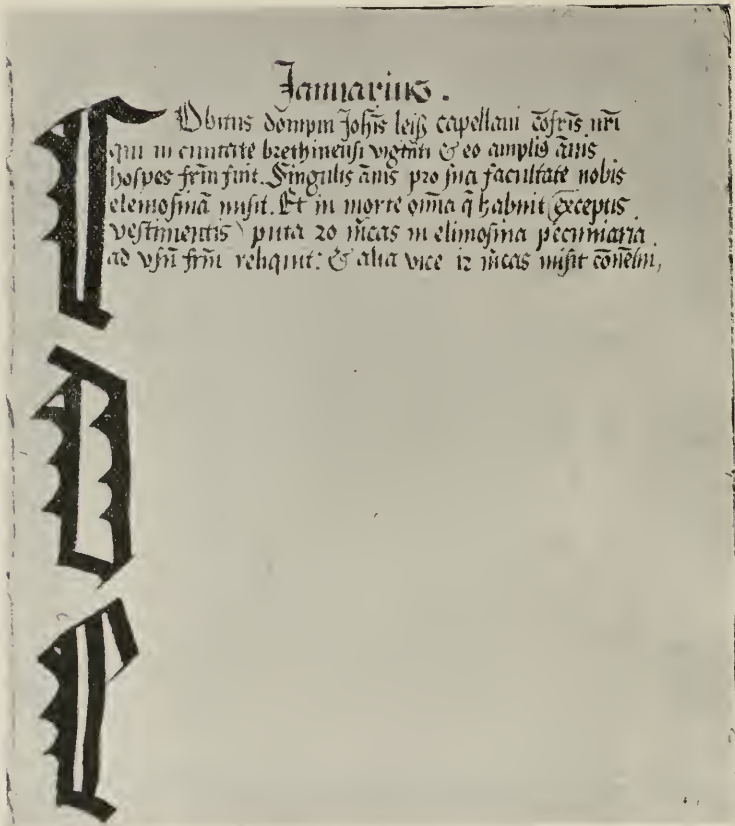


OBITUS Alexandri Richardi inter speciales specialissimi benefactoris, qui plusquam sexcentas libras contulit ordini in vita sua et signanter huic loco x libras et ultra. Anno Domini 1479.

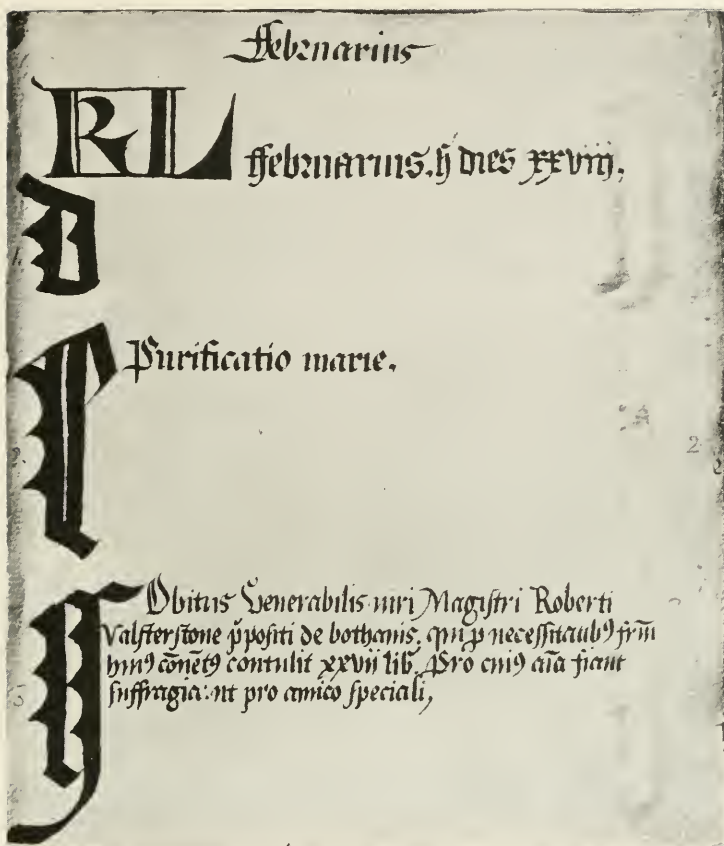
OBITUS reverendi patris, Fratris Ludovici Wyllmson, ministri provincialis, qui ministeratus officium laudabiliter bis explevit, et in suo ministeratus officio feliciter obdormivit. Sepultus in conventu nostro Edinburgensi. Anno Domini 1555.



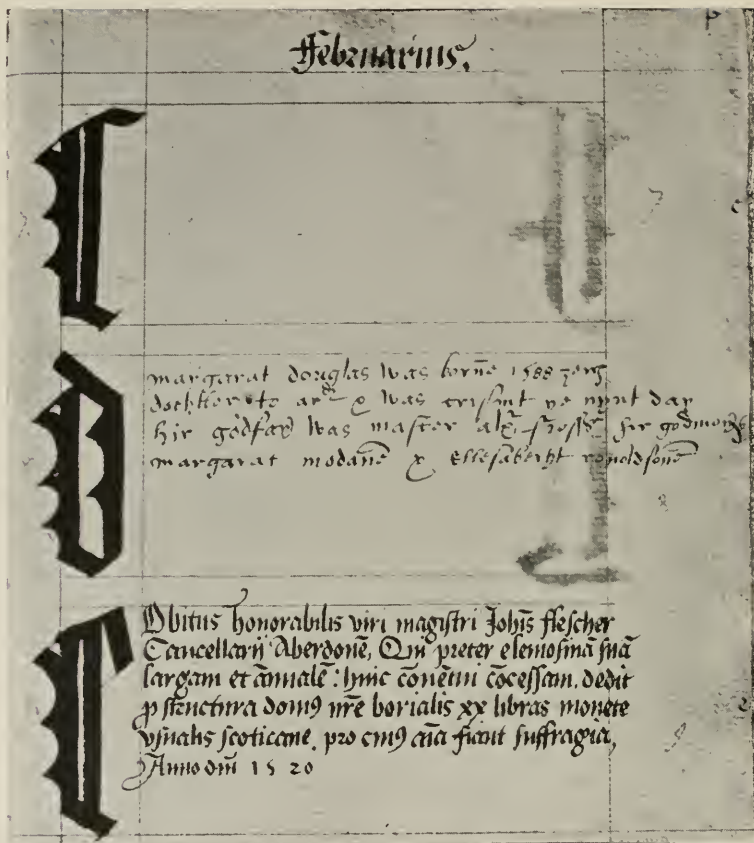
OBITUS venerandi patris, Fratris Johannis Lytstar, qui diu fratribus in gardianatu et bis in provincialatu laudabiliter prefuit. Vir erat devotus, columbine simplicitatis, lector in philosophia ac theologia singularis, precoque divini verbi ferventissimus.



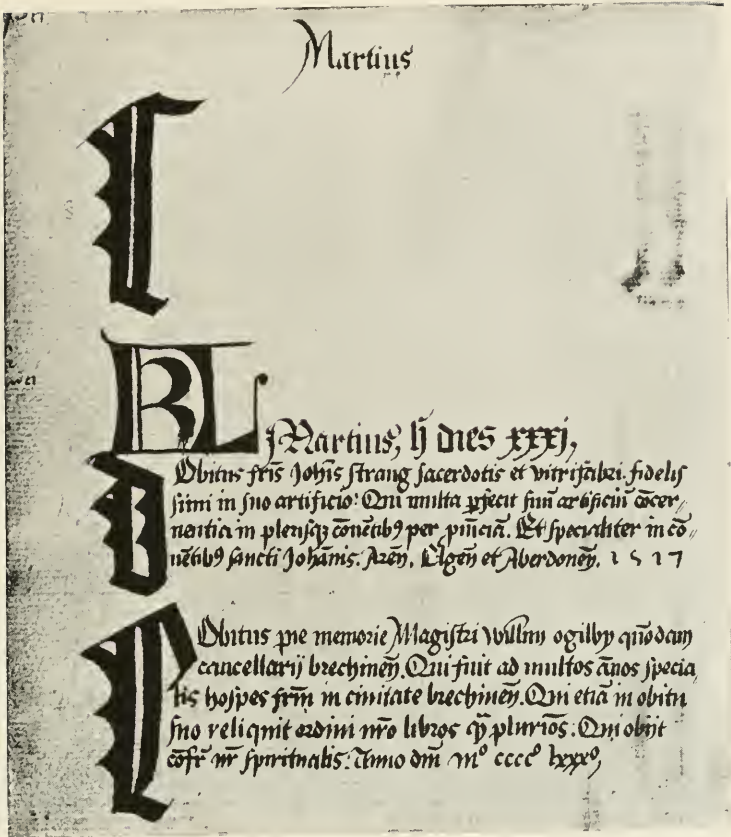
OBITUS domini Johannis Leis, capellani confraternitatis nostri, qui in civitate Brethinensi viginti et eo amplius annis hospes fratrum fuit. Singulis annis pro sua facultate nobis elemosinam misit, et in morte omnia que habuit, exceptis vestimentis, puta 20 marcas, in elemosina pecuniaria ad usum fratrum reliquit, et alia vice 12 marcas misit conventui.



OBITUS venerabilis viri, magistri Roberti Valsterstone, prepositi de Bothanis, qui pro necessitatibus fratrum huius conventus contulit xxvii libras. Pro cuius anima fiant suffragia ut pro amico speciali.

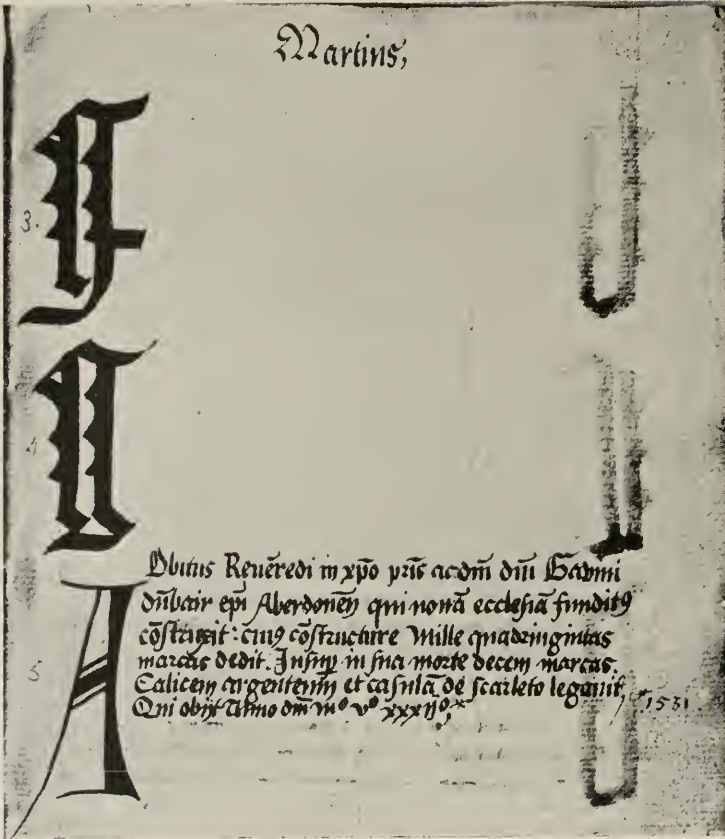


OBITUS honorabilis viri, magistri Johannis Flescher, cancellarii Aberdonensis, qui, preter elemosinam suam largam et annualem huic conventui concessam, dedit pro structura domus nostre borialis xx libras monete usualis Scotice. Pro cuius anima fiant suffragia. Anno Domini 1520.

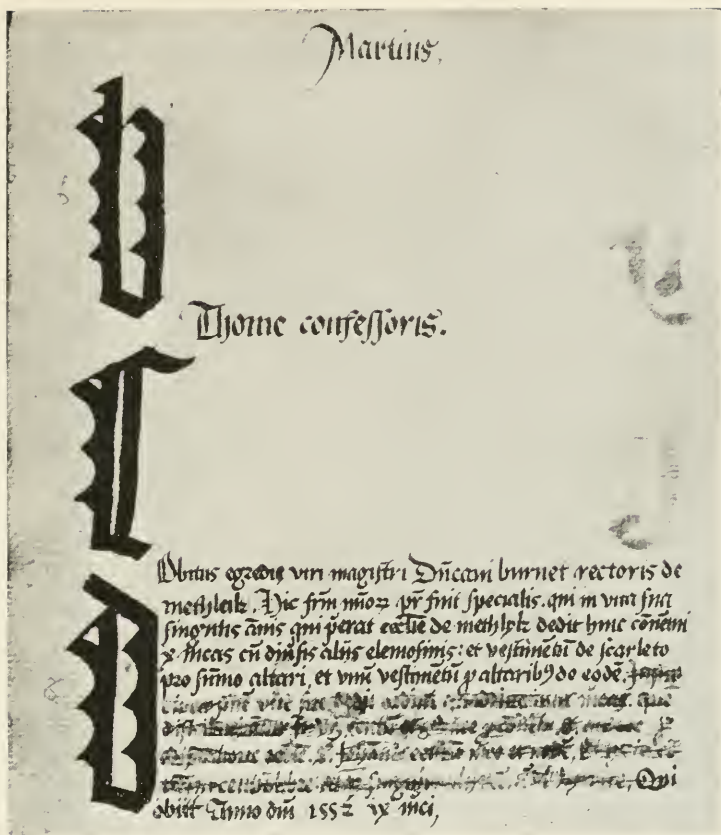


OBITUS Fratris Johannis Strang, sacerdotis et vitrifabri fidelissimi in suo artificio, qui multa perfecit suum artificio concernentia in plerisque conventibus per provinciam, et specialiter in conventibus Sancti Johannis, Arenensi, Elgenensi et Aberdonensi. 1517.

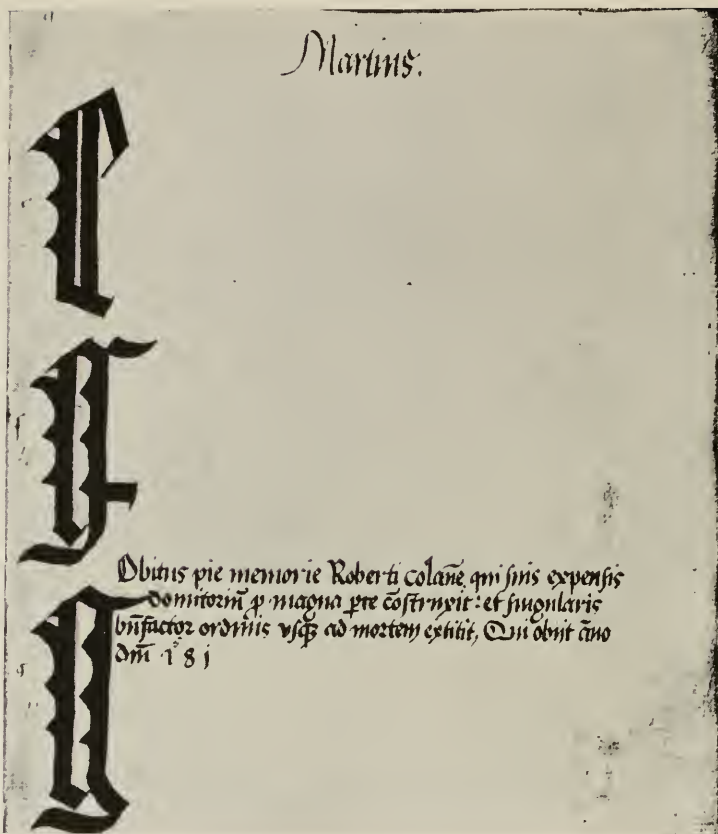
OBITUS pie memorie magistri Willelmi Ogilby, quondam cancellarii Brechinensis, qui fuit ad multos annos specialis hospes fratrum in civitate Brechinensi, qui etiam in obitu suo reliquit ordini nostro libros quamplurimos. Qui obiit confrater noster spiritualis, anno Domini M^oCCCC^oLXXX^o.



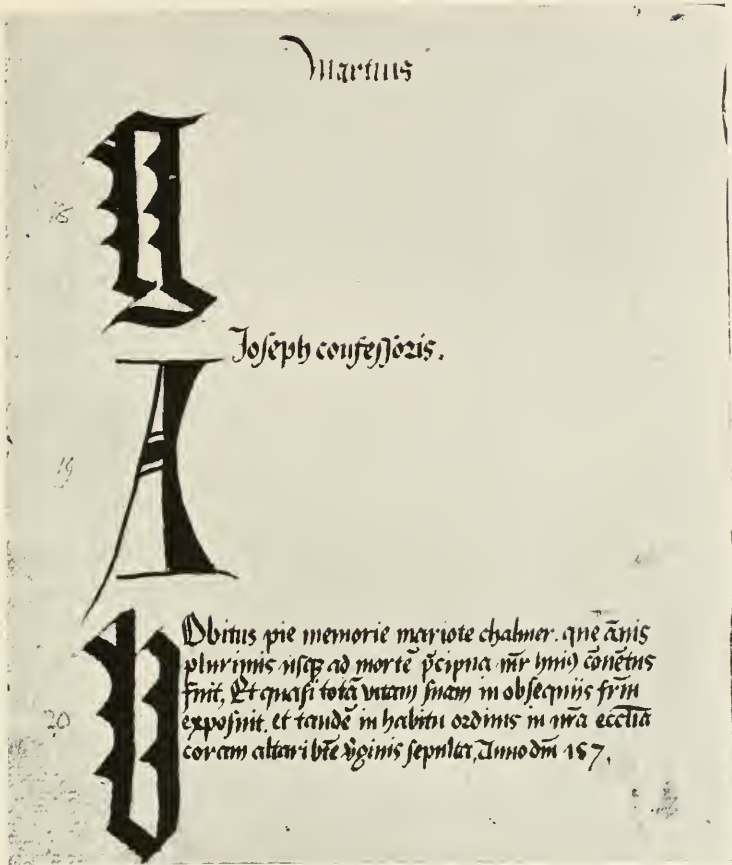
OBITUS reverendi in Christo patris ac domini, domini Gavini Dunbair, episcopi Aberdonensis, qui novam ecclesiam funditus construxit, cuius constructure mille quadringentas marcas dedit. Insuper in sua morte decem marcas, calicem argenteum et casulam de scarleto legavit. Qui obiit anno Domini M^oV^oXXXII^o.



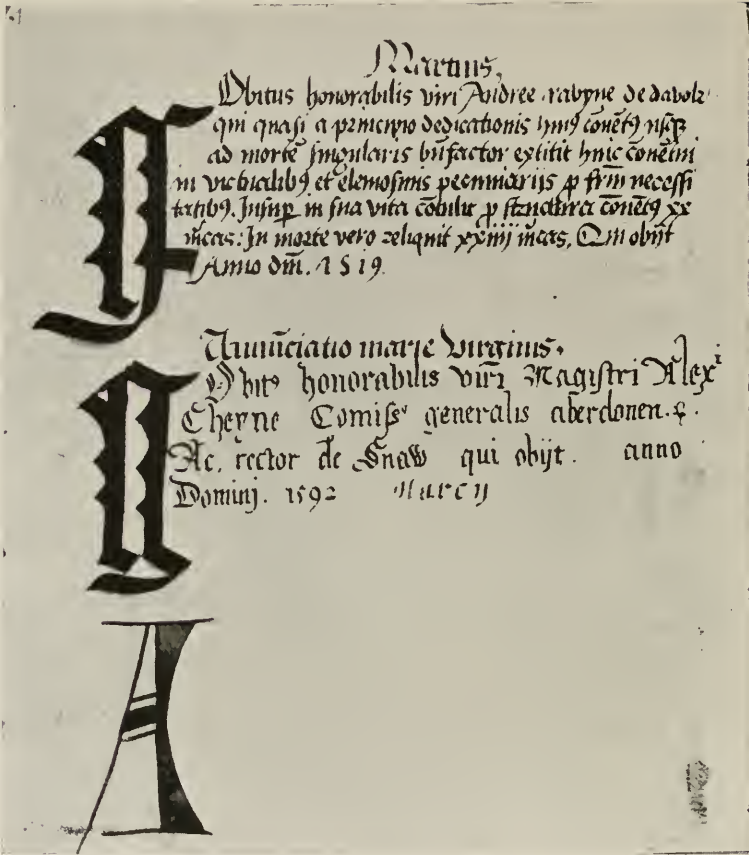
OBITUS egregii viri, magistri Duncani Burnet, rectoris de Methleik. Hic Fratrum Minorum pater fuit specialis, qui in vita sua singulis annis, qui [quum] preerat ecclesie de Methlyk, dedit huic conventui x marcas cum diversis aliis elemosinis, et vestimentum de scarleto pro summo altari, et unum vestimentum pro altaribus de eodem. Insuper circa finem vite sue dedit ordini quadringentas marcas, que distribuebantur ita, videlicet, centum et octo marce pro conventu Sancti Andree; pro edificatione ecclesie Sancti Johannis centum marce et novem; et huic conventui centum libre; atque singulis aliis conventibus x marce. Qui obiit anno Domini 1552, ix Marcii.



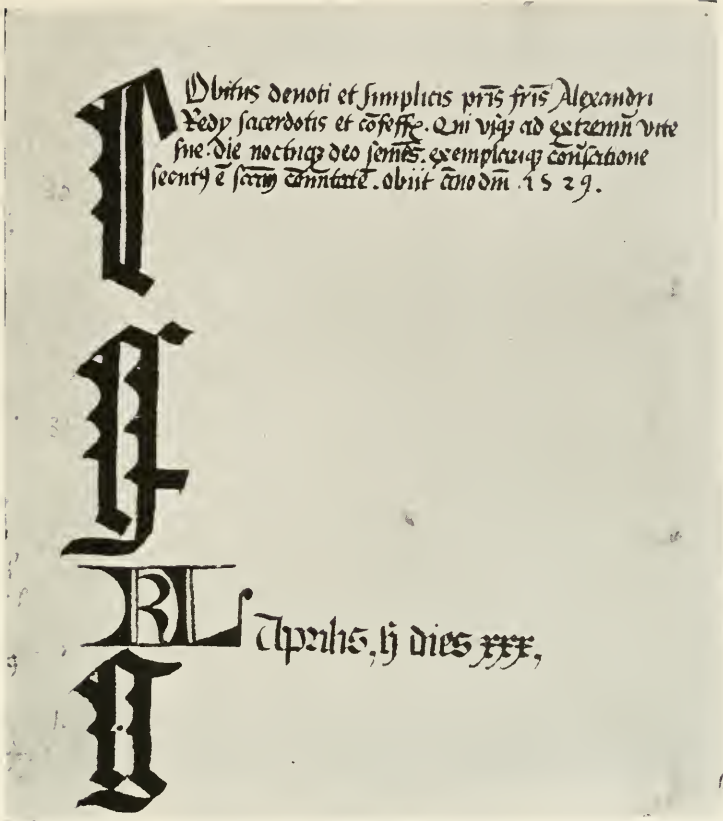
OBITUS pie memorie Roberti Colane, qui suis expensis dormitorium pro magna parte construxit, et singularis benefactor ordinis usque ad mortem extitit. Qui obiit anno Domini 181 [1481].



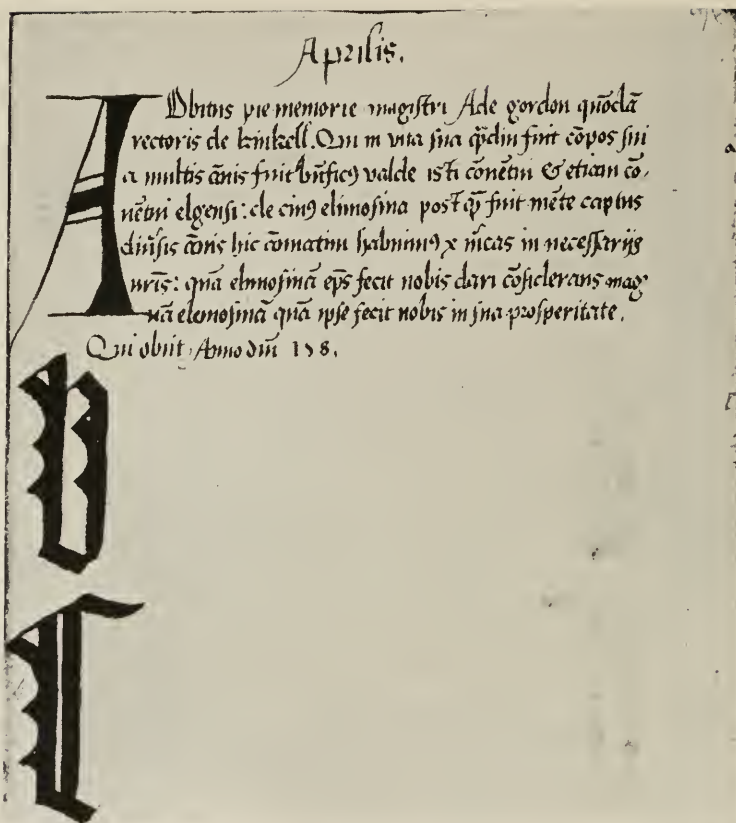
OBITUS pie memorie Mariote Chalmer, que annis plurimis usque ad mortem precipua mater huius conventus fuit; et quasi totam vitam suam in obsequiis fratrum exposuit; et tandem in habitu ordinis in nostra ecclesia coram altari beate Virginis sepulta. Anno Domini 157.



OBITUS honorabilis viri, Andree Ravyne de Davolz, qui quasi a principio dedicationis huius conventus usque ad mortem singularis benefactor extitit huic conventui in victualibus et elemosinis pecuniariis pro fratrum necessitatibus. Insuper in sua vita contulit pro structura conventus xx marcas. In morte vero reliquit xxxiiii marcas. Qui obiit anno Domini 1519.



OBITUS devoti et simplicis patris, Fratris Alexandri Redy, sacerdotis et confessoris, qui usque ad extremum vite sue, die noctuque Deo serviens, exemplarique conversatione, secutus est sanctam communitatem. Obiit anno Domini 1529.



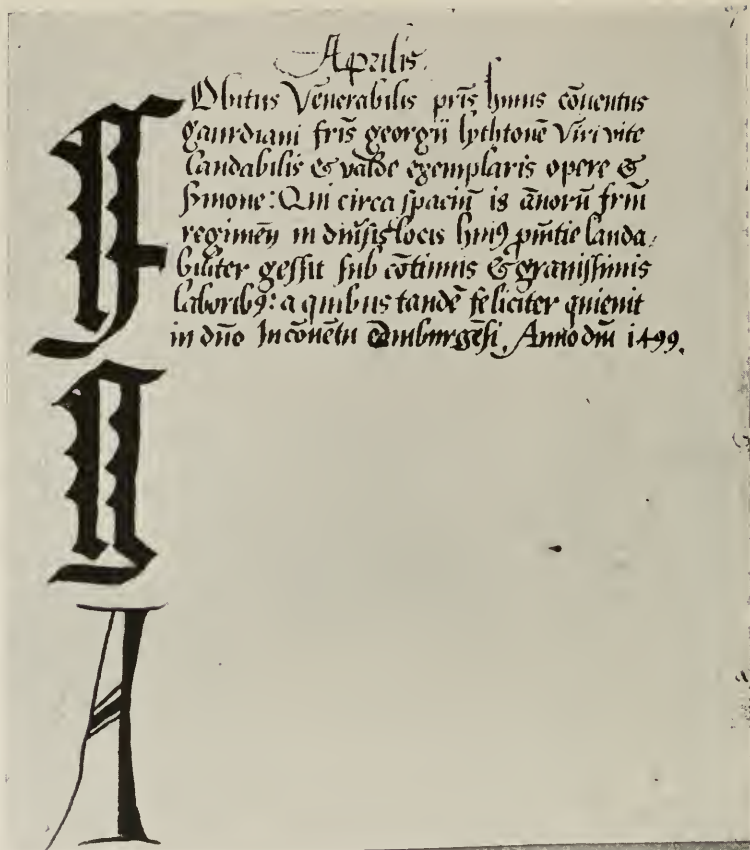
OBITUS pie memorie magistri Ade Gordon, quondam rectoris de Kinkell, qui in vita sua, quamdiu fuit compos sui, a multis annis fuit beneficus valde isti conventui, et etiam conventui Elgin[en]si: de cuius elemosina, postquam fuit mente captus, diversis annis hic annuatim habuimus x marcas in necessariis nostris, quam elemosinam episcopus fecit nobis dari, considerans magnam elemosinam quam ipse fecit nobis in sua prosperitate. Qui obiit anno Domini 158.

Aprilis

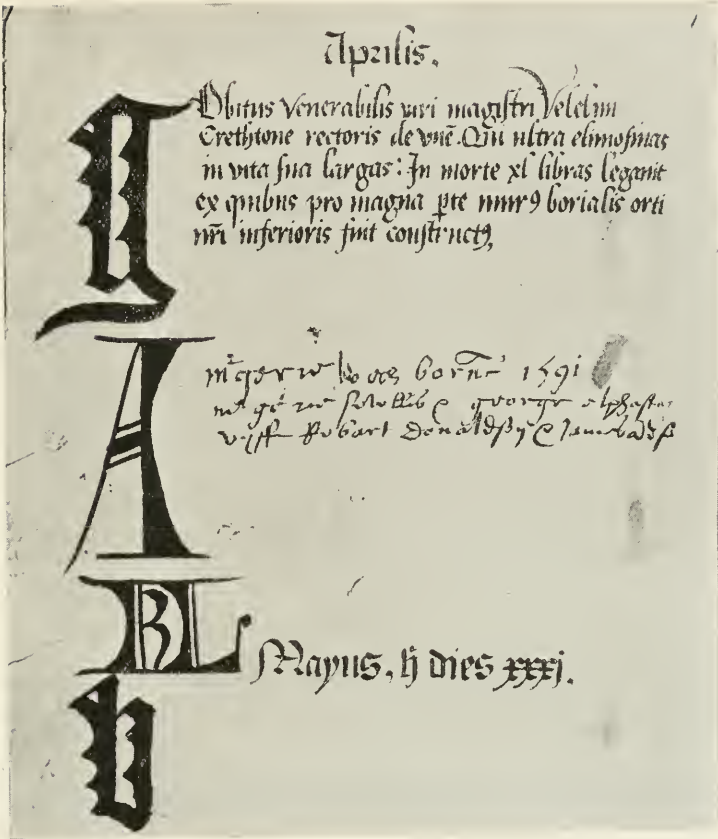
D
A
B

Obitus Reverendi patris Vilelmi Steuart ep̄i Aberdonen̄.
 Qui n̄r̄i semper ordinis ferventissim̄s Zelator quousq̄
 extremū eccl̄ie sp̄m extitit, Qui cotidianis elemosinis
 n̄ris necessitatibus subvenit: om̄iq; fr̄m̄ curā egit ut n̄r̄
 nutrit filios suos: sic eos sinu pat̄ne cōsolationis fovebat.
 proq; fr̄ibus Infirmis Infirmariā suis Impensis cōstruxit.
 Et pro comparatione f̄ndi ex p̄te eccl̄ie boreali xl libras
 cōtulit: cū m̄ltis alijs b̄nificiis nos semp̄ s̄m̄o amore
 prosecutus est. Obiit Anno d̄ni 1545.

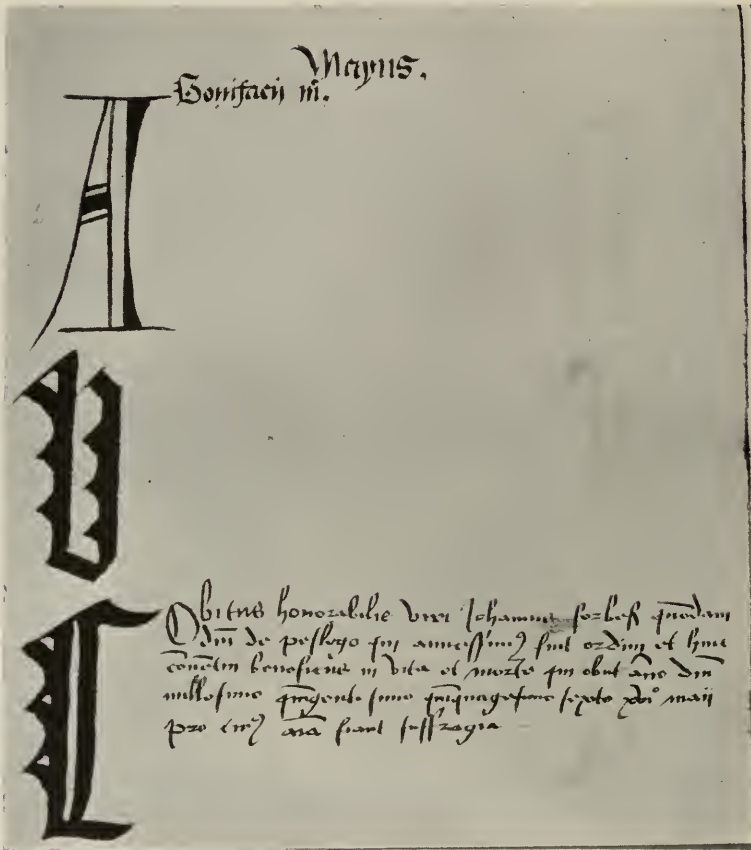
OBITUS reverendi patris, Vilelmi Steuart, episcopi Aberdonensis, qui nostri semper ordinis ferventissimus zelator, quousque extremum edidit spiritum, extitit; qui cotidianis elemosinis nostris necessitatibus subvenit, omniumque fratrum curam egit. Ut mater nutrit filios suos sic eos sinu paterne consolationis fovebat, proque fratribus infirmis infirmariam suis impensis construxit, et pro comparatione fundi ex parte ecclesie boreali xl libras contulit. Cum multis aliis beneficiis nos semper summo amore prosecutus est. Obiit anno Domini 1545.



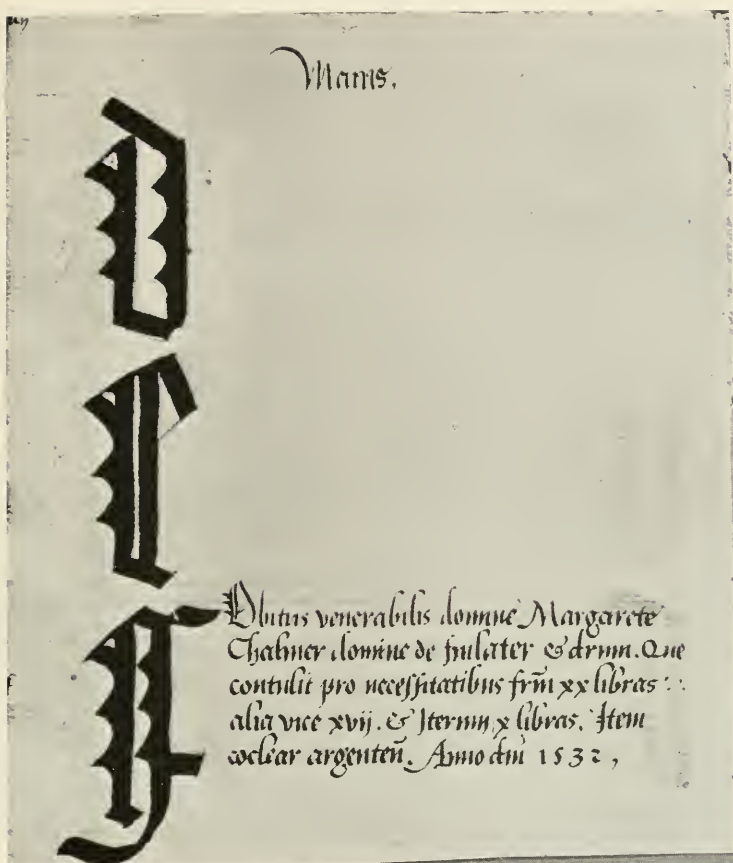
OBITUS venerabilis patris, huius conventus guardiani, Fratris
 Georgii Lythtone, viri vite laudabilis et valde exemplaris opere et
 sermone, qui circa spatium 18 annorum fratrum regimen in diversis
 locis huius provincie laudabiliter gessit sub continuis et gravissimis
 laboribus, a quibus tandem feliciter quievit in Domino in conventu
 Edinburgensi, anno Domini 1499.



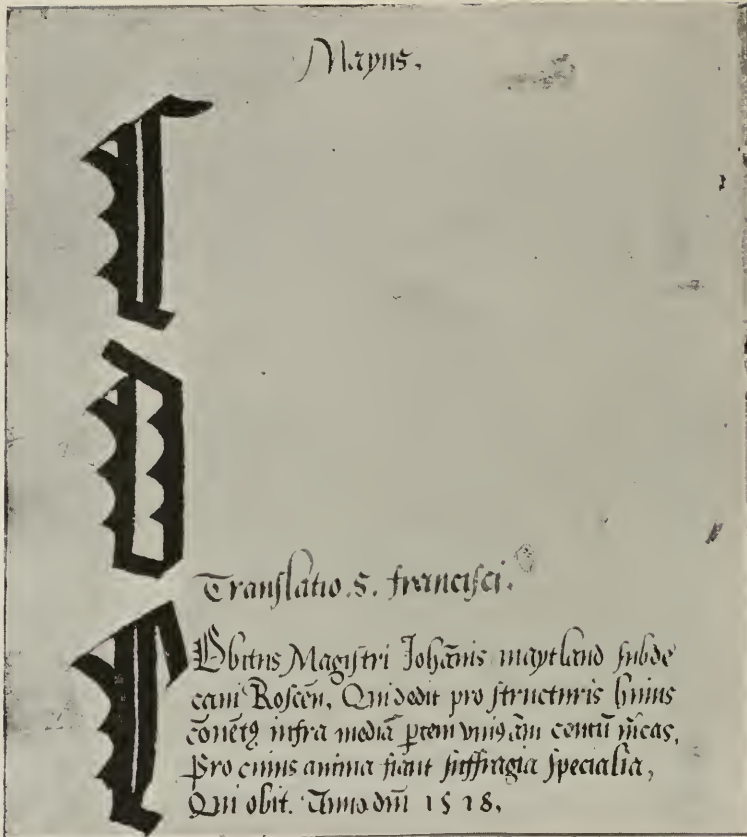
OBITUS venerabilis viri, magistri Velelmi Crethtone, rectoris de Une, qui ultra elemosinas in vita sua largas in morte xl libras legavit, ex quibus pro magna parte murus borialis orti nostri inferioris fuit constructus.



OBITUS honorabilis viri, Johannis Forbes, quondam domini de Peslego, qui amicissimus fuit ordini et huic conventui beneficus in vita et morte, qui obiit anno Domini millesimo quingentesimo quinquagesimo sexto, xvi^o Maii. Pro cuius anima fiant suffragia.



OBITUS venerabilis domine, Margarete Chalmer, domine de Finlater et Drum, que contulit pro necessitatibus fratrum xx libras, alia vice xvij, et iterum x libras, item coclear argenteum. Anno Domini 1532.



OBITUS magistri Johannis Maytland, subdecani Roscensis, qui dedit pro structuris huius conventus infra mediam partem unius anni centum marcas. Pro cuius anima fiant suffragia specialia. Qui obiit anno Domini 1518.

Junius.

A

Obitus honorabilis viri willm̄i chalm̄er de
balnacrag sepulti nobiscū ante altare bte virginis.
Qui dedit xx libras pro necessitatib⁹ cōventus et
fabrica loci et viii libras pro calice fiendo ad dēū
altare. Insuper reliquit usibus fr̄ū lectū de plumis cū
reliquis lectisterniis in quib⁹ obiit. Anno dñi 1516.

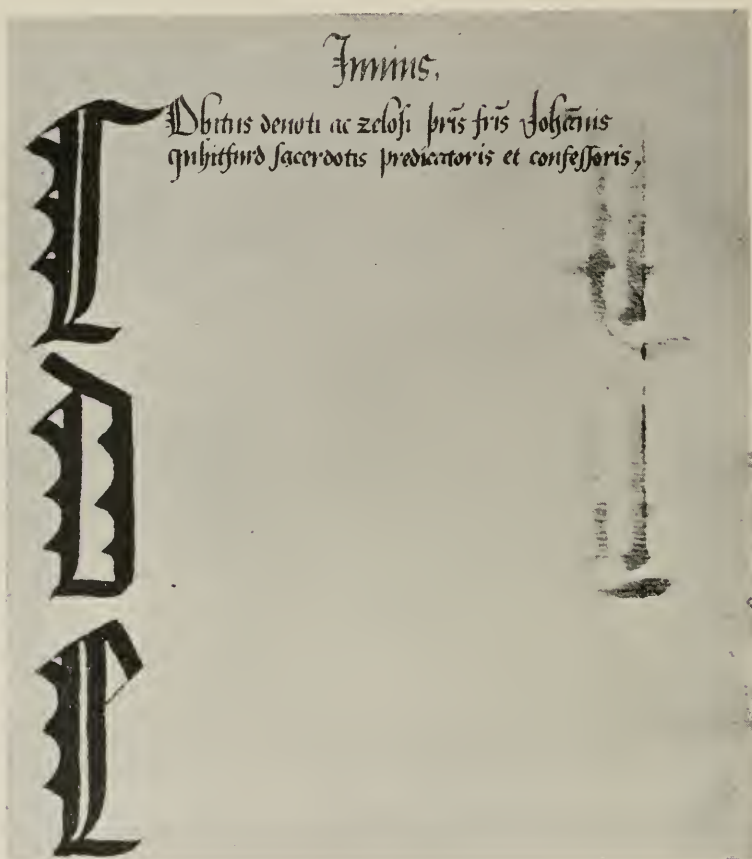
B

Obitus venerabilis viri maḡi dūncani chalm̄i
filii predicti villelm̄i. Qui ultra elemosinas
sepius erogatas tandem xx libras dedit pro fr̄ū
necessitatib⁹ et seipm̄ nobiscū sepelire mandavit.

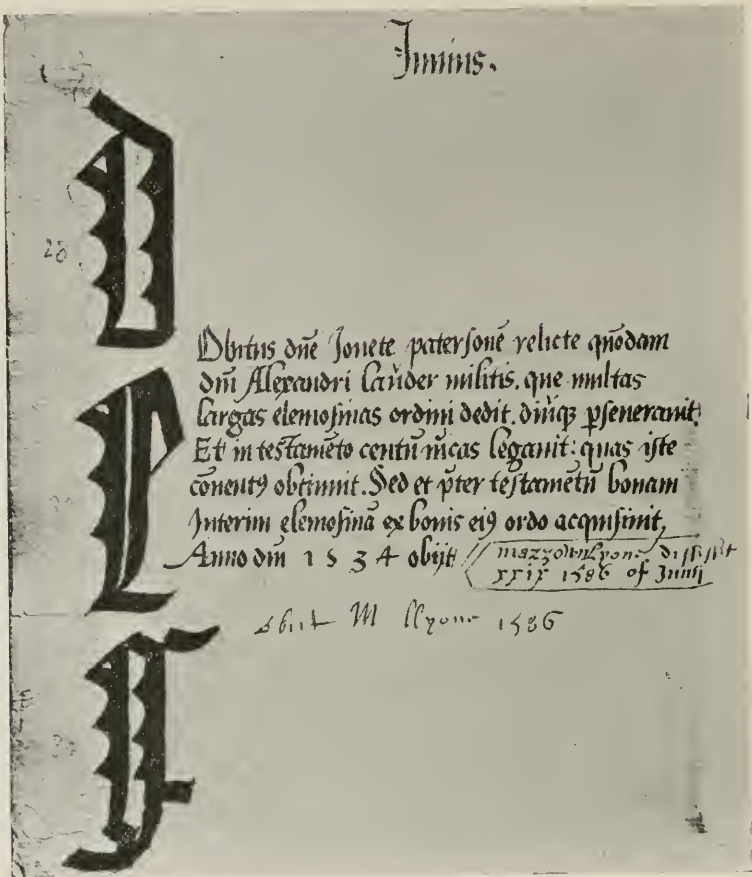
L

OBITUS honorabilis viri, Villelmi Chalmer de Balnacrag, sepulti nobiscum ante altare beate Virginis, qui dedit xx libras pro necessitatibus conventus et fabrica loci, et viii libras pro calice faciendo ad dictum altare. Insuper reliquit usibus fratrum lectum de plumis cum reliquis lectisterniis in quibus obiit. Anno Domini 1516.

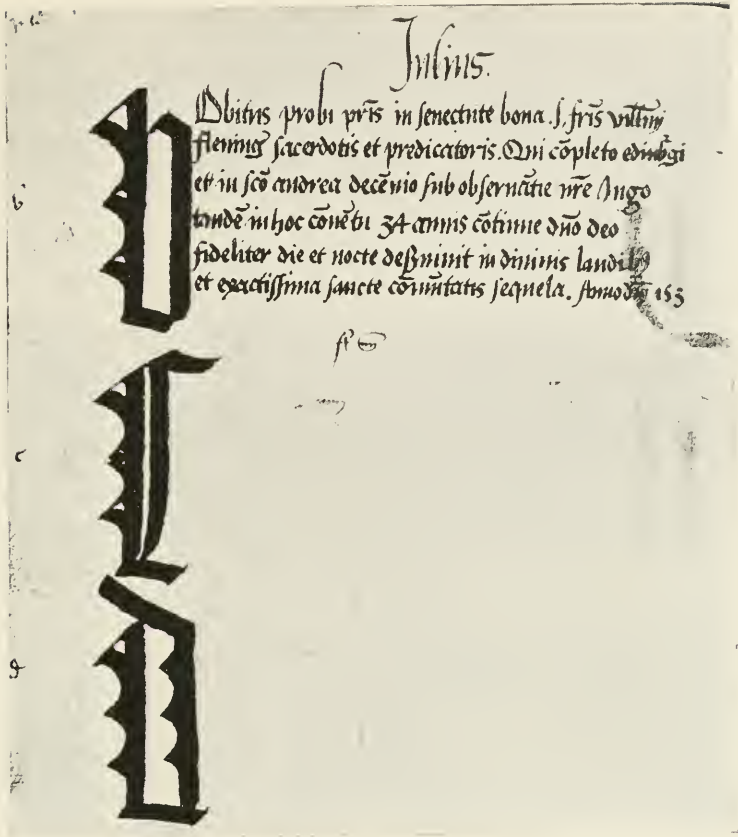
OBITUS venerabilis viri, magistri Duncani Chalmer, filii predicti Villelmi, qui ultra elemosinas sepius erogatas tandem xx libras dedit pro fratrum necessitatibus, et seipsum nobiscum sepeliri mandavit.



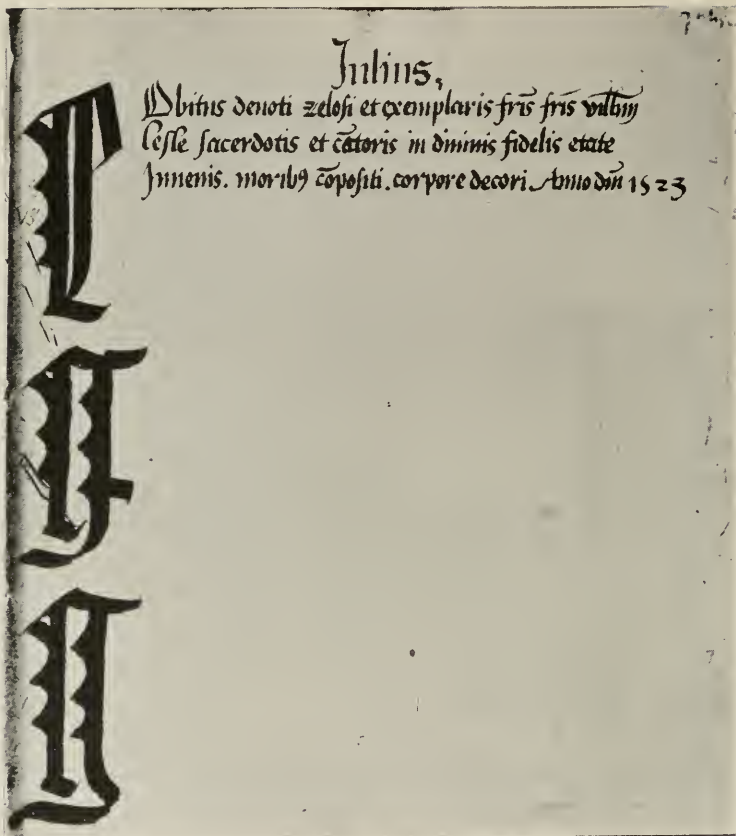
OBITUS devoti ac zelosi patris, Fratris Johannis Quhitfurd, sacerdotis, predicatoris et confessoris.



OBITUS domine Jonete Patersone, relictę quondam domini Alexandri Lauder, militis, que multas largas elemosinas ordini dedit, diuque perseveravit, et in testamento centum marcas legavit, quas iste conuentus obtinuit. Sed et preter testamentum bonam interim elemosinam ex bonis eius ordo acquisiuit. Anno Domini 1534 obiit.



OBITUS probi patris in senectute bona, scilicet, Fratris Villelmi Fleming, sacerdotis et predicatoris, qui, completo Edinburgi et in Sancto Andrea decennio sub observantie nostre jugo, tandem in hoc conventu 34 annis continue Domino Deo fideliter die et nocte deservit in divinis laudibus et exactissima sancte communitatis sequela. Anno Domini 153.



OBITUS devoti, zelosi et exemplaris fratris, Fratris Villelmi Lesle, sacerdotis et cantoris, in divinis fidelis, etate juvenis, moribus compositi, corpore decori. Anno Domini 1523.

Julius

D
E
L
E

Obitus devoti & zelosi fr̄s fr̄s Alexandri
marchel sacerdotis in pluribus cōmmunitati
utilis. Anno dñi. 1526.

OBITUS devoti et zelosi fratris, Fratris Alexandri Marchel, sacerdotis, in pluribus communitati utilis. Anno Domini 1526.

Julius.

I
A
B

Obitus Venerabilis viri domini Vellehmi Elphinston
 Rectoris de clat huius conventus amici specialissimi.
 Qui preter suas elemosinas annales largas in
 pecunia et aliis, dedit huic conventui calicem
 preciosi valentem xxii lib ad minus. Et ad construc
 tionem gabuli chori veteris x marcas. Ac in fine
 dierum suorum pro constructione ecclesie nostre nove
 deposuit centum lib in pecunia numerata. Insup
 et in suo testamento reliquit nobis xx lib cum 4^{or}
 bollis brasii, Pro cuius anima fiant suffragia
 honorifice uti bene meruit. Anno domini 1528.

OBITUS venerabilis viri, domini Vellehmi Elphinston, rectoris de Clat, huius conventus amici specialissimi, qui, preter suas elemosinas annuales largas in pecunia et aliis, dedit huic conventui calicem pretiosum valentem xxii libras ad minus, et ad constructionem gabuli chori veteris x marcas, ac in fine dierum suorum pro constructione ecclesie nostre nove deposuit centum libras in pecunia numerata. Insuper et in suo testamento reliquit nobis xx libras, cum quatuor bollis brasii. Pro cuius anima fiant suffragia honorifice uti bene meruit. Anno Domini 1528.

Julius.

D

RI Augustus. ij dies xxx.

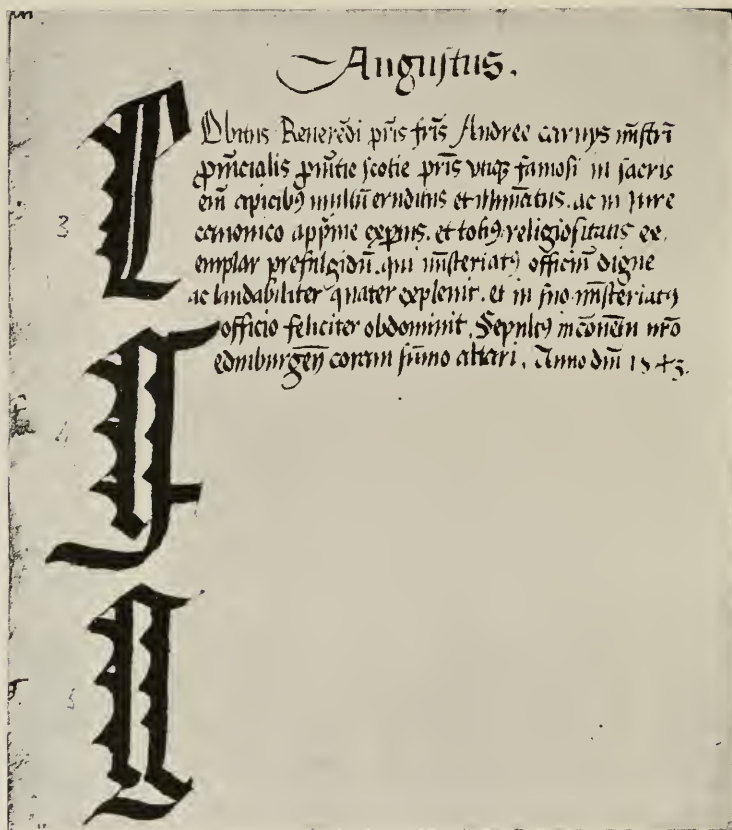
L

Obitus Magistri Roberti Schand rectoris de alnes
 Qui p̄ter plures elargitas elemosinas p̄tem boriale
 horti inferioris emit: dorsum altaris beate Virginis fieri
 fecit. Et togam de chamleto dedit. p̄ cuius anima oretur.

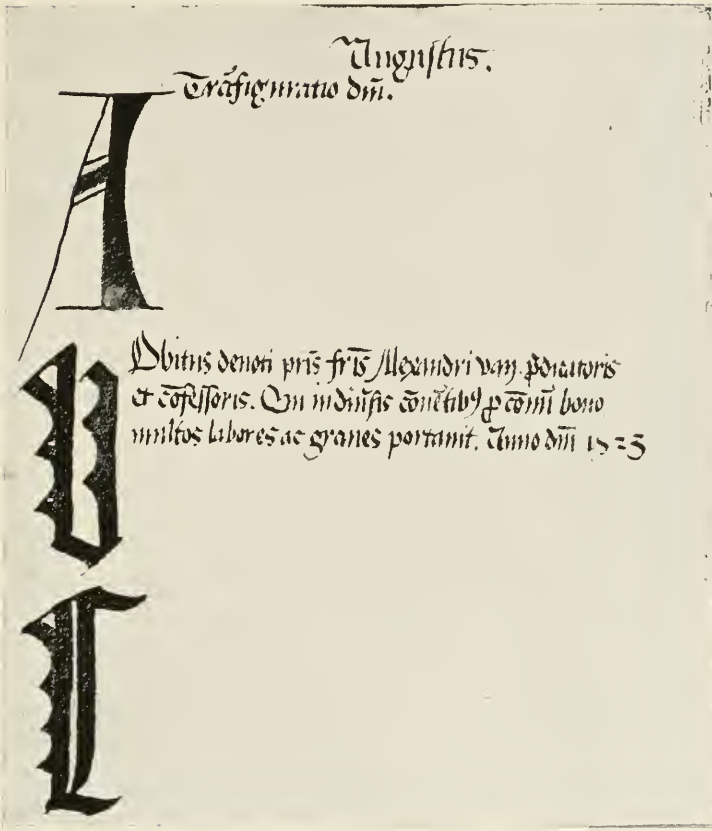
Obitus pie memorie venerabilis patris fratris Roberti
 bailze viri profunde humilitatis patientie et ardentis
 charitatis. huius conventus quondam gardiani a fr̄ib⁹ quibus
 in vita p̄fuit p̄t̄ eius mansuetam conversationem singulariter
 predilecti. Anno dñi 1510.

OBITUS magistri Roberti Schand, rectoris de Alnes, qui, preter plures elargitas elemosinas, partem boriam horti inferioris emit; dorsum altaris beate Virginis fieri fecit, et togam de chamleto dedit. Pro cuius anima oretur.

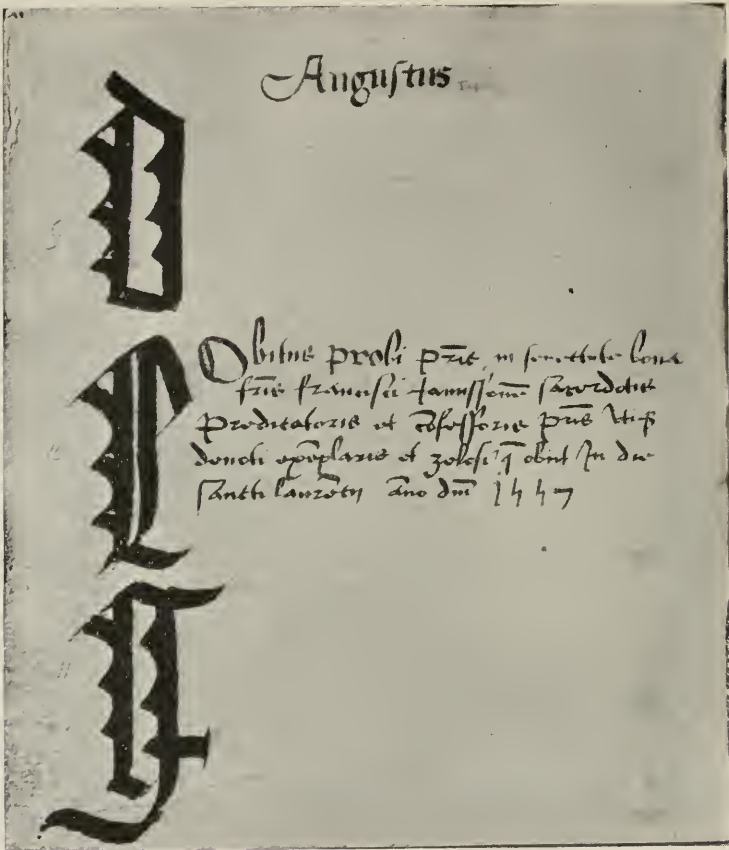
OBITUS pie memorie venerabilis patris, Fratris Roberti Bailze, viri profunde humilitatis, patientie et ardentis charitatis, huius conventus quondam gardiani, a fratribus, quibus in vita p̄fuit, propter eius mansuetam conversationem singulariter predilecti. Anno Domini 1510.



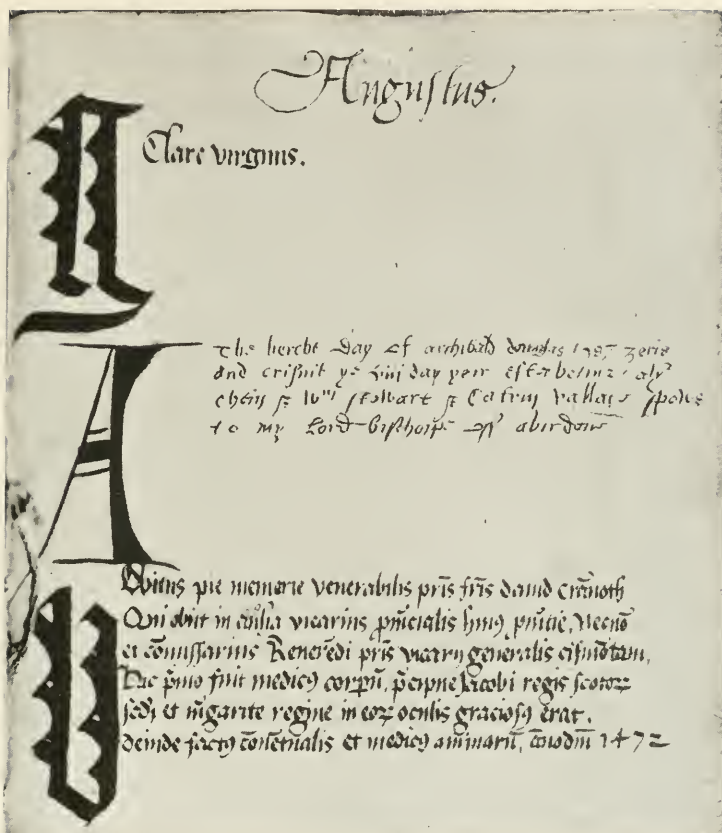
OBITUS reverendi patris, Fratris Andreae Carnys, ministri provincialis provincie Scotie, patris utique famosi, in sacris enim apicibus multum eruditus et illuminatus, ac in jure canonico apprime expertus, et totius religiositatis exemplar prefulgidum; qui ministeriatu officium digne ac laudabiliter quater explevit, et in suo ministeriatu officio feliciter obdormivit. Sepultus in conventu nostro Edinburgensi coram summo altari. Anno Domini 1543.



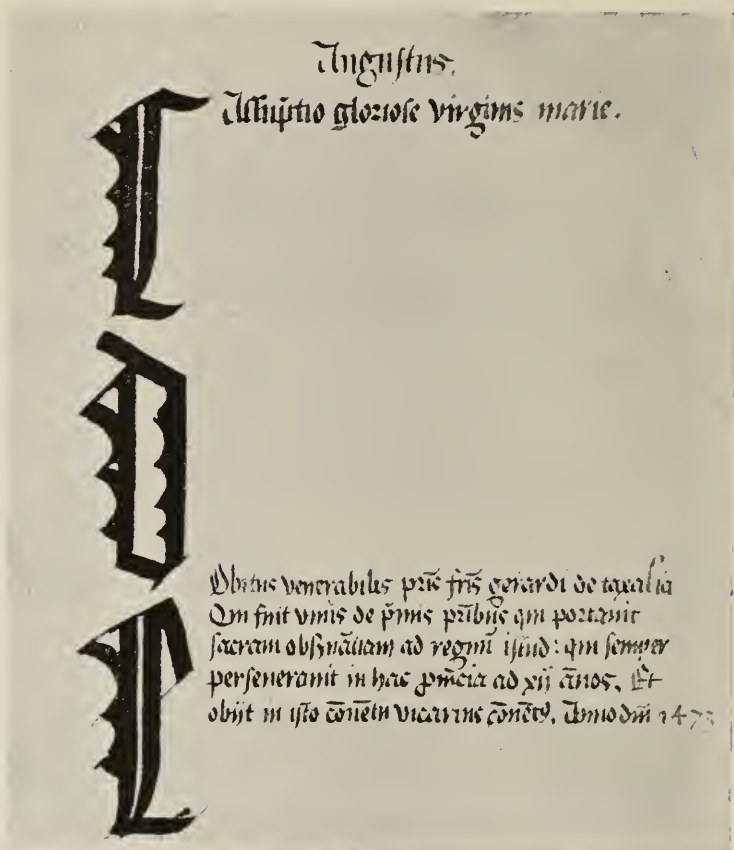
OBITUS devoti patris, Fratris Alexandri Van, predicatoris et confessoris, qui in diversis conventibus pro communi bono multos labores ac graves portavit. Anno Domini 1523.



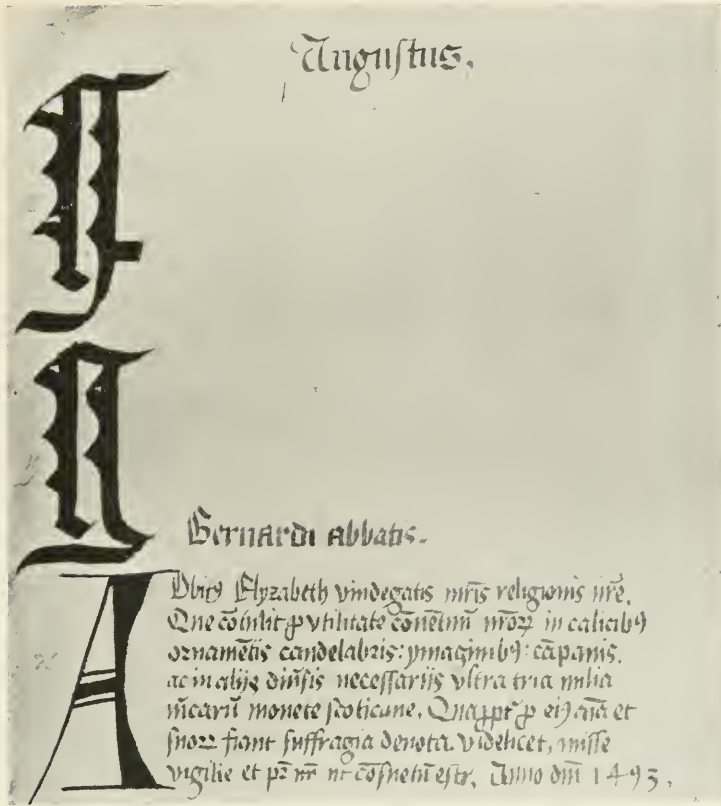
OBITUS probi patris in senectute bona, Fratris Francisci Jamissoni, sacerdotis, predicatoris et confessoris, patris utique devoti, exemplaris et zelosi. Qui obiit in die sancti Laurentii, anno Domini 1557.



OBITUS pie memorie venerabilis patris, Fratris David Crannoth, qui obiit in Anglia, vicarius provincialis huius provincie, necnon et commissarius reverendi patris, vicarii generalis cismontani. Hic primo fuit medicus corporum, precipue Jacobi, regis Scotorum secundi, et Margarite [Marie] regine. In eorum oculis graciosus erat, deinde factus conventualis et medicus animarum. Anno Domini 1472.



OBITUS venerabilis patris, Fratris Gerardi de Taxalia, qui fuit unus de primis patribus qui portavit [portaverunt] sacram observantiam ad regnum istud; qui semper perseveravit in hac provincia ad xii annos, et obiit in isto conventu vicarius conventus. Anno Domini 1473.



OBITUS Elyzabeth Vindegatis, matris religionis nostre, que contulit pro utilitate conventuum nostrorum in calicibus, ornamentis, candelabris, ymaginibus, campanis, ac in aliis diversis necessariis ultra tria milia marcarum monete Scoticane. Quapropter pro eius anima et suorum fiant suffragia deuota, videlicet, misse, vigilie et Pater Noster, ut consuetum est. Anno Domini 1493.

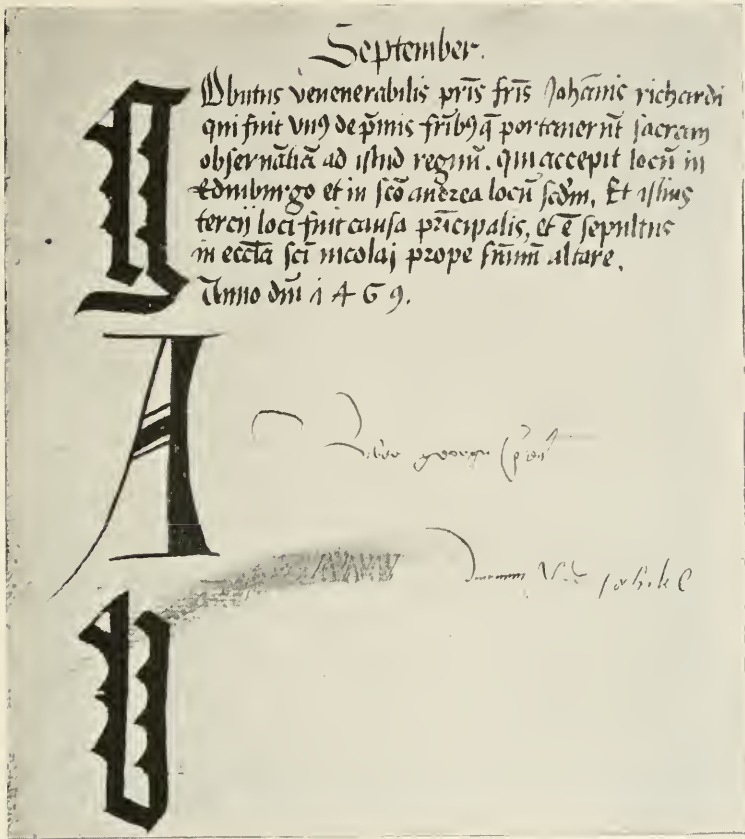
Augustus.

Obitus venerabilis ac zelosi patris, fratris Jacobi Wincister qui in officio guardianatus et custodia in Gallis fato cessit, existens gratulans huius conventus Aberdonensis, obiit autem vicesimo Augusti, anno Domini 1553.

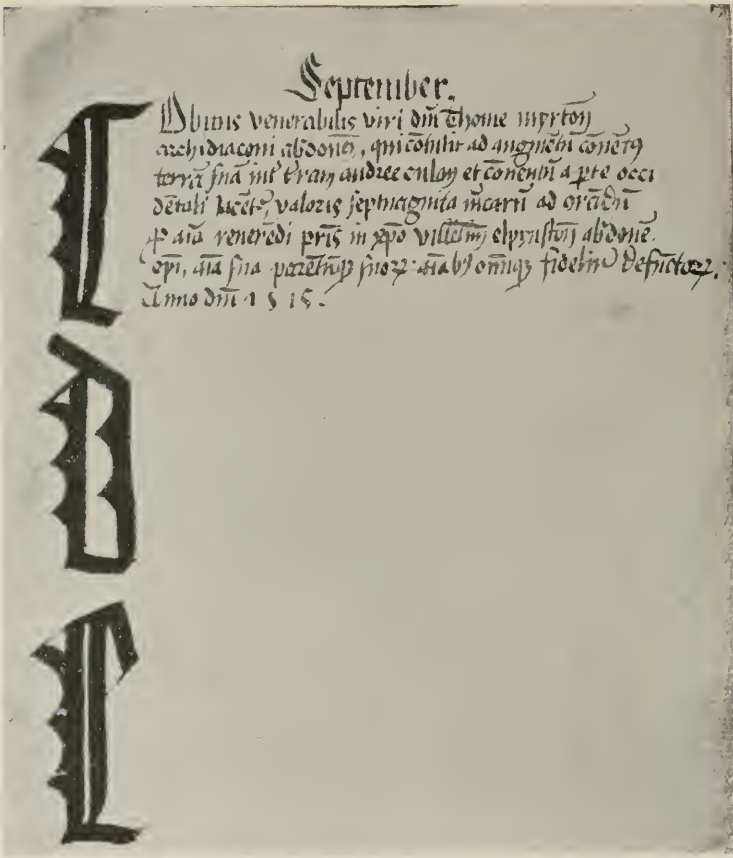
Obitus venerabilis presbyteri magistri Duncani Scherar rectoris de clat qui pro occurrentes elemosinas contulit pro fratrum structuris et necessitatibus in numeratis pecuniis supra quadraginta libras et ad multos annos vinum pro missis dedit celebrandis.

OBITUS venerabilis ac zelosi patris, Fratris Jacobi Wincister, qui in officio guardianatus et custodie in Galliis fato cessit, existens guardianus huius conventus Aberdonensis. Obiit autem vicesimo Augusti, anno Domini 1553.

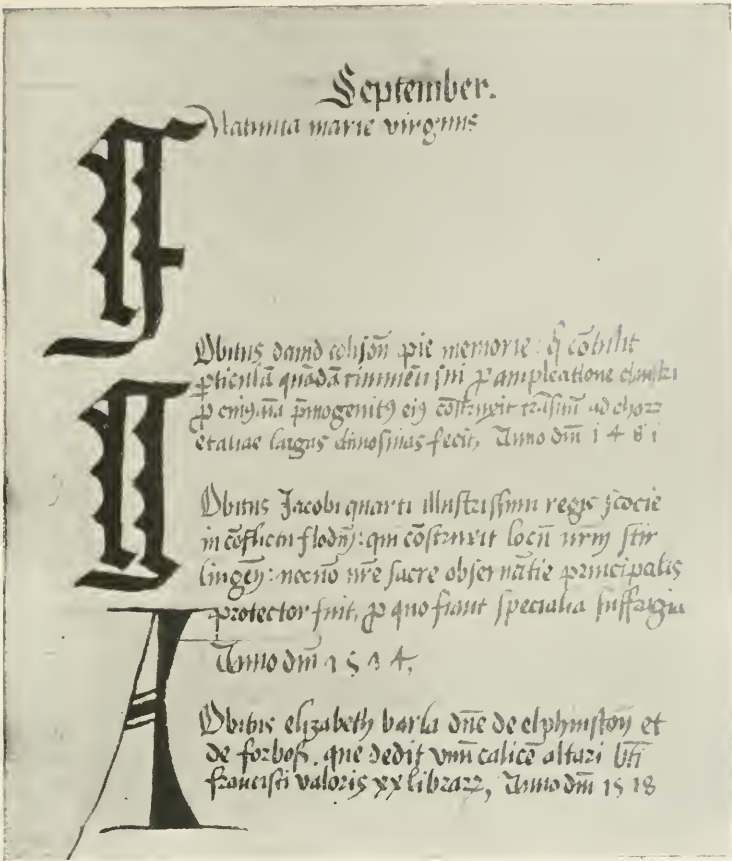
OBITUS venerabilis presbyteri, magistri Duncani Scherar, rectoris de Clat, qui, preter occurrentes elemosinas, contulit pro fratrum structuris et necessitatibus in numeratis pecuniis supra quadraginta libras, et ad multos annos vinum pro missis dedit celebrandis.



OBITUS venerabilis patris, Fratris Johannis Richardi, qui fuit unus de primis fratribus qui portaverunt sacram observantiam ad istud regnum; qui accepit locum in Edinburgo, et in Sancto Andrea locum secundum, et istius, tertii loci, fuit causa principalis, et est sepultus in ecclesia Sancti Nicolai prope summum altare. Anno Domini 1469.



OBITUS venerabilis viri, Domini Thome Myrton, archidiaconi Aberdonensis, qui contulit ad augmentum conventus terram suam inter terram Andree Culon et conventum, a parte occidentali jacentem, valoris septuaginta marcarum, ad orandum pro anima reverendi patris in Christo, Villelmi Elp[h]ynston, Aberdonensis episcopi, anima sua parentumque suorum, animabus omniumque fidelium defunctorum. Anno Domini 1515.

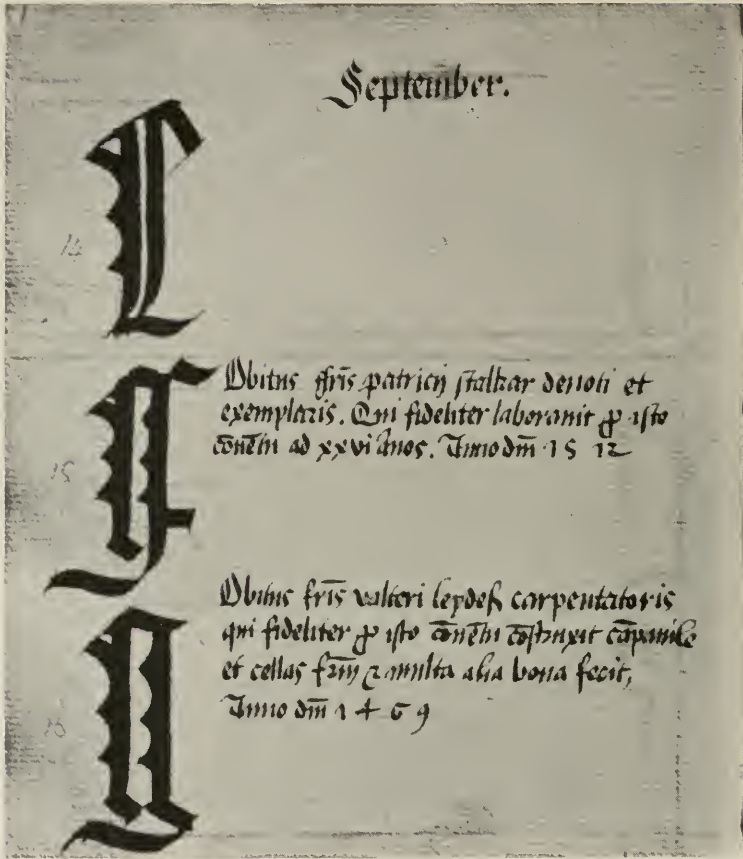


OBITUS David Colison pie memorie, qui contulit particulam quandam tenementi sui pro ampl[ific]atione claustrī. Pro cuius anima primogenitus eius construxit transitum ad chorū, et alias largas elemosinas fecit. Anno Domini 1481.

OBITUS Jacobi quarti, illustrissimi regis Scotie, in conflictu Flodinensi, qui construxit locum nostrum Stirlingensem, necnon nostre sacre observantie principalis protector fuit. Pro quo fiunt specialia suffragia. Anno Domini 1514.¹

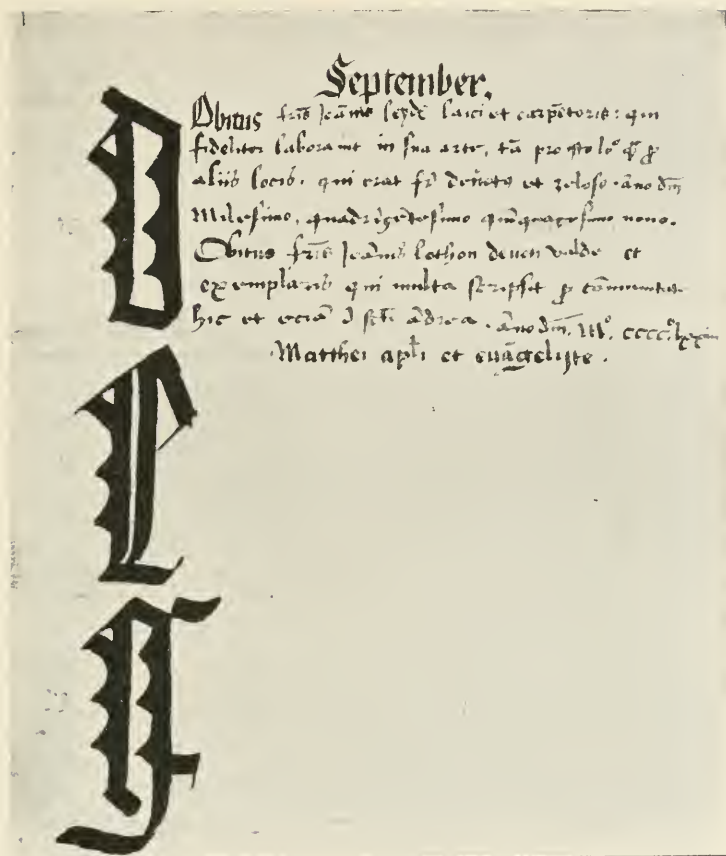
OBITUS Elizabeth Barla, domine de Elphinston et de Forbos, que dedit unum calicem altari beati Francisci, valoris xx librarum. Anno Domini 1518.

¹ Date of first anniversary of his death.



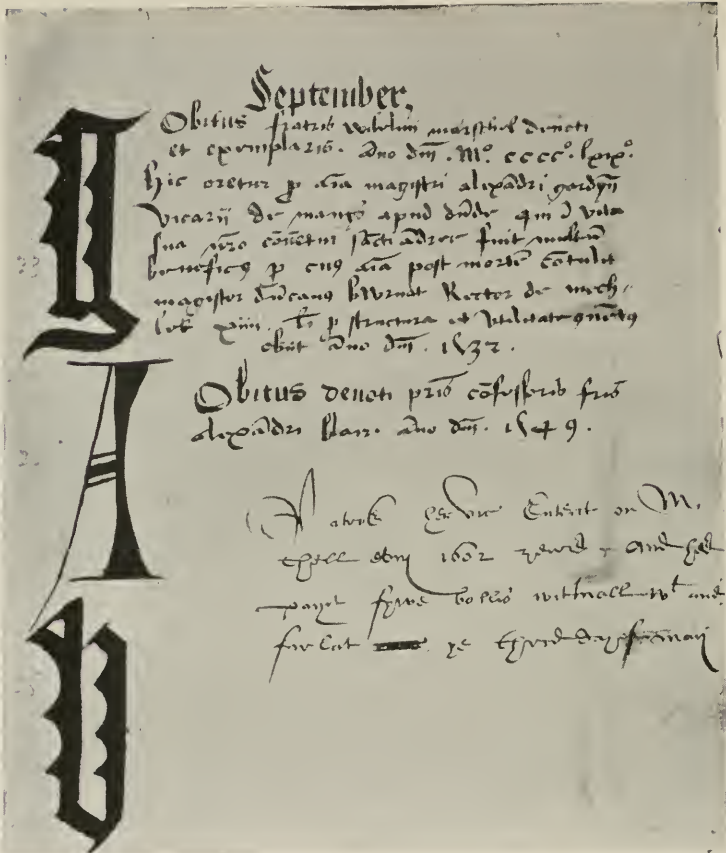
OBITUS Fratris Patricii Stalkar, devoti et exemplaris, qui fideliter laboravit pro isto conventu ad xxvi annos. Anno Domini 1512.

OBITUS Fratris Valteri Leydes, carpent(at)oris, qui fideliter pro isto conventu construxit campanile et cellas fratrum, et multa alia bona fecit. Anno Domini 1469.



OBITUS Fratris Johannis Leydes, laici et carpentoris, qui fideliter laboravit in sua arte tam pro isto loco quam pro aliis locis; qui erat frater devotus et zelosus. Anno Domini millesimo quadingentesimo quinquagesimo (?) nono.

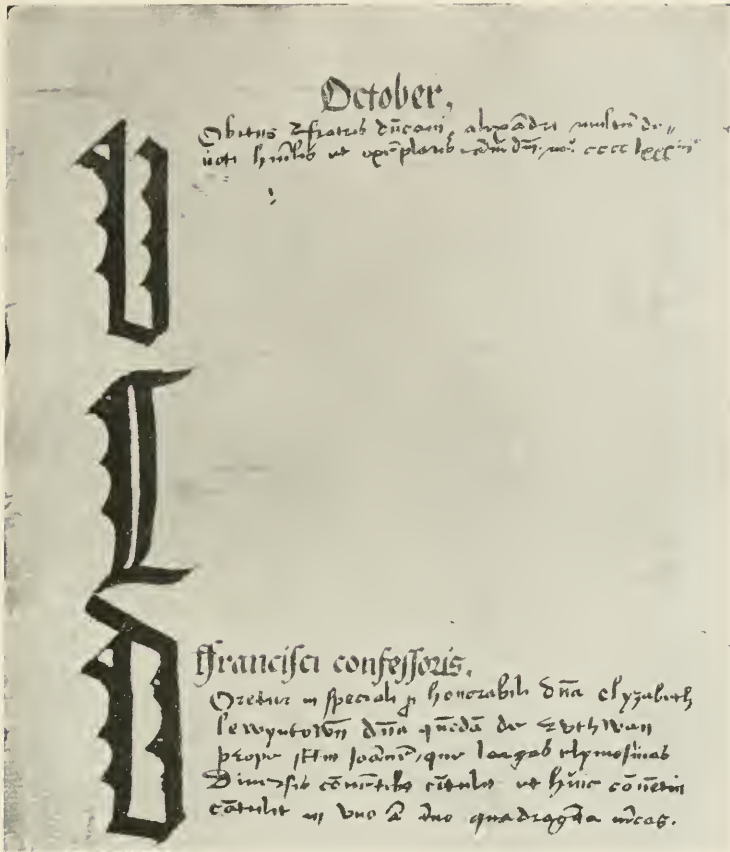
OBITUS Fratris Johannis Lothon, devoti valde et exemplaris, qui multa scripsit pro communitate hic et etiam in Sancto Andrea. Anno Domini M^oCCCC^oLXXIII^o.



OBITUS Fratris Willelmi Marschel, devoti et exemplaris. Anno Domini M^oCCCC^oLXIX^o.

HIC oretur pro anima magistri Alexandri Gordyn, vicarii de Manys apud Dundee, qui in vita sua nostro conventui Sancti Andree fuit multum beneficus. Pro cuius anima post mortem contulit magister Duncanus Bwrnat, rector de Methle xiiii libras pro structura et utilitate conventus. Obiit Anno Domini 1532.

OBITUS devoti patris confessoris, Fratris Alexandri Blair. Anno Domini 1549.



OBITUS fratris Duncani Alexandri, multum devoti, humilis et exemplaris. Anno Domini M^oCCCCLXXXIII^o.

ORETUR in speciali pro honorabili domina, Elyzabeth Lewyntown, domina quondam de Suthwan prope Sanctum Johannem, que largas elymosinas diversis conventibus contulit, et huic conventui contulit in uno anno quadraginta marcas.

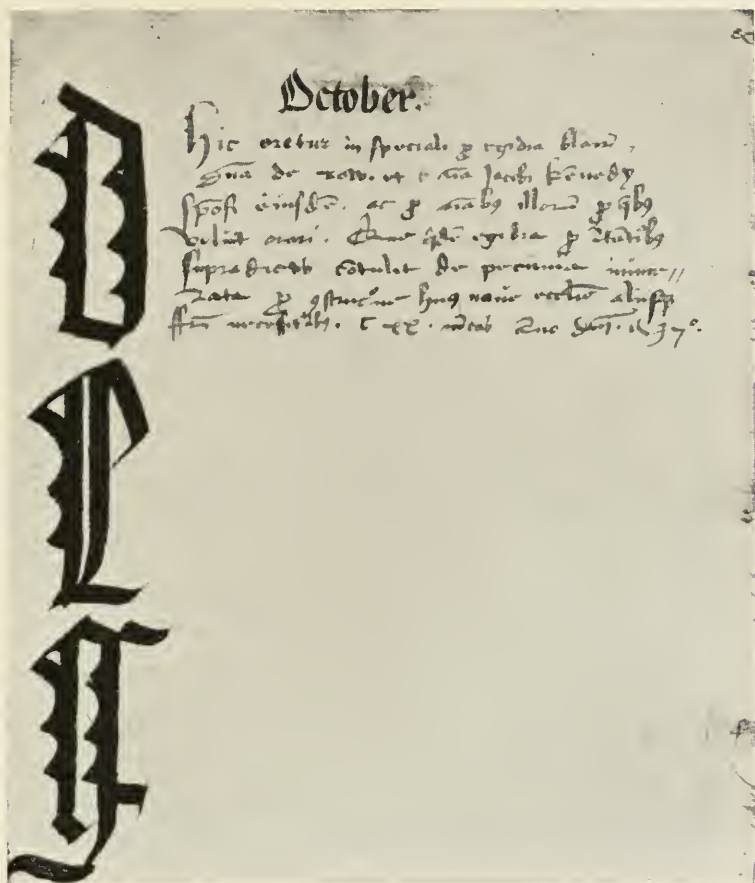
October,

Obitus illustrissimū viri Magistri Alexandri Gallovey fani Kinkellie quondam ministri. Qui dñm ut franciscū sūmo est affectus honore: Ita in illius octavas ad patriam migravit supernam. Is domū laudi dñi francisci dicatā Gavini Dunbair sūptib⁹ erexit. Necnon et suis arā in dñi Johannis baptiste honorem difaria celamine vel toreumate variegari fecit: ut sua accurata cura illustrib⁹ actis vel factis Gavini Dunber Aberdonen⁹ dudū p̄sulis positus sit finis. Hic itaq; Alexandri vite termin⁹ erat. Ceterū pauperū omnī et p̄sertim m̄orū Inopie succurrit: qui quelibet p̄ lustra m̄orū vsib⁹ quinquaginta erogavit m̄cas. Ad sup̄os p̄perans quadraginta reliquit. Quā p̄ finem curāter vos fr̄es hortor Gallovey Alexandri exequias celebrare omēs cui hodie infelix mors exitiale iniecit telū.

Obitus illustrissimū viri Magistri Alexandri Gallovey ecclesie de Kinkell quondam rectoris. Qui n̄rū semp̄ affectus est ordinē sūmo honore. Ita ut intra octavas fundatoris p̄fati ordinis ad patriam migravit supernam. Is itaq; ecclesiā novā laudi dñi francisci dicatam Gavini Dunbeir ep̄i sūptib⁹ erexit. Necnon et suis exp̄nsis aram in sancti Johannis baptiste honore cōstrui fecit. Ceterū quelibet p̄ lustra s̄m vsib⁹ quinquaginta erogavit m̄cas. Tandē ad sup̄os p̄perans triginta m̄cas reliquit. p̄ necessitatib⁹ fr̄m. Q̄ possim amāter vos fr̄es hortor p̄fati Alexandri exequias celebrare omēs. Cui hodie infelix mors exitiale iniecit telū, 1552

OBITU illustrissimi viri, magistri Alexandri Gallovey, fani Kinkellie quondam ministri, qui divinum ut Franciscum summo est affectus honore, ita in[tra] illius octavas ad patriam migravit supernam. Is domum laudi divini Francisci, dicatam Gavini Dunbair sumptibus, erexit; necnon et suis [expensis] aram in divi Johannis Baptiste honorem omnifariam celamine vel toreumate variegari fecit, ut, sua accurata cura, illustribus actis vel factis Gavini Dunber, Aberdonensis dudum presulis, positus sit finis. Hic itaque Alexandri vite terminus erat. Ceterum pauperum omnium et presertim Minorum inopie succurrit, qui quelibet per lustra Minorum usibus quinquaginta erogavit marcas. Ad superos properans quadraginta reliquit. Quam possim amanter vos fratres hortor Gallavay Alexandri exequias celebrare omnes, cui hodie infelix mors exitiale iniecit telum.

OBITU illustrissimi viri, magistri Alexandri Gallovey, ecclesie de Kinkell quondam rectoris, qui nostrum semper affectus est ordinem summo honore, ita ut intra octavas fundatoris prefati ordinis ad patriam migravit supernam. Is itaque ecclesiam novam laudi divi Francisci, dicatam Gavini Dunbeir episcopi sumptibus, erexit; necnon et suis expensis aram in Sancti Johannis Baptiste honorem construi fecit. Ceterum quelibet per lustra fratrum usibus quinquaginta erogavit marcas; tandem ad superos properans triginta marcas reliquit pro necessitatibus fratrum. Quam possim amanter vos fratres hortor prefati Alexandri exequias celebrare omnes, cui hodie infelix mors exitiale iniecit telum, 1552.



HIC oretur in speciali pro Egidia Blair, domina de Row, et anima Jacobi Kennedy, sponsi eiusdem, ac pro animabus illorum pro quibus voluit orari. Que quidem Egidia pro intentionibus supradictis contulit de pecunia numerata pro constructione huius nove ecclesie aliisque fratrum necessitatibus cxx marcas. Anno Domini 1537.

October.

D
D
D

Obitus fratris alexandri merser deuchvalde
et uxoris sue filii et heredis quondam roberti
merser domini de Enyrpeffyr in Strathherne
anno domini m^o. cccc. lxxix.

OBITUS Fratris Alexandri Merser, devoti valde et exemplaris,
filii et heredis quondam Roberti Merser, domini de Enyrpeffyr in
Strathherne. Anno Domini M^oCCCC^oLXIX.

November,
 obitus devoti fratris Jacobi Elphistone
 predicatoris et confessoris anno domini millesimo
 cccc^o lxxxiii^o

L

Monday of November 1397
 Buriall of the Bm of the boat
 of Dunbarton in burdoun

T

Tuesday of the same month
 Buriall of the Bm of the boat
 of Dunbarton in burdoun

W

Wednesday of the same month
 Buriall of the Bm of the boat
 of Dunbarton in burdoun

T

Thursday of the same month
 Buriall of the Bm of the boat
 of Dunbarton in burdoun

F

Friday of the same month
 Buriall of the Bm of the boat
 of Dunbarton in burdoun

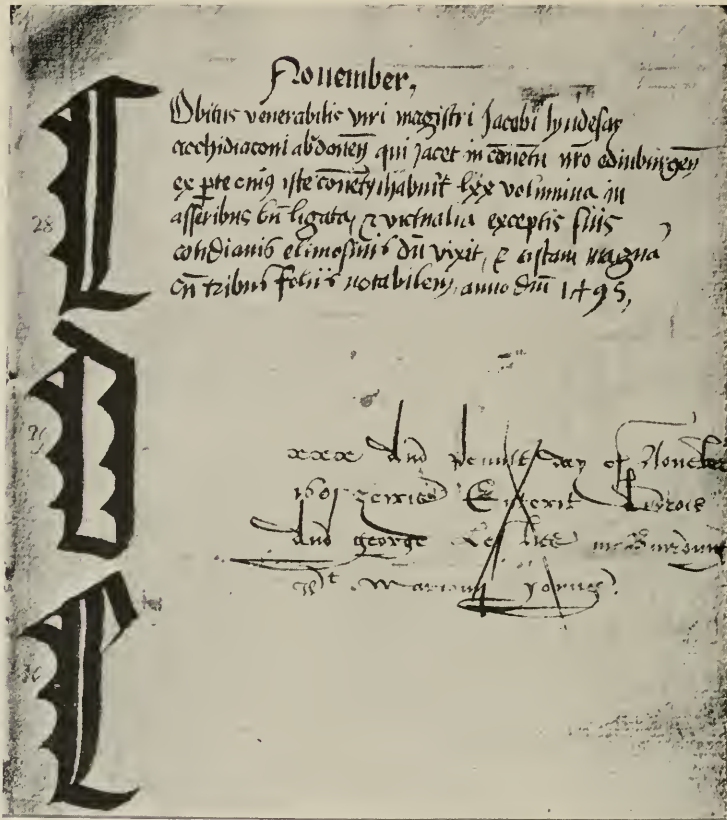
S

Saturday of the same month
 Buriall of the Bm of the boat
 of Dunbarton in burdoun

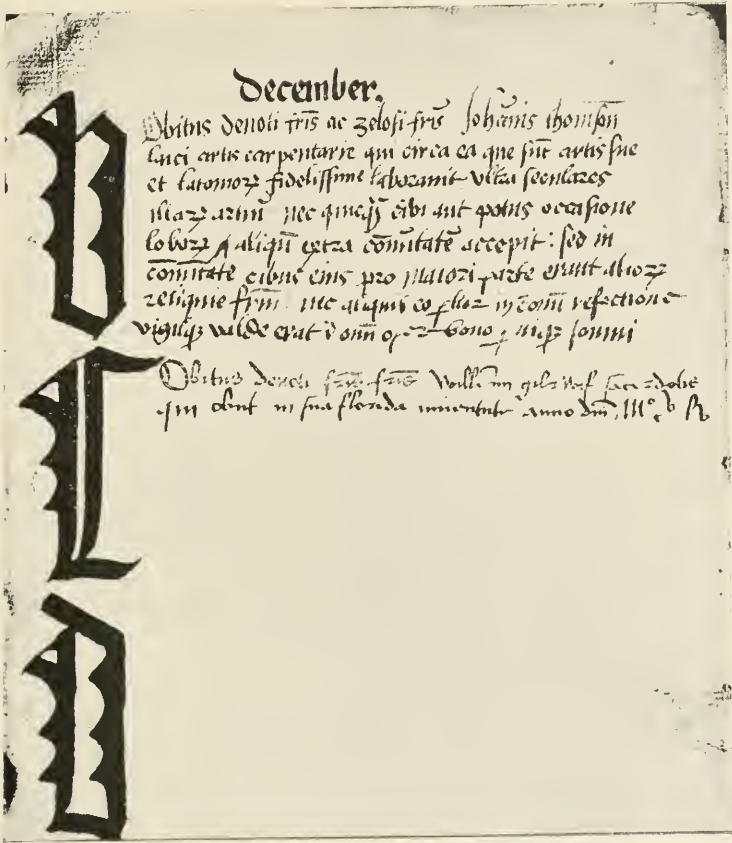
S

Sunday of the same month
 Buriall of the Bm of the boat
 of Dunbarton in burdoun

OBITUS devoti Fratris Jacobi Elphistone, predicatoris et confessoris. Anno Domini M^oV^oLIII^o.



OBITUS venerabilis viri, magistri Jacobi Lyndesay, archidiaconi Aberdonensis, qui jacet in conventu nostro Edinburgensi; ex parte cuius iste conventus habuit lxx volumina in asserbis bene ligata, et victualia, exceptis suis cotidianis elemosinis dum vixit, et cistam magnam cum tribus foliis notabilem. Anno Domini 1495.



OBITUS devoti fratris ac zelosi, Fratris Johannis Thomson, laici, artis carpentarie, qui circa ea que sunt artis sue et latomorum fidelissime laboravit ultra seculares illarum artium, nec quicquam cibi aut potus, occasione laborum aliqua, extra communitatem accepit, sed in communitate cibus eius pro maiori parte erant aliorum reliquie fratrum, nec aliquis eo parcius in communi refectio-
 ne vigilijs valde erat in omni opere bono, parvique somni.

OBITUS devoti fratris, Fratris Willelmi Gilrwif, sacerdotis, qui obiit in sua florida juventute, anno Domini M.C.V.LV.

EXCERPTS from the Accounts of the Collectors-General and Sub-Collectors of the Thirds of Benefices, 1561–1589, relating to the pensions of the Grey, Black and White Friars, and to the lands and endowments in their possession before the passing of the Act of 24th August, 1560. (*MS. Volumes, G.R.H., Edinburgh.*)

ACCOUNTS OF THE COLLECTORS-
GENERAL

1561

CHARGE

*Money*¹

MURRAY (Moray)—

And with thre scoir a pundis, sex schillingis, aucht penneis, for the money of the Blak Freiris of Elgyne £61 6 8

ABERDEEN—

And with thre scoir aughtene pundis, elevin schillingis, foure penneis, for the silver males of the aikeris and landis pertenyng to the Quhyte Freiris of Abirdene, extending the said yeir to 78 11 4

And with threttie aucht pundis, sex schillingis, aucht penneis, for the silver males of the aikeris and landis pertening to the Blak Freiris of Abirdene, extending the said yeir to 38 6 8

And with the thrid of the silver males of the landis pertening to the Trinitie Freiris of Abirdene, extending the yeir compted to 18 0 4½

FORFAR—

And with twenty five pundis for the silver males of the Gray Freirs of Dundee, extending to 25 0 0

And with sex pundis, thre schillingis, foure penneis, for the silver males of the Blak Freiris of Dundee, extending the said yeir to 6 3 4

And with tuentie aucht schillingis for the silver males of the Gray Sisters of Dundee 1 8 0

¹ Scots coinage.

PERTH—

And with thre scoir pundis of the annuellis and croiftis pertenyng to the Blak Freiris besyid Perth, extending the said yeir to £60 0 0

Nota. The pensionis quhilkis pertenit to the saidis freiris out of the Custumes of Dundee and out of the Mylnis of Perth and Custumes of Perth, extending to £34, 6s. 8d., are nocht chargeid heir be reasone thay ar tane in agane to the propertie, and ar to be maid compt of thair.

STIRLING—

And with fifty sevin schillingis lifted be the Compararis of the Blaik Freiris of Striveling 2 17 0

LANARK—

And with thre pundis, aucht schillingis, sex penneis, for the annuellis of the toune of Lanark, sumtyme pertening to the freiris their of (Five merks, L., 140 n. 12) 3 6 8

GLASGOW—

And with twenty sevin pundis, five schillingis, foure penneis, for the hale silver quhilk pertenit to the Freiris Predicaturis of Glasgw, resavit of the annuellis of my Lord Dukis landis of the nethir toune of Hammiltoune and annuell lyand in Avendale, togidder with the annuellis of the toune of Glasgw, compted togidder, extending the yeir compted to 27 5 4

KIRKCUDBRIGHT—

And with sex pundis, threttene schillingis, four penneis, for the Custumes of Kirkcudbrycht, pertening to the freiris thairof, extending to 6 13 4

And with sevin pundis, fivetene schillingis of the annuellis of the saidis freiris 7 15 0

DUMFRIES—

And with threttie thre pundis, elevin schillingis, ten penneis, for the annuellis of Dumfreis and fischingis pertening to the freiris thairof, of the yeir compted, by the tuentie markis of the Custumes of Dumfreis and tuentie markis of the Castell Wardis of Roxburgh with the quhilkis the Comptaris charges thame nocht, be reasoun thair ar assumed and tane into the propertie and thairin is maid compt of 33 11 10

EDINBURGH—

And with £38, 5s. 8d. lifted by the Compters of the houses, lands, crofts and acres pertaining to the Blak Freiris of Edinburgh¹ £38 5 8

GRAIN²

Wheat

CH. BS. FS.

PERTH—

And with the hale of the quheit of the freiris of Sanct Johnnestoun, extending to. . . . 0 8 1

STIRLING—

[The 8 bollis of the freiris of Stirling owt of Bothkennar ar not charged heir be reason thei ar tane into the propertie.]

Beir

MURRAY—

For the third of the beir of the Haugh sometime pertaining to the Blak Freiris of Elgyne 1 2 0

And beir for the fermes of Bogsyid also sometime pertaining to them 1 8 0

And for the fermes of Masonden pertaining to them 2 4 0

ABERDEEN—

For the hale beir of the Quhyte Freiris of Aberdeen and Banff 1 5 2

For the hale beir of the Blak Freiris of Aberdeen 2 9 0

FORFAR AND KINCARDINE—

And with sextene bollis for the beir of the Cordeleir Freiris of Dundee, extending to 0 16 0

And with the hale beir of the freiris of Berwy, extending the yeir foirsaid to 0 40 0

And with tuelf bollis beir for the hale beir of the freiris of Montrois extending to 0 12 0

PERTH—

The whole beir of the Blak Freiris of St. Johnston 0 6 1

LOTHIAN—

The beir of the Blaik Freiris of Edinburgh 1 1 0

The beir of the freiris of Linlithgow 0 10 2

¹ *Vide Rental, infra, p. 373.*

² Scots measure, Chalders, Bollis, Firlots.

THIRDS OF BENEFICES

		CH.	BS.	FS.
<i>Meal</i>				
FORFAR AND KINCARDINE—				
	The meal of the freiris of Berwy	0	15	0
	The meal of the freiris of Montroise	0	8	0
PERTH—				
	The meill of the freiris of St. Johnston	0	5	7
LANARK—				
	Meill received out of the lands of Ballegane in Lennox occupied by John Buchannane, some- time pertaining to the Freiris Predicatouris of Glasgow,	0	10	0
LOTHIAN—				
	Meill of the freiris of Linlithgow	0	14	2

		CH.	BS.	FS.
<i>Malt</i>				
LANARK—				
	Malt received from the acres lying beside Glasgow, sometime pertaining to the Freiris Predicatouris thereof,	0	7	0

		CH.	BS.	FS.
<i>Oats</i>				
PERTH—				
	The oats of the Blak Freiris beside Perth	0	1	1

EXONERATIONS

And of the soume of sex pundis, thre schillingis, foure penneis, for the Blak Freiris males of Dundee, and tuintie five pundis for the Gray Freiris males of Dundee, and tuinty aucht schillingis for the Gray Sisteris of Dundee, extending in the hail to threttie twa pundis, eivin schillingis, foure penneis, with the quhilk the towne of Dundee and thair thesauraris intromettit and applyit in thair commoun aufairis befor the Comptaris enterie to his office, quhair of he aucht to be dischargit £32 II 4

Freiris Wageis

The Comptar discharges him of the soumes following, pait for the *freiris wageis* eftirmentionat, conforme to the ordoure taken be our Soverane Lady with thame and hir Graces mynd and directioun gevin to the Comptare thairupoun, viz. :—

To John Robertsoun, ¹ James Ramsay, Alexander Cay, Francis Wricht, ² Arthur Strone, Hew Harroware, John Blindscheill ¹ and Robert Keith, ¹ freiris of Invernes and Elgyne, each £16 per year,	. £128 0 0
And to John Watsoun, Gilbert Ednem, Gilbert Williamesoun, John Cuming, David Craig, ³ John Fulfurd, Alexander Floukare, John Patoun, James Watsoun, William Wode, ³ John Cristesoun, ⁴ John Brabanar, Alexander Harwy ⁵ and Andrew Quhytecorse, Quhyte, Blak, Gray and Trinitie freiris of Abirdene and Banff, each £16 per year,	. 224 0 0
And to John Smyth, ⁶ John Broun, ⁷ John Doidis, ⁶ William Gibsoun, ⁶ John Cristesoun, ⁶ John Adame, ⁶ Robert Jaksoun ⁶ and (John Ferguson ⁷) Quhyte, Blak and Gray Freiris of Dundee, Bardy (Bervy) and Montroise, being aucht in nomeber, and ilkane of thame takand in the yeir sextene pundis, as thair acquittances schawin and producit upon compt proportis, quherof the Comptare aucht to be dischargit	. 128 0 0
And to Robert Richie, Robert Camroun, ⁸ George Eviot, ⁸ John Johnnestoun, ⁸ Patrick Neilson, ⁸ Robert Aitkin, John Merny, Michael Seill, ⁸ John Gray ⁸ and Alexander Young, Blak and Quhyte Freiris of Sanct Johnnestoun, and als to James Hutone, ane of the saidis Quhyitt Freiris, each £16 yearly	. 176 0 0
And to John Law, ⁹ George Denewaill, Charles Home, ¹⁰ Herbard Stewart, ¹⁰ James Cant, ¹¹ Mark	

¹ Black Friars (Elgin).
² Dominican Prior of Perth, 1553.
³ White Friars.
⁴ Provincial Minister of the White Friars.
⁵ Observatine Grey Friar.
⁶ Black Friars (Montrose).
⁷ Conventual Grey Friars (Dundee).
⁸ Black Friar.
⁹ Black Friar, Sub-Prior of Glasgow.
¹⁰ Conventual Grey Friars (Dumfries).
¹¹ Conventual Grey Friar (Kirkcudbright).

THIRDS OF BENEFICES

Hamiltoun, David Dawsoun, James Carruderis, John Leverance, Moreis Allane, Thomas Lawtie, ¹ John Lethame and James Fothringhame, freiris of Lanark, Air, Striveling, Glasgow, Kirkcud- brycht and Dumfreis, £16 each yearly	£208	0	0
And £26 paid to Freir William Hendersoun, sumtyme Priour of the Blak Freiris of Striveling, by the Queen's precept	26	0	0
And to Bernard Stewart, ² John Stevinsoun, James Richertsoun, Andrew Leyis, ³ James Hopper, ² . . . Blyth, John Chepman ² and James Johnnestoun, Blak and Gray Freiris of Edinburgh, being aucht in nowmer and ilkane of thame takand in the yeir sextene pundis, as thair acquittances particularlie schawin and productit upoun compt beris, quhairof the Comptare aucht to be dischargit	128	0	0
And £16 as ordiner and £9, 6s. 8d. more, paid by the Comptare at the Queen's command to Freir John Greirsoun, sumtyme Provinciall of the Blak Freiris,	25	6	8
And of the soume of thretty twa pundis pait be the Comptare to Johnne Pwrrok and Hew Cant, twa of the (Grey) Freiris of Roxburgh, of the yeir compted extending to	32	0	0
And of the soume of twenty pundis pait be the Comptar to Freir Williame Lamb ³ and Johnne Gadye, ³ for the keping of the Gray Freiris place of Abirdene and yardis thairof, at command of the Quenis Majesties precept direct thairupoun, for the yeir compted	20	0	0

1562

CHARGE

Money

ABERDEEN AND BANFF—

For the silver maills of the acres and lands pertain- ing to the Quhite Freiris of Aberdeen and Banff	78	11	4
---	----	----	---

¹ Conventual Grey Friar (Lanark).² Black Friars.³ Observatine Grey Friars.

And for the silver maills of the acres and lands of
the Blak Freiris of Aberdeen £38 6 8
And for the third of the Trinitie Freiris of Aber-
deen 18 0 4½

FORFAR AND KINCARDINE—

And with twenty fyve pundis for the silver males
of the Gray Freiris of Dundie, extending the
said yeir to 25 0 0
And £6, 3s. 4d. for the silver maills of the Blak
Freiris of Dundie 6 3 4
And with twenty aucht schillingis for the silver
males of the Gray Sisteris of Dundie, extending
the said yeir to 1 8 0

FIFE—

For the maills of the Blak Freiris of St. Andrews
and Cowpar, paid out of Sanct Monanis, Dury,
Petmyllie, Balcomie, and
Clochrystane 57 6 8

PERTH—

The anwellis within the town of Perth pertaining
sometime to the Freiris Carmelitis of Tulylum 16 0 0
And for the annuals and crofts pertaining to the
Blak Freiris besyde Perth 60 0 0

Nota. The pensionis quhilkis pertenet to the
saidis freiris owt of the Custumes of Dundie and
owt of the Custumes of Perth and owt of the
Mylnis of Perth, extending to £34, 6s. 8d., ar not
charged heir, be reasoun thair tane in agane to
the propertie and aucht to be maid compt of
thair.

LANARK—

And with thre pundis, aucht schillingis, sex penneis,
for the anuellis of the towne of Lanark sumtym
pertening to the freiris thair of (£3, 8s. 6d.?) 3 6 8
For the whole silver pertaining to the Freiris
Predicaturis of Glasgow from the annuals of the
Duke's lands of the nether toun of Hamilton and
annual lying in Avendale, and the annuals of the
town of Glasgow 27 6 8

THIRDS OF BENEFICES

And for the maills of the Blak Freiris yardis of
Glasgow, £5 for crop 1561 and £5 for crop
1562 £10 0 0

KIRKCUDBRIGHT—

And with sex pundis, threttene schillingis, foure
penneis, fra the Custumes of Kirkcudbrycht,
pertening to the saidis freiris thereof, extending
to 6 13 4

And with sevin pundis, fyvetene schillingis of the
anuellis of the saidis freiris, extending to 7 15 0

DUMFRIES—

And with threttie thre pundis, ellevin schillingis, ten
penneis, for the anuellis of Dumfreis and fischingis
pertenying to the freiris thairof, of the yeir
compted, by the twenty markis of the Custumes
of Dumfreis and twenty markis of the Castell
Wardis of Roxburgh with the quhilkis the
Comptares chargis thame nocht, be reasoun thair
ar assumed and tane into the propertie, and
thairin is maid compt of 33 11 10

EDINBURGH—

And of the houses, lands, crofts and acres pertain-
ing to the Blak Freiris of Edinburgh 38 5 8

[WHEAT, BEIR, MEAL AND MALT AS IN ACCOUNT OF 1561]

Malt

CH. BS. FS.

Twelve bolls malt more lifted of the said freiris,
quhilk wes not chargeit in the lxj yeiris compt
be ressoun that Niniane Cwningham had intromet
therwith the said yeir, be vertew of his letters of
factorie befor the Comptaris entre to his
office 0 12 0

Defalcation of Beir

And nyne bollis gevin downe to the fermoraris
of the Freirishauch of Elgin, becaus the watter
of Lossy the yeir compted be inundatioun and
speat tuke away the maist parte of the said
hauch, ryddin and esteamed to 0 9 0

DISCHARGE

Freiris

And of the foirsaid sowme yit restand their aucht to be defeased and allowed to the Comptare—

Ane hundreth fourty foure pundis payed be the Comptare to thir nyne freiris following, viz., Johnne Blynscheill, Frances Wrycht, Antone Stronoch, Robert Keith, Johnne Robertsoun, James Ramsay, Alexander Cay, Williame Symsoun and Johnne Thomsoun, Blak and Gray Freiris of Elgin and Inverness, ilkane of thame takand in the yeir sextene pundis as their acquittances produceit upoun compt proportis . £144 0 0

And of a hundreth tuelf pundis payed be the Comptare to Johnne Cristesoun, Johnne Adamsoun, Robert Jaksoun, Johnne Doddis, Johne Browne, Johne Fergusson and Williame Gibsoun, sevin freiris of the places of Montrose and Dundee, ilkane of thame takand the yeir compted xvj li as their acquittances schawin upoun compt ber 112 0 0

And £48 paid to John Greirsoun, Thomas Lystoun and Henry Masoun, three Blak Freiris of Sanct Androis, each £16 yearly 48 0 0

And £16 paid to David Alesoun, sometime one of the Blak Freiris of Air, 16 0 0

And to freiris Johnne Dennevall, Charles Home, Herbert Stewart, James Cant, Mark Hammiltoun, David Dawsoun, Johnne Lethame, George Law,¹ James Carrutheris, James Fothringhame, Johnne Leverance, Moreis Allane, Thomas Wrycht, Thomas Lawtye, Johnne Rolland² and Johnne Law, in nomber sextene freiris of Striveling, Glasgw, Lanark, Air, Drumfreise and Kirkcudbrycht, ilkane of thame takand the yeir compted £16, extending in the hail to 256 0 0

And £26 paid to Freir William Hendersoun, sometime Prior of the Blak Freiris of Striveling by the Queen's command 26 0 0

¹ Conventual Grey Friar (Dumfries), also called Thomas Law.

² Black Friar (Ayr).

And thretty twa pundis gevin to Hew Cant and Johnne Purrow, twa of the freiris of Roxburgh, ilkane of thame takand for the yeir compted sextene pundis, extending baith togidder to the sowme of	£32	0	0
And ane hundreth twenty aucht pundis payed be the Comptare to Bernard Stewart, James Stevinsoun, James Richartsoun, Andro Leyis, James Hoppare, . . . Blyth, Hopparis marrow, Johnne Chapman, and James Johnnestoun, aucht freiris of Edinburgh takand the yeir compted ilkane of thame £16, extending in the haill to	128	0	0
And to Robert Riche, David Camroun, George Eviott, Johnne Johnnestoun, Robert Aitkin, Patrik Eilsoun, Johnne Gray, Johnne Meyrine, Michell Seill, Alexander Young, James Hutoun, James Smyth, David Rag, Robert Vaitche and Thomas Aitkin, fyvetene Quhyte, Blak and Gray Freiris, ilkane of thame takand the yeir compted saxtene pundis, extending the yeir compted to	240	0	0
And sextene pundis payed to the said freir Johnne Rolland for lxj yeir, quhilk was not allowed to the Comptare the said yeir	16	0	0
And of twenty pundis payed be the Comptare to Freiris Williame Lamb and Johnne Gady for grathing of the Gray Freiris yardis of Abirdene the yeir compted	20	0	0
And of twa hundreth fyfty and sex pundis payed be the Comptare to Alexander Herwy, Gilbert Ednem, Gilbert Williamsoun, Johnne Cuming, James Watsoun, . . . Walcare, Androw Abircrumby, David Craig, John Fowlfurde, Alexander Flukare, Johnne Pawtoun, Williame Wode, Johnne Brabner, Williame Gardnare, Johnne Cristesoun, Androw Quhytcroce, Quhyte, Blak, Gray and Trinitie freiris of Abirdene, ilkane of thame takand be yeir £16, extending in the haill to the foirsaid sowme of	256	0	0
And to Freir John Smyth, ane of the freiris of Berwy,	16	0	0

Restis in Murray

In the handis of Thomas Innes and Robert Innes
for sex bollis, thre furlottis victuall of the fermes
of the Freirishauch of the said yeir £13 10 0

1566

And of sexten pundis pait to Johnne Chepman, sum-
tyme Blak Freir in Edinburgh, quherof na allowance
wes tane be the Collectour of Lowthyane for the yeir
compted 16 0 0

1573¹

DISCHARGE²

To the toun of Dundie, for sustentatioun of their puir
and hospitalitie, thè maillis of the Gray Freiris
thairof 25 0 0
To the same, the maillis of the Blak Freiris thairof 6 3 4
To the same, the maillis of the Gray Sisteris thairof 1 8 0
To the toun of Stirveling, the annuellis of the freiris of
Stirveling disponit to thame to the sustentatioun of
their pure, extending to 3 3 0
To the toun of Perth, the haille silver of the Blak Freiris
thairof for sustening of the pure and hospitall of the
same 60 0 0
To the towne of Edinburgh, for sustentatioun of their
pure, the maillis and annuellis of the Blak Freiris of
Edinburgh, extending to 74 12 6
To the toun of Dunfreis, the silver of the freiris thairof
gewin to thame for sustentatioun of their pure 33 6 8

1576³

DISCHARGE OF BEIR

And of the haille beir of the freiris of Dundie, gevin and
disponit be oure Soverane Lord to the toun thairof
for sustentatioun of the puir hospitaill, extending to 1 Chalder

¹ No Accounts 1569 to 1572 inclusive.

² Repeated in Accounts of 1577-78-79.

³ The Accounts for 1574 consist of a fragment of the Charge.
There is no Account for 1575.

1580-1589¹

CHARGE

Money

And with the hail money of the (Black) Freiris of Elgin, the yeir comptit extending to	£61	6	8
And with the money of the Blak Freiris of Invernes, the yeir comptit extending to	17	8	4
And with the few maillis of the Carmeleit Freiris landis besyde Banf, the yeir comptit	24	0	0
And with fortie s. for the mansioun place of the saidis freiris, the yeir comptit extending to	2	0	0
And with the silver maillis of the aikaris and landis pertening to the Quhyt Freiris of Abirdene	48	11	4
And with the silver maillis of the aikaris and landis pertening to the Blak Freiris of Abirdene	38	6	8
And with the third of the Ministrie of the Trinitie Freiris of Abirdene, the yeir comptit	18	0	4½
And with the few maillis of the saidis Carmeleit Freiris besyde Banf, gleib and manse, the yeir comptit	4	0	0
And with the hail maillis of the freiris of Bervie, the yeir comptit extending to	6	0	0
And with the maillis of the freiris of Monrose, the yeir comptit extending to (£53, os. 6d.?)	53	6	8
And with the teind silver of the Clalek and Newmanis Wallis, set in assedatioun be the saidis freiris (Montrose),	16	0	0
And with the silver of four barrellis of salmound set in assedatioun be the saidis freiris (Montrose) for	12	0	0
And with the hail maillis of the Gray Freiris of Dundy, the yeir comptit extending to	25	0	0
And with the hail maillis of the Gray Sisteris of Dundie, the yeir comptit	1	8	0
And with the hail maillis of the Blak Freiris of Dundie, the yeir comptit extending to	6	3	4
And with the hail money pertening to the Blak Freiris besyd Perth, the yeir comptit	60	0	0
And with £22, 13s. 4d. aucht to be paid be the Laird of Sanct Monance for ane annuel rent aucht to the Blak Freiris of Sanct Androis, the yeir comptit	22	13	4

¹ Incidental variations appear in footnotes.

And with £2, 13s. 4d. aucht to be pait be the Laird of Durie out of his house of Cowpare to the saidis freiris of Sanct Androis, the said yeir	£2 13 4
And with £2 aucht to be pait be the Laird of Pitmillie furth of his saidis landis to the saidis freiris	2 0 0
And with twentie pundis aucht to be pait be the Laird of Balcomy to the saidis freiris furth of the landis of Sanct Nicolace besyid Sanct Androis	20 0 0
And with twenty pundis aucht to be pait furth of the landis of Feldeis and Clochristane be the tennentis therof to the saidis freiris, the yeir comptit	20 0 0
And with the annuellis of the Blak Freiris of Stirveling, the yeir comptit	3 3 0
And with the money of the freiris of Lynlythgow tane up of the croftis and aikaris pertening thairto	6 6 8
And with the money of the Blak Freiris of Edinburgh liftit of the housses, croftis and aikaris pertening to the saidis freiris, the yeir comptit	74 12 6
And with the haill silver quhilk pertenit to the Freiris Predicatoris of Glasgw, the yeir comptit	32 4 6½
And with £33, 11s. 10d. for the annuellis of Dumfreis and fischeingis pertening to the freiris thairof, by the 20 merkis of the Castell Wardis of Roxburgh and 20 merkis of the Custumes of Dumfreis, with the quhilk the Comptair chargis him not becaus it is tane into the propertie, extending to	33 11 10
And with the annuellis of the toun of Lanerk pertening sumtyme to the Gray Freiris therof, the yeir comptit	3 6 8

GRAIN

Wheat

CHARGE

	CH. BS. FS.
And with the haill quheit of the Blak Freiris of Perth, the yeir comptit extending to	0 8 1

DISCHARGE OF WHEAT: GEVIN FREE

And of the quheitt of the Blak Freiris of Perth, gevin and disponit be our Soverane Lord to the towin theirow for support of the powre and hospitaletie theirow,	0 8 1
--	-------

Beir

CHARGE

	CH.	BS.	FS.
And with the hail beir of the Blak Freiris of Abirdene, the yeir comptit extending to	2	9	0
And with the hail beir of the Cordeleir Freiris of the burgh of Dundie, the yeir comptit	1	0	0
And with the hail beir of the freiris of Monrose, the yeir comptit extending to	0	12	0
And with the hail beir of the freiris of Berwie, the yeir comptit extending to	2	3	0
And with the hail beir pertening to the Blak Freiris besyid Perth, the yeir comptit	0	6	1
And with the third of the beir of the freiris aikaris and croftis besyid Lynlythgw, the yeir comptit	0	10	2
And the third of the bear of the Hauch of the Black Freirs of Elgin	1	2	0
And the fermes of Massindew pertaining to them	2	4	0
And the bear of the fermes of Boigsyid pertaining to them	1	8	0

DISCHARGE: BEIR GEVIN FREE

And of the hail beir of the freiris of Dundie, gevin and disponit be oure Soverane Lord to the toun thairof for sustentatioun of the hospitable and puir, extending to	1	0	0
And of the hail beir of the freiris of Monrose, gevin and disponit be oure Soverane Lord to the toun thairof for sustentatioun of their puir and hospitaill, extending to	0	12	0
And of the beir of the freiris of Bervie, gevin to Mr. David Lyndsay, minister at Leith, heritable be infestment as the same proportis,	2	8	0
And of the hail beir of the freiris of Perth, gevin to the toun thairof for sustentatioun of their puir and hospitalitie thairof, the said yeir	0	6	1
And of the beir of the Freirishauch of Elgin, ¹ disponit be oure Soverane Lord with avise of his Regent for the tyme, heritable to James Innes in the Chalmer, extending to	1	2	0

¹ Same, 1581-84 ; classified as Depending in 1585, 1586.

	CH.	BS.	FS.
And of a chalder beir of the saidis freiris, gevin at command of our Soverane Lord to the purr beidmen of Massindew in almous, the said yeir	1	0	0
And of fourtene bolls beir ¹ for the beir of the myln of Kessok, sumtyme pertening to the freiris of Invernes, gevin free be oure Soverane Lord to James Gray as his gift beris,	0	14	0
And of 2 chalders 6 bolls beir for the rest of the beir of the Blak Freiris of Elgin, by and attour that is disponit to James Innes and the purr beydmen, and by 6 bolls tane away be innundatioun of the watter, gevin and disponit be oure Soverane Lord to Archibald Dowglas of Pittndreich, ² extending to	2	6	0

DISCHARGE OF BEIR : SET FOR SILVER

And of the haill beir of the Blak Freiris of Abirdene, ³ the yeir comptit, and of the haill beir of the Quhyt Freiris of the same, the said yeir sett in assedatioun to Capitane Hew Lawder and David Mar, his assignay, for payment yeirlie of the sowme of , extending baith to	3	14	2
And of 10 bolls 2 firlots beir for the third of the beir of the freiris aikaris besyid Lynlythgw	0	10	2

DISCHARGE OF BEIR : EXTRAORDINARIS

And of 6 bolls beir of the fermes of Boigsyid pertening to the Blak Freiris of Elgin, ⁴ now in the handis of Agnes Grant, tane away be innundatioun of the watter of Lossy,	0	6	0
--	---	---	---

Meal

CHARGE

And with the haill meill of the freiris of Bervie, the yeir comptit extending to	0	15	0
--	---	----	---

¹ Same, 1581-83; marked as Depending, in the hands of various persons, 1584-89.

² Same, 1581-84; Depending, 1585, 1586; disponed to Patrick, Master of Gray, on the forfeiture of the said Archibald Douglas.

³ 1581-1586; disponed to Mr. William Leslie, except in 1584, when it was granted to the town of Aberdeen for the poor and hospital.

⁴ Same, 1581-84; Depending, 1585-89.

	CH.	BS.	FS.
And with the haille meill of the freiris of Monrose, the yeir comptit extending to	0	8	0
And with the haille meill of the Blak Freiris of Perth, the yeir comptit	0	5	2
With the third of the meill of the freiris of Lynlythgw aikaris and croftis pertening thairto, extending to	0	14	2
And with the haille meill of the Freiris Predicaturis of Glasgw, the yeir comptit extending to	0	10	0
And with the haille meill of the freiris of Lanark, the yeir comptit extending to	0	3	0

DISCHARGE OF MEAL: GIVEN FREE

And of the haille meill of the freiris of Bervie, gevin and disponit be oure Soverane Lord to Mr. David Lyndesay, minister at Leith, heritable be infestment as the same proportis, extending the yeir comptit to	0	15	0
And of the haille meill of the freiris of Monrose, gevin to the toun for sustentatioun of the puir and hospitalitie, the yeir comptit	0	8	0
And of the haille meill of the Blak Freiris of Perth, gevin to the toun thairof for sustentatioun of thair puir and hospitalitie, the said yeir	0	6	2
And of the haille meill of the Freiris Predicaturis of Glasgw, gevin free be oure Soverane Lord to the Maisteris, Regentis and studentis of the pedagog of Glasgw, the yeir comptit extending to	0	10	0

DISCHARGE OF MEAL: SET FOR SILVER

And of 14 bolls, 2 firlots meill of the freiris aikaris besyid Lynlythgw, the yeir comptit	0	14	2
--	---	----	---

CHARGE OF OATS

And with the haille aittis of the freiris of Perth, the yeir comptit extending to	0	1	0
---	---	---	---

DISCHARGE OF OATS: GEVIN FREE

The haille aittis of the Blak Freiris of Perth, gevin and disponit be oure Soverane Lord to the toun thairof to the sustentatioun of the puir and hospitalitie thairof,	0	1	0
---	---	---	---

Additional

And with £13, 3s. 4d. restand unchargit of the £19, 10s.,
 quhilkis the freiris aikeris of Linlythgw ar decernit be
 decreit of the Lordis of Counsale to pay alanerlie for
 the hail money and victuales of the saidis freiris, the
 rest of the said sowme of £19, 10s. being chargit
 befor in the silver charge, restis heir to be chargeit . £13 3 4

DISCHARGE OF MONEY: STUDENTS AND BURSARS

To the pedagog of Glasgow, the hail money pertening sumtyme to the Freiris Predicaturis of Glasgw	32 4 5½
To Mr. John Russell, sone to Mr. David Russell, student, the annuel rent of the Blak Freiris of Sanct Androis aucht of the landis of Sanct Monance,	22 13 4

DISCHARGE OF MONEY: GIVEN FREE

To Hew Lauder and David Mar, ¹ the silver maillis of the Blak Freiris of Abirdene, the said yeir	38 6 8
To the puir and hospitalitie of Inverness, the silver maillis of the Blak Freiris thairof, gevin and disponit be our Soverane Lordis darrest modder to thair sustentatioun,	17 8 4
To the toun of Dundie, for sustentatioun of their puir and hospitall, the maillis of the Gray Freiris thairof	25 0 0
To the same, the maillis of the Blak Freiris thairof	6 3 4
To the same, the maillis of the Gray Sisteris thairof	1 8 0
To the toun of Monrose, for sustentatioun of their puir and hospitalitie, the maillis of the freiris thairof	53 6 8
To the toun of Monrose, the maillis of Clalek and Newmanis Wallis, the yeir comptit	16 0 0
To the same, the silver of four barrellis salmond sett be the saidis freiris for	12 0 0
To the same, the few maillis of the freiris landis of Bervie	6 0 0
To the hospitall of Sanct Nicolace, besyde Sanct Androis, the annuel rent aucht to the Blak Freiris thairof	20 0 0
To the toun of Perth, the hail silver of the Blak Freiris thairof for sustening of their puir and hospitalitie	60 0 0

¹ Given to Mr. William Leslie, 1581-3, 1585, 1586; in 1584
 to the Town of Aberdeen.

To the toun of Edinburgh, for sustentatioun of their pure, the maillis and annuellis of the Blak Freiris of Edinburgh	£74	12	6
To the toun of Dunfreis, the silver of the freiris thair of gevin to thame for sustentatioun of their pair,	33	6	8 ¹
To the pair beydmen, being four in number of the Massindeu in Elgin in ailmous, the yeir comptit	2	13	4
To Thomas Lyndsay, sone to Thomas Lyndsay in Leith, the freirs aikeris of Lynlythgw, the yeir comptit	19	10	0

DISCHARGE OF MONEY: EXTRAORDINARIS

And of £20 for the annual rent aucht furth of the landis of Feldeis and Clochristane, evictit be decretit of the Lordis of Counsale at the instance of the Lord Levingstoun,	20	0	0
And of £2, 13s. 4d. aucht be the Lard of Durie out of his house of Coupare, the yeir comptit, evictit be decretit of the Lordis at the instance of the said Lard,	2	13	4

ADDITIONAL ENTRIES, 1581-1589²

1588-89, DISCHARGE OF BEIR: ERECTIONIS

And of the beir of the freiris of Bervie, gevin and disponit be our Soverane Lord heretable to Mr. David Lyndsay, and therfoir the said beir aucht heir to be defeased, extending to	CH.	BS.	FS.
	2	8	0

1588-89, DISCHARGE OF BEIR: ERECTIT

And of the beir of the Freirishauch of Elgin, disponit heretable to Mr. Alexander Dumbar, Dene of Murray, be our Soverane Lord, extending the yeir comptit to	2	2	0
---	---	---	---

1585-89, DISCHARGE OF BEIR: DEPENDAND

And of the fermis of Massinden dependand at the instance of Thomas Wmphra, burges of Elgin, and the Compteris execution suspendit the lxxxv yeir, 2 chalders, 4 bolls, and alsmekill yeirlie for the lxxxvij and lxxxvij yeiris, and at the instance of John Innes, preceptor thair of, for the yeir comptit extending in the hail to	9	0	0
---	---	---	---

¹ Hitherto £33, 11s. 10d.² The Account for the year 1587 is not extant.

1588-89, DISCHARGE OF BEIR: EXTRAORDINARIS

CH. BS. FS.

And of the beir of the Haugh of the freiris of Elgin, quhilk dependit at the instance of Mr. Alexander Dunbar, Dean of Murray, for the lxxxv, lxxxvj and lxxxvij yeiris crope, and sensyne is evictit at his instance, and thairfoir the said beir extending everie yeir to 1 chalder, 2 bolls aucht heir to be defeased, makand in the haill 3 6 0

1588-89, DISCHARGE OF BEIR: ERECTIT

And with the beir of the Quheit and Blak Freiris of Aberdene, because the samen is fewit be our Soverane Lord to George, Erle of Merschell, and thairfoir the said beir aucht heir to be defeased 2 14 2

1588-89, DISCHARGE OF MEILL: ERECTIONIS

And of the meill of the freiris of Bervie, gevin and disponit be our Soverane Lord heretable to Mr. David Lyndsay, and thairfoir the said meill aucht heir to be defeased, extending to 0 15 0

1583-89, LAST CHARGE OF MONEY

And with the soume of £13, 3s. 4d., as for the rest of the few dwetie of the freiris aikeris besyde Linlythgw, evictit be decretit at the instance of Alexander Bruce of Airth, and he ordanit to pay therefoir alanerlie the soume of £19, 10s., off the quhilk soume the Compter is chargit of befoir in the silver charge with the soume of £6, 6s. 8d., and sua restis heir to be chargit . £13 3 4

1588-89, DISCHARGE OF MONEY: TOWNS AND HOSPITALS

To the toune of Aberdene, for sustentatioun of thair puire and hospitalitie, the few dewtie of the Quheit and Blak Freiris thairof, the yeir comptit £40 0 0
 To the toune of Sanct Androis, for sustentatioun of thair puire and hospitalitie, the annuellis of the Blak Freiris thairof 20 0 0

1585-89, DISCHARGE OF MEILL: EXTRAORDINARIS

And of the meill of the freiris of Lanark, evictit at the

	CH.	BS.	FS.
instance of Barnard Lyndsay, sone to the Lard of Covingtoun, fewar thairof, the yeir comptit	0	3	0

1588-89, DISCHARGE OF MONEY: ERECTIT

To George, Erle Merschell, the money of the Quheit and Blak Freiris of Aberdene, disponit to him heritable, the yeir comptit	£86	16	0
And of the annuellis of the Blak (Grey?) Freiris of Lanark, the yeir comptit, evictit at the instance of the provest and bailleis thairof, extending to	3	6	8
And of the annuel rent payit be the Lard of Pitmillie, evictit be him, the yeir comptit	2	0	0
And of ane annual rent payit be the Lard of Balcomie, evictit be him,	20	0	0

1589, DISCHARGE OF BEIR: DEPENDAND

	CH.	BS.	FS.
Off the beir of the mylne of Kessok, dependand at the instance of the toune of Invernes and Donald Saige, fermorar thairof, the yeir comptit, 14 bolls, and alsmekill yeirlie for the lxxxv, lxxxvj, lxxxvij and lxxxviiij yeiris preceidand, extending in the hail to	4	6	0
And of the fermis of Bogsyde, dependand at the instance of Margaret Gordoun, the relict of umquhile Patrik Grant of Ballindallach, the lxxxvj yeir, 1 chalder, 8 bolls, and alsmekill the lxxxv yeir preceidand, extending in the hail to	3	0	0
And of the beir of Bogsyde, dependand at the instance of Archibald Dowglas of Pittindreich, the lxxxvij yeir, 1 chalder, 8 bolls, and alsmekill the lxxxviiij yeir and yeir comptit, extending in the hail to	4	8	0
And of the beir of the fermis of Massinden, dependand at the instance of Thomas Wmphra, burges of Elgin, the lxxxvij yeir, 2 chalders, 4 bolls, and alsmekill yeirlie the lxxxv and lxxxvj yeiris preceidand, extending to	6	12	0
And of the saidis fermis of Massinden, dependand at the instance of Johnne Innes, preceptour thairof, the yeir comptit, 2 chalders, 4 bolls, and alsmekill the lxxxviiij yeir preceidand, extending in the hail to	4	8	0

ACCOUNTS OF THE SUB-COLLECTORS

I. ABERDEEN AND BANFF

1563

CHARGE

The silver maills of the acres and lands pertaining to the Blak Freiris of Abirdene	£38	6	8
The third of the Ministrie of the Trinitie Freiris of Abirdene	18	4	2½
	CHS.	BS.	FS.
The third (?) of the beir of the Quhyte Freiris of Abirdene	1	5	2
The third (?) of the beir of the Blak Freiris of Abirdene	2	9	0

FREIRIS WAGEIS

Alsua thair aucht to be defeased and allowit to the Comptare the sowme of fyve scoir tuelf pundis pait be him to the sevin freiris following, ilkane of thaim takand yeirlie £16 conforme to the ordour tane with the haille freiris of this realme, that is to say, Johnne Cristesoun, Provinciall of the Quhite Freiris of Abirdene, David Craig, William Wode, Quhite Freir thairof, Andro Abircrumby, Priour of the Blak Freiris, Master Alexander Harvie, William Lamb and Johnne Gawdie, Gray Freiris of Abirdene, extending in the haille to £112 0 0

1564¹

FREIRIS WAGEIS

Alsua thair aucht to be defeased and allowit to the Comptare the soume of foure scoir pundis pait be him to fyve freiris, ilkane of thame takand in the yeir £16, conforme to the ordour tane with the hale freiris of this realme, that is to say, Alexander Harvie, William Lamb, Johnne Gawdie, John Pawtoun and Williame Wode, Blak, Gray and Quhite Freiris of Abirdene, extending in the hale to 80 0 0

¹ Charge of money, &c., as above.

1567¹

CHARGE

The silver maills of the acres and lands pertaining to
the Quheit Freiris of Aberdeen £48 11 4
[The others are as in Account of 1563.]

FREIRIS WAGEIS

And lykwyes the Comptar aucht to be dischargit of the
sowme of aucht pundis to ilkane of the freiris under-
wreittin, to the numer of . . . , Blak, Gray and
Carmeleit Freiris within the schirefdomes off Aber-
dene and Banff, of the thre scoir sewin yeir compted,
that is to say, to Alexander Harwy, Johnn Cuming,
Johnne Fulfurd, ilkane of thame taikand in the yeir
£16, pait thairof to every ane aucht pundis as said is,
extending in the hail to 24 0 0

1573

DISCHARGE

To Captain Hew Lauder and David Mar, his assignee,
the silver of the Blak Freiris of Aberdeen during the
saidis twa yeiris, yeirlie sett to thame in tak be our
Soverane Lordis moder 38 6 8
To the same, for the silver of the Quhite Freiris . . . 48 11 4

II. DUMFRIES, ANNANDALE, KIRKCUDBRIGHT, WIGTON

1563

CHARGE

And with sevin poundis, xv s. of the annuellis of
Kirkcudbrycht pertening to the freris thairof, of the
yeir compted extending to £7 15 0

Nota. The Comptar chargis him nocht with the
Customes of Kirkcudbrycht, because thai ar chargit
in the properte.

And with £33, 11s. 10d. of the anuellis of Dumfreis
and fischingis pertening to the freris thairof, of the

¹ No Accounts for the years 1565 and 1566.

yeir compted, by the 20 merkis of the Customs of Dumfreis and 20 merkis of the Castell Wardis of Roxburgh with the quhilkis the Comptar chargis hym nocht, be rasoun thai ar intromettit with be the Comptroller as the Qwenis grace propertie, . . . £33 11 10

DISCHARGE

Alsua the compter dischargis hym . . . in the first of the sowme of fowir scoir pundis payit be the Compter to fyif freris wnderwrittin of Dumfreis, Kirkcudbrycht and Ayir, that is to say, Cherles Hwme, Herbert Steward, Thomas Law, James Kant and Johne Rolland, ilk freir haifand be yeir, conforme to my Lord Comptroller's precept, sextein pund, extending in the hail to 80 0 0

1568¹

CHARGE

And with £7, 15s. for the annuellis of Kirkcudbrycht pertenyng to the freris thairof, of the yeir comptit extending to 7 15 0
 And with £33, 11s. 10d. for the annuellis of Dumfreise and fischeingis pertenyng to the freiris thairof, of the yeir comptit, by the tuentie merkis of the Castell Wardis of Roxburgh and tuentie merkis of the Custum of Dumfreise, with the quhilk the Compter chargis him nocht becaus it is tane into the propertie, . . . 33 11 10

DISCHARGE

And to the toun of Dumfreis the hail maillis of the landis, fischingis and annuellis, sumtyme pertening to the freris thairof, gevin frie as thair gift under the Grit Seall proportis, extending to £33, 11s. 10d. : allowit of this sowme to Freir Charlis Home £16, restis 17 11 10
 And of sextene pundis pait to ald Freir Johnne Rolly the said yeir, at command of ane precept dyrectit be my Lordis Clerk of Register, Orknay, and Justice Clerk 16 0 0

¹ The intervening Accounts are not extant.

And of sextene pundis pait to Freir David Alleson the said yeir, conforme to ane precept directit as said is, .	£16	0	0
And of sextene pundis pait to Freir Charlis Home, allowit to him of the annuellis of Dunfreis, the said yeir	16	0	0
And of sevin pundis, xv s. pait to Freir James Cant, ane of the freris of Kirkcudbrycht, in part of payment of sextene pundis allowit to him, the said yeir	7	15	0

RESTIS FOR 1566

In the handis of James Bannatyne, and the rest for the annewallis of the freris of Lanark, for the thrid thairof the said yeir	3	6	8
--	---	---	---

RESTIS FOR 1567

In the handis of Freir Charlis Home, sumtyme Wardan of the freris of Dunfreis, and Archibald Macbrair, allegeit fewarris of the annewallis and fischeingis of the same, for a part of the same, the yeir comptit	17	11	10
--	----	----	----

1571¹

DISCHARGE

To James Cant, ane of the freiris of Kirkcudbrycht, takand be yeir saxtene pund payit thairof	7	15	0
---	---	----	---

RESTIS FOR 1566

In the handis of James Bannatyne, and the rest for the anuellis of the freiris of Lanark, for the thrid thairof the said yeir	3	6	8
---	---	---	---

RESTIS OF 1567, 1568, 1569, 1570, 1571

In the handis of Charles Home, sumtyme Warden of the freiris of Dunfreis, and Archibald M'Brair, provest thairof, for a parte of the anuellis and fischeingis sumtyme pertenyng to the freiris, the lxxvij yeir £17, 11s. 10d. and alsmekill of the lxxvij yeiris, extending the twa yeiris to	35	3	8
--	----	---	---

¹ The Account of 1572 is a repetition of preceding Charges, Discharges and Balances.

III. FIFE, FOTHRIK, AND KINROSS, PERTH
AND STRATHERNE

1563

CHARGE¹

A. DOMINICAN PRIORY IN ST. ANDREWS

Paid by the Laird of Sanct Monanis in annuel rent to the (Blak) Freiris ² of Sanct Androis	£22 13 4
Paid by the Laird of Dury to the said freiris furth of his place in Cowper	2 13 4
Paid by the Laird of Pitmyllie to them from the lands of Pitmillie	2 0 0
Paid by the Laird of Balcomy to them furth of Sanct Nicolace besyde Sanct Androis	20 0 0
And furth of the lands of Felldy and Clochryestane paid to the said freiris by the tenants thereof	20 0 0

1564

RESTIS³

In the hands of the Laird of Sanct Monanis for a pairt of the Blak Freiris of the lxij yeir £22, 13s. 4d., alsmeikle for the lxij yeir and alsmeikle for the yeir compted	68 0 0
In the hands of the Laird of Durie of the annuell aucht out of his house in Couper to the Blak Freiris of Sanct Androis £2, 13s. 4d. for the lxj yeir, alsmeikle for the lxij yeir and for 1563 and the present year	10 13 4
In the hands of the Laird of Pytmillie for the annual due by him to the said friars for 1561, 1562, 1563 and 1564,	8 0 0
In the hands of George Lermonth of Balcomie for the duty owing by him from the Sanct Nicolace beside St. Andrews to the Blak Freiris thereof £20 for 1563 and 1564	40 0 0

¹ Repeated in Accounts for 1564, 1568-69-70.
² *Vide* Rental of Provincial John Grierson, *infra*, p. 372.
³ These arrears also appear in the Accounts for the years 1568 and 1569, the single sums being mentioned in 1568 as due for the year 1565, and in 1569 as due for the year 1567.

THIRDS OF BENEFICES

DISCHARGE

And of saxtene pundis payit to Freir Bernard Thom-
soun at command of the Comptrolleris precept . £16 0 0

DISCHARGE

MONEY

To the cryppillis, lamyt, blynd and pouer of Sanct
Nicolace Hospitale beside Sanctandrois, the anuell
rent of £20, pait of befoir be the Lardis of Balcomy
to the Blak Freiris of Sanct Androis, and now
decernit to be pait to the said hospital,¹ . . . 20 0 0
In the handis of Freir Andro Abircrumby the third of
the parsonage and vicarage of Mukarsy, extending to . . . 33 6 8
In the hands of the tenants of Clochriestane an annual
paid therefrom to the Black Friars of St. Andrews
(also in 1569) 20 0 0

B. DOMINICAN AND CARMELITE FRIARIES IN PERTH

CHARGE

MONEY

And with the annuellis pertening to the Quheit Freiris
besyde Perth, the yeir comptit extending to . . . £16 0 0
And with the haile money pertening to the Blak Freiris
besyde Perth, the said yeir extending to . . . 60 0 0

WHEAT

	CH.	BS.	FS.
And with the haile quheit pertening to the Blak Freiris of Perth, of the yeir comptit extending to	0	8	1

DEFEASANCE OF WHEAT

In the hands of William Moncreiff of that Ilk the third
of the wheat of the Blak Freiris of Perth for 1567
and this year, for which he is at the horn, 0 2 2

BEIR

The whole beir pertaining to the Blak Freiris besyid
Perth 0 6 1

¹ Also in Accounts for 1569, 1572, 1573.

DEFEASANCE OF BEIR CH. BS. FS.

And of ane boll, ane firloft beir for a parte of the Blak Freris of Perth for 1567 and 1568 resting in the hands of William Moncreif of that Ilk, for non-payment of which he is at the horn, 0 2 2

MEAL

The whole meal pertaining to the Blak Freiris of Perth this year 0 5 2

DEFEASANCE OF MEAL

A chalder, 13 bolls and a 2 part boll of meal resting in the hands of Mr. John Bertane, now Dean of Dunkeld, for a part of the third of the meal thereof for 1567. 1 14 0½

And in the hands of William Moncreif of that Ilk for a parte of the meill of the Blak Freris of Perth for 1567 0 5 2

OATS

The whole oats pertaining to the Blak Freiris of Perth extending to 0 1 1

DEFEASANCE OF OATS

In the hands of the said William Moncreif of that Ilk for the Blak Freiris aittis of Perth, the same year 0 1 1

1569

RESTIS FOR 1568¹: FIFE

The Laird of Duries annual rent as above £2 13 4

The tenants of Feildis and Clochristain 20 0 0

The Laird of Pitmilie 2 0 0

In the handis of the Laird of St. Monance ane annual rent out of his lands of St. Monans paid to the Black Friars of St. Andrews 5 6 8

V. FORFAR AND KINCARDINE

1563

CHARGE

MONEY

And with the mailles of the Gray Freiris of Dundee, of the yeir compted extending to 25 0 0

¹ Repeated until the Account of 1572.

And with the mailes of the Blak Freiris of Dundee, of the yeir compted extending to	£6	3	4
And with the mailes of the Gray Sisteris of Dundee, of the yeir compted extending to	1	8	0

BEIR

And with the hail beir of the Cordeleiris Freiris of the burch of Dundee, extending to	CH.	BS.	FS.
	1	0	0

FREIRIS WAGEIS

To Johnne Christisoun £16, to Johnne Dodis £16, to Johnne Adamesoun £16, to William Gibsoun £16, to Robert Jaksoun £16, to Johnne Broun £16, to Johnne Fargisoun £16, freiris of Dundee and Montrois, for hail payment of thair pensiones, extending the yeir compted to	£112	0	0
---	------	---	---

RESTIS FOR 1561, 1562 AND 1563

In the handis of Johnne Gardin in Bandoche for the annuell pertening to the freiris of Montrose	12	0	0
--	----	---	---

1566¹

RESTIS

In the hands of John Gardin in Bandoche for the annual thereof pertaining to the freiris of Montrose	8	0	0
In the hands of the tenants of Cuikstoun for an annual thereof pertaining to the said freiris, 1565 and 1566	13	6	8
In the hands of Alexander Lyndesay of Wane for an annual pertaining to them, 1565, 1566,	6	13	4

VI. LINLITHGOW, EDINBURGH, HADDINGTON
AND BERWICK1568²

CHARGE

And with the money of the freiris of Edinburgh liftit

¹ The Accounts for 1564 and 1565 are not extant. The Charge of this Account is the same as that of 1563, and the pensions of Friars Fergusson and Dodds are omitted from the Discharge. The Account of 1567 is wanting, and those of 1568-69 are a repetition of the preceding.

² Those of 1569-70-71-72 are in similar terms.

of the houssis, landis, croftis and aikeris pertaining to the Blak Freirs thereof—(the tenements and acres being enumerated)¹ £74 12 6

DISCHARGE

Of the same, because it is disposed to the hospital of the said burgh 74 12 6

VII. THE BOUNDS OF MORAY

1566

CHARGE

And with the hail money of the (Blak) Freiris of Elgin, extending the yeir compted to 61 6 8
 And with the money of the Blak Freiris of Inverness, extending the yeir compted to 17 8 4

BEIR

	CH.	BS.	FS.
The bear of the Hauch of the Blak Freiris of Elgin	1	2	0
The bear of the fermes of Masondew pertaining to the said freiris	2	4	0
The bear of the fermes of Bogsyde pertaining to them	1	8	0

DISCHARGE ASSIGNED TO THE MINISTERS

The third (?) of the money of the Blak Freiris of Invernes Lyikwyes the Comptar aucht to be discharged of ane hundreth tuentie aucht pundis, pait be the Comptar at my lord Comptrollaris preceptis, to thir aucht freiris undirwrittin, viz., Frances Wrycht, Johnne Blinseill, Johnne Thomsoun, Johnne Robertsoun, Alexander Cay, Williame Symsoun, Robert Keyth and James Ramsay, freiris of Elgin and Invernes, for their pensionis of the yeir compted, ilkane takand in the yeir £16, extending in the hail to 128 0 0
 And of the soum of fourtie aucht pundis payit be the Compter to thir thre freiris following, viz., Robert Keith, James Ramsay and Alexander Cay, for their pensionis of the lxxv yeir, quherof na allowance

¹ Vide Rental, *infra*, p. 373.

wes tane in the compt of that yeir, bot payit sensyne
out of the restis at command of my lord Comptrol-
laris preceptis £48 0 0

1568¹

DISCHARGE

And also receavit be the said Erle of Huntlie of the
freiris mailles silver of Elgyn fra the tennentis of
Pittinsair, the yeir comptit 13 6 8
And fra Alexander Piterkin for the freiris yairdis 0 15 0
And fra the Laird of Grant for Cardellis pertening to
saidis freiris, the yeir comptit 20 0 0
Alsua their aucht to be allowit to the Comptare thretie
tua pundis payit be him to thir thre freris following,
viz., freris Johnne Blinscheill, Robert Keith and
Johnne Robertsoun (the last deleted), sumtyme Blak
Freiris of Elgin, ilkane of thame takand be the yeir
sextene pundis, extending in the hail for the yeir
compted, (£48 deleted) 32 0 0

1570²

DISCHARGE

The half of the maills of the Blak Freiris of Elgin (Whit-
sunday) 22 14 3
In the hands of Alexander Innes of that Ilk for the
annual out of Abircherder to the Blak Freiris of
Elgin (for a term) 4 0 0
Andrew Watson and Alexander Anderson, feuars of
Pentsere, for the feu maills thereof due to the said
friars (for Martinmas) 6 13 4
Jerome Spens for his feu maills 3 0 0
Thom Gaderare in Nether Manbynnis and others for
the maills thereof 6 6 8

¹ The Account for 1567 is not extant. The Charge of this Account is in similar terms to that of 1566.

² The Account of 1569 is wanting. The Charge of this Account, money and bear, is in the same terms as the preceding.

XII. ROXBURGH, BERWICK, SELKIRK AND PEEBLES

1563

DISCHARGE

And of £32 gevin to Hew Cant and Johnne Purrow, freiris of Roxburgh, conforme to the generale ordour tane be the Quenis Majestie anent all the freiris of this realme, everie ane of thame ordanit to haif yeirlie £16,	£32 0 0
And of ane hundereth fourtie pundis pait be Alexander Home, intromettour with the said abbay of Cauldstrem, to sevin nunnis thairof in name of the Comptare, viz., Margaret Logane, Margaret Broun, Elizabeth Hoppringile, Jonet Schaw, Helene Riddale, Jonet Kingorne and Katherene Franche, ilkane of thame takand in the yeir £20, as the Comptrollaris precept and thair particulare acquittance beris	140 0 0
And of £117, 6s. 8d. pait be the Comptare to xi mounkis of Melrose for the tua pairt of thair portioun of the yeir compted, ilkane of thame takand yeirlie in money £16, that is to say, Alexander Bannatyne, Johnne Hoggart, Johnne Watsoun, eldare, Bernarde Bowstoun, David Hoppringile, Thomas Mayne, James Ramsay, James Arbuthnett, George Weir and Johnne Foirhouse and Thomas Halywell, as thair acquittances beris	117 6 8

XIII. STIRLING, DUMBARTON, RENFREW, LANARK, KYLE, CARRICK AND CUNNINGHAM

CHARGE

Money

The annuals of the Blak Freiris of Stirling	3 3 0
And wyth the anuellis of the towne of Lanark pertenyng sumtyme to the freiris thairof, extending to	3 6 8
And the silver pertaining to the Freiris Predicaturis of Glasgw, lifted and received from the annuals of the Duke of the nether town of Hamiltoun and annuals out of Ewendail and the town of Glasgw	32 4 5

Malt

CH. BS. FS.

Alsua the Compter chargis him with the malt ressavit
 be him furth of the freiris landis of Glasgw, of the
 yere comptit extending to 0 19 0

Discharge of Malt

The foresaid xix bolls is allowed, being assigned to the
 Regents of the pedagoge of Glasgw 0 19 0

DISCHARGE

The foresaid silver of the Friars Preachers of Glasgw,
 as assigned to the Regents of the University of
 Glasgw £32 4 5

And of the sowme of a hundreth four scoir xii li payit
 be the Compter to the freiris wndirwritting, being 12
 in number, ilkane of thame takand in the yeir £16,
 that is to say, Freiris David Dawsoune, Moreis Allane,
 James Caruderis, George Denawell, Johnne Laythame,
 Mark Hammiltoune, Thomas Lawty, Johnne Law,
 Thomas Wrycht, Robert Fyschar, James Fodring-
 hame and William Hepburne, freiris of Glasgw,
 Lanark and Striveling, as thair acquittances
 respective proportis 192 0 0

And of the sowme of £26 payit be the Comptar to
 Maistir William Hendersoun, Priour of the Blak
 Freiris of Striveling, as his acquittance propoirtis 26 0 0

1566¹*Meal*

The whole meal of the Friars Preachers of Glasgw
 lifted from the lands of Ballagane in Lennox CH. BS. FS.
 0 10 0

Discharge of Meal

. 0 10 0

DISCHARGE

The third of the annuals of the Blak Freiris of Striveling £3 3 0

¹ The Accounts for 1564 and 1565 are now wanting. The Charge
 and the Malt of this account are in similar terms to the preceding.

The annuellis of the toune of Lanark pertening sumtyme to the freiris thair of	£3 6 8
The whole annuals of the Friars Preachers of Glasgow, lifted from the Duke's lands of the nethir toune of Hamiltoun and annuals out of Avendale and the town of Glasgow	32 4 5
Alsua their aucht to be defeasit and allowit to the Comptare the sowme of viij ^{xx} pundis money pait be him to thir ten freiris following, viz., freiris Moreis Allane, George Dunnevell, Thomas Lawty, Thomas Wrycht, Johnne Law, Johnne Leverance, Robert Fischare, James Carrutheris, Williame Hepburne and James Fothringhame, freiris of Glasgw, Lanerk and Striveling, ilkane of thame takand £16 be yeir, extending in the hail to	160 0 0
And of £26 pait to freir Williame Hendersoun, sumtyme Prioure of Striveling, according to the Quenis Majesties precept and auld allowance	26 0 0

1568¹

MALT

The malt of the Friars Preachers of Glasgow	CH. BS. FS. 0 19 0
---	-----------------------

DEFEASANCE OF MALT

The hail malt belonging to the Blak Freris of Glasgow and now given for sustentation of their minister	0 19 0
--	--------

MEAL

The whole meal of the Freris Predicaturis of Glasgow, the said year	0 10 0
And with the hail meill of the freris of Lanark, the said yeir extending to	0 3 0

DISCHARGE OF MEAL

The meal of the Blak Freris of Glasgow now given to the town for sustentation of their minister	0 10 0
---	--------

¹ The Account for 1567 is now wanting. The Charge of this Account is in similar terms to the preceding. The Accounts of 1569, 1570, 1571 differ but slightly from those preceding.

THIRDS OF BENEFICES

DISCHARGE

The annuals of the freris of Stirling given free to the town of Stirling for sustentation of their minister . £3 3 0

1570

DISCHARGE OF MEAL

	CH.	BS.	FS.
And in the handis of Robert Mure for the meill of the freiris of Lanark, the yeir comptit extending to .	0	3	0

1571

DISCHARGE

In the handis of Robert Mure and remanent tennents of the freris of Lanark, of the yeir comptit, £3, 6s. 8d. and alsmekill for the lxx yeir precedand, extending baith the saidis yeiris to	6	16	0
---	---	----	---

THE KING'S PATRIMONY

LANARK—

The annuellis of the toun of Lanerk sumtyme pertening to the frers thair of	£3	6	8
The males of the Blak Freir yardis in Glasgw	5	0	0
	CH.	BS.	FS.
Meal pertening to the Blak Freris of Glasgow	0	10	0
Malt, to the Blak Freris	0	8	0
„ mair of the saidis freris	0	12	0

STIRLING—

The Blak Freris annuellis of Streviling	£2	17	0
Mair of the saidis freris nor vas gottin the first yeir	0	6	0

KIRKCUDBRIGHT—

The Custumes of Kirkcudbricht pertening to the freris thair of	6	13	4
The annuellis of the saidis freris	7	15	0

DUMFRIES—

The annuellis of Dumfreis and fischingis pertening
to the freris £33 11 10

EDINBURGH—

Houssis, landis, croftis, acres pertening sumtyme to
the Blak Freris of Edinburgh 38 5 8

LOTHIAN—

Wheat, Blak Freris of Edinburgh CH. BS. FS.
1 1 0

FIFE—

The males of the Blak Freris of Sanct Androis and
Couper pait out of Sanct Monanis, Dwre, Pitmuly,
Balcomy and Clocherstane £67 6 8

PERTH—

The annuellis and croftis besyd Pertht pertening
sumtyme to the Blak Freris 60 0 0
CH. BS. FS.
Wheat, Quhete Freris of Sanct Johnestoun 0 8 1
Bear, the haill beir of Blak Freris of Pertht 0 7 1
Meal, the haill maill of freris of Preicht 0 5 2
Oats, Blak Freris of Pricht 0 1 1

MORAY—

The Blak Freris of Elgin £61 6 8

ABERDEEN—

The acres and landis pertening to the Quhite
Freris of Abirdene 78 11 4
The acres and landis pertening to the Blak Freris
of Abirdene 38 6 8
For the thrid of the Ternitie Freir landis of Abir-
dene 18 0 4½
CH. BS. FS.
Bear, the Quhite freris of Abirdene and Banff 1 5 2
„ the Blak Freris of Abirdene 2 9 0

FORFAR AND KINCARDINE—

The males of the Gray Freris of Dundy £25 0 0
The males of the Blak Freris of Dunde 6 3 4
The males of the Gray Sisters of Dunde 1 8 0
Bear, Cordilier Freris of Dundie 16 bolls
Meal, the freris of Berwy 15 bolls
„ the freris of Montrose 8 bolls

EXCERPTS from the Books of Assumption of
Great Benefices for the year 1561. (*MS., G.R.H.*)

FIFE: 6TH JANUARY, 1561

A. DOMINICAN PRIORY IN ST. ANDREWS

THE RENTALE OF THE BLAK FRERIS OF ST. ANDROIS, GEVIN
UP BE FREIR JOHNNE GREIRSOUN.

The place of Sanct Monanis—

Inprimis, the hous and yaird and ane aker of arabill
land on the north syd of the yaird set in few to
James Sandelands, Laird of St. Monanis, for
4 merks yeirlie.

Not ane penny payit thir thrie yeirs bigane . . . 12 merks
Item of the toun of St. Monanis land and houssis
yeirlie £20.

Of that not gottin ane penny bot £3 thir fyve
yeiris bygane—Summa £97 0 0
Item of Ardross annuell yeirlie 7 merkis.

Of that not gottin ane penny v. yeirs bygane—
Summa 35 merkis

THE RENTALE OF THE BLAK FREIRS OF ST. ANDROIS, GEVIN
UP BE THE YOUNG LAIRD OF LARGO.

Item, inprimis, the Kingis Bernis 20 merks
Item, St. Monanis £20, 4 merks
Item, Henry Kempis place in Couper 4 merks
Item, Petmolye £2 0 0
Item, St. Nicolace 20 0 0
Item, of Nedy 1 10 0
Item, Rathubeat 5 0 0
Item, Feyldrie and Cloichrie Steyne¹ 20 0 0
Item, Kelour, the Laird of Lochlevins place be west
Mephen, 18 merks
Item, Alisoun Lyndesays croft besyd Couper 4 bolls, quheit

¹ The names of the tennents assumed for payment of the
annuellis of the landis of Feldye and Clochrie Steyne, viz.,
Johnne Fothringhame, William Fothringhame, Niniane
Fothringhame.

B. DOMINICAN PRIORY IN EDINBURGH

THE RENTALE OF THE FREIRS PREDICATOOURS OF EDINBURGH
OF ALL ANNUELLS AND FERMES PERTENYNG TO THAME AND
THAIR PLACE YEIRLIE.

And first in the towne of Edinburgh—

Inprimis, of Muncurris <i>alias</i> in Jo ⁿ . Thornetoun land	£1 0 0
Item, of Jo ⁿ . Wrichtis land	1 0 0
Item, of Andro Symsones land	0 7 0
Item, of Mr. Alexander Currou land	0 6 8
Item, of Andro Harwy, now James Harlawis land .	0 13 4
Item, of Lawrie Haliburton, now Markie Broun and William Lawrie land	0 13 4
Item, of William Davidsoun, now Hendersones land	0 10 0
Item, of Fairnlie land	1 6 8
Item, of Thome Castelhillis, now James Jonstounes land	0 13 4
Item, of James Townis land	0 16 8
Item, of Gilbert Knokis land	24 0 0
Item, of Edward Littills land	3 6 8
Item, of William Foularis land	1 6 8
Item, of Thome Diksoun land	2 0 0
Item, of Johne Mar land	2 0 0
Item, of Donald Kylis land	2 0 0
Item, of Robene Skarthmure land	0 13 4
Item, of Alexander Park land	2 0 0
Item, of Thome Russels land	1 0 0
Item, of Sanders Adamsones land	2 0 0
Item, of Helene Ross land	1 0 0
Item, of Henry Ramsyis land	6 13 4
Item, of Roddis land now James Bell, encyne, .	1 0 0
Item, of Mr. Thomas Marjoribanks land a pund of pepper and	1 0 0
Item, of Michaell Tullos, now Alesoun Cokburne land	1 0 0
Item, of Petir Marche now David Kinloches land .	0 16 8
Item, of the payntit chalmer	1 0 0
Item, of George Todriks land	1 0 4
Item, of Thome Dymfrie, now William Ker land .	0 16 8
Item, of Patrik Tennents land	0 5 0

THIRDS OF BENEFICES

Item, of Pyncartonis <i>alias</i> Noryis land . . .	£0 6 8
Item, of Robert Lyddells now Andro Mowbrayis aires	0 6 8
Item, of William Lokhartis land	1 6 8
Item, of Patrick Flemyngs land	1 0 0
Item, of Johne Watsounes land	0 10 0
Item, of Gallowayis land	0 7 0
Item, of William Adamsones land	2 16 8
Item, of Lambis land in Leyth Wynd	2 2 0
Item, of Nicoll Porters land	1 0 0
Item, of Johne Joyis <i>alias</i> Thomas Maltmakers land	0 10 0
Summa	<u>£72 11 4</u>

£74, 12s. 6d., burghal annual rents and rents from lands and houses, were assigned to the hospital; *supra*, p. 365.

*The annuellis and mailles of the gleib of the saidis freiris west
the Cowgait and under the Wall.*

Item, of Johne Henrysounes land	£0 4 0
Item, of George Cowpars land	0 12 0
Item, of Sir Symon Blyth land	0 9 6
Item, of Johne Muders land	0 4 0
Item, of Will Cadars land	0 0 2
Item, of Pacoks land	0 10 0
Item, of Wyncreppis, now Stevinsoun land	2 0 0
Item, of Richie Grays land	1 0 0
Item, of David Chepmanes land be defalcation	0 17 6
Item, of the land quher Walter Bynnyng duellis	0 5 0
Item, of Canours land	0 6 8
Item, of Pyottis land	1 14 4
Item, of the land that Patersoun duellis in	0 14 0
Item, of James Bassondyne land	1 0 0
Item, of our awin land quher the sklateris wyff duellis, with ane pairt of the querrell yaird,	8 0 0
Item, of Willie Andersounes land	8 0 0
Item, of Archibald Leith land
Item, of Johnne Spottiswod land	0 13 4
Item, of Rolland Gardners land	9 6 8
Item, of Bellis land	1 0 0
Item, of Schir Alexander Jardein land
Item, of Dundas land	0 8 4

Item, of Melrose land	£1 15 0
Item, of Adame Purves land	5 6 8
Item, of Andro Craiges land be defalcation	0 15 0
Item, our eist yaird	5 6 8
Item, our west yaird and Bowquhannis yaird	3 6 8
Item, of the kirk yaird	2 0 0
Item, of Johne Hoppers land	0 13 4
Item, of the Magdaline Chapell	0 10 0
Item, of the Laird of Innerleithis land	1 16 8
Item, of Watsones land at the Mwiswall	0 8 0
Item, of the Laird of Fentoun land	1 0 0
Item, of Mawsy Lyne land	0 9 6
Item, of Cowchrenis land	0 12 0
Item, of Johne Blakstoks land	0 16 0
Item, of Adame Spens land	0 2 0
Item, of our croft, 18 bolls, beir
Item, of Adame Gibbis wyff house mail	6 13 4
Item, of Johne Wauchis land	7 0 0

*The annuells pertenyng to the Freiris Predicatoris
on the south syd of the gait of Edinburgh.*

Item, of Lawsounes land	0 13 4
Item, of Fawsyds land in the Over Bow	0 5 0
Item, of Tuedeis land	1 0 0
Item, of Clement Littills land	0 10 0
Item, of the Laird of Corstorphines land	0 10 0
Item, of Willie Ra land	0 10 0
Item, of John Bestis land	0 10 0
Item, of Robein Cokstoun buith now Robene Dennun land	0 6 8
Item, of William Andersoun land	0 13 4
Item, of Johne Dee land, now Sande Guithreis	0 13 4
Item, of Gilbert Hayis land	1 0 0
Item, of Mr. Thomas Marjoribanks land in Bells Wynd	0 13 4
Item, of William Lawsons land	0 13 4
Item, of the Magdalene land	0 18 0
Item, of William Lauders foirland	1 10 0
Item, of William Nesbit land	0 15 0
Item, of Cavernours land	1 13 4
Item, of Butlares land	0 8 0
Item, of Walter Bertrems Over and Nather lands	26 13 4

Item, of James Rynds land	£0 5 0
Item, of David Melrose land	1 0 0
Item, of Neilsounes land	1 6 8
Item, of Auldoucht land, now Marioun Scottis	0 13 4
Item, of the Colledge of Creichtounes land	1 0 0
Item, of Mr. Johne Prestounes land	5 0 0
Item, of Johne Vernouris land	1 0 0
Item, of Robein Dawgleisses land	2 0 0
Item, of George Pecoks land	1 12 8
Item, of the baikhouse fra George Gibsoun	0 12 0
Item, of Lowchis land	0 5 0
Item, of Lambis land, now George Gibsoun	0 2 0
Item, of our awin land quher Thomas Jaksoun duellis	2 13 4
Item, of Johne Connohills land	3 6 8
Item, of William Lindesay land	1 6 8
Item, of Andro Murrayis land	0 10 6
Item, of Walter Wichtis land	5 16 8
Item, of Robesoun the Tinclers land	2 0 0
Item, of Andro Mowbray land	5 16 8
Item, of James Bassinden land	0 10 0
Item, of Purves land	0 13 4
Item, of Sandie Youngis land	1 0 0
Item, of Mr. Thomas Marjoribanks, now Helene Reid land	1 6 8
Item, of Methestoun, now Johne Sprot land	0 6 8
Item, of Fawsyds, now Willie Mailles land	1 6 8
Item, of William Elphingstounes land	1 15 0
Item, of Nicoll Borthwiks land	0 6 8
Item, of Muriell Kincaids land	0 5 0
Item, of Lappie Stane	2 0 0
Item, of Willie Hills land	0 10 0
Item, of the Customes of the toun of Edinburgh	6 13 4
Item, of Johne Johnestoun	2 13 4
Summa of thir annuellis abouewrittin

*The annuells in Leyth and to landwart pertenyng to
the saids Freirs Predicatours of Edinburgh.*

Item, of Findguids land, now Johne Carkettills	0 13 4
Item, of Halkerstones land, now Anne Hamiltones	1 6 8
Item, of William Clappertonis land	1 0 0
Item, of Todriks land	0 10 0

Item, of William Fawsyds land	£0	10	0
Item, of Michael Gilbertis land	8	0	0
Item, of the akers in the Newhevin	10	0	0
Item, of Gosfuird	16	0	0
Item, of Hartisheid and Clyntes	13	6	8
Item, of Ratho byers	12	0	0
Item, of the Burnefute	4	0	0
Item, of Littill Barnebowgall	1	0	0
Item, of the Laird of Bowards land in Duddings- toun	0	10	0
Item, of Mr. Johne Hayis land in Peblis	1	0	0
Item, of West Gordoun in the Merse, four bolls, beir	<hr style="width: 10%; margin-left: auto; margin-right: 0;"/>		

This is the rentale of the Freirs Predicatours of Edinburgh, subscriyvit be me, Bernard Stewart, Priour of the saidis fewares (*sic*). *Sic subscribitur, Ita est*, Bernardus Stewart, *manu sua*.

EXCERPTS from Accounts of the Collectors of Kirk Rents for the City of Edinburgh, 1573-1612. (*MS. Register*, Vol. I., in Charter Room, City Chambers.)

THE Compt of the annuells of this burgh, be the space of sevin yeiris, vizt., 67, 68, 69, 70, 71, 72 and 73 yeiris, becaus of the trublis could not be sence maid, intromettit with be Robert Cunnyngname at the Townis command, except twa yeiris and ane half of the samin quhairof Mr. Mychell Chisholme wes Collector, and the said Robert chargis him with the hail that Mr. Mychell haid not resavit nor maid compt of befor his entrie thairto.

Item, deliverit to freir Andro Leiss¹ quhilk wes restand awand to him of his Witsoundayis pensioun 1569 £6
 Item, deliverit to freir Andro Leiss for his pensioun of Mertimes 1569, Witsounday and Mertimes 1570 and Witsounday 1571 £32

¹ Black Friar.

- Item, gevin to him sen we come to the toun befor his deith 40s.
 Item, upone the 8th day of December 1570 deliverit be me to
 Alexander King¹ for twa yeiris pensioun £13, 6s. 8d.
 Item, deliverit by me to John Chepman² for his pensioun of foure
 yeiris as his acquittance beirs £64
 Item, to the said Johnne for the '73 (1573) yeiris pensioun £16
 Item, to Alexander King for his yeiris pensioun £6, 13s. 4d.
 Item, deliverit to Alexander King for thre yeiris pensiouns, viz., 72,
 74 and 75, ilk yeir ten merks £20
 Item, deliverit be me to Johnne Chepman for his 2 yeiris pensioun,
 viz., 74 and 75, ilk yeir £16, as his acquittance beiris £32
 Item, deliverit to James Ross quhilk he gaif to John Chepman to pas
 over the Watt. (Water) to rasyve at the tounis command 40s.
 Item, the Comptar dischairgis him with £32 pyit to John Chepman
 for his twa yeiris pensioun £32
 Item, with £13, 16s. 8d. for Alexander Kingis twa yeiris pensioun
 £13, 6s. 8d.
 Item, the sowme of saxteine pounds payit to freir John Chepman for
 the termis of the yeir comptit £16
 And the following
 (This entry repeated in the accounts for the year 1579-1580.)
 Item, the sum of ten merks payit to Alexander Kyng for his ordinar
 fie, of the yeir comptit £6, 13s. 4d.
 Item, the sowme of 53s. 4d. payit be Jonett Kyng, lyferentar of her
 houss at the Netherbow, remittit to Alexander Kyng, her husband,
 for service he did when he servit Alexander Kyng 53s. 4d.
 Item, the Comptar dischairgis him with the sowme of 3s. 4d. gevin to
 Alexander Kyngs servand for wryting ane rentall collectit of the
 freiris 3s. 4d.
 Item, the sowme of £4 delyverit to Alexander Kingis self at the
 making of the said collecting 24th August £4
 Item, the careing of the coffer with the freir evidents out of the
 Counsal houss to my houss, and ane skeynze pak threid to the sortit
 evidents togydder 6d.
 Item, for thre lang buistis³ to put the sortit evidents in 15s.
 Item, to Michaell Marjoribanks for extracting of nine decreitts owt
 of the auld offitialis buiks £3
 Item, to Michaell Marjoribanks for extracting four ma decreitts
 owt of the auld buiks 26s. 8d.

¹ One of the same name was a notary during the years 1548-63.

² Black Friar.

³ Boxes or chests.

Item, the extracting of Robert Balfours provision to the Kirkafield out of the register	5s.
Item, to Michaell Marjoribanks sone for seyking the register, in drink siluer	22s.
Item, 28th September.—To Alexander Kyng	£4
Item, the wryting of the rentall of the freiris in double forme and other articles that war presented to Parliament	6s. 8d.
Item, 1581.—To freir Chepman	£16
Item, 1581.—To Alexander King, for his ordinar fie	£6, 13s. 6d.
Item, 1582.—Drink Syluer of raising the Decret gottin agains the Comptrollar of the ten merks annuell to the freiris	3s. 6d.
Item, 1582.—To freir Chepman	£16
Item, 1583.—To freir Chepman	£16
Item, 1584.—To freir Chepman pensioun	£16
Item, to freir Chepman for his pensioun the Witsunday 1585	£8



THE BULLA OF
HONORIUS III.
ATTACHED
TO HIS
DECLARATION
OF THE RULE OF
THE FRIARS MINOR.



PAPAL BULLS

I. RULE OF THE FRIARS MINOR. (*Seraphicae Legislationis, Textus Originales*, 1897, pp. 35-47.)

HONORIUS, Episcopus, servus servorum Dei. Dilectis filiis, fratri Francisco et aliis fratribus de ordine Fratrum Minorum, salutem et apostolicam benedictionem.

Solet annuere Sedes apostolica piis votis et honestis petentium desideriis favorem benevolum impertiri. Eapropter, dilecti in Domino filii, vestris piis precibus inclinati, ordinis vestri Regulam a bonae memoriae Innocentio, papa, praedecessore nostro, approbatam, annotatam praesentibus, auctoritate vobis apostolica confirmamus et praesentis scripti patrocinio communimus. Quae talis est:

I. In nomine Domini incipit vita Fratrum Minorum.

Regula et vita minorum Fratrum haec est, scilicet, Domini nostri Jesu Christi sanctum Evangelium observare, vivendo in obedientia, sine proprio et in castitate. Frater Franciscus promittit obedientiam et reverentiam domino papae Honorio, ac successoribus ejus canonice intrantibus et Ecclesiae Romanae; et alii fratres teneantur fratri Francisco, et ejus successoribus obedire.

II. De iis qui volunt vitam istam accipere et qualiter recipi debeant.

Si qui voluerint hanc vitam accipere et venerint ad Fratres nostros, mittant eos ad suos Ministros provinciales, quibus solummodo

et non aliis recipiendi fratres licentia concedatur. Ministri vero diligenter examinent eos de fide catholica et ecclesiasticis sacramentis. Et si haec omnia credant et velint ea fideliter confiteri et usque in finem firmiter observare, et uxores non habent, vel si habent, et jam monasterium intraverint uxores, vel licentiam eis dederint auctoritate dioecesani Episcopi, voto continentiae jam emisso, et illius sint aetatis uxores quod non possit de eis oriri suspicio, dicant illis verbum sancti Evangelii: quod vadant et vendant omnia sua, et ea studeant pauperibus erogare; quod si facere non potuerint, sufficit eis bona voluntas. Et caveant Fratres et eorum Ministri ne solliciti sint de rebus suis temporalibus, ut libere faciant de rebus suis quidquid Dominus inspiraverit eis. Si tamen consilium requiratur, licentiam habeant Ministri mittendi eos ad aliquos Deum timentes, quorum consilio bona sua pauperibus erogentur. Postea concedant eis pannos probationis, videlicet, duas tunicas sine caputio et cingulum et bracas et caparonem usque ad cingulum, nisi eisdem Ministris aliud secundum Deum aliquando videatur. Finito vero anno probationis, recipiantur ad obedientiam, promittentes vitam istam semper et Regulam observare; et nullo modo licebit eis de ista Religione exire, juxta mandatum domini Papae; quia secundum sanctum Evangelium: Nemo mittens manum ad aratrum et aspiciens retro aptus est Regno Dei. Et illi qui jam promiserunt obedientiam, habeant unam tunicam cum caputio, et aliam sine caputio qui voluerint habere. Et qui necessitate coguntur, possint portare calceamenta. Et Fratres omnes vestimentis vilibus induantur: et possint ea repetiari de saccis et aliis petiis cum benedictione Dei: quos moneo et exhortor ne despiciant neque judicent homines quos vident mollibus vestimentis et coloratis indutos, uti cibus et potibus delicatis; sed magis unusquisque judicet et despiciat semetipsum.

III. *De divino Officio, et Jejunio; et quomodo Fratres debeant ire per mundum.*

Clerici faciant divinum officium secundum ordinem sanctae Romanae Ecclesiae excepto Psalterio, ex quo habere poterunt breviaria. Laici vero dicant viginti quatuor Pater noster pro Matutino; pro Laude quinque; pro Prima, Tertia, Sexta, Nona, pro qualibet istarum, septem, pro Vesperis autem duodecim, pro Completorio septem, et orent pro defunctis. Et jejunent a festo Omnium Sanctorum usque ad Nativitatem Domini. Sanctam vero quadragesimam, quae incipit ab Epiphania usque ad continuos quadraginta dies, quam Dominus suo sancto jejunio consecravit, qui voluntarie eam

jejunant, benedicti sint a Domino, et qui nolunt non sint adstricti; sed aliam usque ad resurrectionem Domini jejunent. Aliis autem temporibus non teneantur nisi sexta feria jejunare. Tempore vero manifestae necessitatis non teneantur Fratres jejuniis corporali. Consulo, vero, moneo et exhortor fratres meos in Domino Jesu Christo, ut, quando vadunt per mundum, non litigent, neque contendant verbis, nec alios judicent; sed sint mites, pacifici et modesti, mansueti et humiles, honeste loquentes omnibus sicut decet. Et non debeant equitare, nisi manifesta necessitate vel infirmitate cogantur. In quamcumque domum intraverint, primum dicant: Pax huic domui. Et secundum sanctum Evangelium de omnibus cibis qui apponuntur eis liceat manducare.

IV. *Quod Fratres non recipiant pecuniam.*

Praecipio firmiter Fratribus universis ut nullo modo denarios vel pecuniam recipiant per se vel per interpositam personam; tamen pro necessitatibus infirmorum et aliis fratribus induendis, per amicos spirituales, Ministri tantum et Custodes sollicitam curam gerant secundum loca et tempora et frigidam regionem, sicut necessitati viderint expedire: eo semper salvo, ut sicut dictum est, denarios vel pecuniam non recipiant.

V. *De modo laborandi.*

Fratres illi quibus gratiam dedit Dominus laborandi, laborent fideliter et devote, ita quod, excluso otio animae inimico, sanctae orationis et devotionis spiritum non extinguant, cui debent cetera temporalia deservire. De mercede vero laboris, pro se et suis fratribus corporis necessaria recipiant praeter denarios vel pecuniam; et hoc humiliter, sicut decet servos Dei et paupertatis sanctissimae sectatores.

VI. *Quod nihil approprient sibi Fratres, et de eleemosyna petenda, et de Fratribus infirmis.*

Fratres nihil sibi approprient, nec domum, nec locum, nec aliquam rem; et tanquam peregrini et advenae in hoc saeculo, in paupertate et humilitate Domino famulantes, vadant pro eleemosyna confidenter; nec oportet eos verecundari, quia Dominus pro nobis se fecit pauperem in hoc mundo. Haec est illa celsitudo altissimae paupertatis, quae vos, charissimos fratres meos, heredes et reges Regni

Coelorum instituit, pauperes rebus fecit, virtutibus sublimavit. Haec sit portio vestra, quae perducit in terram viventium : cui dilectissimi Fratres totaliter inhaerentes nihil aliud pro nomine Domini nostri Jesu Christi in perpetuum sub coelo habere velitis. Et ubicumque sunt et se invenerint Fratres, ostendant se domesticos invicem inter se. Et secure manifestet unus alteri necessitatem suam : quia si mater nutrit et diligit filium suum carnalem, quanto diligentius debet quis diligere et nutrire Fratrem suum spiritualem? Et si quis eorum in infirmitate ceciderit, alii Fratres debent ei servire, sicut vellent sibi serviri.

VII. *De poenitentia Fratribus peccantibus imponenda.*

Si qui Fratrum instigante inimico mortaliter peccaverint, pro illis peccatis de quibus ordinatum fuerit inter Fratres ut recurratur ad solos Ministros provinciales, teneantur praedicti Fratres ad eos recurrere, quam citius poterint sine mora. Ipsi vero Ministri, si presbyteri sunt, cum misericordia injungant illis poenitentiam. Si vero presbyteri non sunt, injungi faciant per alios, sacerdotes Ordinis, sicut eis secundum Deum melius videbitur expedire ; et cavere debent ne irascantur et conturbentur propter peccatum alicujus : quia ira et conturbatio in se et in aliis impediunt charitatem.

VIII. *De electione Generalis Ministri hujus Fraternitatis, et de Capitulo Pentecostes.*

Universi Fratres unum de Fratribus istius Religionis teneantur semper habere Generalem Ministrum et servum totius Fraternitatis, et ei teneantur firmiter obedire. Quo decedente, electio successoris fiat a Ministris provincialibus et Custodibus in Capitulo Pentecostes, in quo provinciales Ministri teneantur semper insimul convenire ubicumque a Generali Ministro fuerit constitutum : et hoc semel in tribus annis, vel ad alium terminum majorem vel minorem, sicut a praedicto Ministro fuerit ordinatum. Et si aliquo tempore appareret universitati Ministrorum provincialium et Custodum praedictum Ministrum non esse sufficientem ad servitium et communem utilitatem Fratrum, teneantur praedicti Fratres, quibus electio data est, in nomine Domini alium sibi eligere in Custodem. Post Capitulum vero Pentecostes, Ministri et Custodes possint singuli, si voluerint et eis expedire videbitur, eodem anno in suis custodiis semel Fratres suos ad Capitulum convocare.

IX. *De praedicatoribus.*

Fratres non praedicent in episcopatu alicujus episcopi cum ab eo illis fuerit contradictum; et nullus Fratrum populo penitus audeat praedicare, nisi a Ministro Generali hujus Fraternitatis fuerit examinatus et approbatus, et ab eo officium sibi praedicationis concessum. Moneo quoque et exhortor eosdem Fratres ut in praedicatione quam faciunt sint examinata et casta eorum eloquia, ad utilitatem et aedificationem populi annuntiando eis vitia et virtutes, poenam et gloriam, cum brevitate sermonis, quia verbum abbreviatum fecit Dominus super terram.

X. *De admonitione et correctione Fratrum.*

Fratres qui sunt Ministri et servi aliorum Fratrum visitent et moneant Fratres suos, et humiliter et charitative corrigant eos, non praecipientes eis aliquid quod sit contra animam suam et Regulam nostram. Fratres vero qui sunt subditi recordentur quod propter Deum abnegaverunt proprias voluntates. Unde firmiter praecipio eis ut obediant suis Ministris in omnibus quae promiserunt Domino observare, et non sunt contraria animae et Regulae nostrae. Et ubicumque sunt Fratres qui scirent et cognoscerent se non posse Regulam spiritualiter observare, ad suos Ministros debeant et possint recurrere. Ministri vero charitative et benigne eos recipiant, et tantam familiaritatem habeant circa ipsos, ut dicere possint eis et facere sicut domini servis suis. Nam ita debet esse quod Ministri sint servi omnium Fratrum. Moneo vero et exhortor in Domino Jesu Christo, ut caveant Fratres ab omni superbia, vana gloria, invidia, avaritia, cura et sollicitudine hujus saeculi, detractione et murmuratione; et non curent, nescientes litteras, litteras discere; sed attendant quod super omnia desiderare debent habere spiritum Domini et sanctam ejus operationem, orare semper ad eum puro corde, et habere humilitatem, patientiam in persecutione et infirmitate, et diligere eos qui nos persequuntur et reprehendunt et arguunt, quia dicit Dominus: Diligite inimicos vestros et orate pro persequentibus et calumniantibus vos. Beati qui persecutionem patiuntur propter justitiam, quoniam ipsorum est Regnum Coelorum. Qui autem perseveraverit usque in finem, hic salvus erit.

XI. *Quod Fratres non ingrediantur monasteria Monacharum.*

Praecipio firmiter Fratribus universis ne habeant suspecta consortia vel consilia mulierum, et ne ingrediantur monasteria

Monacharum, praeter illos quibus a Sede Apostolica concessa est licentia specialis. Nec fiant compatres virorum vel mulierum, ne hac occasione inter Fratres vel de Fratribus scandalum oriatur.

XII. *De euntibus inter Saracenos et alios infideles.*

Quicumque Fratrum divina inspiratione voluerint ire inter Saracenos et alios infideles, petant inde licentiam a suis Ministris provincialibus; Ministri vero nullis eundi licentiam tribuant, nisi eis quos viderint esse idoneos ad mittendum. Ad haec per obedientiam injungo Ministris, ut petant a Domino Papa unum de sanctae Romanae Ecclesiae Cardinalibus, qui sit gubernator, protector et corrector istius Fraternitatis; ut semper subditi et subjecti pedibus ejusdem sanctae Ecclesiae, stabiles in fide catholica, paupertatem et humilitatem et sanctum Evangelium Domini nostri Jesu Christi, quod firmiter promisimus, observemus.

Nulli ergo omnino hominum liceat hanc paginam nostrae confirmationis infringere, vel ei ausu temerario contraire. Si quis autem hoc attentare praesumpserit, indignationem Omnipotentis Dei et Beatorum Petri et Pauli Apostolorum ejus, se noverit incursum.

Datum Laterani, tertio Kalendas Decembris, Pontificatus nostri anno octavo.

[*Translation.*]

RULE of the Friars Minor or First Order of St. Francis confirmed by Pope Honorius III.

HONORIUS, BISHOP, servant of the servants of God, to our beloved sons, Friar Francis and the other friars of the Order of Minors, greeting and Apostolic blessing. In as much as the Holy See is wont to acquiesce in the devout longings of its supplicants and to accord its kindly favour to their worthy desires, therefore, dear sons in Christ, being favourably disposed towards your pious request, by our Apostolic authority and the force of these presents, we confirm and uphold the Rule of your Order formerly approved and interpreted in the writings of Pope Innocent, our predecessor of happy memory. Whereof the tenor is as follows:—

CHAPTER I.

The Rule and manner of life of the Friars Minor is this, namely, to bear out the precepts of the Holy Gospel of our Lord Jesus Christ

in their own lives, to live in obedience and chastity and without property. Friar Francis promises obedience and reverence to us, Pope Honorius, and to our successors when duly elected, and to the Roman Church. The other friars are bound to yield obedience to Friar Francis and his successors.

CHAPTER II.

If our friars be approached by any who desire to adopt this rule of life, let them send them to the Provincial Ministers who alone are empowered to receive friars into the fraternity, and these Ministers shall diligently examine them in their knowledge of the Catholic Faith and the sacraments of the Church. If their faith be entire and they desire to make sincere profession of it—provided that they are unmarried, or, being married, that their wives have already entered a nunnery or have received their permission with the sanction of the diocesan bishop, after taking the vow, and that the age of their wives is such as to give rise to no suspicion—the Ministers shall repeat this precept of the Holy Gospel to them: let them go, sell all their goods and take heed to distribute them among the poor. If they are unable to do so, their good will is sufficient. The worldly goods of the postulants must not enter into the thoughts of the friars and Ministers, so that they may dispose freely of them under the inspiration of God; but, if the advice of the Ministers be asked for, they may bid them seek out some God-fearing man to advise them in the distribution of their goods among the poor. Thereafter, the Ministers shall admit them to the habit of the novice, namely, two cloaks without the cowl, the cord, breeches and the hood extending down to the cord, unless the Ministers consider some other costume suitable. After the year of probation, let them be admitted to obedience under promise to be subject to this Rule and manner of life; and no one may leave this Order except with the sanction of His Holiness the Pope, because, according to the Holy Gospel, no man having put his hand to the plough and looking back is fit for the kingdom of God. Those who take the vow of obedience may have one cloak with the cowl, and another without it if they so desire; and they may wear shoes in cases of absolute necessity. All the friars shall wear humble garments, and, with the blessing of God, may patch them with sack-cloth or other rags. I warn and exhort them neither to despise nor to pass judgment upon those whom they see clothed in soft or coloured garments or practising nicety in food and drink: much rather let each one hold himself in contempt and deserving of judgment.

CHAPTER III.

Let the clerks say the divine office according to the Use of Rome, except the Psalter until they have breviaries.¹ Let the lay brothers say twenty *Pater Noster* for Matins, five for Lauds, seven for each of Prime, Terce, Sext and None, but twelve for Vespers, seven for Compline, and let them pray for the dead. Let them fast from the Feast of All Saints until the Nativity of our Lord; and may His blessing rest upon those who of their free will observe the holy fast which extends from Epiphany to the (beginning of the) forty continuous days consecrated by His holy fast. Those who are unwilling to do so are not bound thereto, but the other fast, before the Resurrection of our Lord, they must observe. At other seasons they are not bound to fast except on Friday, and in cases of manifest necessity they are absolved from the bodily fast. I advise, warn and exhort my brethren in the Lord Jesus Christ to abstain from quarrels, disputes and criticism of others when they are in the world; but let them be meek, peace-loving and unassuming, gentle and humble, and observe a decorous manner of address to all, as is fitting; and they ought not to ride on horseback unless they are constrained to do so by evident necessity or illness. When they enter a house let them first say, Peace to this house; and in accordance with the Holy Gospel they may partake of any food placed before them.

CHAPTER IV.

I firmly command all the friars not to accept coin or money in any manner of way, either by their own hands or through an interposed person: nevertheless, let the Ministers and "Custodes," with the assistance of spiritual friends, provide for the needs of the sick and for the clothing of the other friars as they may consider necessary according to the district, season and cold countries; provided always, as has been said, that they accept neither money nor coin.

CHAPTER V.

Let the friars, to whom God has given the grace of working, labour faithfully and devoutly so that they shun sloth without extinguishing the spirit of holy prayer and devotion, to which everything temporal should be subservient. Let them accept the necessaries of life, other than coin or money, for themselves and their brethren as the wages of their work, and that with humility as becomes the servants of God and disciples of most holy poverty.

¹ Doubtful reading. St. Francis strenuously opposed the use and possession of breviaries by the friars. Spec. Perf. cap. II., *cf. infra*, p. 407.

CHAPTER VI.

Let the friars appropriate nothing to themselves, neither house nor place nor anything; as pilgrims and strangers in the world let them seek alms with confidence; and they need feel no shame in doing so because the Lord made himself poor in this world for us. Herein lies the excellence of absolute poverty which has instituted you heirs and kings in the kingdom of heaven, has made you poor in possessions and rich in virtues. Let this, which leads to the land of the living, be your portion, dearest brethren; devote yourselves entirely to it, and never desire aught else under heaven for the name of our Lord Jesus Christ. And wherever the friars may be, let them ever be ready to perform their share of menial work in turn: and let them make known their needs one to another with confidence, because, if the mother tend and cherish the child of her body, how much more ought each one to tend and cherish his spiritual brother? If a friar fall ill let the others wait upon him, as they themselves wish to be waited upon.

CHAPTER VII.

Let the friars who fall into mortal sin at the instigation of the Enemy—for which sins they are bound by their own ordinance to resort to the Provincial Ministers alone—betake themselves to the Minister as soon as possible and without delay. Let these Ministers impose penance on them, but with compassion; and, if they be not themselves priests, let them so provide that the penance be imposed by others, priests of the Order, as shall seem most expedient to them according to the grace of God. And they must take heed not to be angered or disturbed by the sin of another, because anger and annoyance hinder charity in oneself and in others.

CHAPTER VIII.

All the friars are enjoined to elect one of the Order to be Minister General and servant of the whole fraternity; and him they are bound to obey in all respects. On his decease, the election of his successor shall be made by the Provincial Ministers and "Custodes" in the Chapter held at Whitsuntide, which the Provincial Ministers are bound to attend in any place that the Minister General may appoint, and this once in three years, or at such longer or shorter period as the said Minister may direct. If at any time the Provincial Ministers and "Custodes" perceive that the said Minister does not possess the qualities necessary for the service and general welfare of the friars,

the said friars to whom the election is entrusted are enjoined to elect another in his place. After the Whitsuntide chapter, each of the Ministers and "Custodes" may, if they find it expedient, assemble the friars of their Custodies once a year in their Chapters.

CHAPTER IX.

The friars may not preach in the diocese of any bishop who has refused his sanction; and let no friar dare to preach to the people unless he has been examined and approved by the Minister General of the fraternity, and thereafter received the office of preacher from him. I also warn and exhort the said friars to use chaste and well considered language when they preach, proclaiming to the people for their benefit and edification the vices and virtues, the pains of Hell and the glory of Heaven; and let their sermons be short, because the Lord made use of few words when on earth.

CHAPTER X.

Let those who are Ministers and the servants of the other friars visit and admonish those under their charge, and correct them with humility and charity, teaching them naught inimical to the welfare of their souls or against our Rule. Let those who are in submission remember that they have renounced their own will. Wherefore, in every point that does not conflict with the welfare of their souls and with our Rule, I firmly command all the friars to yield perfect obedience to their Ministers, as they have promised to God; and, wherever there are friars who are aware and know that they cannot observe the Rule in the spirit, they ought and may resort to the Ministers. Let the Ministers receive them with charity and kindness, and, as the master to his servant, commune with them in such familiar manner that they may reveal themselves, for it is fitting that the Ministers be the servants of all the friars. Especially, in the name of our Lord Jesus Christ, do I warn and exhort the friars to be on their guard against every kind of pride, vain glory, envy, avarice, detraction, grumbling, or care and anxiety for things temporal; and let not the unlearned friars seek after knowledge, as their first desire should be to possess the spirit of God and its holy working within them, to pray to Him with a pure heart, to be humble and patient under persecution and sickness, and to love those who persecute, censure and blame us, because the Lord says, love your enemies and pray for those who persecute and slander you. Blessed are they who suffer for righteousness sake, for theirs is the kingdom of heaven. He who is steadfast unto the end shall be safe.

CHAPTER XI.

I firmly forbid all the friars, except those to whom the special permission of the Holy See has been accorded, to entertain friendships or intercourse with women that may give rise to suspicion, and to enter the houses of the nuns. Let them not forge ties of friendship with men or women lest scandal arise among the friars themselves or concerning them.

CHAPTER XII.

Let the friars who under divine inspiration desire to go among the Saracens and infidels seek the permission of their Provincial Ministers; and let the Ministers grant permission only to those whom they consider suitable for this mission. Under obedience I enjoin the Ministers to entreat His Holiness the Pope for the appointment of a Cardinal of the Roman Church to be the governor, protector and corrector of the fraternity, so that, subject to and at the feet of the said Holy Church, unwavering in the Catholic Faith, we may observe poverty, humility and the Holy Gospel of our Lord Jesus Christ in accordance with our steadfast promise.

Let no man infringe this page of our constitution or rashly contradict it. But if any presume to attack it, let him know that he will incur the indignation of Almighty God and of the blessed Peter and Paul, his Apostles.

Given at the Lateran the III. Kalends of December in the year eight of our Pontificate. (29th November 1223.)

2. TESTAMENT OF ST. FRANCIS. (*Loc. cit.*, pp. 265-272.)

IN Nomine Domini incipit Testamentum Seraphici Patris nostri Francisci.

Dominus dedit mihi Fratri Francisco ita incipere facere poenitentiam: quia cum essem in peccatis, nimis mihi videbatur amarum videre leprosos: ipse Dominus conduxit me inter illos, et feci misericordiam cum illis. Et recedente me ab ipsis, id, quod mihi videbatur amarum, conversum fuit mihi in dulcedinem animae et corporis. Et postea parum steti, et exivi de saeculo.

Et Dominus dedit mihi talem fidem in ecclesiis, ut ita simpliciter adorarem et dicerem: *Adoramus te sanctissime Domine Jesu Christe,*

hic, et ad omnes ecclesias tuas, quae sunt in toto mundo, et benedicimus tibi, quia per sanctam Crucem tuam redemisti mundum.

Postea dedit mihi Dominus et dat tantam fidem in sacerdotibus, qui vivunt secundum formam Sanctae Romanae Ecclesiae, propter ordinem ipsorum, quod si facerent mihi persecutionem, volo recurrere ad ipsos. Et si haberem tantam sapientiam quantam Salomon habuit, et invenirem pauperculos sacerdotes hujus saeculi, in ecclesiis in quibus morantur nolo praedicare contra voluntatem ipsorum. Et ipsos et omnes alios volo timere, amare et honorare, sicut meos dominos. Et nolo in ipsis considerare peccatum, quia Filium Dei discerno in eis et domini mei sunt. Et haec propter hoc facio, quia nihil video corporaliter in hoc saeculo de ipso altissimo Filio Dei nisi sanctissimum Corpus et Sanguinem suum, quod ipsi recipiunt, et ipsi soli aliis administrant. Et haec sanctissima mysteria volo super omnia honorare et venerari, et in locis pretiosis collocare.

Et sanctissima nomina et verba ejus scripta, ubicumque invenero in locis illicitis, volo colligere, et rogo quod colligantur, et in loco honesto collocentur.

Et omnes theologos, et qui ministrant nobis sanctissima verba divina, debemus honorare et venerari, sicut qui ministrant nobis spiritum et vitam.

Et postquam Dominus dedit mihi curam de Fratribus, nemo ostendebat mihi quid deberem facere; sed ipse Altissimus revelavit mihi quod deberem vivere secundum formam sancti Evangelii. Et ego paucis verbis et simplicibus feci scribi, et Dominus Papa confirmavit mihi.

Et illi qui veniebant ad recipiendum vitam istam, omnia quae habere poterant pauperibus erogabant. Et eramus contenti tunica una, intus et foris repetiata (qui volebant), cum cingulo et braccis, et nolebamus plus habere.

Officium dicebamus nos clerici secundum alios clericos; laici dicebant *Pater noster*. Et satis libenter manebamus in ecclesiis pauperculis et derelictis; et eramus idiotae et subditi omnibus.

Et ego manibus meis laborabam, et volo laborare; et omnes alii Fratres, firmiter volo quod laborent de laboritio quod pertinet ad honestatem; et qui nesciunt, discant, non propter cupiditatem recipiendi pretium laboris, sed propter bonum exemplum et ad repellendam otiositatem.

Et quando non daretur nobis pretium laboris, recurramus ad mensam Domini, petendo eleemosynam ostiatim.

Salutationem hanc revelavit mihi Dominus, ut diceremus: *Dominus det tibi pacem.*

Caveant sibi Fratres ut ecclesias et habitacula, et omnia alia, quae pro ipsis construuntur, penitus non recipiant, nisi essent sicut decet sanctam paupertatem, quam in Regula promisimus, semper ibi hospitantes sicut advenae et peregrini.

Praecipio firmiter per obedientiam Fratribus universis, quod, ubicumque sunt, non audeant petere aliquam litteram in Curia Romana per se, nec per interpositam personam, neque pro ecclesia, neque pro aliquo loco, neque sub specie praedicationis, neque pro persecutione suorum corporum: sed ubicumque non fuerint recepti, fugiant in aliam terram ad faciendam ibi poenitentiam, cum benedictione Dei.

Et firmiter volo obedire Ministro Generali hujus Fraternitatis, et illi Guardiano quem sibi placuerit mihi dare; et ita volo esse captus in manibus suis, ut non possim ire vel facere contra voluntatem suam, quia dominus meus est.

Et quamvis sim simplex et infirmus, tamen volo semper habere clericum, qui mihi faciat Officium sicut in Regula continetur. Et omnes alii Fratres ita teneantur firmiter obedire Guardianis suis, et facere Officium secundum Regulam.

Et si aliqui inventi essent qui non facerent Officium secundum Regulam, et vellent aliquo modo variare, aut non essent Catholici, omnes Fratres ubicumque sunt per obedientiam teneantur quod, ubicumque invenerint aliquem ipsorum, proximiori Custodi illius loci, ubi ipsum invenerint, debeant praesentare. Et Custos teneatur per obedientiam ipsum fortiter custodire, sicut hominem in vinculis, die noctuque, ita quod non possit eripi de manibus suis, donec in propria persona ipsum repraesentet in manibus sui Ministri. Et Minister teneatur firmiter per obedientiam mittere ipsum, per tales Fratres qui die noctuque custodiant ipsum, sicut hominem in vinculis, donec repraesentent eum coram Domino Ostiensi, qui est Dominus, Protector et Corrector istius Fraternitatis.

Et non dicant Fratres: Haec est alia Regula; quia haec est recordatio, admonitio et exhortatio et meum Testamentum, quod ego Frater Franciscus parvulus vester facio vobis Fratribus meis benedictis, propter hoc, ut Regulam, quam Domino promisimus, melius catholice observemus.

Et Generalis Minister et omnes alii Ministri et Custodes per obedientiam teneantur in istis verbis non addere vel minuere. Et semper hoc scriptum habeant secum juxta Regulam. Et in omnibus Capitulis quae faciunt, quando legunt Regulam, legant et ista verba.

Et omnibus Fratribus mei, clericis et laicis, praecipio firmiter per obedientiam, ut non mittant glossas in Regula, nec in istis verbis,

dicendo: Ita volunt intelligi. Sed sicut dedit mihi Dominus simpliciter et pure dicere et scribere Regulam et ista verba, ita simpliciter et pure sine glossa intelligatis, et cum sancta operatione observetis usque in finem.

Et quicumque haec observaverit, in coelo repleatur benedictione Altissimi Patris coelestis, et in terra repleatur benedictione dilecti Filii sui, cum sanctissimo Spiritu Paraclito et omnibus Virtutibus coelorum, et omnibus Sanctis. Et ego, Frater Franciscus, parvulus vester et servus, quantumcumque possum, confirmo vobis intus et foris istam sanctissimam benedictionem. Amen.

[*Translation.*]

IN the name of the Lord begins the Testament of the Seraphic Father, our Francis.

In this manner God gave me, Friar Francis, the grace to become penitent. While I lived a life of sin I found it offensive to look upon lepers. God Himself led me into their midst and I was touched with pity for them. When I withdrew from among them, that which had been offensive to me was transformed into a charm both spiritual and corporal. Afterwards I tarried for a brief space and renounced the world. And God gave me such confidence in the Church that I would kneel down with simplicity and say, "We adore Thee, most holy Lord Jesus Christ, here and in all Thy Church throughout the whole world, and we give Thee thanks because Thou didst redeem the world by Thy Holy Cross." Afterwards, God gave me, and now gives me, such faith in the priests who live after the custom of the Holy Roman Church that, by reason of their priesthood alone, I would turn to them, even if they persecuted me; and, if I possessed the wisdom of Solomon, meeting with poor secular priests I would not preach in their churches without their goodwill. These and all others I wish to reverence, love and honour as my Superiors; and I would fain not reflect upon the sin that is in them, because I recognise in them the Son of God, and they are my Superiors. This I do, because in this world I have no visual perception of the Most High Son of God, except His most holy body and blood which they receive and alone dispense to others. It is my desire to honour and adore these most holy mysteries beyond all others, and to place them in surroundings of costly magnificence;¹ and, whenever I find His most holy name and writings where they ought not to be, I wish to collect them, and pray that they be collected and deposited in a place worthy

¹ Doubtful reading: *in locis pretiosis*.

of them. The theologians and those who preach the most holy and divine Word to us, deserve honour and reverence at our hands, even as those who dispense the spirit and life to us.

Afterwards God entrusted the guidance of the friars to me; no one taught me what to do; but the Most High Himself revealed to me that I ought to base my life upon the Holy Gospel; and in a few brief simple words I caused a Rule to be written, and His Holiness the Pope confirmed it for me. Those who presented themselves for admission to this rule of life gave all that they had to the poor; and we were content with a single cloak, pieced on both sides, and with the cord and breeches. We desired nothing else. The clerks among us said the office like other clerks; and the lay brothers said the Pater Noster. We joyfully remained in poor and deserted churches: we were simple and submissive to all. And I was wont to work with my hands and wish still to work; and I earnestly desire every friar to work at some honest task. As for those who know not how, let them learn to work, not from a desire to receive the price of their labour, but to show a good example and to eschew idleness; and, when the reward of our labour is withheld from us, let us turn to the table of the Lord, begging alms from house to house. The Lord revealed to me this style of greeting so that we might say, "God give thee peace."

Let the friars take care not to accept churches, habitacula and others built for them, unless they are consonant with the holy poverty professed by us in the Rule, sojourning in them as pilgrims and strangers. Under obedience I firmly forbid all the friars, wherever they are, either by themselves or by an interposed person, to petition the Curia for a privilege to accept a church or any place, or under pretext of preaching or because of persecution; but if they are not welcomed in one place let them depart to another, there to do penance with the blessing of God.

It is my earnest desire to obey the Minister General of the fraternity and the Warden whom it has pleased him to give me; and, because he is my Superior, I would gladly be as a captive in his hands so that I can neither go nor act against his will. Ingenuous and unsophisticated as I am, I nevertheless wish to have a clerk to say the Office for me in accordance with the precept of the Rule; and all the other friars are bound to obey their Wardens and to say the Office according to the Rule. But if any be found unwilling to say it according to the Rule or desire to introduce variations into it, or have abandoned the Catholic Faith, under obedience, let each and every friar who meets with any such

deliver him to the Custos of the nearest Place. And the Custos shall put him in sure ward, like a man in chains day and night, so that he escape not until he is delivered to his own Minister. And the Minister must send him in the charge of friars who will guard him day and night like a man in chains until they have delivered him over to the Lord of Ostia, who is the Superior, Protector and Corrector of this fraternity.

Let not the brothers say, this is a different Rule: for it is no more than a reminder, an admonition, exhortation and my Testament, which I, your little brother, Francis, draw up for you, my blessed brethren, so that we may observe with greater perfection the Rule that we have vowed to God. Let the Minister General and all the other Ministers and Custodes be bound by obedience neither to supplement nor modify these words, and let them keep this instrument always beside the Rule; and in all their chapters let them read these words when they read the Rule. And, under obedience, I firmly forbid all my brethren, both clerks and laymen, to introduce any glosses in the Rule and these words, saying, thus do they wish it to be understood: but, "after the clear and simple manner" in which God gave me to speak and write the Rule and these words, so understand ye them and practice them unto the end.

May he who observes these things meet with the blessing of the Most High Father as his reward in heaven and upon earth, with that of His beloved Son, with the consolation of the Holy Ghost, with the aid of all the heavenly powers and of all the Saints. And I, Francis, your little brother and servant, confirm this holy blessing to you so far as in me lies. Amen.

EXHORTATIO SERAPHICI PATRIARCHAE.

O dilectissimi Fratres et in aeternum benedicti filii, audite me, audite vocem Patris vestri:

Magna promissimus majora promissa sunt nobis. Servemus haec, suspiremus ad illa.

Voluptas brevis, poena perpetua.

Modica passio, gloria infinita.

Multorum vocatio, paucorum electio; omnium erit retributio. Amen.

S. FRANCISCI MALEDICTIO IN TRANSGRESSORES SCANDALOSOS.

A te, Sanctissime Pater, et a tota coelesti Curia, et a me pauperculo sint maledicti qui suo malo exemplo confundunt et destruunt

quod per sanctos Fratres hujus Ordinis aedificasti et aedificare non cessas!

VERBA S. FRANCISCI: LAUDES REGULAE.

Fratres mei, et filii charissimi, praecclare nobiscum actum est in concessione hujus Regulae. Haec enim, quae nobis proponitur, liber est vitae, spes salutis, arrha gloriae, medulla Evangelii, via Crucis, status perfectionis, clavis Paradisi, pactum aeterni foederis. Nemo vestrum est, qui ignoret quantum emolumenti conferat nobis sacra Religio, cum colluctor et adversarius noster ad omnes dolos, vel cogitandos, vel explicandos mirus sit artifex, atque omnia quae nocere possunt pro laqueis habeat. Unde quamplures, nisi Religionis beneficio muniti essent, in summum discrimen adduxisset. Hanc ergo vestram Regulam scitote omnes, et in allevatione taedii et memoria praestiti juramenti cum interiori homine de ea confabulamini; cum intentione eam adimplendi, semper prae oculis portate; immo et cum ipsa debetis mori.

S. FRANCISCI EXHORTATIO AD OBSERVANTIAM REGULAE.

In nomine Dei Omnipotentis rogo omnes Fratres ut addiscant tenorem et sensum eorum quae in ista vita ad salutem animae nostrae scripta sunt, et ista frequenter ad memoriam reducant. Et exoro Deum ut ipse, qui est Omnipotens, Trinus et Unus, benedicat omnes docentes quae ibi ad salutem nostram scripta sunt. Et deprecor omnes, cum osculo pedum, ut multum diligant, custodiant et reponant; et ex parte Dei Omnipotentis et Domini Papae, et per obedientiam, ego, Franciscus, firmiter precipio et injungo, ut ex his quae in ista vita scripta sunt, nullus minuat, vel in ipsa scriptum aliquod desuper addat, nec aliam Regulam Fratres habeant.

LAUDES TESTAMENTI S. FRANCISCI (ET S. CLARAE).

O Testamentum pacis, Testamentum nulla oblivione delendum, nulla dedignatione spernendum, nulla superordinatione mutandum! Testamentum, inquam, non morte Testatoris, sed immortalis vitae condonatione sancitum!

Beatus qui non spernit vel abjicit charitatis incorruptibile Testamentum, fertile humilitatis feudum, desiderabilem paupertatis thesaurum, tanti Patris sibi traditione legatum!

3. INTERPRETATION of the Rule of the Friars Minor by Pope Gregory IX. (*B.F.*, I., 68, No. 56.)

DILECTIS filiis, Generali et Provincialibus Ministris ac Custodibus ceterisque Fratribus Ordinis Minorum, Salutem et Apostolicam Benedictionem.

Quo elongati a saeculo ut columbae pennis assumptis in secessum contemplationis supra vos altius evolastis et conspectius peccatorum jacula praevidistis; et plura per quae conspiciatis salutis impediri profectum cordis vestri oculus perscrutatur; unde quae tecta sunt aliis in conscientiis vestris quandoque spiritus manifestat; splendore intelligentiae spiritualis caligine humanae infirmitatis obducto scrupulus interdum dubitationis inducitur et difficultates quasi inextricabiles ingeruntur.

Sane constitutis nuper in praesentia nostra nunciis, quos vos, filii, Ministri, misistis, qui eratis in capitulo generali congregati, et te, fili, Generalis Minister, personaliter comparente, fuit nobis expositum quod in Regula vestra quaedam dubia et obscura et quaedam intellectu difficilia continentur; sed sanctae memoriae beatus confessor Christi, Franciscus, nolens regulam suam per alicujus fratris interpretationem exponi, mandavit circa ultimum vitae suae, cujus mandatum dicitur Testamentum, ut verba ipsius regulae non glossentur, et ut verbis utamur ejusdem quod sic intelligi debeant dicatur; adjiciens quod fratres nullo modo aliquas litteras ab Apostolica Sede petant, et alia quaedam interserens quae non possent sine multa difficultate servari. Propter quod, haesitantes an teneamini ad observantiam Testamenti praedicti, dubietatem hujusmodi de conscientiis vestris et fratrum vestrorum per nos amoveri petiistis: Et cum ex longa familiaritate, quam idem confessor Nobiscum habuit, plenius noverimus intentionem ipsius, et in condendo praedictam regulam, obtinendo confirmationem ipsius per Sedem Apostolicam sibi astiterimus, dum adhuc essemus in minori officio constituti, declarari similiter postulatis dubia et obscura regulae supradictae, necnon super quibusdam difficilibus responderi. Sane quamvis praedictum Christi confessorem piam intentionem in praedicto mandato habuisse credamus et vos justis votis ejus et desideriis sanctis affectatis omnimode conformari; Nos tamen attendentes animarum periculum, et difficultates quas propter haec possetis incurrere, dubietatem de vestris cordibus amovendo ad mandatum illud vos dicimus non teneri, quod sine consensu fratrum, maxime ministrorum, quos universos tangebatur

obligare nequivit, nec successorem suum quomodolibet obligavit, cum non habeat imperium par in parem.

Ad haec, sicut per praedictos nuncios intelleximus, dubitatur ab aliquibus fratrum vestrorum ne tam ad consilia quam ad praecepta Evangelii teneantur, tum quia in Regulae vestrae habetur principio: *Regula et vita Minorum Fratrum haec est, scilicet, Domini Nostri Jesu Christi sanctum Evangelium observare, vivendo in obedientia, sine proprio et in castitate*, tum quia in fine ipsius Regulae continentur haec verba, *Paupertatem et humilitatem et Sanctum Evangelium Domini Nostri Jesu Christi quod firmiter promisimus, observemus*. Unde scire desiderant an ad alia Evangelii teneantur consilia, quam ad ea quae in ipsa Regula praeceptorie vel inhibitorie sunt expressa, praesertim cum ipsi ad alia non se obligare intenderint, et vix aut nunquam omnia possint ad litteram observari. Nos autem breviter respondemus ad alia consilia Evangelii non teneri per Regulam, nisi ad ea ad quae magis de bono et aequo vos obtulistis holocaustum Domino medullatum per contemptum omnium mundanorum.

Item, cum in eadem Regula sit inhibutum *ne fratres recipiant per se vel per alios denarios vel pecuniam ullo modo*, et ipsi hoc in perpetuum observare desiderant, certiorari requirunt, si aliquibus timentibus Deum fideles aliquos, per quos ipsi subveniant necessitatibus eorundem, sine offensione Regulae audeant praesentare, ac ad fideles eosdem pro necessitatibus ipsis secuta recurrere conscientia cum denarios aut pecuniam noverint accepisse; quos tamen denarios vel pecuniam auctoritate propria non intendunt facere conservari nec nomine depositi exigere ab eisdem. Super quo, duximus respondendum quod si rem necessariam velint fratres emere, vel solutionem facere pro jam empta, possint vel nuncium ejus a quo res emitur vel aliquem alium volentibus sibi eleemosynam facere, nisi iidem per se vel proprios nuncios maluerint praesentare; qui taliter praesentatus a fratribus non est eorum nuncius licet praesentetur ab ipsis, sed illius potius cujus mandato solutionem fecit, seu recipientis eandem. Idem nuncius solvere statim debet, ita quod de pecunia nihil remaneat penes eum. Si vero pro aliis imminentibus necessitatibus praesentetur, eleemosynam sibi commissam potest, sicut et Dominus, apud spiritualem amicum fratrum deponere per ipsum, loco et tempore pro ipsorum hujusmodi necessitatibus, sicut expedire viderit, dispensandam. Ad quem etiam fratres pro hujusmodi necessitatibus poterunt habere recursum, maxime si negligens fuerit vel necessitates ignoraverit eorundem.

Praeterea cum in ipsa Regula contineatur expresse quod, *Fratres*

nihil sibi approprient, nec domum, nec locum, nec rem aliquam, ac sic processu temporis contaminari timeant Ordinis paupertatem, praesertim cum jam dixerint aliqui proprietatem mobilium pertinere ad totum Ordinem in communi, Nobis fuit humiliter supplicatum ut in hoc dignaremur animarum providere periculis et totius Ordinis puritati. Dicimus itaque quod nec in communi nec in speciali debeant proprietatem habere, sed utensilium ac librorum et eorum mobilium, quae licet habere, eorum usum habeant; et fratres, secundum quod Generalis Minister vel Provinciales dixerint, iis utantur, salvo locorum et domorum dominio illis ad quos noscitur pertinere. Nec vendi debent mobilia vel extra Ordinem commutari aut alienari quoquo modo, nisi Ecclesiae Romanae Cardinalis is, qui fuerit Ordinis Gubernator, Generali vel Provincialibus Ministris auctoritatem super hoc praebuerit vel assensum.

Quia in quodam ejusdem Regulae capitulo continetur, ut si *qui fratrum instigante humani generis inimico mortaliter peccaverint, pro illis peccatis de quibus ordinatum fuerit inter fratres ut recurratur ad solos Ministros provinciales, teneantur praedicti fratres ad eos recurrere quam citius poterint sine mora*, ipsi pie dubitant utrum hoc de peccatis publicis tantum intelligi debeat, an de publicis pariter et privatis. Respondetur igitur praedictum capitulum ad manifesta tantum et publica pertinere; volentes ut Generalis Minister constitui faciat tot per provincias quot eorum ministri viderint expedire de maturioribus et discretioribus sacerdotibus qui super privatis audiant poenitentes: nisi fratres ministris aut custodibus suis ad loca eorum declinantibus maluerint confiteri.

Ceterum cum prohibente Regula, *nulli fratrum liceat populo praedicare, nisi a Ministro Generali fuerit examinatus et approbatus et sibi officium praedicationis ab ipso concessum*, certificari petistis utrum pro laboribus fratrum et periculosis decursibus evitandis Generalis Minister dictam examinationem, approbationem et missionem officii praedicationis discretis aliquibus committere, valeat pro examinandis generaliter illis qui in provinciis sunt statuti, vel specialiter pro quibusdam: Ad quod damus tale responsum, quod hoc Generalis Minister nulli potest absentem committere, sed qui examinatione indigere creduntur mittantur ad ipsum, ut cum Ministris provincialibus conveniat super hoc in capitulo generali; si qui vero examinari non egent pro eo quod in theologica facultate et praedicationis officio sunt instructi, si aetatis maturitas et alia quae requiruntur in talibus conveniant in eisdem, possunt, nisi quibus Minister Generalis contradixerit, eo modo quo dictum est populo praedicare.

Super eo autem quod dubitant fratres an Vicarii provincialium

Ministorum, quos ipsi sibi substituunt cum ad capitulum veniant generale, possint ad Ordinem recipere venientes et ejicere jam receptos, dicimus quod non possunt, quia nec hoc Ministris ipsis permittitur, nisi eis specialis super hoc licentia concedatur: quibus etiam Generalis Minister sicut concedere sic negare potest licentiam supradictam. Et cum juxta eandem Regulam aliis quam Ministris provincialibus fratrum receptio committi non valeat, multo minus potestatem habeant Provinciales Ministri hoc aliis committendi quibusmet; et non aliis est commissum. Insuper dubitantibus vobis an pro eo quod in Regula dicitur, "Decedente Generali Ministro a Provincialibus Ministris et Custodibus in Capitulo Pentecostes fiat electio successoris," omnium Custodum multitudinem oporteat ad Generale Capitulum convenire an, ut omnia cum majori tranquillitate tractentur, sufficere possit ut aliqui de singulis provinciis qui vocem habeant aliorum intersint, taliter respondemus ut singularum provinciarum Custodes unum ex se constituant, quem cum suo provinciali Ministro pro ipsis ad capitulum dirigant, voces suas committentes eidem: quod cum etiam constitueritis per vos ipsos statutum hujusmodi duximus approbandum.

Denique quia continetur in Regula supradicta, *quod fratres non ingrediantur in monasteriis monialium praeter illos quibus a Sede Apostolica concessa fuerit licentia specialis*, quamquam hoc de monasteriis pauperum monialium inclusarum fratres hactenus intelligendum esse crediderint, cum earum Sedes Apostolica curam habeat specialem, et intellectus hujusmodi per constitutionem quandam tempore datae Regulae, vivente adhuc B. Francisco, per provinciales Ministros fuisse credatur in generali capitulo declaratus, certificari nihilominus postulastis an hoc de omnibus generaliter cum Regula nullum excipiat, an de solis monasteriis monialium praedictarum intelligi debeat. Nos utique generaliter esse prohibitum de quarumlibet coenobiis monialium respondemus; et nomine monasterii volumus claustrum, domos et officinas interiores intelligi, pro eo quod ad alia loca, ubi etiam homines seculares conveniunt, possunt fratres illi causa praedicationis vel eleemosynae petendae accedere, quibus id a superioribus pro sua fuerit maturitate vel idoneitate concessum; exceptis semper praedictorum monasteriorum inclusarum locis, ad quae nulli datur accedendi facultas sine licentia Sedis Apostolicae speciali.

Datum Anagninae IV. Kal. Octobris, Pontificatus Nostri anno quarto.

4. CONFIRMATION and INTERPRETATION
of the Rule of the Friars Minor by Pope Nicolas III.
(*Seraphicae Legislationis, T.O.*, pp. 181-226.)

NICOLAUS, episcopus, servus servorum Dei, ad perpetuam rei memoriam.

Exiit qui seminat seminare semen suum de sinu Patris in mundum, veste scilicet humanitatis indutus Dei Filius Jesus Christus verbum Evangelicum saturus in singulos, probos et reprobos, insipientes et gnaros, studiosos et desides; et juxta Prophetam colonus futurus in terra, semen suum, doctrinam Evangelicam, sine delectu dispersit in omnes: qui omnia tracturus ad se, omnes salvare venerat: qui tandem seipsum Deo Patri pro salute omnium in redemptionis humanae pretium immolavit.

Licet autem hoc semen in singulos communicativa Dei charitate dispersum, aliud ceciderit secus viam, super corda scilicet daemonum suggestionibus pervia; aliud supra petram, corda scilicet nullo fidei vomere penetrata; aliud inter spinas, corda scilicet divitiarum sollicitudinibus lacerata; et ideo unum pravis affectibus conculcatum, aliud aridum, quia gratiae carebat humore, reliquum legitur inordinatis sollicitudinibus soffocatum; aliud tamen mite cor et docile, terra bona, suscepit.

Haec est Minorum Fratrum mitis et docilis in paupertate ac humilitate per alium Christi Confessorem Franciscum radicata Religio: qui ex illo vero semine germinans, germen illud per Regulam sparsit in filios quos sibi et Deo per suum ministerium in observantia Evangelii generavit. Isti sunt filii qui, docente Jacobo, Verbum aeternum Dei filium, insitum humanae naturae in horto virginalis uteri, potens salvare animas, in mansuetudine susceperunt. Hi sunt illius sanctae Regulae professores, quae Evangelico fundatur eloquio, vitae Christi roboratur exemplo, fundatorum militantis Ecclesiae Apostolorum ejus sermonibus actibusque firmatur.

Haec est apud Deum et Patrem munda et immaculata Religio, quae descendens a Patre luminum, per ejus Filium exemplariter et verbaliter Apostolis tradita, et demum per Spiritum sanctum beato Francisco, et eum sequentibus inspirata, totius in se quasi continet testimonium Trinitatis. Haec est, cui, attestante Paulo, nemo de cetero debet esse molestus, quam Christus passionis suae stigmatibus confirmavit, volens institutorem ipsius passionis suae signis notabiliter insigniri.

Sed nec sic contra ipsos Fratres Minores et Regulam hostis antiqui cessavit astutia, quin potius contra eos nitens superseminare zizaniam, interdum aemulatores agitados invidia, iracundia et indiscreta iustitia concitavit mordentes Fratres; et eorum Regulam quasi illicitam, inobservabilem et discriminosa caninis latratibus lacerantes; non attendentes hanc sanctam Regulam, ut praedicatur, praeceptis ac monitis salutaribus institutam, Apostolicis observationibus roboratam, per plures Romanos Pontifices approbatam, et etiam per Sedem Apostolicam confirmatam, tot divinis testimoniis communitam, quae credibilia facta sunt nimis in tot sanctis viris in observantia hujus Regulae agentibus et finientibus dies suos, quorum nonnullos Sanctorum catalogo Sedes eadem ex eorum vita et miraculis fecit adscribi: ac novissime quasi diebus istis per piae memoriae Gregorium Papam, decimum, praedecessorem Nostrum, approbatam esse, ex evidenti utilitate, quam de ipsa consequitur universalis Ecclesia, in Generali Lugdunensi Concilio declaratum.

Nec Nos minus attendimus, imo profundius cogitamus, sicut pensare debent subtilius ceteri catholicae fidei professores, quod ipse Deus Ordinem praedictum et ejus observatores inspiciens, sic eos ab insurgentibus in ipsos rancoribus salutari subsidio praeservavit, quod nec ipsos fluctus tempestuosos allisit, nec animos in ordine ipso degentium consternavit; quin potius in vigore regulari concrecant, et amplientur in suorum observantia mandatorum.

Verumtamen, ut Ordo praedictus, quibuslibet praecisis anfractibus, distincta et pura vigeat claritate, sicut Fratres ejusdem Ordinis nuper in generali Capitulo congregati providerant, dilectis filiis, Generali et nonnullis Provincialibus ejusdem Ordinis Ministris, qui in Capitulo ipso convenerant, in Nostra praesentia constitutis, cum ad plenam observationem ejusdem Regulae in vigore spiritus eorum fervere noscatur intentio; visum est Nobis mordacibus hujusmodi vias mordendi praecludere, aliqua quae in ipsa Regula videri poterant dubia declarare, nonnulla per praedecessores Nostros etiam declarata pleniori claritate disserere, in aliquibus etiam Regulam ipsam contingentibus puritati eorundem conscientiae providere.

Nos autem qui a teneris annis ad Ordinem ipsum affectus Nostros ereximus, in illis succrescendo, cum aliquibus ejusdem Confessoris sociis, quibus ejus vita et conversatio nota erat, super ipsa Regula et sancta ipsius beati Francisci intentione frequenti collatione tractavimus; et tandem Cardinalis, ac postmodum ejusdem Ordinis per dictam Sedem gubernator, protector et corrector effecti, conditiones praedicti Ordinis ex imminente Nobis cura palpavimus.

In Apostolatus officio, tam de pia intentione Confessoris praedicti,

quam de his quae Regulam ipsam et ejus observantiam contingunt, ex praedictis longa etiam experientia informati, Nostros ad Ordinem praefatum convertimus cogitatus: et tam ea quae per eosdem praedecessores approbata et declarata esse noscuntur, quam etiam ipsam Regulam et eam contingentia, maturitate plena discussimus: nonnulla in praesenti serie statuimus, declaravimus, certius approbavimus, approbata firmavimus, edidimus et concessimus, plura etiam ordinando serius et clarius quae in infrascriptis articulis plenius exprimuntur.

I. *De observantia Evangelii.*

In primis, quia, sicut intelleximus, ab aliquibus haesitatur an Fratres ejusdem Ordinis tam ad consilia quam ad praecepta Evangelii teneantur; tum quia in Regulae praedictae principio habetur, *Regula et vita Minorum Fratrum haec est, scilicet, Domini Nostri Jesu Christi sanctum Evangelium observare, vivendo in obedientia, sine proprio et in castitate*: tum ex eo quod in eadem Regula continetur sic, *Finito vero anno probationis, recipiantur ad obedientiam, promittentes vitam istam semper et Regulam observare*: tum etiam, quia in fine ipsius Regulae continentur haec verba, *Paupertatem et humilitatem ac sanctum Evangelium Domini Nostri Jesu Christi, quod firmiter promissimus, observemus*; licet felicitis recordationis Gregorius Papa, nonus, praedecessor Noster, hunc articulum et nonnullos alios ejusdem Regulae declaraverit, quia tamen ejus declaratio propter aliquorum insurgentium in Fratres et Regulam mordaces insultus, et multorum postea emergentium casuum considerandos eventus, in aliquibus obscura, in aliquibus semiplena et in multis etiam contentis in ipsa Regula insufficienti videbatur; Nos, obscuritatem ac insufficientiam hujusmodi perfectae interpretationis declaratione amovere volentes, et cujuslibet ambiguitatis scrupulum in eisdem de singulorum mentibus plenioris expositionis certitudine amputare, dicimus quod, cum in principio Regulae non absolute sed cum quadam modificatione, vel determinatione seu specificatione ponatur, *Regula et vita Minorum Fratrum haec est, scilicet, Domini Nostri Jesu Christi sanctum Evangelium observare, vivendo in obedientia, sine proprio et in castitate*; quae tria eadem Regula multum arcte prosequitur, et nihilominus alia nonnulla subnectit praecipiendo, prohibendo, consulendo, monendo, hortando, et sub aliis verbis ad aliquem modorum reducibilibus praedictorum, de intentione Regulae liquere valet apertius, ut illud quod in professione quasi absolute subnecti videtur, *promittentes vitam istam semper et Regulam observare*; et quod in fine subjungitur, *et sanctum Evangelium*

Domini Nostri Jesu Christi, quod firmiter promisimus, observemus, totum ad ipsius Regulae modificatum vel determinatum seu specificatum principium reducatur, videlicet, ad observantiam Evangelii, ut praedicitur, per ipsam Regulam in illis tribus modificatam vel determinatam seu specificatam; cum non sit verisimile ipsum Sanctum Verbum ab ipso semel cum quadam modificatione vel determinatione seu specificatione prolatum, licet quasi succinctorie repetitum, voluisse in sui repetitione, data sibi per eum modificatione vel determinatione seu specificatione sine certa causa carere; et utriusque juris argumenta nos doceant ea quae in principio ad medium et ad finem, illa vero quae in medio ad finem atque principium, et ea quae in fine ad utrumque vel eorum alterum saepe referri.

Et dato quod absolute diceretur omnino, *Promitto sanctum Evangelium observare,* nisi professor hujusmodi intenderet se ad omnium consiliorum observantiam obligare, quod vix aut nunquam posset ad litteram observare, propter quod talis promissio illaqueare profitentis animum videretur; clare videtur promissionem hujusmodi ad alium intellectum absque intentione promittentis non debere perstringi, nisi ut observantia Evangelii sit, sicut reperitur, tradita a Christo, videlicet, quod praecepta ut praecepta, et consilia ut consilia, a promittentibus observentur: quem intellectum etiam in eisdem verbis habuisse idem beatus Franciscus in serie sui processus in Regula patenter ostendit, cum aliqua Evangelica consilia indicat ut consilia, sub verbis monitionis, exhortationis et consilii, nonnulla vero sub prohibitione ac verbo praecepti. Per quod patet quod non fuit loquentis intentio quod Fratres ex professione hujus Regulae ad omnia consilia sicut ad praecepta Evangelica tenerentur, sed solum ad illa consilia quae in eadem Regula praeceptorie vel inhibitorie seu sub verbis aequipollentibus sunt expressa.

Unde Nos, ad Fratrum ejusdem Ordinis conscientias plenarie serenandas, declaramus quod ex professione ejusdem Regulae Fratres ipsi ad ea tantum Evangelica observanda consilia sunt adstricti, quae in ipsa Regula praeceptorie vel inhibitorie seu sub diversis aequipollentibus exprimuntur.

Ad nonnulla vero alia per Evangelium data consilia eo magis secundum exigentiam sui status tenentur plus quam ceteri Christiani, quo per statum perfectionis, quem per professionem hujusmodi assumpserunt, se obtulerunt holocaustum Domino medullatum per contemptum omnium mundanorum.

Ad omnia autem, quae in ipsa Regula continentur, tam praecepta quam consilia, quam cetera, ex voto professionis hujusmodi non aliter tenentur quam eo modo quo in Regula ipsa traduntur: ut scilicet

teneantur ad eorum observantiam quae in eadem Regula ipsis sub verbis obligatoriis indicuntur.

Ceterorum vero observantiam quae sub verbis monitoriis, exhortatoriis, informatoriis et instructoriis seu quibuscumque aliis continentur, eatenus magis concedet de bono et aequo eos prosequi, quo imitatores tanti Patris effecti, Christi semitas arctius elegerunt.

II. *De abdicatione proprietatis.*

Porro cum Regula ipsa expresse contineat, quod *Fratres nihil sibi approprient, nec domum, nec locum, nec aliquam rem*; sitque declaratum per eundem praedecessorem, Gregorium, nonum, et nonnullos alios hoc servari debere tam in speciali quam etiam in communi quam sic arctam abdicationem venenosis obtrectationibus aliquorum insensata depravavit astutia; ne Fratrum eorundem perfectionis claritas talium imperitis sermonibus laceretur, dicimus quod abdicatio proprietatis hujusmodi omnium rerum, tam in speciali quam etiam in communi, propter Deum meritoria est et sancta; quam et Christus, viam perfectionis ostendens, verbo docuit et exemplo firmavit; quamque primi fundatores militantis Ecclesiae, prout ab ipso fonte hauserant, volentes perfecte vivere, per doctrinae ac vitae ipsorum alveos derivarunt.

Nec his quisquam putet obsistere, quod interdum dicitur Christum loculos habuisse: nam sic ipse Christus, cujus perfecta sunt opera, in suis actibus viam perfectionis exercuit, quod interdum infirmorum imperfectionibus condescendens, et viam perfectionis extolleret, et imperfectorum infirmas semitas non damnaret; sic infirmorum personam Christus suscepit in loculis, sic et in nonnullis aliis infirma humanae carnis assumens, prout Evangelica testatur historia, non tantum carne, sed et mente condescendit infirmis. Sic enim humanam naturam assumpsit, quod in suis operibus perfectus existens, in nostris factus humilis, in propriis permansit excelsus: sic et summae charitatis dignatione ad actus quosdam nostrae imperfectioni conformes inducitur, quod a summae perfectionis rectitudine non curvatur.

Egit namque Christus et docuit perfectionis opera; egit etiam et infirma, sicut interdum in fuga patet et loculis: sed utrumque perfecte perfectus existens, ut perfectis et imperfectis se viam salutis ostenderet, qui utrosque salvare venerat, qui tandem mori voluit pro utrisque.

Nec quisquam ex his insurgat erronee, quod taliter propter Deum proprietatem omnium abdicantes, tanquam homicidae sui, vel tentatores Dei, vivendi discrimini se committant. Sic enim seipsos

committunt divinae providentiae in vivendo, ut viam non contemnant provisionis humanae: quin vel de iis quae offeruntur liberaliter, vel de iis quae mendicantur humiliter, vel de iis quae conquiruntur per laboritium sustententur: qui triplex vivendi modus in Regula providetur expresse.

Profecto, si juxta promissum Salvatoris nunquam deficiet fides Ecclesiae, per consequens nec opera misericordiae subtrahentur; ex quo Christi pauperibus omnis ratio diffidentiae cujuslibet videtur esse sublata.

Et quidem ubi, quod non est aliquatenus praesumendum, haec cuncta deficerent, sicut nec ceteris, sic nec ipsis Fratribus, jure poli in extremae necessitatis articulo, ad providendum sustentationi naturae, via omnibus extrema necessitate detentis concessa praecluditur, cum ab omni lege extrema necessitas sit excepta.

III. *De usu rerum.*

Non autem talem abdicationem proprietatis omnimodae renuntiationem usus rerum cuiquam videatur inducere. Nam cum in rebus temporalibus sit considerare praecipuum, proprietatem, possessionem, usumfructum, jus utendi et simplicem facti usum, et ultimo tanquam necessario egeat, licet primis carere possit vita mortalium: nulla prorsus potest esse professio, quae a se usum necessariae sustentationis excludat.

Verum condecens fuit ei professioni, quae sponte devovit Christum pauperem in tanta paupertate sectari, omnium abdicare dominium et rerum sibi concessarum necessario usu fore contentam; nec per hoc quod proprietatem, usus et rei cujusque dominium a se abdicasse videtur, simplici usui omnis rei renuntiatum esse convincitur. Qui, inquam, usus non juris sed facti tantummodo nomen habens, quod facti est tantum, in utendo praebet utentibus nihil juris; quinimo necessariorum rerum tam ad vitae sustentationem quam ad officiorum sui status executionem, excepto quod de pecunia infra subjungitur, moderatus usus secundum eorum Regulam et veritatem omnimodam concessus est Fratribus; quibus rebus Fratres licite uti possunt durante concedentis licentia, et juxta quod in praesenti serie continetur.

Nec his obviare dignoscitur, quod civilis providentia in humanis rebus humane constituit, videlicet, non posse usum vel usumfructum a dominio perpetuo separari; quae, ne dominium dominis semper abscedente usu redderetur inutile, temporalem utilitatem tantum in constituendo prospiciens ista decrevit. Retentio namque domini

talium rerum cum concessione usus facta pauperibus non est infructuosa domino, cum sit meritoria ad aeterna, et professioni pauperum opportuna, quae tanto sibi censetur utilior quanto commutat temporalia pro aeternis.

Profecto non fuit Confessoris Christi Regulam instituentis intentio (*rerum quarumlibet usum necessarium abdicare*) quinimo contrarium in ipsa conscripsit, contrarium vivendo servavit, cum et ipse temporalibus ad necessitatem usus fuerit, et in pluribus locis in Regula usum talem licere Fratribus manifestet.

Dicit namque in Regula *quod Clerici faciant divinum officium, ex quo habere poterunt breviaria*: ex hoc patenter insinuans, quod Fratres sui habituri essent usum breviarii et librorum qui sint ad divinum officium opportuni.

In alio quoque capitulo dicitur, *quod Ministri et Custodes pro necessitatibus infirmorum, et aliis Fratribus induendis, per amicos spirituales sollicitam curam gerant, secundum loca et tempora et frigidas regiones, sicut necessitati viderint expedire*.

Alibi etiam exhortans Fratres, per congruum laboris exercitium ad otium evitandum, dicit quod *de mercede laboris pro se et suis Fratribus corporis necessaria recipiant*.

In alio quoque capitulo continetur, quod *Fratres vadant pro eleemosyna confidenter*.

Habetur etiam in eadem Regula, quod *in praedicatione, quam Fratres faciunt, sint examinata et casta eorum eloquia, ad utilitatem et aedificationem populi annuntiando eis vitia et virtutes, poenam et gloriam*: sed constans est quod haec supponunt scientiam, scientia requirit studium, exercitium vero studii convenienter haberi non potest sine usu librorum.

Ex quibus omnibus satis claret ex Regula, ad victum, vestitum, divinum cultum et sapientiae studium, necessarium rerum usum Fratribus esse concessum.

Patet itaque sane intelligentibus ex praedictis Regulam quoad abdicationem huiusmodi non solum observabilem, possibilem et licitam, sed meritoriam et perfectam, et eo magis meritoriam, quo per ipsam professores ipsius magis a temporalibus propter Deum, sicut praedicitur, elongantur.

IV. *De ecclesiastico dominio rerum Fratribus concessarum.*

Ad hoc, cum Fratres ipsi nihil sibi in speciali acquirere vel eorum Ordini possint, etiam in communi; et cum aliquid propter Deum ipsi offertur, conceditur vel donatur, ea, si secus non exprimat, offerentis, concedentis verisimiliter fuisse credatur intentio ut rem

hujusmodi oblatam, concessam vel donatam perfecte concedat, donet et offerat, a se abdicet, ac in alios transferre cupiat propter Deum; nec sit persona, in quam loco Dei congruentius hujus rei dominium transferatur quam Sedes praefata vel persona Romani Pontificis, Christi Vicarii, qui pater est omnium, et Fratrum Minorum nihilominus specialis, ne talium rerum sub incerto videatur esse dominium; cum patri filius suo modo, servus domino, et monachus monasterio res sibi oblatas, concessas vel donatas acquirant, omnium utensilium et librorum ac eorum mobilium praesentium et futurorum, quae et quorum usum, facti scilicet, Ordini vel Fratribus ipsis licet habere, proprietatem et dominium, quod etiam felicitis recordationis Innocentius Papa IV., praedecessor Noster, fecisse dignoscitur, in Nos et Romanam Ecclesiam apostolica auctoritate recipimus, et ad nos et ipsam Ecclesiam plene et libere pertinere hac praesenti constitutione in perpetuum valitura sancimus.

Praeterea loca empta de eleemosynis diversis, et oblata seu concessa Fratribus, sub quacumque forma verborum, licet Fratres sibi cavere debeant quod in hujusmodi verbis statui suo incompetentibus non utantur, a diversis seu pro indiviso possidentibus, seu certas partes in ipsis locis habentibus, in quibus ipsi possidentes pro indiviso, seu certas partes habentes, nihil sibi in oblatione seu concessione hujusmodi reservarint, similiter in jus et dominium ac proprietatem Nostram et Ecclesiae praedictae eadem auctoritate suscipimus.

Loca vero seu domus pro habitatione Fratrum a singulari vel collegio ipsis Fratribus ex integro concedenda, seu etiam offerenda, si talia de voluntate conferentis Fratres inhabitare contigerit, perseverante tantum voluntate concedentis, inhabitent. Ac illa libere, praeter ecclesiam et oratoria ad Ecclesiam destinata et coemeterium, quae tam praesentia quam futura in jus et proprietatem Nostram et praedictae Romanae Ecclesiae simili modo et auctoritate recipimus; mutata concedentis voluntate ac ipsis Fratribus patefacta, dimittant: in quorum locorum dominio seu proprietate nihil Nobis vel praefatae Romanae Ecclesiae retinemus omnino, nisi ea specialiter de Nostro seu ipsius Romanae Ecclesiae recipiantur assensu. Et si in eisdem locis reservaverit sibi dominium in concedendo concedens, propter inhabitationem Fratrum tale dominium in jus Ecclesiae saepe dictae non transeat, sed potius plene liberum remaneat concedenti.

V. *De paupere usu.*

Insuper nec utensilia nec alia quorum usum ad necessitatem et officiorum sui status executionem (licet habere), non enim omnium rerum usum habere debent, ut dictum est, ad ullam superfluitatem,

divitias seu copiam quae deroget paupertati, vel thesaurizationem, vel eo animo, ut ea distrahant sive vendant, recipiant, nec sub colore providentiae in futurum, nec alia occasione: quinimo in omnibus appareat in eis quoad dominium omnimoda abdicatio, et in usu necessitas. Hoc autem secundum exigentiam personarum et locorum Ministri et Custodes simul et separatim in suis administrationibus et custodiis cum discretione disponant; cum de talibus interdum personarum qualitas, temporum varietas, locorum conditio et nonnullae aliae circumstantiae plus minusve ac aliter provideri requirant. Ista tamen sic faciant, quod semper in eis et eorum actibus paupertas sancta reluceat, prout ipsis ex eorum Regula invenitur indicta.

VI. *De pecuniariis cleemosynis pro necessitatibus praeteritis.*

Ceterum cum in eadem Regula sit sub praecepti districtione prohibitum *ne Fratres recipiant per se vel per alios denarios vel pecuniam ullo modo*; idque Fratres in perpetuum servare cupiant, et velut injunctum necesse habeant adimplere; ne ipsorum puritas in hujus observatione praecepti maculetur in aliquo, vel Fratrum conscientiae aliquibus aculeis stimulentur, articulum istum propter detrahentium morsus profundius quam Nostri praedecessores fecerint, assumentes, ac ipsum clarioribus determinationibus prosequentes, dicimus in primis quod Fratres ipsi a mutuis contrahendis abstineant, cum eis mutuum contrahere, ipsorum statu considerato, non liceat. Possint tamen ipsi pro satisfactione pro eorum necessitatibus facienda, quae pro tempore occurrerint, cessantibus eleemosynis de quibus satisfieri commode tunc non posset, citra cujuslibet obligationis vinculum dicere, quod per eleemosynas et alios amicos Fratrum ad solutionem hujusmodi faciendam intendunt fideliter laborare.

Quo casu procuretur a Fratribus, quod ille, qui dabit eleemosynam, per se vel alium, non nominandum ab ipsis, si fieri poterit, sed ab eo potius juxta suum beneplacitum assumendum, hujusmodi satisfactionem faciat in totum vel in partem, prout sibi Dominus inspirabit. Si tamen ipse hoc nollet facere vel non posset, vel quia recessus ejus immineat, aut quia quibus hoc velit committere notitiam non habet fidelium personarum, seu quacumque alia occasione vel causa, declaramus et dicimus quod in nullo Regulae puritas infringitur, aut quomodolibet ipsius observantia maculatur, si Fratres ipsi alicujus vel aliquorum sibi curent dare notitiam, vel aliquem seu aliquos nominare, aut etiam praesentare, cui vel quibus, si eleemosynam facienti

placuerit, committi possit executio praedictorum, ac ipsius habeatur assensus super subrogationibus infrascriptis. Ita tamen, quod penes ipsum dantem dominio, proprietate ac possessione ipsius pecuniae, cum libera potestate revocandi sibi pecuniam ipsam semper, usque ad conversionem ipsius in rem deputatam, plene, libere ac integre remanentibus, in ipsa pecunia nihil omnino Fratres juris habeant, nec administrationem seu dispensationem, nec contra personam nominatam ab eis vel non nominatam, cujuscumque conditionis existeret, in iudicio vel extra actionem, persecutionem, aut aliquod aliud jus, qualitercumque persona praedicta in commissione hujusmodi se haberet.

Liceat tamen Fratribus suas necessitates insinuare ac specificare vel exponere personae praedictae, ac eam rogare quod solvat. Possint etiam personam eandem exhortari ac inducere quod fideliter in re commissa se habeat, et animae suae saluti in commissa sibi executione provideat; ita tamen quod ab omni ejusdem pecuniae administratione seu dispensatione, et contra personam praedictam actione seu persecutione, ut praedictum est, Fratres abstineant omni modo.

Si vero personam hujusmodi nominatam vel non nominatam a Fratribus, quominus per se possit exequi quod praedicitur, contigerit per absentiam, infirmitatem, noluntatem, seu locorum distantiam ad quae ipse nollet accedere, in quibus esset solutio seu satisfactio facienda, vel occasionem aliam praepediri, liceat Fratribus cum conscientiae puritate, quantum ad unam aliam personam subrogandam ad praemissa, in nominando et aliis, si ad primum dantem non possint vel nolint habere recursum, cum ista persona facere, sicut supra proxime, declaramus eis licere cum prima.

Duarum enim personarum ministerium per viam subrogationis, ut dictum est, communius et generalius videtur posse in praedictorum executione sufficere, cum praedicta satisfactio praesumatur posse celeriter expediri. Si tamen interdum propter locorum distantiam, in quibus esset satisfactio facienda, et conditiones seu circumstantias alias, casus emergeret in quo videretur plurium personarum subrogandarum ministerium opportunum, liceat ipsis Fratribus in hoc casu juxta negotii qualitatem, servato modo praedicto, plures personas assumere, nominare seu praesentare ad istud ministerium exequendum.

VII. *De pecuniariis eleemosynis pro necessitatibus futuris.*

Et quia oportet et expedit Fratrum necessitatibus, non solum illis pro quibus jam esset solutio seu satisfactio facienda, ut supra proxime

dictum est, sed etiam imminentibus, sive tales necessitates ingruentes immineant quae brevi tempore expediri valeant, sive tales licet paucae comparative quarum provisio necessaria tractum habet, ut in libris scribendis, ecclesiis seu aedificiis ad usum habitationis ipsorum construendis, libris et pannis in locis remotis emendis, et aliis similibus si qua occurrerint, cum moderamine supradicto salubriter provideri, sic in istis necessitatibus clare distinguimus, sic in eis Fratres posse tute et sana conscientia procedere declaramus, videlicet, ut ingruenti vel imminente necessitate, quae brevi tempore vel quae interdum ex aliquibus circumstantiis non sic brevi, ut supra in proximo casu dictum est, valeat expediri, tam quoad dantem eleemosynam, quam quoad nominatum vel substitutum, in omnibus et per omnia, sicut in articulo solutionis pro necessitatibus praeteritis faciendae supra proxime declaravimus, procedatur.

In ea vero necessitate quantumcumque praesentialiter ingruenti, quae tamen ex qualitate sui ut praedicitur tractum temporis habet innexum, quia in eo casu verisimile est quod, tum ratione distantiae locorum quae expeditio necessitatis ipsius ex sui conditione requireret, tum etiam circumstantiarum, ipsius necessitatis ratione pensata, frequenter casus acciderent, in quibus ad expeditionem necessitatis hujusmodi oporteret quod per diversas manus et personas transiret pecunia necessitati hujusmodi deputata, quarum omnium personarum impossibile quasi esset dominum principalem pro ipsa necessitate pecuniam deputantem, seu etiam substitutum ab eo, et tertium etiam ab ipso substituto, si casus talis accideret, postea subrogatum, habere notitiam, declaramus et dicimus quod in hoc articulo, praeter dictos duos modos in necessitatibus praeteritis et ingruentibus, quae possint brevi tempore vel interdum non brevi ut supra exprimitur expediri ut praediximus observandos, ad conservandam ipsius Regulae ac professorum ejus omnimodam puritatem quod si praesto sit eleemosynae hujusmodi elargitor, vel ejus nuntius qui possit hoc facere, expresse illi praedicatur a Fratribus quod sibi placeat, ut dominio talis pecuniae cum libera potestate revocandi sibi pecuniam ipsam penes ipsum semper usque ad conversionem ipsius in rem deputatam libere remanente, ut in aliis duobus casibus superius dictum est, per quorumcumque manus pecunia seu eleemosyna ipsa tractetur, sive personas ab eo vel a Fratribus nominatas, totum suo consensu, voluntate ac auctoritate procedat. Quo assensum suum praebente praedictis, secure Fratres re empta vel acquisita de illa pecunia per quemcumque juxta modum adnotatum superius uti possunt.

Ad majorem autem praedictorum omnium claritatem, hac in perpetuum valitura provisionis serie declaramus quod Fratres praefatis

modis, ut praedicitur, circa pecuniam in supportandis eorum praeteritis et ingruentibus necessitatibus observatis, non intelliguntur nec dici possunt per se vel per interpositam personam pecuniam recipere contra Regulam vel professionis sui Ordinis puritatem, cum manifeste pateat ex praemissis ipsos Fratres non solum a receptione, proprietate, dominio sive usu ipsius pecuniae, verum etiam a contrectatione qualibet ipsius et ab ea penitus alienos.

VIII. *De expendendis denariis, interveniente morte datoris.*

In eo vero casu, quando antequam ipsa pecunia in licitum rei habendae vel utendae commercium sit conversa concedentem pecuniam mori contigerit, si concedens in concedendo dixerit vel expresserit, quod persona deputata pecuniam ipsam in necessarium usum Fratrum expenderet, quicquid de ipso concedente vivendo vel moriendo contingeret, sive concedens hujusmodi haerodem reliquerit, sive non, possint Fratres ad personam deputatam, non obstante concedentis morte vel haeredis contradictione, pro illa pecunia expendenda recurrere, sicut poterant ad ipsum dominum concedentem.

IX. *De residuo pecuniae superfluo.*

Quia vero puritatem ipsius Ordinis intima cordis affectione zelamus, cum in praedictis casibus ad determinatam necessitatem, ut praedicitur, per aliquem pecuniam concedi contigerit, concedens pecuniam rogari possit a Fratribus, quod si quid de ipsa pecunia, habita necessitate determinata, supererit, consentiat ipse concedens quod residuum praefatae pecuniae in res alias pro aliis ipsorum Fratrum praedictis necessitatibus convertatur, quo non consentiente praedictis, ipsum residuum, si quod fuerit, restituatur eidem.

Caveant tamen Fratres quod sollicite se coaptent ut non plus scienter concedi consentiant, quam verisimiliter aestimari possit rem necessariam, pro qua pecunia ipsa conceditur, valituram.

X. *De stante pro modis licitis praesumptione.*

Et quia in praedictorum seriosa expositione a dante vel recipiente de facili posset errari, ut clarius utilitati dantium, puritati Ordinis, simplicitati aliorum simplicium, saluti animarum hinc et inde securius consulatur, intellectum illum, qui satis in hoc casu a sane intelligente percipitur, praesentis ac in aeternum valiturae constitutionis serie lucidamus, volentes illum ad communem deduci notitiam, videlicet, quod semper, quando pecunia Fratribus ipsis mittitur vel

offertur, nisi expresse per mittentem vel offerentem aliud exprimat, praedictis modis prorsus oblata intelligatur et missa.

Non enim verisimile est aliquem eleemosynae suae sine expressione modum illum velle praefigere, per quem et donans merito, vel illi quorum necessitatibus intendit per donum hujusmodi providere, vel effectum doni vel suae conscientiae puritate fraudentur.

XI. *De legatis ex testamento relictis.*

Ad haec, quia Fratribus ipsis interdum in ultimis voluntatibus sub diversis modis nonnulla legantur, nec expresse quid de his agendum sit in Regula vel praedecessorum Nostrorum declarationibus continetur; ne in ipsis dubitari contingat in posterum, providendo legantibus, et Fratrum conscientias praecavendo, declaramus, ordinamus et dicimus quod si testator modum, secundum quem Fratribus eorum conditione inspecta recipere non liceret, exprimat in legando—ut si legaret Fratribus vineam vel agrum ad excolendum, domum ad locandum, vel similia verba in similibus proferret, aut modos similes in relinquendo servaret—a tali legato et ejus receptione per omnem modum Fratres abstineant.

Si vero modum licitum Fratribus in legando testator expresserit—ut si diceret, lego pecuniam pro Fratrum necessitatibus expendendam, vel domum, agrum, vineam et similia, ad hoc quod per certam personam vel personas idoneas distrahantur, et pecunia de rebus ipsis accepta in aedificia vel alia Fratrum necessaria convertatur—aut in legando similibus modis vel verbis utatur, in hoc casu illud in omnibus et per omnia, consideratis eorum necessitatibus et moderaminibus supradictis, quantum ad Fratres servari decernimus quod per Nos est superius in concessis pecuniariis eleemosynis declaratum.

Ad quae legata solvenda tam haeredes testatorum quam executores se liberales exhibeant, quam praelati et etiam saeculares, quibus de jure vel de consuetudine provisio ista competeret, cum expedierit, se ex officio suo promptos exhibeant ad pias voluntates deficientium adimplendas.

Nam et Nos etiam per modos licitos et Fratrum Regulae congruos intendimus providere, quod nec pia defunctorum destituatur intentio, et haeredum cupiditas legitimis ictibus feriat, ac ipsi Fratres opportunis auxiliis non fraudentur.

Si vero Fratribus ipsis generaliter aliquid absque modi expressione legetur, hoc, in legato sic indeterminate relicto, in omnibus et per omnia intelligi ac servari volumus et in perpetuum praesenti con-

stitutione jubemus quod supra in pecunia seu eleemosyna Fratribus indeterminate oblata vel missa voluimus ac expressimus observari, videlicet, ut sub modo licito Fratribus intelligatur esse relictum; ita quod nec legans merito, nec Fratres ipsi effectu relictii fraudulentur.

XII. *De commutatione librorum et mobilium.*

Quia vero dominium librorum et aliorum mobilium, quibus tam Ordo quam Fratres utuntur, quae tamen non sint dominii aliorum, ad praefatam Ecclesiam specialiter spectare dignoscitur, quae libros et mobilia interdum contingit seu expedit vendi seu etiam commutari, Fratrum utilitatibus et eorum conscientiiis providere volentes, eadem auctoritate concedimus ut commutatio talium rerum, et ad eas res quarum usum Fratribus licet habere, de Generalis et provincialium Ministrorum in suis administrationibus, conjunctim vel divisim, auctoritate procedat, quibus etiam de dispositione usus talium rerum concedimus ordinare.

Si vero res hujusmodi aestimato pretio vendi contingat, cum Fratribus ipsis per se vel per alium recipere pecuniam, Regula prohibente, non liceat, ordinamus et volumus quod talis pecunia seu pretium recipiatur et expendatur in rem licitam, cujus usum Fratribus licet habere, per procuratorem a praefata Sede vel a Cardinali gubernationem per ipsam Sedem gerente ejusdem ordinis deputandum, juxta modum in superioribus necessitatibus praeteritis et ingruentibus ordinatum.

XIII. *De largitione vilium.*

De vilibus autem mobilibus vel parum valentibus liceat ex praesenti Nostra concessione Fratribus, pietatis seu devotionis intuitu, vel pro alia honesta et rationabili causa, obtenta super hoc prius Superiorum suorum licentia, juxta quod inter Fratres in generali vel provincialibus Capitulis, tam de ipsis rebus vilibus seu parum valentibus et earum valore, quam praefata licentia, scilicet a quibus et qualiter sit habenda, extiterit ordinatum, intra et extra Ordinem aliis elargiri.

XIV. *De numero tunicarum.*

Licet autem contineatur in Regula quod *Fratres habeant unam tunicam cum caputio, et aliam sine caputio*, et videri possit illa fuisse instituentis intentio quod necessitate cessante pluribus non utantur, declaramus quod possint Fratres de licentia Ministrorum et Custodum conjunctim et divisim in administrationibus sibi commissis, cum eis

videbitur, pensatis necessitatibus et aliis circumstantiis quae secundum Deum et Regulam attendendae videntur, uti pluribus; nec per hoc videantur a Regula deviare, cum etiam in ipsa dicatur expresse, quod *Ministri et Custodes de infirmorum necessitatibus et Fratribus induendis sollicitam curam gerant, secundum loca et tempora et frigidas regiones.*

XV. *De Ministris et eorum delegatis pro Fratrum necessitatibus.*

Et quamquam Regula praedicta contineat, quod de *Fratribus induendis et necessitatibus infirmorum Ministri tantum et Custodes sollicitam curam gerant*; et dictio illa, *tantum*, sic Ministros et Custodes in hac cura perstringere, quod ab ea ceteros excludere prima facie videatur; quia tamen sollicite considerare Nos convenit et tempus Regulae institutae quo Fratres ipsi ad comparationem praesentem numero pauci erant, et forsani Ministri ac Custodes videbantur tunc ad ista posse procuranda sufficere, ac nihilominus multiplicationis Fratrum et moderni temporis qualitatem, nec sit verisimile beatum Franciscum institutorem Regulae vel ipsis Ministris et Custodibus impossibilitatis jugum voluisse praefigere, vel ex ipsius impossibilitatis consequentia Fratres ipsos suis necessitatibus velle carere, concedimus, quod ipsi Ministri et Custodes possint per alios hujus curae sollicitudinem exercere. Debent etiam et alii Fratres curam hujusmodi, quae praefatis Ministris et Custodibus praecipue incumbit ex Regula, cum sibi ab illis commissa fuerit, gerere diligenter.

XVI. *De labore.*

Continetur quoque in Regula, quod Fratres, *quibus gratiam dedit Dominus laborandi, laborent fideliter et devote; ita quod, excluso otio animae inimico, sanctae orationis et devotionis spiritum non extinguant.* Quia vero ex verbo isto Fratres ipsos de otiositate vitae et de Regulae transgressione improbe notare interdum hactenus aliqui sunt conati, Nos, morsus hujusmodi nefarios reprimentes, declaramus quod, consideratis verbis praedictis, et forma seu modo loquendi sub quibus Fratres ad hujusmodi exercitium inducuntur, non videtur ea fuisse instituentis intentio quod vacantes studio vel divinis officiis et ministeriis exequendis manuali labori seu operationi subjiceret, vel ad hoc illos arctaret, cum exemplo Christi et multorum sanctorum patrum labor iste spiritualis tanto illi praeponderet, quanto quae sunt animae corporalibus praeferuntur.

Ad alios vero, qui se in praedictis spiritualibus operibus non exercent, nisi tales aliorum Fratrum licitis servitiis occupentur, ne

otiose vivant, verba praedicta declaramus extendi, nisi et tales tam excellentis et notabilis contemplationis et orationis existerent, quod merito propter hoc non essent a tanto bono et pio exercitio subtrahendi.

Fratres enim, quantumcunque studio vel divinis ministeriis non vacantes, sed aliorum Fratrum studio vel aliis divinis officiis et ministeriis vacantium servitiis inhaerentes, cum ipsis eisdem quibus serviunt, sustentari merentur; quod adstruitur illa aequa lege sancitum qua strenuus puginator ille David juste decrevit, videlicet, quod descendentium ad praelium et remanentium ad sarcinas portio aequaretur.

XVII. *De Praedicatoribus.*

Verum quia expresse continetur in Regula quod *Fratres non praedicient in episcopatu alicujus episcopi, cum ab eo illis fuerit contradicatum*; Nos, in hoc et deferentes Regulae, et nihilominus auctoritatem Apostolicae plenitudinis conservantes, dicimus quod praedictum verbum ad litteram, sicut Regula ipsa protulit, observetur, nisi per Sedem Apostolicam circa hoc pro utilitate populi Christiani sit concessum vel ordinatum aliud, vel in posterum concedatur seu etiam ordinetur.

Et quia in eodem Capitulo Regulae immediate subjungitur, quod *nullus Fratrum populo penitus audeat praedicare, nisi a Ministro Generali fuerit examinatus et etiam approbatus, ac ab eo praedicationis officium sibi concessum*, Nos, et statum praeteritum ipsius Ordinis in paucitate sui, et modernum in ampliato Fratrum numero, ac utilitatem animarum, ut concedet, advertentes, concedimus quod nedum Generalis examinare, approbare praedicatores Fratres in populis, ac illis concedere licentiam praedicandi, quatenus personae idoneitatem et praedicationis officium licentia ipsa respiceret, prout in Regula continetur; verum etiam provinciales Ministri hoc possint in Capitulis provincialibus cum Definitoribus, quod etiam hodie observari dicitur, et in Fratrum privilegiis contineri: quamquidem licentiam praefati Ministri revocare, suspendere valeant, et arctare, sicut et quando id eis videbitur expedire.

XVIII. *De receptione Fratrum.*

Sed quoniam in desideriis Nostris hoc geritur, ut ad Dei gloriam salus proficiat animarum, ac dictus Ordo, per quem jugiter ad amorem divinum affectio Christianae Religionis accenditur, merito et numero augeatur, concedimus et praesenti statuto firmamus, licere non solum Generali, sed etiam provincialibus Ministris, personas fugientes a

saeculo in Fratres recipere, quae Ministrorum provincialium licentia per ipsum Generalem, sicut expedire viderit, possit arctari.

Vicarii vero provincialium Ministrorum ex officio vicariae licentiam hanc sibi noverint interdictam, nisi per Ministros eosdem, quibus hoc posse committere vicariis et aliis licere decernimus, hoc ipsis Vicariis specialiter committatur. Caveant tamen ipsi Provinciales quod hoc non indiscrete, non passim, sed sic considerate committant, sicque illos quibus hoc committi contigerit fidelibus consiliis fulciant, quod omnia discrete procedant.

Nec indifferenter omnes admittantur ad Ordinem, sed illi tantum qui suffragantibus eis litteratura, idoneitate, vel aliis circumstantiis, possint utiles esse Ordini sibi per vitae meritum ac aliis proficere per exemplum.

XIX. *De Custode Capituli generalis.*

Insuper dubitantibus Fratribus praedicti Ordinis an pro eo, quod in Regula dicitur, *ut decedente Generali Ministro, a provincialibus Ministris et Custodibus in Capitulo Pentecostes fiat electio successoris*, omnium Custodum multitudinem oporteat ad generale Capitulum convenire, aut, ut omnia cum majori tranquillitate tractentur, sufficere possit ut aliqui de singulis provinciis, qui vocem habeant aliorum, intersint; taliter respondemus, ut scilicet singularum provinciarum Custodes unum ex se constituent, quem cum suo provinciali Ministro pro seipsis ad Capitulum dirigant, voces aut vices suas committentes eidem.

Quod etiam cum constituerint per seipsos, statutum hujusmodi duximus approbandum. Quod etiam idem praedecessor, Gregorius nonus, in casu hujusmodi dicitur respondisse.

XX. *De ingressu et accessu ad monasteria Monialium.*

Denique quia continetur in Regula supradicta, quod *Fratres non ingrediantur monasteria Monacharum, praeter illos quibus a Sede praedicta concessa fuerit licentia specialis*, quanquam hoc de monasteriis pauperum Monialium inclusarum Fratres attentius intelligendum esse crediderint, cum earum Sedes praefata curam habeat specialem, et intellectus hujusmodi per constitutionem quandam tempore datae Regulae, vivente adhuc B. Francisco, per provinciales Ministros fuisse credatur in generali Capitulo declaratus, iidem Fratres certificari nihilominus postulaverunt an hoc de omnibus generaliter, cum Regula nullum excipiat, an de solis monasteriis intelligi debeat Monialium praedictarum.

Nos itaque generaliter id esse prohibitum de quarumlibet coenobiis Monialium respondemus; et nomine monasterii volumus claustrum, domos et officinas interiores intelligi; pro eo quod ad alia loca, ubi homines saeculares conveniunt, possunt Fratres illi causa praedicationis vel eleemosynae petendae accedere, quibus id a Superioribus suis pro sua fuerit maturitate vel idoneitate concessum, exceptis semper praedictarum monasteriis inclusarum, ad quae nulli datur accedendi facultas sine Sedis ejusdem licentia speciali, quod etiam ipsum idem praedecessor, Gregorius IX., in eo casu dicitur respondisse.

XXI. *De Testamento S. Francisci.*

Ceterum sanctae memoriae confessor Christi, Franciscus, mandasse dicitur circa ultimum vitae suae, cujus mandatum ipsius dicitur Testamentum, quod *verba ipsius Regulae non glossentur et, ut verbis utamur ejusdem, quod sic vel sic intelligi debeant, non dicatur*; adjiciens, quod *Fratres nullo modo aliquas litteras ab Apostolica Sede petant*; et alia quaedam interserens, quae non possent sine multa difficultate servari. Propter quod Fratres haesitantes an tenerentur ad observantiam Testamenti praedicti, dubitationem hujusmodi per eundem praedecessorem, Gregorium IX., petierunt de ipsorum conscientia amoveri. Qui, sicut asseritur, attendens periculum animarum et difficultates, quas propter hoc possent incurere, dubietatem de ipsorum cordibus amovendo, dixit Fratres ipsos ad ipsius mandati observantiam non teneri, quod sine consensu Fratrum, et maxime Ministrorum, quos universos tangebatur, obligare nequivit; nec successorem suum quomodolibet obligavit, cum non haberet imperium par in parem. Nos autem circa praesentem articulum nihil duximus innovandum.

XXII. *De diversis aliis declarationibus summorum Pontificum praecedentium.*

Ad haec, a nonnullis praedecessoribus Nostris Romanis Pontificibus circa declarationem ipsius Regulae et ipsam Regulam ac eam contingentia, diversas litteras intelleximus emanasse; sed nec per hoc mordacium praedictorum contra Regulam ipsam et Fratres quievit insultus, nec per ipsas litteras statui Fratrum providetur in multis in quibus de novo vel aliter necessario providendum esse, multorum postea casuum contingentium experientia indicavit. Nos itaque, ne litterarum hujusmodi et praesentis constitutionis diversitas, vel intellectus adversitas in praedictorum observatione

Fratrum animos perturbaret, et ut plenius clarius et certius eorum statui et observantiae praedictae Regulae consulatur in omnibus et singulis illis articulis quos constitutio ipsa continet, quamquam ipsi vel eorum aliqui contineantur in aliis litteris Apostolicis supradictis, hanc Nostram constitutionem, declarationem seu ordinationem tantum a Fratribus ipsis praecise ac inviolabiliter decernimus perpetuis temporibus observandam.

XXIII. *De ipsa praesenti Constitutione.*

Cum igitur ex praedictis et aliis per Nos cum multa maturitate discussis, Regula ipsa licita, sancta, perfecta et observabilis, nec ulli patens discrimini evidenter appareat, illam et omnia suprascripta per Nos statuta, ordinata, concessa, disposita, decreta, declarata etiam et suppleta, de Apostolicae potestatis plenitudine approbamus, confirmamus et volumus existere perpetuae firmitatis, in virtute obedientiae districtae praecipientes quod haec constitutio, sicut ceterae constitutiones vel decretales epistolae, legatur in scholis.

Et quia sub colore liciti nonnulli contra Fratres ipsos et Regulam, in legendo, exponendo atque glossando, possent virus suae iniquitatis effundere, ac ipsius constitutionis intellectum ipsum in diversas et adversas sententias producentes suis adinventionibus depravare, et opinionum diversitas ac distortio intellectus multorum pios animos posset involvere, et a Religionis ingressu multorum corda subtrahere, talium detrahentium vitanda perversitas cogit Nos viam ipsis ad praedicta praeccludere, et certum procedendi modum hanc constitutionem legentibus praefinire. Itaque sub poena excommunicationis et privationis officii ac beneficii districtae praecipimus, ut praesens constitutio, cum ipsam legi contigerit, sicut prolata est, sic fideliter exponatur ad litteram; concordantiae, contrarietates, seu diversae vel adversae opiniones a lectoribus seu expositoribus nullatenus inducantur: super ipsa constitutione glossae non fiant, nisi forsitan per quas verbum vel verbi sensus seu constructio, vel ipsa constitutio quasi grammaticaliter ad litteram vel intelligibilius exponatur: nec intellectus ipsius per legentem depravetur in aliquo, seu distorqueatur ad aliud quam littera ipsa sonat.

Et ne Sedem praedictam contra detractores hujusmodi oporteat ulterius laborare, universis ac singulis cujuscumque praeeminentiae, conditionis aut status, districtae praecipimus, ne contra praedictam Regulam et statum praedictorum Fratrum, seu contra praemissa per Nos statuta, ordinata, concessa, disposita, decreta, declarata, suppleta, approbata et etiam confirmata, dogmatizent, scribant, determinent,

praedicient seu prave loquantur, publice vel occulte. Sed si quid penes aliquem in his ambiguitatis emerit, hoc ad culmen praedictae Sedis Apostolicae deducatur, ut ex auctoritate Apostolica sua in hoc manifestetur intentio ; cui soli concessum est in his statuta condere, et condita declarare.

Glossantes vero in scriptis constitutionem ipsam aliter quam eo modo quem diximus, doctores insuper sive lectores, dum docent in publico, ex certa scientia et deliberate intellectum constitutionis huiusmodi depravantes, facientes quoque commentum, scripturas seu libellos, ac ex certa scientia et deliberate determinantes in scholis, seu praedicantes contra praedicta, vel aliqua seu aliquod praedictorum, non obstantibus aliquibus privilegiis vel indulgentiis aut litteris Apostolicis, quibuscumque dignitatibus, personis, ordinibus aut locis, religiosis vel saecularibus, generaliter vel singulariter, sub quacumque forma vel expressione verborum concessis, quae nolumus aliquibus in praemissis quomodolibet suffragari, excommunicationis sententiae, quam ex nunc in ipsos proferimus, se noverint subjacere, a qua per neminem, nisi per Romanum Pontificem, possint absolvi.

Insuper tam istos, contra quos per Nos excommunicationis est prolata sententia, quam alios, si qui fuerint, contra praemissa vel eorum aliquod venientes, ad Nostram et Sedis memoratae volumus deduci notitiam, ut quos provisus modus aequitatis non arcet a vetitis, compescat rigor Apostolicae ultionis.

Nulli ergo omnino hominum liceat hanc paginam Nostrae declarationis, ordinationis, concessionis, dispositionis, suppletionis, approbationis, confirmationis et constitutionis infringere, vel ei ausu temerario contraire. Si quis autem hoc attentare praesumpserit, indignationem omnipotentis Dei et beatorum Petri et Pauli Apostolorum ejus se noverit incursum.

Datum Suriani XVIII. Kalendas Septembris, Pontificatus Nostris anno secundo.

5. CONFIRMATION AND INTERPRETATION of the Rule of the Friars Minor, by Pope Clement V. (*Loc. cit.*, pp. 229-260.)

CLEMENS, episcopus, servus servorum Dei, ad perpetuam rei memoriam.

Exivi de paradiso, dixi: Rigabo hortum plantationum, ait ille coelestis agricola, qui vere fons sapientiae, Verbum Dei a Patre, in Patre manens, genitum ab aeterno, novissime diebus istis, fabricante sancto Spiritu, in utero Virginis factum caro, exivit homo ad opus arduum redemptionis humani generis peragendum, exemplar sequendum coelestis vitae praebens hominibus semetipsum. Verum quia plerumque mortalis vitae sollicitudinibus pressus homo, mentis aspectum ab exemplaris hujus contuitu divertebat, verus noster Salomon in solo militantis Ecclesiae hortum voluptatis inter ceteros quemdam fecit, a procellosis mundi fluctibus elongatum, in quo quietius ac securius vacaretur contemplantis servandisque hujusmodi operibus exemplaris. In hunc introivit ipse, ut rigaret ipsum foecundis aquis spiritualis gratiae ac doctrinae.

Hic hortus siquidem est Fratrum Minorum sancta Religio, quae muris regularis observantiae firmiter undique circumclusa intra se solo contenta Deo adornatur abunde novellis plantationibus filiorum. Ad hunc veniens dilectus Dei Filius, mortificantis poenitentiae myrrham metit cum aromatibus, quae suavitate mira universis odorem attrahentis sanctimoniae circumfundunt. Haec est illa coelestis vitae forma et Regula, quam descripsit ille confessor Christi, eximius sanctus Franciscus, ac servandam a suis filiis verbo docuit pariter et exemplo.

Quia vero dictae sanctae Regulae professores ac aemulatores devoti, ut alumni et veri filii tanti patris, affectabant sicut et ferventer affectant ad purum et plenum promissam Regulam firmiter observare; attendentes quaedam, quae dubium poterant afferre sensum, in ipsius Regulae serie contineri, pro ipsorum declaratione habenda recurrerunt prudenter olim ad apicem Apostolicae dignitatis, ut certificati per ipsam, cujus pedibus etiam per ipsam Regulam sunt subjecti, possent Domino, pulsis cunctis dubiis, cum plena claritate conscientiae deservire. Horum autem piis ac justis supplicationibus plures fel. record. praedecessores Nostri Summi Pontifices successive, sicuti dignum erat applicantes aures et animum, declaraverunt ea quae dubia videbantur, ediderunt nonnulla, et aliqua concesserunt, sicut expedire videbant Fratrum conscientis ac purae observantiae hujus status.

Verum quia plerumque ubi culpa non est, eam esse timere solent conscientiae timoratae, quae in via Dei quodcumque devium expavescent, non sunt ad plenum ex dictis declarationibus dictorum omnium Fratrum conscientiae quietatae, quin circa aliqua ad Regulam ipsorumque statum pertinentia, dubitationum in ipsis fluctus aliqui oriantur, sicut ad aures Nostras pluries et de quamp pluribus in privatis

et publicis consistoriis est perlatum. Quapropter per ipsos Fratres Nobis extitit humiliter supplicatum, quatenus praedictis dubiis, quae occurrunt et quae possunt occurrere in futurum, adhibere opportuna declarationis remedia de benignitate Sedis Apostolicae curaremus.

Nos igitur, cujus animus ab aetate tenera pia devotione efferbuit ad hujus professores Regulae et ad Ordinem ipsum totum, nunc autem ex communi cura pastoralis regiminis quam immeriti sustinemus, ad ipsos fovendos dulcius, et attentius gratiosis favoribus prosequendos tanto provocamur ardentius, quanto frequentius intenta mente revolvimus fructus uberes, quos ex eorum exemplari vita ac salutari doctrina toti universali Ecclesiae continue cernimus provenire; tam pia supplicantium intentione commoti, ad peragendum diligenter quod petitur studia Nostra duximus convertenda; ipsaque dubia per plures Archiepiscopos et Episcopos, et in theologia Magistros, ac alios litteratos, providos et discretos, examinari fecimus diligenter.

I. *De observatione S. Evangelii.*

Cum igitur in primis ex eo quia in Regulae praedictae principio habetur, *Regula et vita Fratrum Minorum haec est, scilicet, Domini nostri Jesu Christi sanctum Evangelium observare, vivendo in obedientia, sine proprio et in castitate*; item infra, *Finito vero anno probationis, recipiantur ad obedientiam, promittentes vitam istam semper et Regulam observare*; item circa finem Regulae, *Paupertatem et humilitatem ac sanctum Evangelium Domini nostri Jesu Christi, quod firmiter promisimus, observemus*; fuit haesitatum an Fratres ejusdem Ordinis ad omnia tam praecepta quam consilia Evangelii ex professione suae Regulae teneantur, quibusdam dicentibus quod ad omnia, aliis autem asserentibus quod ad sola illa tria consilia, videlicet, vivere in obedientia, in castitate et sine proprio, et ad ea quae sub verbis obligatoriis ponuntur in Regula obligantur. Nos, circa hunc articulum praedecessorum Nostrorum vestigiis inhaerentes, ipsumque articulum quoad aliquid clarius prosequentes, dictae haesitationi duximus respondendum quod, cum votum determinatum cujuslibet habeat cadere super certo, vovens Regulam non potest dici teneri ex vi voti hujus ad ea consilia evangelica quae in Regula non ponuntur. Et quidem B. Francisci conditoris Regulae haec probatur fuisse intentio, ex hoc quod quaedam evangelica consilia in Regula posuit, aliis praetermissis. Si enim per illud verbum, *Regula et vita Fratrum Minorum haec est, etc.*, inten-

disset eos ad omnia consilia evangelica obligare, superflue et nugatorie quaedam eorum suppressis ceteris in Regula expressisset.

II. *De praeceptis Regulae.*

Cum autem natura termini restrictivi hoc habeat quod sic excludit ab ipso extranea, quod cuncta ad ipsum pertinentia includit, declaramus et dicimus quod dicti Fratres non solum ad illa tria vota nude et absolute accepta ex professione suae Regulae obligantur, sed etiam tenentur ad omnia ea implenda, quae sint pertinentia ad haec tria praedicta quae Regula ipsa ponit.

Nam si ad haec tria praedicta tantum praecise et nude promittens se servare Regulam, *vivendo in obedientia, in castitate et sine proprio*, et non etiam ad omnia contenta in Regula, quae haec tria modificant, arctaretur, pro nihilo et vane proferrentur haec verba, *Promitto me semper hanc Regulam observare*; ex quo ex his verbis nulla obligatio nasceretur.

Nec tamen putandum est quod B. Franciscus professores hujus Regulae, quantum ad omnia contenta in Regula, modificantia tria vota, seu ad alia expressa in ipsa intenderit esse aequaliter obligatos; quin potius aperte discernit quod quoad quaedam ipsorum ex vi verbi transgressio est mortalis, et quoad quaedam alia non; cum ad quaedam ipsorum verbum apponat praecepti vel aequipollentis eidem, et quoad aliqua verbis aliis sit contentus.

III. *De iis quae aequipollent praecepto.*

Item quia praeter ea quae expresse verbo praecepti ac exhortationis seu monitionis ponuntur in Regula, nonnulla verbo imperativi modi negative vel affirmative apposito inseruntur, hactenus extitit dubitatum an tenerentur ad ista ut ad habentia vim praecepti.

Et quia, ut intelleximus, non minuitur nunc hoc dubium, sed augetur ex eo quod felicitis recordationis Nicolaus, Papa, tertius, praedecessor Noster, noscitur declarasse quod Fratres ipsi ex professione suae Regulae sunt adstricti ad ea consilia evangelica quae in ipsa Regula praeceptorie vel inhibitorie, seu sub verbis aequipollentibus exprimuntur, et nihilominus ad eorum omnium observantiam quae ipsi in eadem Regula sub verbis obligatoriis indicuntur, supplicaverunt praedicti Fratres, ut ad ipsorum conscientias serenandas declarare quae eorum censi debeant praeceptis aequipollentia ac obligatoria dignaremur.

Nos itaque, qui in sinceris horum conscientiis delectamur, attendentes quod in his quae animae salutem respiciunt, ad vitandos

gravantes remorsus consulte pars securior est tenenda, dicimus quod licet Fratres non ad omnium quae sub verbis imperativi modi ponuntur in Regula, sicut ad praeceptorum seu praeceptis aequipollentium observantiam teneantur, expedit tamen ipsis Fratribus, ad observandam puritatem Regulae et rigorem, quod ad ea sicut ad aequipollentia praeceptis se noverint obligatos, quae hic inferius annotantur. Ut autem haec, quae videri possunt aequipollentia praeceptis ex vi verbi, vel saltem ratione materiae de qua agitur, seu ex utroque, sub compendio habeantur, declaramus quod illud quod ponitur in Regula:—

De non habendo plures tunicas quam unam cum caputio, et aliam sine caputio ;

item, *de non portandis calceamentis, et de non equitando extra casum necessitatis ;*

item, quod *Fratres vilibus induantur ;*

item, quod *jejunare a festo Omnium Sanctorum usque ad Natale Domini et in sextis fertis teneantur ;*

item, quod *Clerici faciant divinum Officium secundum ordinem sanctae Romanae Ecclesiae ;*

item, quod *Ministri et Custodes pro necessitatibus infirmorum et Fratribus induendis sollicite curam gerant ;*

item, quod *si quis Fratrum in infirmitatem ceciderit, alii Fratres debent ei servire ;*

item, quod *Fratres non praedicent in episcopatu alicujus Episcopi, cum ab eo illis fuerit contradictum ;*

item, quod *nullus audeat penitus populo praedicare, nisi a Generali Ministro, vel aliis quibus secundum declarationem praedictam id competit, fuerit examinatus, approbatus et ad hoc institutus ;*

item, quod *Fratres qui cognoscerent se non posse Regulam spiritualiter observare, debeant et possint ad suos Ministros recurrere ;*

item, omnia quae ponuntur in Regula, ad formam habitus tam novitiorum quam etiam professorum, nec non et ad modum receptionis, ad professionem spectantia, nisi recipientibus quoad habitum novitiorum, sicut dicit Regula, secundum Deum aliter videatur : haec, inquam, omnia sunt a Fratribus tanquam obligatoria observanda ;

item, Ordo communiter sensit, tenet et tenuit ab antiquo quod ubicumque ponitur in Regula hoc vocabulum, *teneantur*, obtinet vim praecepti, et servari debet a Fratribus sicut tale.

IV. *De bonis ingredientium Ordinem.*

Ceterum quia Christi Confessor praedictus agendorum ac servandorum circa recipiendos ad Ordinem Ministris et Fratribus modum

praebens, dixit in Regula *quod caveant Fratres et eorum Ministri ne sint solliciti de rebus suis temporalibus, ut libere faciant de eis quidquid ipsis a Domino fuerit inspiratum; licentiam tamen habeant Ministri mittendi eos ad aliquos Deum timentes, si consilium requiratur, quorum consilio bona sua pauperibus erogentur*, dubitaverunt et dubitant multi Fratrum an liceat ipsis de bonis ingredientium quidquam recipere, si donetur; et si ad dandum personis et conventibus possint eos inducere sine culpa; si etiam ad disponendum de distributione rerum talium debeant ipsi Ministri seu Fratres dare consilium, ubi ad consulendum alii, quam ex ipsis, ad quos ingressuri mittantur, possint idonei inveniri.

Nos autem considerantes attente intendisse Sanctum suae Regulae professores, quos fundaverat in maxima paupertate, ab affectu temporalium rerum ipsorum ingredientium per dicta verba specialiter et totaliter elongare, ut quantum est ex parte Fratrum ipsorum receptio ad Ordinem sancta et purissima appareret, et ne aliquo modo oculus viderentur habere ad bona eorum temporalia, sed ad ipsos tantum divino servitio mancipandos, dicimus omnino debere tam Ministros quam Fratres ceteros a dictis inductionibus ad sibi dandum et suasionibus, nec non et a dandis circa distributionem consiliis abstinere; cum pro hoc ad timentes Deum status alterius mitti debeant, non ad Fratres, ut vere cunctis pateant esse tam salubris instituti paterni zelatores seduli et perfecti.

Cum vero facere de rebus suis quod Dominus inspirabit ipsamet Regula ingredientibus liberum velit esse, non videtur quin liceat eis recipere, consideratis scilicet eorum necessitatibus et moderaminibus declarationis jam dictae, si quid de bonis suis intrans sicut et ceteris pauperibus per modum eleemosynae libere velit dare. Cavere tamen in acceptione oblatorum talium decet Fratres, ne ex receptorum quantitate notabili praesumi possit sinister oculus contra ipsos.

V. *De Fratrum vestimentis.*

Praeterea cum dicatur in Regula quod *illi qui jam promiserunt obedientiam habeant unam tunicam cum caputio, et aliam sine caputio, qui habere voluerint; item, quod Fratres omnes vestimentis vilibus induantur*; Nosque praedicta verba declaraverimus aequipollere praeceptis, volentes haec determinare plenius, dicimus quantum ad numerum tunicarum quod pluribus uti non licet, nisi in necessitatibus quae haberi possunt ex Regula, secundum quod hunc passum memoratus praedecessor Noster plenius declaravit.

Vilitatem autem vestium, tam habitus quam interiorum tunicarum,

illam intelligi debere dicimus quae secundum consuetudinem vel conditionem patriae debeat quantum ad colorem panni et pretium vilitas merito reputari; non enim quoad regiones omnes potest determinatus unus modus in talibus assignari. Hujusmodi etiam vilitatis iudicium Ministris et Custodibus seu Guardianis duximus committendum, eorum super hoc conscientias onerantes ita tamen quod vilitatem in vestibus servent.

Quorum etiam Ministrorum, Custodum et Guardianorum iudicio eodem modo relinquimus pro qua necessitate possint Fratres calceamenta portare.

VI. *De jejuniis.*

Deinde cum duobus temporibus annotatis in Regula, scilicet, *a festo Omnium Sanctorum usque ad Nativitatem Domini*, et maximae Quadragesimae, in quibus jejunare tenentur, inseratur in eadem Regula, *Aliis autem temporibus non teneantur nisi sexta feria jejunare*; et ex hoc velint quidam dicere quod dicti Ordinis Fratres non tenentur nisi ex condecencia ad alia jejunia quam ad ista, declaramus debere intelligi eos non teneri ad jejunium aliis temporibus, praeterquam in jejuniis ab Ecclesia institutis. Non enim est verisimile quod vel institutor Regulae vel etiam confirmator absolvere eos intenderint a servandis illis jejuniis ad quae de communi statuto Ecclesiae obligantur ceteri Christiani.

VII. *De prohibita pecunia.*

Porro cum dictus Sanctus volens Fratres suos super omnia a denariis seu pecunia esse totaliter alienos, praecepit firmiter Fratribus universis *ut nullo modo denarios vel pecuniam recipiant per se vel per interpositam personam*; istumque articulum declarans idem praedecessor Noster casus et modos posuerit, quibus servatis a Fratribus, non possunt dici nec debent per se vel per alium pecuniae receptores contra Regulam vel sui Ordinis puritatem; dicimus Fratres teneri cavere summopere quod pro aliis causis et sub modis aliis, quam ponat dicti praedecessoris declaratio, ad dantes pecunias sive deputatos nuncios non recurrant; ne, si secus ab ipsis attentatum fuerit, transgressores praecepti et Regulae merito possint dici.

Nam ubi alicui generaliter aliquid prohibetur, quod expresse non conceditur, intelligitur denegatum. Quocirca quaestus omnis pecuniae ac oblationum pecuniarum receptio, in ecclesia vel alibi cippi seu trunci ordinati ad offerentium seu donantium pecunias reponendas, necnon et quicumque recursus alius ad pecunias seu habentes ipsas,

qui per declarationem praedictam non conceditur, haec, inquam, omnia sunt eis simpliciter interdicta.

Cum etiam recursus ad amicos spirituales expresse tantum in duobus casibus secundum Regulam concedatur, videlicet, pro necessitatibus infirmorum et Fratribus induendis; idque pie et rationaliter, considerata necessitate vitae, ad alias necessitates Fratrum pro tempore occurrentes, cessantibus eleemosynis, seu etiam ingruentes, saepedictus praedecessor duxerit extendendum, attendant Fratres praefati quod pro nullis causis aliis quam praedictis vel similibus in via vel alibi recurrere licet eis ad amicos hujusmodi, sive sint dantes pecunias seu deputati per ipsos, sive nuntii vel depositarii, seu alio quovis nomine appellentur, etiamsi concessi per eandem declarationem modi circa pecuniam integre servarentur.

Denique cum idem Confessor summe affectaverit suae professores Regulae esse abstractos totaliter ab affectu et desiderio terrenorum, et specialiter a pecunia, et ejus usu totaliter inexpertes, sicut probat prohibitio de recipienda pecunia in Regula saepius repetita, curare Fratres vigilanter necesse est quod, cum ex causis praedictis et modis ad habentes pecunias deputatas pro ipsorum necessitatibus recurrere oportebit, ad tenentes ipsas, quicumque hi fuerint, principales vel nuntii, in omnibus sic se gerant quod se cunctis ostendant in dictis pecuniis, sicut nec habent, penitus nil habere. Quapropter praecipere quod et qualiter pecunia expendatur, computumque exigere de expensa, eam quomodocumque repetere sive deponere, aut deponi facere, capsulam pecuniae vel ejus clavem deferre, hos actus et consimiles sibi Fratres illicitos esse sciant. Praedicta enim facere ad solos dominos pertinet qui dederunt, et eos quos ipsi deputaverint ad hoc ipsum.

VIII. *De expropriatione Fratrum; et de abusibus denuntiatis.*

Proinde cum vir sanctus paupertatis promissae in Regula modum exprimens, dixerit in eadem, *Fratres nihil sibi approprient, nec domum, nec locum, nec aliquam rem; sed tanquam peregrini et advenae in hoc saeculo, in paupertate et humilitate Deo famulantes vadant pro eleemosyna confidenter*; sitque declaratum per nonnullos praedecessores Nostros, Romanos Pontifices, hanc expropriationem intelligi debere tam in speciali quam etiam in communi, propter quod et rerum omnium concessarum, oblatarum et donatarum Fratribus quas et quarum usum, facti scilicet, Ordini vel ipsis Fratribus licet habere, proprietatem et dominium in se et Romanam Ecclesiam receperunt, dimisso ipsis

Fratribus in eis tantummodo usu facti simplici ; ad Nostrum fuerunt deducta examen quae in Ordine fieri dicebantur, et videbantur praedicto voto et puritati Ordinis repugnare, videlicet, ut ea prosequamur ex ipsis quae remedio credimus indigere :—

quod se haeredes institui non solum sustinent, sed procurant ;

item, quod redditus annuos recipiunt, et interdum in tam notabili quantitate, quod conventus habentes totaliter inde vivunt ;

item, quod, cum ipsorum negotia etiam pro rebus temporalibus in curiis agitantur, assistunt advocatis et procuratoribus, ac ad instigandum eosdem se ibidem personaliter repraesentant ;

item, quod executiones ultimarum suscipiunt voluntatum et gerunt ; seque intromittunt quandoque de usurarum vel male ablatorum dispositionibus seu restitutionibus faciendis ;

item, quod alicubi non solum excessivos hortos, sed etiam vineas magnas habent, de quibus tam de oleribus quam de vino multum colligitur ad vendendum ;

item, quod temporibus messium et vindemiarum sic copiose granum et vinum mendicando vel alias emendo colliguntur a Fratribus, et in cellariis et granariis reconduntur, quod per anni residuum vel quasi absque eorum mendicatione possunt transigere vitam suam ;

item, quod ecclesias et alia aedificia faciunt vel procurant fieri in quantitate et curiositate figurae ac formae et sumptuositate notabiliter excessiva, sic quod non videntur habitacula pauperum sed magnatum ; paramenta etiam ecclesiastica in plerisque locis tam multa habent et tam notabiliter pretiosa, quod excedunt in his magnas ecclesias cathedrales ;

item, quod equos insuper et arma eis in funeralibus oblata recipiunt indistincte.

Attamen communitas Fratrum et specialiter Rectores ipsius Ordinis asserebant quod praedicta seu plura ex ipsis in Ordine non fiebant, quod et si qui reperiuntur rei in talibus rigide puniuntur, necnon contra talia, ne fiant, sunt facta pluries ab antiquo statuta in Ordine multum stricta.

Cupientes igitur Nos ipsorum Fratrum providere conscientiis, et cuncta dubia, quantum possibile Nobis est, de ipsorum pectoribus removere, ad praedicta modo qui sequitur respondemus, cum enim ad veritatem vitae pertineat ut id quod exterius agitur interiorem mentis dispositionem et habitum repraesentet, necesse habent Fratres, qui se expropriatione tanta a temporalibus abstraxerunt, ab omni eo quod dictae expropriationi esset vel posset videri contrarium, abstinere.

IX. *De haereditatibus non acceptandis.*

Quia igitur in successione transit non solum usus rei sed etiam dominium suo tempore in haereditatem, Fratres autem praefati nihil sibi in speciali acquirere vel eorum Ordini possint, etiam in communi, declarando dicimus, quod successione hujusmodi, quae etiam ex natura sua indifferenter ad pecuniam et etiam ad alia mobilia et immobilia se extendunt, considerata sui puritate voti, nullatenus sunt capaces. Nec liceat eis valorem haereditatum talium, vel tantam earum partem quod praesumi posset hoc in fraudem fieri, quasi sub modo et forma legati dimitti sibi facere vel sic dimissa recipere; quin potius ista sic fieri ab ipsis simpliciter prohibemus.

X. *De redditibus et possessionibus non habendis.*

Cumque annui redditus inter immobilia censeantur a jure, ac hujusmodi redditus obtinere paupertati et mendicitati repugnet, nulla dubitatio est quod dictis Fratribus redditus quoscumque, sicut et possessiones, vel eorum etiam usum, cum eis non reperiatur concessus, recipere vel habere, conditione considerata ipsorum, non licet.

XI. *De curiis et litibus.*

Amplius, cum non solum quod malum esse dignoscitur, sed etiam omne quod speciem habet mali sit a viris perfectis specialiter evitandum, ex talibus autem assistentiis in curiis et instigationibus, cum de rebus agitur in ipsorum commoda convertendis, credentur verisimiliter ex his quae foris patent, de quibus habent homines judicare, in ipsis rebus Fratres assistentes aliquid quaerere tanquam suum, nullo modo debent hujus voti et Regulae professores se talibus curiis et litigiosis actibus immiscere, ut et testimonium habeant ab his qui foris sunt, et puritati satisfaciant voti sui, ac evitetur per hoc scandalum proximorum.

XII. *De non acceptandis testamentorum executionibus.*

Verum etiam cum dicti Ordinis Fratres non solum a receptione, proprietate, dominio sive usu ipsius pecuniae, verum etiam a confectione qualibet ipsius, et ab ea sint penitus alieni, quemadmodum saepedictus praedecessor Noster in declaratione hujus Regulae plane dixit; cumque dicti Ordinis professores pro nulla re temporali possint in iudicio experiri, praedictis Fratribus non licet nec competat, quin

potius, considerata sui puritate status, debent sibi scire interdictum, quod hujusmodi executionibus et dispensationibus se exponant, cum haec ut saepius absque litigio et contrectatione vel administratione pecuniae nequeant expediri. Verumtamen in his exequendis dare consilium ipsorum statui non obsistit, cum ex hoc ipsis circa bona temporalia nulla jurisdictio, actio in judicio sive dispensatio tribuatur.

XIII. *De hortis.*

Licet vero non solum sit licitum sed et multum conveniens rationi quod Fratres, qui in laboribus spiritualibus orationis et studii sedule occupantur, hortos et areas habeant competentes ad recollectionem sui, et interdum ad seipsos post labores hujusmodi corporaliter deducendos, necnon ad habenda necessaria hortalia pro seipsis; habere tamen hortos aliquos, ut colantur, ac olera et alia hortalia pretio distrahantur, necnon et vineas, repugnat suae Regulae et Ordinis puritati, secundum quod dictus praedecessor declaravit ac etiam ordinavit: quod si talia ad usus proxime dictos, ut puta, agrum vel vineam ad colendum, et consimilia Fratribus legarentur, per omnem modum Fratres a receptione talium abstinerent, cum haec etiam praemissa habere, ut pretium fructuum suis temporibus habeatur, ad naturam et formam proventuum appropinquet.

XIV. *De granariis et cellariis.*

Rursus cum praedictus Sanctus tam exemplis vitae quam verbis Regulae ostenderit se velle quod sui Fratres et filii divinae providentiae innitentes suos in Deum jacerent cogitatus, qui volucres coeli pascit, quae non congregant in horreo, nec seminant, neque metunt, non est verisimile voluisse ipsum eos habere granaria vel cellaria, ubi quotidianis mendicationibus deberent sperare posse transigere vitam suam. Et idcirco non ex timore levi laxare se debent ad congregationes et conservationes hujusmodi faciendas, sed tunc tantum cum esset multum credibile, ex jam expertis, quod non possent vitae necessaria aliter invenire. Hoc autem Ministrorum et Custodum simul et separatim in suis administrationibus et Custodiis, cum Guardiani et duorum de conventu loci discretorum sacerdotum et antiquorum in Ordine Fratrum consilio et assensu, duximus iudicio relinquendum, eorum super hoc specialiter conscientias onerantes.

XV. De aedificiis.

Hinc est etiam quod cum vir sanctus Fratres suos in paupertate summa ac humilitate fundare voluerit, quoad affectum pariter et effectum, sicut fere Regula tota clamat, convenit ipsis quod nullo modo deinceps fieri faciant nec fieri sustineant ecclesias, vel alia quaecumque aedificia, quae, considerato Fratrum inhabitantium numero, excessiva in multitudine vel magnitudine debeant reputari; ideoque volumus quod ubique in suo Ordine deinceps temperatis et humilibus aedificiis sint contenti, ne huic tantae paupertati promissae quod patet oculis contrarium foris clamet.

XVI. De paramentis ecclesiasticis.

Quamvis etiam paramenta et vasa ecclesiastica ad honorem divini nominis ordinentur, propter quem omnia ipse fecit Deus; tamen qui absconditorum est cognitor et ad animum sibi ministrantium respicit principaliter, non ad manum, non per illa sibi vult serviri, quae suorum servitorum conditioni et statui dissonarent. Propter quod sufficere debent eis paramenta et vasa ecclesiastica decentia, et in numero et in magnitudine sufficientia competenter. Superfluitas autem aut nimia pretiositas vel quaecumque curiositas in his seu aliis quibuscumque non potest ipsorum professioni et statui convenire; cum enim haec sapiant thesaurizationem seu copiam, paupertati tantae quoad humanum iudicium derogant manifeste. Quapropter praemissa servari a Fratribus volumus et mandamus.

XVII. De equorum et armorum oblationibus.

Circa equorum vero et armorum oblationes, illud decernimus in omnibus et per omnia observandum quod per declarationem praedictam in pecuniariis noscitur eleemosynis definitum.

XVIII. De usu rerum.

Ex praemissis autem succrevit non parum scrupulosa quaestio inter Fratres, videlicet, utrum ex suae professione Regulae obligentur ad arctum et tenuem sive pauperem usum rerum; quibusdam ex ipsis credentibus et dicentibus, quod sicut quoad dominium rerum habent ex voto abdicationem altissimam, ita ipsis quoad usum arctitudo maxima et exilitas est indicta; aliis e contrario asserentibus, quod ex professione sua ad nullum usum pauperem qui non exprimitur in

Regula obligantur, licet teneantur ad usum moderatum temperantiae, sicut, et magis ex condecenci, quam ceteri Christiani.

Volentes itaque Nos conscientiarum dictorum Fratrum providere quieti, et his altercationibus finem dare, declarando dicimus quod Fratres Minores ex professione suae Regulae specialiter obligantur ad arctos usus seu pauperes qui in ipsorum Regula continentur, et eo obligationis modo sub quo continet seu ponit Regula dictos usus. Dicere autem, sicut aliqui asserere perhibentur, quod haereticum sit tenere usum pauperem includi vel non includi sub voto evangelicae paupertatis, praesumptuosum et temerarium judicamus.

XIX. De electione et confirmatione Ministrorum Provincialium.

Demum, quia ex eo quod dicta Regula, per quos et ubi fieri habeat Ministri Generalis electio, tradens, nullam facit de Ministrorum Provincialium electione vel institutione penitus mentionem, oriri super hoc poterat dubitatio inter Fratres; Nos, volentes posse ipsos clare et secure procedere in omnibus factis suis, declaramus, statuimus ac etiam ordinamus hac constitutione in perpetuum valitura, ut cum alicui Provinciae de Ministro fuerit providendum, ipsius Ministri electio penes Capitulum provinciale resideat, quam idem Capitulum die sequenti qua fuerit congregatum facere teneatur. Ipsius autem electionis confirmatio ad Ministrum pertineat Generalem.

Et si quidem ad electionem hujusmodi per formam scrutinii procedatur, et, votis in diversa divisus, electiones plures in discordia celebrari contingat, illa, quae a majori parte Capituli numero, nulla zeli vel meriti collatione aut consideratione habita, fuerit celebrata, exceptione seu contradictione quacumque alterius partis non obstante, per dictum Generalem Ministrum de consilio Discretorum de Ordine, prius tamen ex officio prout spectat ad ipsum diligenti examinatione praemissa, confirmetur vel etiam infirmetur, prout ei secundum Deum visum fuerit expedire. Et si fuerit infirmata, ad provinciale Capitulum electio hujusmodi revertatur. Ceterum si Capitulum memoratum die praedicta Ministrum eligere praetermittat, ex tunc Ministri Provincialis provisio ad Generalem Ministrum libere devolvatur.

Verum si Ministro praedicto et Capitulo Generalibus ex certa, manifesta et rationabili causa videretur aliquando in Provinciis ultramarinae Hyberniae, Graeciae seu Romaniae, in quibus hactenus alius providendi modus dicitur ex causa certa et rationabili fuisse servatus, expedire Ministrum Provinciale per Ministrum Generalem cum proborum Ordinis consilio potius quam per Capituli praedicti

electionem praefici, in provinciis Hyberniae et ultramarina irrefragabiliter, in Romania vero seu Graecia, quando Minister dictae Provinciae moreretur vel absolveretur citra mare, illa vice servetur absque dolo, partialitate et fraude, super quo eorum conscientias oneramus quod super hoc dictus Minister cum dictorum proborum consilio duxerit ordinandum.

In destitutione vero dictorum Ministrorum Provincialium servari volumus quod super hoc hactenus in ipso Ordine extitit observatum. Ceterum si contingeret eosdem Ministro Generali carere, per Vicarium Ordinis fiat super hoc quod faciendum fuerat per eundem Ministrum, usquequo provisum fuerit de Generali Ministro. Porro si quid de hujusmodi Provinciali Ministro secus attentari forte contigerit, illud ipso facto sit irritum et inane.

Nulli ergo omnino hominum liceat hanc paginam Nostrarum declarationum, dictorum, commissionis, responsionis, prohibitionis, ordinationis, mandati, constitutionum, judicationis et voluntatum infringere, vel ei ausu temerario contraire. Si quis autem hoc attentare praesumpserit, indignationem omnipotentis Dei ac beatorum Petri et Pauli Apostolorum ejus se noverit incursum.

Datum Vienna, II. Non. Maii Pontificatus Nostri anno septimo.

6. PRIVILEGE of appointing and employing the Procurator *pecuniarius* granted to the Friars Minor by Pope Martin V. (*A.M.*, X., 301.)

UT POSSINT COGERE HAEREDES AD SOLUTIONEM
ELEMOSYNARUM IN TESTAMENTIS, VEL ALIAS
RELICTARUM.

DILECTIS filiis, Generali et Provincialibus Ministris ac Custodibus universis ordinis Fratrum Minorum.

Exultantes in Domino quod sacri vestri ordinis professores in Dei beneplacitis conformari promptitudine devotionis et operis illius student imitari vestigia ejus vias custodire, qui, descendens a Patre luminum et servi formam accipiens, se in laudis sacrificium placabilem hostiam immolavit, cogitare inducimur honesta remedia quibus dicti

ordinis pura observantia in sui vigore servetur; iidemque fratres qui pro nulla re temporali possunt in iudicio experiri, exclusis quibuslibet sollicitudinibus, liberius et quietius divinis vacent obsequiis; et offerentium, donantium, concedentium aut in ultima voluntate relinquentium ordini praedicto vel fratribus ejusdem ordinis aliquid propter Deum pia intentio non fraudetur; sicque nos sollicitudini qua praedictus ordo pro suis necessitatibus quoties ingrueret necessitas vel utilitas suaderet recurrere ad Romanam Ecclesiam cogeretur, ad quam omnium rerum mobilium et immobilium, quibus Fratres uti possunt, jus, proprietas et dominium nullo medio spectat, pensata incommoditate vel difficultate potius quae per hoc ingeri posset fratribus supradictis, benigne indulgentes, volentes quoque haeredum et executorum negligentibus obviare ut fratres, secundum modos licitos et congruos ipsi ordini, relictis sibi in testamentis eleemosynis non fraudentur, ac sperantes quod his quae pro statu prospero dicti ordinis agenda fuerint per vos eo salubrius et utilius consuletur, quo majori fueritis in hac parte auctoritate muniti, discretioni vestrae, de qua plenam in Domino fiduciam obtinemus, personas speciales, quae non sint de ipso ordine, nominandi pro locorum indigentia singulorum, quas personas per vos taliter nominatas in his administrationem legitimam generalem et liberalem gerere, et ipsos veros et legitimos administratores, oeconomos, syndicos et actores esse de plenitudine potestatis praesentium auctoritate constituendo: decernimus quod res ipsas et rerum praedictarum pretium et dictas eleemosynas nomine ipsius Ecclesiae recipiant, per eosdem in fratrum ipsorum utilitates, prout eis licet ex regula et declaratione regulae, convertendas sicut et quando a te, fili Generalis, vel singulis aliis vestrum in provincia vel custodia sibi decreta vel ab eisdem fratribus de assensu vestro extiterint requisiti, ab eisdem personis petendi, exigendi, recipiendi, alienandi praedicta, transigendi quoque et paciscendi, conveniendi, compromittendi, remittendi, refutandi, quitationem faciendi, agendi, defendendi ac in animas eorum de calumnia et veritate dicendi, jurandi et cujuslibet alterius juramentum praestandi cum illis et contra illos qui hujusmodi res mobiles et immobiles aut pretium earum vel relictas eleemosynas fratribus in testamento occuparent vel violenter auferrent, sive qui ultra voluntatem fratrum quomodolibet detinerent, et generaliter in omnibus causis pro rebus et locis hujusmodi ad ipsam Ecclesiam spectantibus ipsorum fratrum usui concessis; necnon pro immunitatibus, libertatibus et juribus ac privilegiis eorundem, sive cujuslibet satisfactionis et cautionis onere plenam et generalem et liberam habeant auctoritate Apostolica in iudicio et extra iudicium potestatem; revocandi quoque personas easdem et

earum quamlibet et alias eis subrogandi vel nominandi per supra-dictum modum nominationis quoties opportunum fuerit, quod eandem in praedictis vel similem habeant potestatem, plenam et liberam concedimus auctoritate praesentium facultatem. Nulli ergo omnino hominum liceat hanc paginam nostrae concessionis et constitutionis infringere, &c.

Datum apud Urbem Veterem xv Kalendas Februarii, anno 11.

7. BULL OF CONCORDANCE issued by Leo X. at the close of the controversy between the Observatine and Conventual Franciscans concerning the questions of precedence and mutual independence. (*Loc. cit.*, XVI., 51.)

AD perpetuam rei memoriam.

Omnipotens Deus, cujus perfecta sunt opera, qui cuncta sapientissime condidit in numero, pondere et mensura, et cujus nutu omnia reguntur, Romanum Pontificem sic Catholicae praefecit Ecclesiae ut, quae Divino honori salutique fidelium cognoverit accommoda, non solum faciat sed quantum in ipso fuerit aspirante coelesti gratia ad debitae perfectionis perducatur effectum.

Sane diebus novissimis cum generalissimum capitulum totius ordinis beati Francisci convocari fecissemus, illudque in domo de Aracoeli de Urbe dicti ordinis celebrari debere ordinavisse pro unione universali fratrum praedictorum sub uno capite reformato, inter alia facienda pro votiva hujusmodi unione de venerabilium fratrum nostrorum, S. R. E. Cardinalium, consilio et assensu, necnon ad regum et principum christianorum humiles et instantissimas preces, auctoritate Apostolica statuimus et ordinavimus quod de cetero perpetuis futuris temporibus Minister Generalis totius ordinis Sancti Francisci a solis et de solis reformatis fratribus dicti ordinis, viventibus absque privilegiis bona temporalia concernentibus, eligi deberet, cui omnes et singuli fratres secundum regulam ejusdem B. Francisci subjici et obedire tenerentur. Et deinde fratres Conventuales, cum privilegiis eis a Sede Apostolica concessis viventes, ac redditus et possessiones aliave bona temporalia secundum hujusmodi privilegia retinere volentes, per alias nostras litteras etiam statuimus et ordinavimus quod unum ex eisdem fratribus Conventualibus, vita et moribus

idoneum, sibi eligere possent; qui eorum Magister Generalis appellaretur et eorundem fratrum Conventualium sub dictis privilegiis viventium curam gerere et electionis de se factae confirmationem a dicto Ministro Generali totius Ordinis petere deberet, prout in litteris praedictis plenius continetur.

Cumque in capitulo generalissimo in dicta domo de Aracoeli hujusmodi nuper per fratres reformatos celebrato, ibidem praesentibus auctoritate nostra Protectore ipsius ordinis et aliis duobus ex S. R. E. Cardinalibus, ad id a nobis specialiter deputatis, die ad hoc per nos assignata, fratres ipsi vocem in electione Ministri Generalis hujusmodi habentes, dilectum filium, Christophorum de Forolivio, qui Vicarius Generalis Fratrum Minorum de familia tunc fuerat, in Ministrum Generalem totius ordinis Sancti Francisci rite et recte; fratres vero Conventuales, cum privilegiis ut praefertur viventes, in domo Sanctorum Apostolorum etiam de Urbe dicti Ordinis, ad id etiam legitime congregati, dilectum filium, Antonium Marcellum, vita et moribus idoneum, in Magistrum Generalem fratrum Conventualium hujusmodi, etiam elegissent; Nos, cum audivimus electiones de Ministro et Magistro praefatis per eosdem fratres juxta ordinationes nostras praedictas, Spiritu sancto id operante, summa cum caritate ac pace et unione factas fuisse, dictum Antonium in Magistrum Fratrum Conventualium electum coram nobis praesentem in Domino benediximus ac benedictionem nostram hujusmodi pro confirmatione quam a praefato Ministro Generali petere tenebatur, pro hac vice dumtaxat sufficere voluimus.

Ac desiderantes per eosdem Christophorum, Ministrum, et Antonium, Magistrum, sic electos, et eorum successores, fratres sibi commissos sub prospero et felici regimine gubernari ac in pacifico et tranquillo statu conservari posse, cogitavimus tali modo providere, quod de cetero odor bonae famae eorundem fratrum apud omnes Christianos fideles, etiam reges et principes religionis Christianae, perpetuis futuris temporibus redoleat, et pax et unio plurimum ab omnibus desiderata conservetur, omnisque dissidii occasio, quae humani generis procurante inimico exoriri posset, extingatur et penitus tollatur, aliqua per eosdem Ministrum et Magistrum aliosque ipsius Ordinis professores firmiter et inviolabiliter servanda, motu proprio et ex certa nostra scientia ac matura cum eisdem Cardinalibus praesidentibus deliberatione praehabita, duximus statuenda, videlicet:

Quod praefati Antonii Magistri Generalis fratrum Conventualium successores, ab eisdem fratribus Conventualibus pro tempore electi, confirmationem ab eodem Ministro Generali et successoribus suis, Ministris Generalibus totius ordinis, quemadmodum Vicarii

Generalis tunc de familia nuncupati, petere tenebantur, petere teneantur: ac quod Magister, nunc et pro tempore electus ad regimen fratrum Conventualium Sancti Francisci juxta dictam nostram ordinationem, Magister Generalis Fratrum Conventualium in perpetuum appellari debeat: quodque in singulis provinciis deputati ad regimen fratrum Conventualium de cetero Magistri Provinciales fratrum Conventualium cum suis sigillis vocari, et a Ministris Provincialibus regularis Observantiae in provinciis, juxta morem dicti ordinis respective pro tempore existentibus, confirmationem electionum de eis pro tempore factarum, eo modo quo Vicarii Provinciales olim de familia nuncupati a tunc Ministris provinciarum fratrum Conventualium petere tenebantur, etiam petere teneantur: quodque tam Generalis quam Provinciales Ministri praefati, tam ante quam post Generalis et aliorum Magistrorum confirmationem hujusmodi, tam de Generali et Provincialibus quam aliis fratribus Conventualibus hujusmodi et eorum ac aliorum Tertii Ordinis Fratrum et Sororum nuncupatorum, qui eatenus sub Ministro Generali Conventualium fuerant regimine, nullatenus se intromittere, aut eos per se vel suos commissarios visitare seu corrigere possint, nec aliquam jurisdictionem seu superioritatem in ipsos exercere valeant, praeterquam cum ipsum Ministrum Generalem pro tempore existentem ad ipsorum fratrum Conventualium domos et loca declinare contigerit. Quo casu ipse Minister eosdem fratres Conventuales paterne visitare, ipsique fratres Conventuales eundem Ministrum Generalem, tanquam totius dicti Ordinis Superiorem, omni cum caritate et dilectione recipere debeant; dummodo idem Minister Generalis, nunc et pro tempore existens, nihil judicialiter circa ipsos fratres Conventuales, ac domos eorum et loca ac etiam monasteria monialium sub eorum cura degentium, exerceat, nisi eo modo quo Minister Generalis tunc fratrum Conventualium super fratres de familia et eorum domos et loca et monasteria monialium tempore convocationis dicti capituli generalissimi exercebat, exercere possit.

Et insuper Generali et Provincialibus Ministris pro tempore existentibus, sub excommunicationis latae sententiae poena, praecipimus et mandamus ne directe vel indirecte, etiam favore dominorum temporalium, civitatum et universitatum, oppidorum, terrarum et villarum ac personarum ecclesiasticarum, etiam praelatorum quorumcunque seu cardinalium, sive alio quaesito colore vel ingenio malitiose, quod domus et loca fratrum Conventualium seu monasteria monialium curae Magistri Generalis Conventualium hujusmodi subjecta, et quae hactenus sub dicto Ministro Generali fratrum Conventualium fuerant, eis quoquomodo auferant procurare praesumant; et nihilo-

minus quidquid in contrarium attentatum fuerit sit eo ipso irritum et inane. Domus autem et loca ac monasteria monialium Magistro Generali fratrum Conventualium ea subjecta esse intelligi volumus, quae, Apostolica vel alia auctoritate Ministro Generali, ante celebrationem dicti capituli generalissimi proxime in dicta domo Aracoeli celebrati, subjecta erant, et in quorum possessione ipse tunc Minister Generalis Conventualium existebat, praesertim domus seu conventus Assisii et Sancti Salvatoris de Urbe, aliaeque quamplures domus ac multa monasteria monialium quae eidem Ministro Generali tunc immediate subjecta erant: quae omnia ex nunc Magistro Generali Conventuali immediate subjecta perpetuo sint et esse censeantur, exceptis domibus et locis ac monasteriis monialium dictorum fratrum reformatorem per priores litteras nostras hujusmodi nuper unitis, quae Generali et Provincialibus Ministris in suis provinciis respective in omnibus subjecta remanere volumus.

Statuimus etiam quod, si fratres Conventuales quandoque se reformare voluerint, reformatis ipsa juxta privilegia Apostolica eis concessa, per suos Generalem et Provinciales Magistros dumtaxat fieri debeat, nisi ubi fratres alicujus domus seu conventus ad veram et regularem Observantiam et omnimodam Generalis et Provincialium Ministrorum obedientiam venire, et Generali ac Ministris aliis praefatis se subjicere vellent; quo casu, si fratres illarum domorum in quibus a decem usque ad viginti tres, in aliis vero domibus in quibus numerus a viginti usque ad quemcunque numerum fratrum eorundem Conventualium fuerint, duae tantum partes subjectioni et submissioni hujusmodi consenserint, tunc Generalis et alii Provinciales Ministri pro tempore existentes domos fratrum subjectioni et submissioni hujusmodi modo praemisso consentientium, quacumque contradictione non obstante, domos fratrum Conventualium et illarum fratres hujusmodi libere et licite recipere possint. Domus vero fratrum Conventualium in quibus minor numerus quam denarius fuerit, etiam de omnium fratrum Conventualium earundem domorum consensu, nullatenus recipere valeant; sed illae Generalis et aliorum Provincialium Magistrorum reformationi libere dimittantur, singulis vero fratribus Conventualibus ad Generalem et Provinciales Ministros transire volentibus, ab eorum superiore prius petita licet non obtenta licentia, liberam transeundi licentiam et facultatem concedimus. Praeterea volumus quod illi ex fratribus Conventualibus, qui de cetero vitam reformatam sub Generalis seu Provincialium Magistrorum cura ducere voluerint, sub eorum regimine permanere possint, dummodo aliquo notabili signo distinctive distinguantur et discernantur ab illis qui vitam regularem sub Generali seu Provincialibus Ministris ducunt, prout

Generalis Minister et Magister inter se convenerint, bonis praefatarum domorum reformandarum, immobilibus et omnibus quorum fratres reformati non sunt nec capaces esse volunt, Generali et aliis Provincialibus Magistris ad eorum liberam dispositionem libere remanentibus.

Et ne inter reformatos et conventuales fratres praefatos super praecedentia dissensio et contentio oriri possit, volumus et etiam statuimus quod inter eos talis ordo servetur, videlicet, quod in processionibus et funeralibus ac exequiis, necnon in omnibus aliis actibus publicis, fratres Conventuales fratribus regularis Observantiae locum digniorem relinquere teneantur. Si tamen aliqui graduati seu antiqui patres aut guardiani domorum Conventualium remanere vellent cum quibusdam fratribus antiquioribus sub Generali et Provincialibus Ministris viventibus, tunc et in hoc casu, ut evitetur dissensio hujusmodi et perfecta unio conservetur, simul incedere ipsique Conventuales semper eorum crucem et vexillum per eos deferri solitum, deferre libere et licite valeant.

Postremo, omnia et singula, indulta dicto ordini, tam per Nos quam alios quoscumque Romanos Pontifices hactenus concessa, eisdem fratribus regularis Observantiae ac Conventualibus, in quantum praemissis non sint contraria, auctoritate et tenore praesentium invicem perpetuo communicamus et suffragari volumus: eaque omnia etiam illis de novo concedimus.

Quocirca camerae Apostolicae generali auditori necnon universis patriarchis, archiepiscopis et episcopis et ecclesiarum praelatis, ac quibuscumque in dignitate ecclesiastica constitutis personis, per Apostolica scripta mandamus, quatenus ipsi et eorum singuli praesentes nostras litteras et in eis contenta quaecumque, ubi et quando opus fuerit, ac quoties pro parte Ministrorum et Magistrorum aut alicujus ipsorum super hoc requisiti fuerint, solemniter publicantes eisque in praemissis efficacis defensionis praesidio assistentes, faciant eos praesentibus litteris ac omnibus et singulis in eis contentis pacifice frui et gaudere, non permittentes eos desuper inter se ac etiam per quoscumque alios, quavis auctoritate et potestate fungentes, quomodo libet indebite molestari aut perturbari, contradictores per censuras ecclesiasticas et alia juris opportuna remedia, appellatione postposita, compescendo, invocato etiam ad hoc, si opus fuerit, auxilio brachii secularis.

Non obstantibus quibuscumque litteris Apostolicis et indultis, etiam Sacri Concilii Constantiensis, dictae religionis fratribus, familiis, congregationibus, denominationibus aut alicui eorum sive illarum auctoribus et institutoribus sub quibusvis verborum formis, solemnitatibus et clausulis fortioribus et insolitis concessis, seu forsan in

futuro concedendis : quibus etiam, si ad illorum derogationem de illis eorumque totis tenoribus specialis, specifica, expressa, individua ac de verbo ad verbum, non autem per generales clausulas idem importantes, mentio seu quaevis alia expressio habenda aut aliqua alia exquisita forma servanda esset, illorum omnium tenores praesentibus pro sufficienter expressis et insertis habentes, illis alias in suo robore permansuris hac vice dumtaxat specialiter et expresse derogamus contrariis quibuscumque, aut si Ministris et Magistris et fratribus praefatis vel quibusvis aliis communiter vel divisim ab Apostolica sit Sede indultum quod interdici, suspendi vel excommunicari non possint per litteras Apostolicas non facientes plenam et expressam ac de verbo ad verbum de indulto hujusmodi mentionem. Ceterum, quia difficile foret praesentes litteras ad quaelibet loca ubi opus fuerit deferri, volumus et auctoritate Apostolica decernimus quod transumptis praesentium, manu notarii publici signatis et alicujus praelati ecclesiastici sigillo munitis, ea prorsus fides in iudicio et extra adhibeatur, quae adhiberetur si praesentes originales litterae essent exhibitae vel ostensae. Nulli ergo omnino hominum liceat hanc paginam nostrorum praecepti, statuti, communicationis, concessionis, mandati, derogationis, voluntatis et decreti infringere vel ei ausu temerario contraire. Si quis autem hoc attentare praesumpserit, indignationem omnipotentis Dei ac beatorum Petri et Pauli Apostolorum ejus se noverit incursum. Datum Romae apud Sanctum Petrum, anno Incarnationis Dominicae MDXVII. pridie Idus Junii, Pontificatus nostri anno v.

8. BULL OF POPE INNOCENT IV. permitting the Franciscans to admit laymen to burial within their churches and cemeteries. (*B.F.*, I., 537, No. 316.)

DILECTIS filiis, Generali et Provincialibus Ministris et aliis fratribus ordinis Minorum, Salutem et Apostolicam Benedictionem.

Cum a Nobis petitur etc. Ea propter, dilecti in Domino filii vestris justis postulationibus grato concurrentes assensu sepulturam ecclesiarum vestrarum liberam esse decernimus, ut eorum devotioni et extremae voluntati qui se illic sepeliri desideraverint nullus obsistat : salva tamen justitia illarum ecclesiarum a quibus mortuorum corpora assumuntur. Nulli ergo omnino hominum liceat, hanc paginam nostrae concessionis infringere, vel ei ausu, etc.

Datum Lugduni v. Kalend. Martii Pontificatus nostri anno septimo.

9. BULL OF POPE ALEXANDER IV. confirming the ecclesiastical privileges conceded to the Friars Minor by himself and his predecessors. (*Loc. cit.*, II., 298, No. 436.)

DILECTIS filiis, Generali et Provincialibus Ministris ac universis fratribus ordinis Fratrum Minorum, Salutem et Apostolicam Benedictionem.

Virtute conspicuos sacri vestri ordinis professores, qui contemplationi coelestium ferventer invigilant, et piaie vitae studio sine intermissione desudant, decet per Apostolicæ circumspectionis auxilium sic provide dirigi et solícite confoveri, ut alicujus praetextu calumniae nullum internæ pacis excidium nullumque religiosi status praeferant detrimentum, sed in iis robur et vigorem habeant per quæ cultum Divini nominis devotis et quietis mentibus invalescant. Hinc est quod, cum sicut Nobis exponere curavistis tu, fili, Generalis Minister, et praedecessores tui, juxta ejusdem ordinis consuetudinem observatam hactenus et a Sede Apostolica toleratam, statim postquam electi secundum praedicti regulam et constitutiones ordinis extitistis fratrum ipsius curam gesseritis, ministerii officium plene ac libere in omnibus exercentes, iidem fratres vobis devote et humiliter obedierint ac intenderint reverenter; et in eadem regula sit expressum ut Generalis Minister, qui pro tempore fuerit, a ministerii officio amoveri valeat a Provincialibus Ministris et Custodibus in Generali Capitulo congregatis: Nos, volentes ambiguitatis scrupulum in hac parte de vestris cordibus amputare ac ordinem ipsum a Sede approbatum eadem, honestate floridum, praeclarum scientia et virtute secundum privilegium Apostolicæ gratiae attollere, singularis vestris supplicationibus inclinati devotionis vestrae, ut successores tui, fili, Generalis Minister, qui erunt pro tempore, statim postquam electi secundum regulam et constitutiones fuerint supradictas, eo ipso veri ejusdem ordinis Generales Ministri effecti curam animarum fratrum ipsius ordinis plene habeant et libere gerant, ipsosque fratres auctoritate propria ligare ac solvere, necnon in eodem ordine agere valeant quæ ipsi Ministri et Definitores, ad hoc electi juxta praedictas constitutiones, eisdem ordini et fratribus secundum Deum viderint

expedire ; aliasque possint officium Ministri licite in omnibus exercere iidemque fratres tibi, Generalis Minister, et successoribus ipsis humiliter ac devote obediant et intendant ; et praefati successores et tu, Generalis Minister, a Provincialibus Ministris et Custodibus secundum regulam et constitutiones ipsius ordinis absolvi et amoveri possitis auctoritate Apostolica indulgemus, ratum et firmum habentes quidquid super praemissis per te, Generalis Minister, dictosque predecessores, fratres et Definitores, factum et observatum est hactenus, concessa tibi exequendi officium ministerii quoad praemissa omnia et alia libera facultate.

Et quia ejusdem ordinis fratres de locis ad loca ipsius ordinis saepius transmittuntur, propter quod stabilem et perpetuam in certis et determinatis ejusdem ordinis domibus non faciunt mansionem ; quia etiam bonos et idoneos ac approbatos a vobis fratres facitis ad ordines promoveri, liceat vobis ordinandos fratres ejusdem ordinis quibuscumque malueritis catholicis pontificibus, communionem et gratiam Apostolicae Sedis habentibus, praesentare, ipsisque pontificibus praesentatos a vobis fratres, sine qualibet examinatione per eosdem pontifices facienda et absque omni promissione vel obligatione ipsorum ordinandorum fratrum, ad ordines promovere.

In locis quoque in quibus degitis liceat vobis habere oratoria in quibus cum altari portatili possitis missarum solemnias et alia divina officia celebrare, omni parochiali jure parochialibus ecclesiis reservato : et, ne de hoc jure possit quaestio suboriri, illud circa oblationes, decimas et primitias intellegimus, quae a laicis solent clericis exhiberi, quibus ratione hujusmodi indulti nolumus parochiales ecclesias defraudari.

Cum autem generale interdictum terrae fuerit, in ecclesiis et oratoriis vestris et aliis quibuscumque, cum ad loca ecclesiastica supposita interdicto vos venire contigerit, clausis januis, interdictis et excommunicatis exclusis, non pulsatis campanis et submissa voce, liceat vobis celebrare divina ; dummodo causam non dederitis interdicto, nec contingat id vobis specialiter interdicti, neque ecclesiae et oratoria eadem fuerint specialiter interdicta. Iis vero, qui vestris immorantur obsequiis, cuncta libere ministrare possitis ecclesiastica sacramenta ; et ipsos, cum decedunt, in vestris coemeteriis sepelire. Si quando autem in terris in quibus residetis vel earum personas excommunicationis seu interdicti sententias contigerit promulgari, pueri vestris servitiis deputati, negotiorum quoque vestrorum procuratores, et operarii, qui in vestris locis eorum operibus personaliter continue institerint, hujusmodi sententiis obnoxii minime habeantur ; ibique possint audire divina juxta formam quae locis ipsis in eo casu

a Sede Apostolica est concessa ; nisi eisdem causam dederint, vel excommunicari specialiter seu interdicti contingat eosdem. Et quia vos extremam patientes pro Christi nomine paupertatem exhortationis piae studio bonos ad potiora dirigitis, et errantes in rectitudinis semitam laudabiliter revocatis, concedimus ut in excommunicatis terris libere commorari et ab eis tunc ac etiam quando per ipsos vos transire contigerit necessaria vitae deponere ac recipere valeatis. Generalis quoque ac singuli Provinciales Ministri ac etiam Custodes in provinciis et custodiis sibi commissis, fratribus constitutis ibidem absolute et dispensatione indigentibus, sive priusquam intraverint ordinem, sive post in casibus excesserint in quibus excommunicationis sententiam et notam irregularitatis incurrunt, impertiri valeant absolute beneficium, et dispensare cum eis juxta formam archiepiscopis et episcopis super hoc ab Apostolica Sede traditam, nisi adeo gravis fuerit et enormis excessus quod sint ad eandem Sedem merito destinandi. Fratres etiam vestri, quos pro tempore vos, Generalis et Provinciales Ministri, habentes in proprios confessores absolute et dispensationis beneficium, vobis, cum expedierit, valeant impertiri juxta formam concessionis super absolute et dispensatione fratrum ejusdem ordinis superius vobis factae. Ad haec volentibus vestro aggregari collegio, qui suspensionis aut interdicti vel excommunicationis sententiis sunt ligati, absolute beneficium juxta formam ecclesiae impertiri, ipsosque in fratres recipere ac eos, qui post assumptum habitum et professionem emissam recolentes se talibus in saeculo fuisse sententiis innodatos, secundum formam ipsam, vos, Generalis et Provinciales Ministri et praefati Custodes, absolvere valeatis ; ita tamen, quod si aliqui ex eisdem hujusmodi sententiis propter debitum sunt astricti satisfaciant, ut tenentur.

Porro quieti vestrae providere volentes, quod per litteras Apostolicae Sedis aut legatorum seu delegatorum ipsius conveniri a quoquam minime valeatis ; et quod ad pecuniam colligendam cogi non possitis inviti per litteras ipsius Sedis de cetero impetrandas ; quodque nullus vestrum correctionis seu visitationis vel inquisitionis officium monasteriis vel ecclesiis seu quibuscunque personis impendere, vel ad cognitiones causarum, citationes partium et denunciationes sententiarum et excommunicationum procedere, aut recipere curam monialium seu religiosarum quarumlibet, teneatur per appellationis litteras impetratas et impetrandas in posterum, nisi hujusmodi Apostolicae litterae de hoc indulto et ordine vestro expressam fecerint mentionem, auctoritate vobis Apostolica indulgemus.

Concedimus etiam, ut ad visitandum aliqua monasteria monialium cujuscumque ordinis vel audiendum confessiones earum, exemptis et

professis ordinem Sancti Damiani dumtaxat exceptis, compelli aliquatenus non possitis, aut ad recipiendum commissiones, causarum seu sententiarum executiones vel alia contingentia causas ipsas per litteras praefatae Sedis, in quibus facta non fuerit de indulgentia hujusmodi mentio specialis, sive per legatos seu delegatos ipsius vel etiam per quoscunque. Nullus insuper archiepiscopus vel episcopus, nullusque alius prelatus ecclesiasticus nec eorum vicarii vel officiales, ad portandum seu deferendum litteras vel exequendum aut denunciandum sententias contra principes seculares, communitates, populos, seu quoscunque benefactores vestros, nullusque delegatus, vel ordinarius iudex ad faciendum citationes vel commissiones recipiendas seu alia ad lites vel controversias contingentia in causis, quae coram ipsis tractantur, quemquam vestrum compellere valeant sine praedicto Sedis mandato vel licentia speciali expressam faciente de hac indulgentia mentionem. Nec quisquam vestrum parere vel intendere teneatur super iis monitionibus, mandatis aut jussionibus eorundem aut facere vel implere quod in hac parte duxerint injungendum. Ceterum Generalis et Provinciales Ministri ac ipsorum Vicarii illos ex fratribus, de quibus auctoritate litterarum Sedis Apostolicae vel legatorum ejus, archiepiscopis et episcopis ac aliis quibuscumque provisum extitit vel in posterum contigerit provideri, corrigere, ac etiam, non obstante contradictione aliqua, possint ad suum ordinem revocare: nec per litteras ejusdem Sedis seu legatorum ipsius jam obtentas, vel de cetero obtinendas, aliquos de fratribus ipsius ordinis praefatis archiepiscopis et episcopis ac aliis teneantur in socios deputare, nisi cui dictae litterae Apostolicae obtinendae de indulto hujusmodi et ordine ipso expressam fecerint mentionem, et alias id honestati ordinis et illorum salute viderint expedire. Nullus autem legatus, nisi de latere nostro missus, auctoritate litterarum Sedis Apostolicae specialium de hoc indulto et ordine vestro non facientium mentionem, nullus prelatus nec aliqua persona religiosa vel secularis de fratribus ejusdem ordinis ad sua seu ecclesiae negotia procuranda vel secum aliquos assumere valeat, nisi quos Generalis vel Provincialis Minister ipsorum tanquam idoneos et discretos sibi duxerit assignandos, quos etiam subjacere volumus ordinis disciplinae.

Illos vero ipsius ordinis fratres, qui ad praedicandum Crucem vel inquirendum contra pravitatem haereticorum seu ad alia hujusmodi negotia sunt vel fuerint ubicumque a Sede Apostolica deputati, tu, fili, Generalis Minister, tuique successores remove se seu revocare penitus, ipsisque, quod supersedeant injungere, aliosque substituere, cum expedire videritis, libere ac licite valeatis, et in eos, si contraverint, censuram ecclesiasticam exercere; ac quilibet Minister Provincialis

ejusdem ordinis, quibus ab eadem Sede similia contigerit in illa committi, facere possit, non obstantibus aliquibus litteris vel indulgentiis Apostolicis impetratis, vel etiam in posterum impetrandis, quae de hoc non fecerint mentionem.

Inhibemus quoque ne quis post professionem in ordine vestro factam sine Generalis vel sui Provincialis licentia discedat: ab ipso vero discedentem absque cautione litterarum ipsarum praetextu alicujus privilegii Apostolicae Sedis nullus audeat retinere. Quod si forte retinere praesumpserit, vobis, Generalis et Provinciales Ministri, dumtaxat licitum sit in ipsos discedentes fratres excommunicationis sententiam promulgare. Si vero aliqui de fratribus vestri ordinis, post obtentam licentiam a Sede praedicta ad religionem aliam transeundi, infra duos vel tres menses se ad Religionem suae saluti congruam non contulerint, et ipsius non susceperint habitum regularem, licitum sit vobis, Generalis et Provinciales Ministri, contra ipsos procedere secundum quod honestati ipsius ordinis videritis expedire. Apostatas quoque vestri ordinis excommunicare, capere, ligare et incarcerare et alias subdere disciplinae rigori possitis per vos, ac etiam alios, in quocumque habitu eos contigerit inveniri, invocato ad hoc si necesse fuerit auxilio brachii secularis. Inhibemus etiam ne fratres, quos ab ordine pro suis culpis per Generalem seu Provinciales Ministros aut Custodes compelli contigerit, vel qui egressi fuerint proprio suo motu, praedicare, confessiones audire seu docere praesumant, nisi ad alium transierint ordinem de vestra vel dictorum Ministrorum licentia speciali. Quod si forte contra hujusmodi inhibitionem nostram aliquid fuerit temere attentatum, liceat ipsis Ministris et Custodibus in ipsos fratres excommunicationis sententiam promulgare. Ejectis autem de ordine vestro, vel egressis qui receptione in eodem ordine suis exigentibus culpis reddiderint se indignos, transeundi ad alios ordines approbatos, praeterquam ad B. Augustini, Templariorum, Hospitalariorum et aliorum religiosorum arma portantium, ad vitandam occasionem evagandi, Generalis et Provinciales Ministri cum suis testimonialibus litteris, auctoritate nostra, licentiam liberam dare possint. Nos enim districtius inhibemus etiam ne tales ad alium ordinem aliter transire, vel aliqui eos recipere seu retinere praesumant absque licentia speciali Sedis Apostolicae faciente de hoc plenariam mentionem.

Inhibemus etiam ut nulli, sive sit in Religionis ordine sive extra ordinem constitutus, habitum vestrum, aut ita consimilem quod propter eum Frater Minor credi possit, deferre liceat absque mandato Sedis Apostolicae speciali. Et ut dicta inhibitio majorem consequatur effectum, statuimus ut ii qui habitum vestrum

vel sibi praedicto modo consimilem deferre praesumpserint, ad deponendum ipsum per diocesanos locorum cum a vobis requisiti fuerint monitione praemissi per censuram ecclesiasticam, appellatione postposita, compellantur.

Ceterum, cum humilitas vestra sibi de latitudine orbis terrae nihil praeter domos et hortos cum virgultis praemiorum obtentu coelestium duxerit reservandum, Nos, pie volentes quod eorum fructus integre vestrae paupertatis usibus applicentur, ut de hortis et de virgultis vestris nullus a vobis decimas exigere vel extorquere praesumat, districtius inhibemus.

Sepulturam quoque ecclesiarum vestrarum liberam esse decernimus, ut eorum devotioni et extremae voluntati, qui se illic sepeliri deliberaverint, nisi excommunicati vel interdicti, aut etiam publici usurarii fuerint, nullus obsistat, salva tamen justitia illarum ecclesiarum a quibus mortuorum corpora assumentur: districtius inhibentes ut nulli religiosi vel seculares, vobis invitis, aliquorum corpora defunctorum in vestris coemeteriis sepelire, aut in ecclesiis vestris missarum solemnias, vel pro animabus ipsorum qui ad loca vestra tumulandi ferentur, ibidem exequias celebrare sine vestro assensu et voluntate praesumant.

Universis autem prelatiis ecclesiarum et aliis inhibemus ne confessiones vestras, vobis invitis, audire, vel compellere vos ad synodos seu convocationes suas accedere, aut suis constitutionibus subjacere, vel capitula, scrutinia et inquisitiones in locis vestris vel alibi de vobis facere, aut fidelitatem juramento firmatam et manualementem obedientiam a Ministris, Custodibus et Guardianis vestris exigere, seu prohibere ne ad civitates vel villas, ubi religiose ac honeste commorari possitis, a populis devote vocatis, audeatis accedere ibique pro vestris usibus construere aedificia, ecclesias seu oratoria; aut de iis quae vobis a fidelibus, tam in ornamentis altaris quam in luminaribus ecclesiarum, fabricis, libris et aliis vestris necessitatibus absolute conferuntur, vel in ultima voluntate legantur, portionem aliquam a vobis exigere vel extorquere, aut in accedentes fratres seu construentes hujusmodi vel receptatores ipsorum, excommunicationis sententias ferre praesumant.

Ad haec liceat fratribus vestri ordinis, cum de prioribus locis suis ad alia loca se transferunt, tam aedificia, seu omnem aedificiorum materiam locorum quae dimittunt, dedicatis ecclesiis dumtaxat exceptis, quam libros, calices et paramenta secum ad alia loca transferre ac aedificia ipsa cum solo et aliis ad eadem loca pertinentibus, praeter ecclesias, per Procuratores a Ministris ejusdem ordinis ad hoc deputatos, vendere ipsorumque pretium in aliorum locorum, ad quae dicti fratres se transferunt, aedificationem seu alias in eorum utilitatem convertere, secundum quod eis videbitur expedire. Et ne aliqui

archiepiscopi vel episcopi, aut alii prelati seu quaevis alia persona ecclesiastica vel secularis, praedicta loca seu bona occupare, recipere vel usurpare, aut quoquo modo sibi vindicare praesumant, absque dictae Sedis licentia speciali, districtius inhibemus.

Indulgentes vobis ut ad praestationem procurationum legatorum praedictae Sedis, vel nunciorum ipsius, seu diocesanorum locorum aut exactionum vel collectarum seu subsidiorum quorumcumque minime teneamini: nec ad ea solvenda per litteras dictae Sedis aut legatorum vel nunciorum ejusdem, seu rectorum terrarum, Ecclesiae Romanae impetratas sive in posterum impetrandas, cujuscunque tenoris fuerint, in perpetuum compelli possitis, nisi Sedis dictae litterae impetrandae plenamet expressam de indulto hujusmodi et dicto ordine fecerint mentionem.

Ceterum, cum fel. record. Innocentius, Papa, predecessor noster, olim duxerit statuendum, ut exempti quantumcumque gaudeant libertate nihilominus tamen, ratione delicti seu contractus aut rei de qua contra ipsos agitur rite, possint coram locorum ordinariis conveniri, et illi quoad hoc suam in ipsis jurisdictionem prout jus exigit, exercere, Nos vobis, ut occasione constitutionis hujusmodi nullum libertatibus et immunitatibus vestris et vestro ordini per privilegia et indulgentias ab Apostolica Sede concessis praejudicium generetur, auctoritate praesentium indulgemus. Decernimus ergo irritum et inane quidquid contra tenorem concessionum, constitutionum et inhibitionum hujusmodi per quoscunque fuerit attentatum, ac interdicti, suspensionis et excommunicationis sententias, si quas contra concessionem, constitutionem et inhibitionem easdem in vos vel vestrum aliquos aut loca vestra seu benefactores vestros in posterum promulgari contigerit, penitus non tenere. Nulli ergo omnino hominum liceat hanc paginam nostrae concessionis, constitutionis et inhibitionis infringere vel ei ausu temerario contraire.

Datum Viterbii IV. Nonas Augusti, Pontificatus nostri anno quarto.

10. FINAL CONFIRMATION by Pope Boniface VIII. of the ecclesiastical privileges of the Dominican and Franciscan Orders in regard to preaching, confession and burial. (*Loc. cit.*, IV., 98, No. 179.)

SUPER Cathedram praecminentiae pastoralis, divina disponente clementia, constituti, etsi multis et arduis quae in amplum Romanae

Curiae alveum undique confluunt, quasi torrens, praegravemur, negotiis et curis excitemur innumeris, cogitationibus plurimis distrahamur, circa id tamen ferventibus votis intendimus, vacamus instantius ac operosae studium sollicitudinis impartimur, ut ad divini nominis gloriam, exaltationem Catholicae Fidei et profectum fidelium animarum, praecisis radicibus dissidiorum vepribus et litigiorum anfractibus omnino subductis, inter ecclesiarum antistites ad curam et regimen gregis Dominici deputatos, ceterasque personas quas ordo clericalis includit pacis tranquillitas vigeat, fervor charitatis exaestuēt, invalescat, concordiae unitas animorum identitas perseveret. Scimus enim et ex evidentia facti colligimus quod nonnisi in pacis tempore bene colitur pacis auctor; nec ignoramus quod dissensiones et scandala pravis actibus aditum praeparant, rancores et odia suscitant, et illicitis moribus ausum praebent. Ab olim, siquidem inter prelatos et rectores seu sacerdotes ac clericos parochialium ecclesiarum, per diversas mundi provincias constitutos, ex una parte, et Praedicatorum et Minorum ordinum fratres, ex altera, pacis aemulo fatore zizaniae procurante, gravis et periculosa discordia extitit, suscitata super praedicationibus populis faciendis, eorum confessionibus audiendis, poenitentibus injungendis eisdem et tumulandis defunctorum corporibus, qui apud fratrum ipsorum ecclesias sive loca noscuntur eligere sepulturam. Nos autem, pii Patris more laudabili, moleste ferentes incommoda filiorum, reducentes ad exactae considerationis examen, ac intra pectoris claustra sollicite revolventes quam sit plena periculis, quam onusta dispendiis quamque in Divinae Majestatis conspectu reddatur, exosa discordia supradicta, et propterea intendentes paterne sollicitudinis studio illam prorsus evellere ac omnino submovere, nullis unquam futuris temporibus, favente Domino, suscitandam, grandi quoque desiderio cupientes ut hujusmodi negotium, quod potissimum insidet cordi nostro, finem salubrem et celerem per Apostolicae solertiae studium consequatur, diligenti cum fratribus nostris deliberatione praehabita super eo, ad honorem Dei et exaltationem Catholicae Fidei, quietum statum partium praedictarum ac salutis animarum fidelium incrementum, de ipsorum fratrum consilio auctoritate Apostolica statuimus et ordinamus ut dictorum ordinum fratres in ecclesiis et locis eorum ac in plateis communibus libere valeant clero et populo praedicare ac proponere verbum Dei, hora illa dumtaxat excepta in qua locorum prelati praedicare voluerint, vel coram se facere solemniter praedicari, in qua praedicare cessabunt, praeterquam si aliud de prelatorum ipsorum voluntate processerit ac licentia speciali. In studiis autem generalibus, ubi sermones ad clerum ex more fieri solent, diebus illis quibus

praedicari solemniter consuevit, ad funera etiam mortuorum et in festis specialibus sive peculiaribus eorundem fratrum, possint iidem fratres et liceat eis libere praedicare, nisi forte illa hora qua solet ad clerum in praedictis locis Dei verbum proponi Episcopus vel prelatus superior ad se clerum generaliter convocaret, aut ex aliqua ratione vel causa urgente clerum ipsum duceret congregandum. In ecclesiis autem parochialibus fratres illi nullatenus audeant vel debeant praedicare vel proponere verbum Dei, nisi forte praedictis a parochialibus sacerdotibus invitati fuerint vel vocati, et de ipsorum beneplacito et assensu seu petita licentia fuerit et obtenta, nisi Episcopus vel prelatus superior per eosdem fratres praedicari mandaret.

Statuimus et ordinamus, auctoritate praedicta, ut singulis civitatibus et diocesibus, in quibus loca fratrum ipsorum consistere dignoscuntur vel in civitatibus et diocesibus, locis ipsis vicinis in quibus loca hujusmodi non habentur Magistri, Priores Provinciales Praedicatorum aut eorum Vicarii, et Generales et Provinciales Ministri et Custodes Minorum et ordinum praedictorum, ad praesentiam prelatorum eorundem locorum se conferant, per se vel per fratres quos ad hoc idoneos fore putaverint, humiliter petituri ut fratres, qui ad hoc electi fuerint, in eorum civitatibus et diocesibus confessiones subditorum suorum confiteri sibi volentium audire libere valeant, et hujusmodi confitentibus, prout secundum Deum expedire cognoverint, poenitentias imponere salutare, atque iisdem absolutionis beneficium impendere de licentia, gratia et beneplacito eorundem; ac deinde praefati Magistri, Priores Provinciales et Ministri ordinum praedictorum eligere studeant personas sufficientes, idoneas, vita probatas, discretas, modestas atque peritas, ad tam salubre ministerium et officium exequendum, quas sic ab ipsis electas repraesentent vel faciant praesentari prelati, ut de eorum licentia, gratia et beneplacito in civitatibus et diocesibus eorundem hujusmodi personae sic electae confessiones confiteri sibi volentium audiant, imponant poenitentias salutare et beneficium absolutionis in posterum impendant, prout superius est expressum; extra civitates et dioceses in quibus fuerint deputatae, per quas eas volumus et non per provincias deputari, confessiones nullatenus auditurae. Numerus autem personarum assumendarum ad hujusmodi officium exercendum esse debet prout universitas cleri et populi multitudo vel paucitas exigit eorundem. Et si iidem prelati petitam licentiam confessionum hujusmodi audiendarum concesserint, illam praefati magistri, ministri et alii cum gratiarum recipiant actione, dictaeque personae sic electae commissum sibi officium exequantur. Quod si forte jam dicti prelati quemquam ex

dictis fratribus praesentatis eisdem ad hujusmodi officium nollent habere vel non ducerent admittendum, eo amoto vel subtracto, loco ipsius similiter eisdem praesentandus prelatis possit et debeat alius subrogari. Si vero iidem prelati praefatis fratribus ad confessiones, ut praemittitur, audiendas electis hujusmodi exhibere licentiam recusa-verint, Nos, ex nunc, ipsis ut confessiones sibi confiteri volentium libere liciteque audire valeant, et eisdem poenitentias imponere salutare, atque eisdem beneficium absolutionis impartiri gratiose concedimus de plenitudine Apostolicae potestatis. Per hujusmodi autem concessionem nequaquam intendimus personis, seu fratribus ipsis ad id taliter deputatis, potestatem in hoc impendere ampliorem quam in eo curatis vel parochialibus sacerdotibus est a jure concessa, nisi forsitan eis ecclesiarum prelati uberiores in hac parte gratiam specialiter ducerent faciendam.

Hujusmodi quoque statuto et ordinationibus nostris adjicimus ut fratres dictorum ordinum in ecclesiis, vel locis suis ubilibet constitutis, liberam ut sequitur habeant sepulturam, videlicet, quod omnes ad eam recipere valeant qui sepeliri elegerint in locis et ecclesiis memoratis. Verum ne parochiales ecclesiae et ipsarum curati sive rectores qui ministrare habent ecclesiastica sacramenta, quibus noscitur de jure competere, praedicare seu proponere verbum Dei, et confessiones audire fidelium, debitis et necessariis beneficiis defraudentur, cum operariis mercedis exhibitio debeatur, auctoritate Apostolica constituimus et ordinamus eadem, ut dictorum ordinum fratres de obventionibus omnibus, tam funeralibus quam quibuscunque vel quomodocunque relictis distincte ad quoscunque certos et determinatos usus, de quibus etiam quarta seu canonica portio dari sive exigi consuevit, vel non debet de jure, necnon de datis vel qualitercunque donatis in morte seu mortis articulo, in infirmitate donantis vel dantis de qua decesserit quomodocunque directe vel indirecte fratribus ipsis vel aliis pro eisdem, quartam partem, quam auctoritate Apostolica taxamus et etiam limitamus, parochialibus sacerdotibus et ecclesiarum rectoribus seu curatis largiri integre teneantur; facturi et curaturi quod nec alii, nec aliis a quibus quarta hujusmodi minime deberetur, ad ipsorum fratrum utilitatem vel commodum hujusmodi fiant relicta aut in eos taliter data vel donata procedant, seu quod in morte vel ab infirmis hujusmodi dandum vel donandum fratribus ipsis existeret in eorundem dantium vel donantium sanitate, sibi dari vel donari procurent. In quibus per ipsos vitandis eorum intendimus conscientias onerare, ut si, quod absit, per fratres ipsos dolo vel fraude quidquam in hac parte agi fortasse contigerit, praeter id quod eos propterea dictis sacerdotibus, rectoribus et curatis teneri volumus, etiam districta ratio

in extremi iudicii examine requiratur ab eis. Ultra portionem autem hujusmodi nihil valeant rectores parochiales, curati et prelati exigere supradicti, neque ad id possint a quoquam aliquo modo coerceri. Nos etenim, ut in cunctis aequaliter et pacifice, favente Domino, procedatur, universa privilegia, gratias, indulgentias, verbo seu scripto, sub quacumque forma vel expressione seu conceptione verborum a Nobis vel predecessoribus nostris, Romanis Pontificibus, cuicumque ordini praedictorum concessa, necnon consuetudines, conventiones, statuta et pacta, in quantum sunt praemissis vel alicui praemissorum contraria, ea penitus revocamus, vacuumus, cassamus et irritamus, quinimmo cassa, vacua et irrita nunciamus et decernimus nullius prorsus existere firmitatis.

Ceterum universos prelatos, cuicumque praeeminentiae, status vel dignitatis existant, ac sacerdotes parochiales et curatos sive rectores praedictos, praesentium tenore, rogamus et hortamur attente nihilominusque eis districte praecipiendo mandamus quatenus, pro divina et Apostolicae Sedis reverentia, praedictos ordines et professores eorum habentes affectu benevolo commendatos, fratribus ipsis non se difficiles, graves, duros vel asperos, sed potius favorabiles, propitios ac benignos piaeque munificentia liberales se studeant exhibere, sic eos in praedicationis officio et propositionibus verbi Dei ac in omnibus aliis supradictis, tamquam cooperatores eorum idoneos et laborum suorum participes, prompta benignitate recipiant ac affectuose admittere non omittant, ut proinde illis aeternae beatitudinis praemium augeatur et animarum salutis incrementa felicia procurentur. Nec ipsos lateat quod, si secus ab eis agi fortasse contigerit in hac parte, Apostolicae Sedis benignitas, quae ordines et professores eosdem ubere favore prosequitur et gerit in visceribus charitatis, contra eos non immerito turbaretur, nec eadem aequanimiter pati posset quin super hoc provisionis opportuna remedium adhiberet, ipsosque nihilominus coelestis indignatio principis digna promeritis rependentis, cujus obsequia fratrum ipsorum sedulitas curiosa prosequitur, minime praeteriret.

Datum Laterani xii Kalendas Martii, Pontificatus nostri anno vi.

11. THE FIRST RULE of the Order of Penitents prepared by St. Francis in collaboration with Cardinal Ugolini of Ostia, Cardinal Protector

of the Franciscan Order. (*Printed, Opuscules de Critique Historique, I., 17-30.*)

IN nomine Patris et Filii et Spiritus sancti. Amen.

Memoriale propositi fratrum et sororum de Paenitentia in domibus propriis existentium, inceptum anno Domini M^oCC^oXXI^o

* * * * *

tempore domini Gregorii, noni, papae, XIII^o Cal. junii, indictione prima, tale est.

I. *De modo vestium.*

1. Viri qui hujus fraternitatis fuerint de panno humili sine colore induantur cujus brachium sex soldorum Raven. pretium non excedat, nisi propter causam evidentem et necessariam, ad tempus, cum aliquo dispensetur. Et consideretur panni latitudo et arctitudo circa praedictum pretium. 2. Chlamydes et pelles habeant sine scollatura fixas vel integras, non tamen affibulatas ut portant saeculares, et manicas clausas. 3. Sorores vero de ejusdem pretii panno et humilitatis chlamydes induantur et tunicas vel saltem cum chlamyde habeant guarnellum sive placentinum, album vel nigrum, aut amplum palutellum lineum sine crispaturis, cujus brachium non excedat XII den. Raven. 4. De quo tamen pretio et de pellitionibus ipsarum dispensare poterit secundum conditionem cujuscumque mulieris et loci consuetudinem. 5. Bindas vel ligaturas sericas sive coloratas non portant, et tam fratres quam sorores pelles habeant agninas tantum. 6. Bursas de corio et corrigias sine serico consutas et non alias habere liceat. Et alia ornamenta visitatoris arbitrio deponant. 7. Ad convivia inhonesta, vel spectacula, vel choreas non vadant, histrionibus non donent et donari a familia sua prohibeant.

II. *De abstinentia.*

1. Omnes abstineant a carnibus excepta dominica et tertia et quinta feria, nisi propter infirmitatem, debilitatem, minutionem tribus diebus et in itinere, 2. vel propter praecipuam solemnitatem intervenientem, scilicet, nativitatis Domini per tres dies, anni novi, Epiphaniae, Paschae Resurrectionis per tres dies, apostolorum Petri et Pauli, nativitatis beati Johannis Baptistae, Assumptionis gloriosae Virginis Mariae, festi Omnium Sanctorum et Sancti Martini. 3. Aliis vero diebus non jejunandis liceat comedere caseum et ova. Sed cum religiosis in eorum conventibus de appositis ab eis comedere licebit. 4. Et sint contenti prandio et cena, exceptis languidis et

infirmis, viatoribus. Sanis cibus et potus sit temperatus. 5. Ante prandium et cenam dicant semel *Pater Noster*, post comestionem semel et gratias agant Domino. Alioquin dicant ter *Pater Noster*. 6. A Paschate Resurrectionis usque ad festum Omnium Sanctorum jejunent sexta feria. A festo Omnium Sanctorum usque ad Pascha quarta et sexta feria jejunabunt, observantes nihilominus alia jejunia quae ab ecclesia indicantur generaliter facienda.¹

III. *De jejuniis.*

1. Quadragesimam vero Sancti Martini post eandem diem usque ad Natale et quadragesimam majorem a dominica carnisprivii usque ad Pascha continue jejunent, nisi propter infirmitatem vel aliam necessitatem. 2. Sorores gravidae usque ad suam purificationem ab exercitationibus corporalibus, exceptis vestibus et orationibus, poterunt abstinere. 3. Laborantibus in fatigationibus a Paschate Resurrectionis usque ad Sancti Michaelis dedicationem in die ter liceat cibum sumere. 4. Et quando aliis laborant de omnibus appositis comedere licebit excepta sexta feria et jejuniis ab ecclesia generaliter indictis.

IV. *De orationibus.*

1. Omnes dicant quotidie septem horas canonicas, videlicet, matutinum, primam, tertiam, sextam, nonam, vesperum et completorium; 2. clerici, secundum ordinem clericorum; scientes psalterium, pro prima *Deus in nomine tuo* et *Beati immaculati* usque ad *Legem pone* et alios psalmos horarum cum *Gloria Patri* dicant. 3. Sed quum ad ecclesiam non vadunt, dicant pro matutino psalmos quos dicit Ecclesia vel alios quoscumque XVIII psalmos vel saltem *Pater Noster*, ut illitterati. 4. In omnibus horis aliis pro matutino XII *Pater Noster* et pro unaquaque alia hora septem *Pater Noster* cum *Gloria Patri* post unumquodque. 5. Et qui sciunt *Credo in Deum* et *Miserere mei Deus* in prima et completorio dicant, si non dixerint horis constitutis, dicant tamen *Pater Noster*. Infirmi non dicant horas nisi velint.

V. *Quando debent ire ad matutinum.*

1. Omnes ad matutinum vadant in quadragesima Sancti Martini et majori, nisi personarum vel rerum incommoditas immineret.

¹ *Vide* indefinite obligation imposed on the Friars Minor (*supra*, pp. 381-82) and the controversy arising therefrom (*supra*, p. 426).

VI. *De confessione et communione et aliorum satisfactione et de armis non sumendis et juramentis non praestandis.*

1. Confessionem de peccatis faciant ter in anno et communionem in nativitate Domini et Paschate Resurrectionis et Pentecosten recipiant.

2. De decimis praeteritis satisfaciant et de futuris praestent.

3. Arma mortalia contra quempiam non recipiant vel secum ferant.

4. Omnes a juramentis solemnibus abstineant nisi necessitate cogente in casibus a summo pontifice exceptis in sua indulgentia, videlicet, pro pace, fide, calumnia et testimonio.

5. Et in eorum loquela, sicut poterunt, vitabunt juramenta. Et qui incaute juraverit lapsu linguae, ut in multiloquio contingit, eadem die in sero, quum recogitare debeant quod fecerint, pro talibus juramentis dicant ter *Pater Noster*.

6. Quisque suam familiam confortet ad serviendum Deo.

VII. *De missa et congregatione cujusque mensis.*

1. Omnes fratres et sorores cujuscumque civitatis et loci quolibet mense, quandocumque videbitur expedire, conveniant apud ecclesiam quam ministri nuntiaverint, ibique audiant divina. 2. Et quilibet det massario unum denarium usualem, quos idem massarius colligat et ministrorum consilio inter fratres pauperes et sorores distribuat, et maxime infirmis et eis qui non habuerint funeris exsequias. Demum inter alios pauperes et eidem ecclesiae de eadem pecunia offerat. 3. Et tunc, si commode possunt, habeant unum religiosum in Dei verbo instructum qui eos moneat et confortet ad paenitentiam, perseverantiam et opera misericordiae facienda. 4. Et sint sub silentio in missa et praedicatione, intenti officio, orationi et praedicationi, exceptis officialibus.

VIII. *De operibus misericordiae et testamentis et discordiis reformandis.*

1. Quum aliquem fratrum vel sororum contigerit infirmari ministri per se vel per alios, si infirmus eis fecerit nuntiari, semel in hebdomada visitent infirmantem et ad paenitentiam commoveant et, sicut viderint expedire, necessaria corporis quibus indiget de communi administrent.

IX. *De fratribus defunctis.*

1. Et si de hac luce migraverit infirmatus, nuntietur fratribus et sororibus qui fuerint in civitate vel loco praesentes ut ad ipsius conveniant sepulturam, nec recedant donec missa fuerit celebrata et corpus traditum sepulturae. 2. Et post, quilibet, infra octo dies defunctionis ipsius, dicat pro anima defuncti, presbyter missam, sciens psalterium quinquaginta psalmos, alii quinquaginta *Pater Noster* cum *Requiem aeternam* in fine cujusque. 3. Praeter haec, infra annum pro salute fratrum et sororum vivorum et mortuorum, dicat presbyter tres missas, sciens psalterium dicat ipsum, alii dicant centum *Pater Noster* cum *Requiem aeternam* in fine cujuslibet. Alioquin duplicent.

X. *De testamentis faciendis.*

1. Omnes qui possunt de jure testamentum faciant et de rebus suis infra tres menses post promissionem disponant, ne quis ipsorum intestatus decedat.

2. De pace inter fratres et sorores aut extraneos discordes facienda, sicut ministris videbitur, sic fiat, habito etiam si expedierit consilio episcopi dioecesani.

3. Si contra jus vel privilegia fratres vel sorores a potestatibus vel rectoribus locorum in quibus habitant vexentur, ministri loci quod videbitur expedire cum consilio domini episcopi faciant.

4. Ministerium et alia officia, quae sunt hic scripta, sibi imposita quilibet suscipiat et fideliter exerceat, dum tamen per annum ab officio vacare quilibet possit.

5. Quum aliquis huic fraternitati intrare petierit, ministri ejus conditionem et officium inquirant et onera fraternitatis hujus et maxime alienorum restitutionem exponant ei. 6. Et si placuerit ei secundum praedictum modum, induatur, et de alienis satisfaciatur numerata pecunia vel cautione pignoris data. Proximis se reconciliet et de decimis satisfaciatur. 7. Quibus impletis, post annum cum consilio aliquorum discretorum fratrum, si eis idoneus videbitur, recipiatur hoc modo: 8. Quod promittat se observare omnia quae hic sunt scripta, sive scribenda, vel minuenda, secundum consilium fratrum toto tempore vitae suae, nisi aliquando de licentia steterit ministrorum. 9. Et quod si quid contra hunc modum fecerit, interpellatus a ministris, satisfaciatur ad voluntatem visitoris. 10. Et per manum publicam promissio in scriptis redigatur ibidem. 11. Nemo tamen aliter recipiatur, nisi aliter eis visum fuerit considerata personae conditione et ejus instantia.

12. De hac fraternitate et de iis quae hic continentur nemo exire valeat nisi religionem¹ ingrediatur.

XI. *De contemptione et suspitione haereticorum.*

1. Nullus haereticus vel de haeresi diffamatus recipiatur. Si autem suspectus solummodo fuerit, purgatus coram episcopo, si alias idoneus fuerit, admittatur.

2. Mulieres vero viros habentes non recipiuntur nisi de consensu et licentia maritorum.

3. Incorrigibiles fratres et sorores a fraternitate ejecti iterum in ea nullo modo recipiuntur, nisi saniori parti fratrum placuerit.

XII. *De culpis dicendis.*

1. Ministri cujuslibet civitatis et loci culpas fratrum et sororum manifestas nuntient visitatori puniendas. 2. Et si aliquis incorrigibilis exstiterit, per ministros, habito consilio aliquorum discretorum fratrum, eidem visitatori intimetur, ab ipso de fraternitate abjiciendus; et in congregatione publicetur. 3. Insuper, si est frater, potestati loci vel rectori denuntietur.

4. Si quis sciverit de fratribus vel sororibus aliquem scandalum facere ministris nuntiet et visitatori valeat nuntiare, et quod inter virum et uxorem non teneantur.

5. Visitator cum fratribus universis in iis omnibus potestatem habeant dispensandi quum viderint expedire.

6. Ministri cum consilio suorum fratrum post annum eligant duos alios ministros et fidelem massarium, qui necessitati fratrum et sororum et aliorum pauperum provideat, et nuntios qui dicta factaque fraternitatis de mandato eorum nuntiet.

7. In supradictis omnibus nemo obligetur ad culpam² sed ad poenam, ita tamen quod si poenam a visitatore impositam vel imponendam, bis admonitus a ministris, exsolvere neglexerit, tamquam contumax obligetur ad culpam.

XIII. *De culpis manifestandis.*

1. Statuimus quod nullus faciat fidejussionem pro aliquo, nisi forte pro aliquo de ista fraternitate, et hoc etiam fiat de licentia visitatoris vel ministrorum.

¹ *Aliam* in margin.

² *Supra montem*: "nullum ipsorum ad mortalem culpam volumus obligari."

2. Item, visitator de consensu ministrorum et aliorum fratrum det licentiam fratribus non eundi ad ecclesiam aliquo tempore, dummodo bene dicat matutinum et alias horas suas.

3. Item, quilibet frater confiteatur alicui sacerdoti semel in quolibet mense, quia in sancta confessione omnia lavantur et major gratia Dei datur.

4. Item, visitator et ministri hujus fraternitatis petant a ministro vel custode Fratrum Minorum unum Fratrem Minorem de conventu, cujus fratris consilio et voluntate fratrum ista fraternitas gubernetur in omnibus et regatur. 5. Et quando ille frater recederet de conventu, petant alium loco ejus, ita quod semper consilio Fratrum Minorum regatur ista fraternitas quae a beato Francisco habuit fundamentum.

6. Item, omnes fratres conveniant in prima dominica cujuslibet mensis ad missam in loco Fratrum Minorum, nisi remaneant, de licentia visitatoris vel ministrorum, propter aliquam legitimam causam. Et similiter eodem die conveniant ibidem post nonam. 7. Item, si visitator vel ministri non poterunt interesse in die quando ista fraternitas congregatur, aliqua causa legitima impediente, quilibet eorum faciat unum vicarium loco sui qui tunc ejus officium exerceat, ita quod sancta fraternitas non contingat propter hoc impediri.

8. Item, quicumque fratrum istius fraternitatis fecerit publice aliquid scandalum vel aliquem excessum, accuset seipsum de hoc publice coram omnibus fratribus in die quando fratres conveniunt. 9. Et si non se accusaverit, alius frater, qui scit excessum, illum accuset in publico, et per visitatorem vel ministros vel eorum vicarios illi qui fecit excessum paenitentia cum misericordia imponatur, nisi sit talis excessus propter quem sit ille qui peccaverit de ordine expellendus.

10. Item, nulla nova constitutio fiat nisi de majoris partis hujus fraternitatis consilio et assensu.

11. Item, si quis ordinem nostrum intrare voluerit, si tenetur restituere alicui personae aliquid male acquisitum, restituat ei vel ejus haeredibus si cognoscit eos. 12. Si autem dubitat utrum habeat de illicite acquisitis, sed nescit cui et quantum restituere teneatur, faciat praeconizari per terram, ut moris est, vel in praedicatione solemnium diei, quod ipse paratus est satisfacere omnibus quibuscumque quocumque modo aliquid satisfacere teneatur.

13. Item, nullus frater deponat querimoniam coram potestate vel alio iudice pro re aliqua vel injuria contra fratrem aliquem vel sororem de ordine nostro, nisi forte de licentia visitatoris et ministrorum suorum et majoris et sanioris partis loci consilio et assensu.

14. Sed volumus et statuimus quod si aliqua causa vel controversia

seu discordia fuerit inter fratres quacumque de causa per visitatorem et ministros, habito si oportuerit aliquorum discretorum consilio, terminetur. 15. Et quidquid visitator et ministri diffinierint, ut est dictum, fratres illi inter quos causa versabitur teneantur firmiter observare, ita quod inter religiosos et saeculares de fratribus nostris, auctore Deo, nullum scandalum oriatur. Explicit.

[*Translation.*]

In the name of the Father and of the Son and of the Holy Ghost. Amen.

The Memorial of what is enjoined upon the Brothers and Sisters of Penitence living in their own houses, begun in the year of our Lord 1221 ("in the time of His Holiness Pope Honorius III. and revised in the year of our Lord 1228")¹ in the time of Gregory IX., Pope, XIII. Kal. June, first indiction, is as follows :

I. *The Manner of Dress.*

Let the men of this brotherhood wear garments of mean uncoloured cloth of no greater value than six shillings of the coinage of Ravenna for each yard—the breadth and the thickness of the cloth to be taken into consideration in the foresaid price—unless any one receives a dispensation for a time for some evident and necessary cause. Let them have cloaks and coverings without collars, of one piece and unjoined, and with closed sleeves, but not pieced together like the garments of laymen. Let the sisters wear cloaks of similar price and meanness, and in addition to their cloak they may have bodices or at least a stomacher or apron, black or white, or a broad linen bib without frills, of no greater value than twelve pence of Ravenna for each yard. In regard to the price and wearing of furs any woman may receive a dispensation according to her rank and the customs prevailing in the district. Let them not wear silken or coloured braids or amulets, and for furs both the brothers and the sisters are restricted to the skin of the lamb. Their wallets may only be of hide and their girdles must not be sewn with silk ; and let them submit their other ornaments to the decision of the Visitor. Let them absent themselves from disreputable feasts or plays or dances : let them accord no support to actors, and forbid their family to do so.

¹ Conjectural reading by M. Paul Sabatier (*Loc. cit.*, 18 *n.*) to supply the line omitted in the MS.

II. *Abstinence.*

Let them all abstain from flesh except upon Sunday, Tuesday and Thursday, unless it be on the ground of sickness, weakness or blood-letting for three days, and when they are travelling, or on the occasion of a special festival such as Christmas and two days, New Year, Epiphany, Easter, the feast of the Resurrection and two days, the feasts of St. Peter and Paul, the Nativity of St. John the Baptist, the Assumption of the glorious Virgin Mary, All Saints and Saint Martin. On other days for which no fast is prescribed they may eat cheese and eggs; and, when in the company of churchmen in their monasteries, they may eat what is placed before them. Let them be content with the mid-day meal and supper, unless they are feeble, sick, or on a journey. Let those in health be temperate in food and drink. Before breakfast and supper let them say a *Pater Noster*, and let them return thanks to God after the meal; otherwise let them say three *Pater Noster*. From the Resurrection until the feast of All Saints let them fast every Friday. From the feast of All Saints until Easter they will fast every Wednesday and Friday, in addition to observing the other general fasts prescribed by the Church.

III. *Fasting.*

Except on grounds of illness or necessity, let them abstain from the eating of flesh during the whole Lent of St. Martin, extending from the morrow of that day until Christmas, and during the greater Lent from (Quinquagesima) Sunday until Easter. Sisters with child are released from physical observance of these precepts until they are churched, with the exception of those governing dress and prayer. Those engaged in burdensome toil may partake of food thrice in the day from the Feast of the Resurrection until the Dedication of St. Michael; and, when their work is of a different nature, they may eat what is placed before them, except on Friday and the general fasts prescribed by the Church.

IV. *Prayer.*

Let every one say each day the seven Canonical Hours, namely, Matins, Prime, Terce, Sext, None, Vespers and Compline, the clerks in accordance with the form prescribed for them, and those who know the Psalter shall say for the first of the Hours the *Deus in nomine*

tu and the *Beati immaculati* down to *Legem pone*, and the other psalms with the *Gloria Patri*. But when they do not go to church, let them say for Matins the proper psalms or eighteen other psalms at will, or at least, like the illiterates, *Pater Noster*. With regard to all the other Hours, let them say twelve *Pater Noster* for Matins and seven for each other Hour, and the *Gloria Patri* after each of them; and let those who know the Apostles' Creed and *Miserere mei Deus* say them for Prime and Compline, unless they have said them at the appointed hours, and also a *Pater Noster*. The sick are not bound to say the Hours unless they wish to do so.

V. *When they ought to go to Matins.*

Let every one go to Matins during the Lent of St. Martin and the greater Lent, unless they themselves or their business be interfered with thereby.

VI. *Confession, Communion, Satisfaction of Others, Bearing Arms and Avoidance of Oaths.*

Let them confess three times in each year and take Communion at Christmas, Easter and Whitsuntide. Let them make payment of the tithes required of them in the past, and of others as they fall due. Let them neither take up death-dealing weapons against any one, nor carry them on their person. Let all abstain from solemn oaths, unless in the cases of necessity excepted by the Supreme Pontiff in his Indulgence, namely, peace, trust, calumny and evidence. Let them avoid oaths in their conversation as far as possible; and whoever lets fall an oath inadvertently by slip of the tongue, as happens in much talking, let them say three *Pater Noster* for these oaths in the evening of that day, when it behooves them to reflect upon what they have done. Let every one encourage his family to share in the service of God.

VII. *Mass and the Monthly Congregation.*

Once in each month, and whenever it is considered suitable, let all the brothers and sisters of every town and place meet in a church appointed by the minister, and there hear divine service; and let each one give the almoner the usual penny which he is to collect and distribute among the poor brothers and sisters, particularly among the sick and those who cannot afford burial offices, and thereafter to offer a part of the money to the other poor and the foresaid church. Then,

if it be convenient, let them have an educated churchman well versed in the Word of God to admonish and encourage them to penance, perseverance and charitable actions. Let them be silent during the Mass and the sermon, and attentive to the Office, prayers and sermon, saving only those required for the service.¹

VIII. *Works of Mercy, Wills, and the Settlement of Disputes.*

When a brother or sister happens to fall sick, and notifies the Masters of his state, it is their duty to visit the invalid once in the week, or arrange that others visit him, encourage him to penitence, and, at their discretion, provide him out of the common fund with the bodily comforts of which he stands in need.

IX. *Deceased Brothers.*

And let the brethren and sisters in the town or place be informed of the sick man's death, when it happens, so that they may be present at his funeral; and they must not withdraw until the Mass has been celebrated and the body committed to the grave. Thereafter, within eight days of his decease, let each one who is a priest say a mass for his soul, who knows the psalter fifty psalms, and the others fifty *Pater Noster*, with the *Requiem aeternam* at the end of each. Further, let the priests in the brotherhood say three masses within the year for the weal of the brothers and sisters in life and in death, those who know the Psalter let them say it, and let the others say one hundred *Pater Noster*, with the *Requiem aeternam* at the end of each. They shall also perform the office of the dead twice.

X. *Wills.*

Let every one who has the right to do so make his will and provide for the disposition of his property within three months from the day when he takes the vow, so that none die intestate. Let the ministers act as they think best in preserving peace among the brothers and sisters themselves, and between them and strangers with whom they are at variance, even taking counsel with the bishop of the diocese if it seem expedient. If, in violation of their rights and privileges, the brothers or sisters are molested by the civil or ecclesiastical authorities of the place where they live, let the Masters there take such action as they think best, assisted by the advice of the bishop.

¹ *Supra montem*: "nisi eum communis utilitas fraternitatis impediatur."

Let every one selected for the office of Master, and the other duties herein set forth, accept the charge and faithfully perform it: nevertheless every one shall have the right to relinquish his office from year to year. When any one asks permission to enter this brotherhood, let the Masters institute enquiries as to his rank and occupation, and set the duties of brotherhood clearly before him, particularly the restoration of the goods of others. And, if he be prepared to accept the foregoing conditions, let the habit be given to him, and let him make amends in regard to the goods of others, either in counted money or by furnishing surety. Let him become reconciled to his neighbour, and make payment of his tithes. One year after the fulfilment of these preliminaries, let him be admitted under the following conditions and in accordance with the advice of some discreet brethren, provided that they are satisfied as to his fitness:—that he promises to observe everything herein set forth, with the additions and modifications thereof, for the whole term of his life according to the advice of the brethren, unless he chance to receive the dispensation of the Master at any time: on the intervention of the Master, let him comply with the will of the Visitor in making atonement for any infraction hereof: let his promise be recorded in writing by a public authority of the district: let no change be made in this formality of admission, unless it be considered advisable having regard to the rank of the person and the urgency of his case: let no one leave this brotherhood and those comprised herein unless he enter an Order of the Church.

XI. *Contempt and Suspicion of Heretics.*

Let no heretic or any one besmirched with the taint of heresy be admitted; but, if there be no more than the suspicion of heresy in his case, provided that he is suitable in other respects, let him be admitted after he has been made whole in the presence of the bishop. Let no women whose husbands are alive be admitted except with their consent and permission. Let incorrigible brothers and sisters be not received again into the brotherhood after their expulsion from it, unless the better living members of the community assent thereto.

XII. *The Disclosure of Faults.*

Let the Masters of every town and place communicate the known misdeeds of the brothers and sisters to the Visitor for punishment; and, if any one be not amenable to correction, let intimation be made to the Visitor by the Masters, acting upon the advice of some discreet

brothers, with a view to his expulsion from this brotherhood; and let public intimation be made when the brethren assemble together. Moreover, if he be a brother, let him be denounced to the local authority or rector. If any one have knowledge of the scandalous doings of a brother or sister, let him communicate it to the Master, and he may inform the Visitor, saving only the case of husband and wife. The Visitor, in conjunction with the brethren, is to be empowered to grant dispensation in regard to each of these points, as seems expedient. At the close of the year, let the Masters elect two other Masters, in accordance with the advice of their brethren, and a faithful almoner to provide for the needs of the brothers and sisters and of the poor, as well as reporters to furnish reports of the sayings and doings of the fraternity in compliance with directions of its members.

In all of which no one is to be held guilty of sin, but he is bound to perform the penance: nevertheless, being twice admonished by the Master, if he neglect to perform the penance imposed or to be imposed by the Visitor, his fault shall be imputed to him as to a contumacious person.

XIII. *Addenda of 1228.*

We have decreed that no one may undertake an office of trust for another, unless perchance for a member of this brotherhood, and that only with the permission of the Visitor and Master.

That the Visitor, with the consent of the Masters and other brethren, may absolve the brethren from attendance at church at any time, provided that Matins and the other Hours are duly said.

That every brother must confess once in each month to a priest, for in holy confession all is pardoned and the greater grace of God is bestowed.

That the Visitor and Masters of this brotherhood ask the Minister or Custos of the Friars Minor for one of that Order to govern and control this brotherhood in all points in accordance with his judgment and with the desire of the brethren; and, when that friar goes from among them, let them ask for another in his place so that this brotherhood, founded by the blessed Francis, may always be guided by the advice of the Friars Minor.

That all the brethren must attend Mass in the place of the Friars Minor on the first Sunday of each month, unless their absence is sanctioned by the Visitor or Masters, or for some good reason; and they must also meet there after None. But if the Visitor or Master is unable, for some valid reason, to be present on the day of the meeting of the brotherhood, the place of either of them shall be filled by

another for the discharge of their duties, so that the work of the holy brotherhood may not be interrupted.

That any member of this brotherhood whose scandalous or disreputable conduct has come to the ears of his fellow townsmen shall publicly accuse himself in the presence of all the brethren on the day when they meet together. And if he fail to accuse himself, let another brother who has knowledge of the misdeed accuse him publicly, and let penance be mercifully imposed upon the transgressor by the Visitor, Masters, or their substitute, unless the offence be of such a kind that the offender must be expelled from the Order.

That the advice and assent of the majority of the brethren is required to new ordinances. That, if any one desires to enter our Order, being bound to all in regard to the restitution of that which he has wrongfully acquired, he must make restoration to the owner or his heirs, if they are known to him; and, if he be in doubt whether he possesses goods that have been wrongfully acquired, but is unaware to whom and to what extent he ought to make restoration, let him make it known throughout the country in the customary manner, or in the sermon on a feast day, that he is prepared to give satisfaction to all in whatsoever manner it may be required of him.

That no brother may lay a complaint against a brother or sister of our Order before the civil power or other judge concerning any thing or injury, unless, perhaps, with the permission of the Visitor and their Masters, and with the advice and assent of the elder and more discreet brethren of the place. But it is our will and we command that every case, dispute or discord among the brethren, of whatever origin, be brought to an end by the Visitor and Masters, assisted by the advice of some discreet brethren, if necessary. And brethren at variance with one another are rigorously bound to comply with the decision of the Visitor and Master, as aforesaid, so that, by the help of God, our brethren may not give rise to any scandal among ecclesiastics and laymen. Explicit.

12. CONFIRMATION AND INTERPRETATION of the Rule of the Order of Penitents by Pope Nicolas IV. (*B.F.*, IV., 94, No. 150.)

DILECTIS filiis, Fratribus, et dilectis in Christo filiabus, Sororibus ordinis Fratrum de Paenitentia, tam praesentibus quam futuris, Salutem et Apostolicam Benedictionem.

Supra montem Catholicae Fidei quam populos gentium, qui ambulabant in tenebris, discipulorum Christi sincera devotio, igne charitatis exaestuans, verbo sollicitae praedicationis edocuit, quamque Romana tenet et servat Ecclesia, solidum Christianae Religionis positum noscitur fundamentum, nullis unquam concutiendum turbibus, nullis quassandum fluctibus tempestatum. Haec est etenim recta veraque fides absque cujus consortio nemo in conspectu Altissimi acceptus redditur, nemo gratosus occurrit. Haec est, quae salutis semitam praeparat et felicitatis aeternae praemia gaudiaque pollicetur. Ideoque gloriosus Christi confessor, B. Franciscus, hujus ordinis institutor, viam ascendendi ad Dominum verbo pariter et exemplo demonstrans, in ipsius sinceritate fidei suos filios erudit eosque illam profiteri constanter tenere, similiter et opere voluit adimplere, ut, per ejus semitam salubriter incedentes, mererentur post vitae praesentis ergastulum aeternae beatitudinis effici possessores.

I.

Nos, igitur, ordinem ipsum opportunis favoribus prosequentes, ad ejus augmentum benignius intendentes, statuimus ut omnes quos ad observandam hujusmodi vitae formam assumi contigerit, ante assumptionem seu receptionem ipsorum, de Fide Catholica et obedientia erga praefatam Ecclesiam diligenter examinationi subdantur; et si eas professi fuerint vereque crediderint admitti seu recipi tute poterunt ad eandem. Praecavendum est tamen sollicite ne quis haereticus vel suspectus de haeresi aut etiam infamatus ad vitae observationem ipsius quomodolibet admittatur. Et si talem inveniri contigerit extitisse receptum, assignetur ille quamcitus inquisitoribus pravitatis haereticae puniendus.

II.

Cum autem fraternitatem hujusmodi quis intrare voluerit, ministri ad receptionem talium deputati ejus officium, statum et conditionem solerter explorent, sibi fraternitatis ejusdem onera et praecipue alienorum restitutionem apertius exponentes. Quibus praemissis, si eidem placuerit juxta modum hujusmodi induatur, et de alienis, si quae fuerint apud eum, satisfacere studeat in pecunia numerata vel secundum exhibitam pignoris cautionem, seque nihilominus proximis reconciliare procuret. Quibus omnibus ad effectum perductis, post unius anni spatium, cum aliquorum discretorum fratrum consilio, si is videbitur ipsis idoneus, recipiatur hoc modo, videlicet: ut promittat se divina praecepta omnia servaturum ac etiam satisfacturum, ut

convenit, de transgressionibus quas contra hunc vivendi modum commiserit, cum interpellatus ad visitatoris extiterit voluntatem: et hujusmodi ab eo facta promissio per manum publicam in scriptis inibi redigatur: alio autem modo nullus a ministris recipiatur eisdem, nisi visum eis aliter fuerit, conditione personae ac ipsius instantia sollicita consideratione discussis. Ordinamus praeterea, statuentes ut nullus post ipsius fraternitatis ingressum de eadem egredi valeat ad saeculum reversurus, possit tamen transitum habere liberum ad Religionem aliam approbatam. Mulieribus vero viros habentibus, nisi de ipsorum licentia et consensu, non pateat ad consortium dictae fraternitatis ingressus.

III.

Fratres insuper ipsius fraternitatis de humili panno in pretio et colore, non prorsus albo vel nigro, communiter vestiantur, nisi fuerit ad tempus in pretio per visitatores de consilio ministri ob causam legitimam et apertam cum aliquo dispensatum. Clamydes quoque ac pelles absque scolaturis scissas vel integras affibulatas tamen vel patulas, ut congruit honestati, clausasque manicas fratres habeant supradicti. Sorores etiam clamyde induantur et tunica de hujusmodi humili panno factis, vel saltem cum clamyde habeant guarnellum seu placentinum, coloris albi vel nigri, aut paludellum amplum de canapo sive lino absque ulla crispatura consutum. Circa humilitatem vero panni et pellitiones sororum ipsarum juxta conditionem cujuslibet earundem ac loci consuetudinem poterit dispensari. Bindis et ligaturis sericis non utantur: pelles dumtaxat agninas, bursas de corio, et corrigias simpliciter absque serico ullo factas, et non alias, tam fratres habeant quam sorores, depositis ceteris juxta B. Petri, Apostolorum Principis, salubre consilium vanis hujus saeculi ornamentis.

IV.

Sit eis ad inhonesta convivia vel spectacula sive curias seu choreas accessus penitus interdictus. Histrionibus, vanitatis intuitu, nihil donent, et ne quidquam illis donetur a propria familia prohibere procurent.

V.

Ab usu autem carniū secunda, quarta et sexta feria, dieque Sabbati abstineant universi, nisi aliud infirmitatis instantia suaderet; minutis vero per triduum carnes dentur, nec subtrahantur in itinere constitutis. Sit quoque ipsarum comestio licita singulis, cum solemn-

tatem praecipuam intervenire contigerit in qua ceteri christiani ab antiquo epulis carnis vesci solent. Aliis autem diebus, in quibus jejunium non servatur, ova et caseus non negentur; sed et cum religiosis ceteris in eorum conventualibus domibus licite sumere valeant de apposis ab eisdem; sintque prandii cenaque refectio contenti, exceptis languidis et viatoribus et infirmis. Sit sanis cibus moderatus et potus, cum textus Evangelicus habeat, *Attendite ne corda vestra crapula et ebrietate graventur*. Prandium autem vel cena, nisi praemissa semel Dominica Oratione, non sumatur, post sumptionem cuilibet cum *Deo Gratias* iteranda: quod si omitti contigerit, dicatur tribus vicibus *Pater noster*. Qualibet vero sexta feria totius anni jejunium celebretur, nisi forte infirmitatis vel alia causa legitima excusentur vel nisi festum Natalis Domini feria ipsa occurreret observandum; sed a festo Omnium Sanctorum usque ad Pascha quarta et sexta feria jejunabunt; alia, quae ab Ecclesia sunt statuta vel ordinariis ex causa communiter indicta, jejunia nihilominus servaturi. In Quadragesima vero beati Martini usque ad diem Nativitatis Domini, et a Dominica Quinquagesimae usque ad Pascha, diebus singulis, exceptis Dominicis, jejunare procurent, nisi aliud fortassis infirmitas vel necessitas alia suaderet. Sorores gravidae usque ad suae purificationis diem ab exercitatione qualibet corporali, orationibus dumtaxat exceptis, poterunt si voluerint abstinere. Laborantes autem propter fatigationis afficientis instantiam, a Dominicae Resurrectionis festo usque ad festivitatem beati Francisci praedicti, ter in die qua exercitio laboris incumbent, licite sumere cibum possunt. Cum vero illos contigerit aliorum imminere laboribus, de cunctis apposis die quolibet sumere licebit eisdem, nisi sexta feria vel dies sit alia in qua generaliter ab Ecclesia jejunium noscitur institutum.

VI.

Singuli autem fratrum, et sororum ipsarum ter in anno, videlicet, in Natali Domini, in Resurrectione ipsius et Pentecostes festivitibus, peccata propria confiteri et Eucharistiam devote suscipere non postponant, reconciliando se proximis et restituendo etiam aliena.

VII.

Impugnationis arma secum fratres non deferant, nisi pro defensione Romanae Ecclesiae, Christianae Fidei, vel etiam terrae ipsorum aut de suorum licentia ministrorum.

VIII.

Dicant universi quotidie septem horas canonicas, videlicet, Matutinum, Primam, Tertiam, Sextam, Nonam, Vesperas et Completorium: Clerici videlicet scientes Psalterium pro prima *Deus in nomine tuo, Beati immaculati* usque ad *Legem pone* ac alios horarum psalmos juxta clericorum ordinem, cum *Gloria Patri*, dicant; cum vero ad ecclesiam non accedunt, pro Matutino, Psalmos dicere studeant quos dicunt clerici vel ecclesia cathedralis: vel saltem illiterati alii pro Matutino duodecim, et pro alia qualibet hora septem vicibus *Pater noster*, cum *Gloria Patri*, dicere non omittant; in quibus, videlicet, Primae et Completorii horis, minorem symbolum et *Miserere mei Deus* adjiciant, qui noverunt; sed si horis non dixerint constitutis, dicant tribus vicibus *Pater Noster*. Infirmi autem horas hujusmodi non teneantur dicere, nisi velint. In Quadragesima vero S. Martini, et etiam in majoribus, ecclesiis, in quarum parochiis habitant, matutinalibus horis personaliter adire procurent, nisi causa rationabili excusentur.

IX.

Omnes praeterea, quibus de jure facultas affuerit, condant seu faciant testamentum; et de bonis suis inter tres menses post eorum ingressum immediate sequentes ordinent et disponant, ne quemquam illorum contingat decedere intestatum.

X.

De pace vero inter fratres et sorores aut etiam externos in discordia positos facienda, sicut ministris videbitur, ita fiat, adhibito, si facultas affuerit, episcopi diocesani consilio in hac parte.

XI.

Si vero fratres vel sorores contra jus vel eorum privilegia per potestates seu rectores locorum, ubi domicilium obtinent, vexationibus impetantur, ministri loci ad episcopos et alios locorum ordinarios studeant habere recursum, juxta consilium et ordinationem ipsorum in tabulis processuri.

XII.

A juramentis autem solemnibus omnes abstineant, nisi necessitate cogente in casibus per indulgentiam Sedis Apostolicae exceptis,

videlicet, pro pace, fide, calumnia et testimonio perhibendo, ac etiam in contractu emptionis, venditionis et donationis ubi videbitur expedire. In communi quoque loquela vitent, prout poterunt, juramenta; et qui die aliquo minus caute juraverint lapsu linguae, prout contingere in multiloquio consuevit, die ipso in sero, cum debet recogitare quid fecerit, dicat tribus vicibus *Orationem Dominicam* propter incaute facta hujusmodi juramenta. Memor autem sit quilibet ut ad divina obsequia familiam propriam exhortetur.

XIII.

Universi sani fratres et sorores cujuscumque civitatis aut loci diebus singulis, si commode poterunt, Missae officium audiant: et mense quolibet ad ecclesiam sive loca, ad quam vel ad quae ministri curaverint intimare, convenient Missarum solemniam inibi audituri. Unusquisque autem usualis monetae denarium massario tribuat, qui pecuniam hujusmodi colligat et eam de consilio ministrorum inter fratres et sorores paupertate gravatos, et praecipue infirmantes ac eos qui funeris carere dignoscuntur exequiis, et deinde inter pauperes alios, dividat congruenter: offerat insuper de ipsa pecunia ecclesiae memoratae. Tuncque, si commode poterunt, virum religiosum et in verbo Dei competenter instructum habere procurent, qui eos ad paenitentiam et misericordiae opera exercenda hortetur, sollicitè moneat et inducat. Studeat quilibet, dum Missae celebratur officium et praedicationis verbum proponitur, servare silentium: orationi et officio sit intentus, nisi eum communis utilitas fraternitatis impediatur.

XIV.

Cum autem quemquam ex fratribus infirmari contigerit, ministri, per se vel per alium seu alios, si hoc eis infirmus fecerit intimari, semel in hebdomada visitare teneantur aegrotum, ipsum sollicitè ad recipiendum paenitentiam, prout melius et efficacius expedire putaverint, inducentes, necessaria illi de bonis communibus ministrando. Et si praefatus infirmus de praesenti luce migraverit, fratribus et sororibus tunc in civitate vel loco, ubi eum contigerit mori, praesentibus nunciatur, ut defuncti exequiis procurent personaliter interesse; a quibus, donec Missarum fuerint celebrata solemniam et corpus tumulo conditum, non recedant. Hoc quoque circa sorores infirmas et decedentes volumus observari: praeterea, infra octo dies post ipsius sepulti obitum immediate sequentes, quilibet fratrum et sororum ipsarum dicat pro anima ejus, sacerdos, videlicet, *Missam* unam;

sciens Psalterium quinquaginta *Psalmos* ; et illiterati totidem *Pater Noster*, et in fine cujuslibet *Requiem aeternam* adjiciant. Et post haec, infra annum pro fratrum et sororum, tam vivorum quam defunctorum, salute tres Missas faciant celebrari. Qui vero Psalterium sciverint, illud dicant, et ceteri *Orationem Dominicam* centies dicere non omittant, *Requiem aeternam* in fine cujuslibet addituri.

XV.

Ministeria quoque ac alia officia, quae praesentis formulae series exprimit imposita sibi, quisque devote suscipiat curetque fideliter exercere. Officium autem cujuslibet certi temporis spatio limitetur. Nullus minister instituatur ad vitam, sed ejus ministerium certum tempus comprehendat.

XVI.

Ad haec ministri et fratres ac sorores civitatis et loci cujuslibet ad visitationem communem in aliquo loco religioso, vel ecclesia ubi locum hujusmodi contigerit deesse, convenient; et visitatorem habeant sacerdotem, qui alicujus approbatae Religionis existat, quique illis de commissis excessibus injungat paenitentiam salutarem: nec quivis alius possit eis hujusmodi visitationis officium exhibere. Quia vero praesens vivendi forma institutionem a beato Francisco praelibato suscepit, consulimus ut visitatores et informatores de *Fratrum Minorum ordine* assumantur, quos Custodes vel Guardiani ejusdem ordinis, cum super hoc requisiti fuerint, duxerint assignandos: nolumus tamen congregationem hujusmodi a laico visitari. Hujusmodi autem visitationis officium semel exerceatur in anno, nisi necessitate aliqua suadente fuerit pluries facienda. Incurribiles vero ac inobedientes monitio trina pervenerit; qui, si se corrigere non curaverint, de ipsius congregationis consortio expellantur omnino de consilio discretorum.

XVII.

Vitent insuper fratres et sorores juxta posse litigia inter se; illa, si suscitari contigerit, sollicite dirimenda: alioquin de jure coram illo respondeant apud quem potestas residet judicandi.

XVIII.

Ordinarii autem locorum vel visitor cum fratribus et sororibus universis in abstinentiis, jejuniis et austeritatibus aliis ex causa legitima, cum expedire viderint, poterunt dispensare.

XIX.

Ministri vero manifestas fratrum et sororum culpas visitatori denuncient puniendas: et si quisque incorrigibilis fuerit post trinae admonitionis instantiam, a ministris de discretorum fratrum aliquorum consilio visitatori nuncietur eidem, de fraternitatis consortio abjiciendus ab ipso et in congregatione postmodum publicandus.

XX.

Ceterum in praemissis omnibus, ad quae fratres et sorores vestri ordinis non ex divinis praeceptis vel statutis tenentur Ecclesiae, nullum ipsorum ad mortalem culpam volumus obligari; sed impositam sibi paenitentiam pro transgressionis excessu prompta humilitate recipiat et efficaciter studeat implere.

Nulli ergo omnino hominum liceat hanc paginam nostri statuti ordinationis et voluntatis infringere.

Datum Reate XVI. Kal. Septembris, Pontificatus nostri anno secundo.

INDEX

ABBREVIATIONS—Conv. Fr.=Conventual Friar; Obs. Fr.=Observatine Friar;
Dom. Fr.=Dominican Friar; Carm. Fr.=Carmelite Friar; Mend. Fr.=
Mendicant Friar.

POPES, *see* Rome, Church of.

ABBERTINO, treatise of, on the Passion, Resurrection and Ascension, II., 243.

Abel, Adam, Obs. Fr., author of the Wheel of Time, I., 379.

Abercromby, Andrew, Dom. Fr., Prior of Aberdeen, I., *n.* 157, *n.* 297, *n.* 319; II., 346,
357, 362.

ABERDEEN—

Bishops of, I., 10, *n.* 105; II., 258.

Gavin Dunbar, I., 277, 290, 314, 315, 316, 334, 335, 336, 452; II., 294, 330.

Thomas Spence, I., 307, 308; II., 176, 186, 216, 217.

William Elphinstone, I., 313, 337, 338, 340; II., 228, 324.

William Stewart, I., 314, 316, 340; II., 301.

Burgh Common, I., 307, 313, 314.

Burgh Midden, I., 307, *n.* 308, 312, 313.

Feu charter of, II., 229-233.

Carmelite Friary, I., 148, 325.

Friars, II., 341, 346, 357, 358.

Revenues and Rents, I., 319, *n.* 319, *n.* 320; II., 337, 339, 342, 348, 355, 356,
357, 358, 371.

Cathedral of, I., 330, 336, 337.

Church of St. Nicholas, I., 308, 309, 324, 330, 333, 335, 338, 339, 340; II., 211, 213,
215, 286, 323.

Customars, I., 342.

Dominican Priory, I., 148, 325.

Friars, II., 341, 346, 357, 358.

Revenues and Rents, I., 140, 319, *n.* 319, *n.* 320; II., 337, 339, 342, 343, 348, 350,
351, 353, 355, 356, 357, 358, 371.

Grey Friary—

Benefactors, Summary, I., 332-341, *see* Obituary Calendar.

Burials in, I., 317, 334; II., 297, 307.

Ceremony of Investiture, I., 310, *n.* 310, 311; II., 215-221.

Charter of Foundation, I., 308-310; II., 211-214.

Charters and Writs, II., 211-244.

Church, first, I., 310, 314, 315, 316, 330; II., 293.

second, I., 220, 313, *n.* 313, 314, 315, 316, *n.* 316, *n.* 325, 327, 332, 333, 334,
335, 336, 363, 481, 482, 485; II., 294, 301, 330, 331.

Illustration of, I., 306.

Dimensions, I., 311-316.

Fate, I., *n.* 145, 148, 149, *n.* 157, *n.* 315, 325, 346.

Surrender, I., 319, 322, 323; II., 233-234.

As Burgh Malt and Meal Market, I., 326.

Aberdeen—*continued.*Grey Friary—*continued.*

Fate—

As Burgh Hospital, I., 148, 149, 326, 327 ; II., 235-236.

As Marischal College, I., 307, 327, 328.

Competitors for, I., 325, 326, 327.

Foundation and Site, I., 60, 62, *n.* 128, *n.* 240, 288, *n.* 296, *n.* 299, 307-314 ; II., 176, 186, 287, 296.

Friars, I., 75, 106, 317, 318, 330-332, 384, 474 ; II., 177, 187, 346, 357, 358.

Gardens, I., 314, 328, 334, 474 ; II., 228, 303, 315.

History, I., 56, 103, 109, *n.* 280, 307-328 ; II., 286.

Infirmary, I., 312, 314, 340, 475 ; II., 222, 301.

Lawsuits, I., 312 ; II., 225.

Legacies, I., 320, 334, 335, 338, 339, 483 ; II., 290, 293, 294, 298, 303, 310, 314, 330.

Library, I., 315, *n.* 315, 337, 338 ; II., 237-244, 284, 288, 293, 334.

Meetings and Arbitrations held in, I., 322, 342, 485, 487.

Obituary Calendar, I., 328-341.

Fac-simile and Text, II., 285-336.

Mentioned, I., 138, *n.* 139, 298, *n.* 299, *n.* 315, 317, 320, 477.

Revenues, Annual Rents, I., 319, *n.* 319.

Municipal Bounties, I., 320, 323.

Royal Bounties, I., 297, 320, 341, 342, 345.

Sanctuary in, I., 321.

Vestments and Ornaments, I., 315, 320, 332, 333, 334, 335, 341 ; II., 294, 295, 305, 307, 314, 315, 321, 325, 330.

Wardens, I., 329, 330.

Magistrates, I., 307, 308, 309, 311, 312, 313, 314, 321, 322, 323, 324, 325, 326, 330, 340.

Trinity Friars, I., *n.* 319 ; II., 337, 341, 343, 346, 348, 357, 371.

University, I., 335, 336, 340 ; II., 176, 186.

ABERDOUR—

Nunnery of Regular Tertiary Sisters, History, I., *n.* 145, 391-397.

Bull of Erection, I., 392-395.

Charters and Writs, II., 267-272.

Royal Bounties, I., 395, 397, 398.

Abircherder, lands of, II., 366.

Abircrumby, Andrew, *see* Abercromby.

David, sub-dean of the Chapel Royal, II., 259.

Abirnethy, John, acquires lease of the Freir Croft, Haddington, II., 88.

Adam, Cuthbert, legacy to Observatine Friars, Glasgow, I., 350.

de Adington, Conv. Fr., theft of books from friaries in Berwick and Roxburgh, I., 27, 28, 34 ; II., 2-3.

Peter, legacy to Observatine Friary, Glasgow, I., 350.

Adame (Adamson), John, Dom. Fr., Montrose, II., 341, 345, 364.

Adamson, John, provincial minister of the Scottish Dominicans, II., 228.

Adesone, Adam, landholder in Haddington, I., 197 ; II., 85.

Adington, *see* Adam.

Affleck, *see* Auchinleck, John.

Agnellus, Conv. Fr., provincial minister of England, I., 3, *n.* 5, 7, 251.

Aitchison, Alexander, of Gosford, I., *n.* 276.

Aitkin, Robert, Dom. or Carm. Fr., Perth, II., 341, 346.

Thomas, Mend. Fr., Perth, II., 346.

Alane, *see* Allan, Patrick.

Alanesoun, Alexander, landholder in Dundee, I., 237.

Alanson, Alexander, I., 232 ; II., 142.

John, burghess of Aberdeen, I., 338.

Albany, Dukes of, Regents of Scotland, I., 76, *n.* 124, 207, 216, 272, 300, 379.

- Albert of Arthiano, Obs. Fr., I., 50.
 of Pisa, minister general of the Conventual Friars Minor, I., 9.
- Albertus à Bulsano, treatise on the Rule of the Friars Minor, I., *n.* 433.
- Aldyn, William, bailie of Lanark, I., *n.* 240.
- Aleson, *see* Allason, David.
- Alessandro, minister general of the Conventual Friars Minor, I., 43.
- Alexander II., III., *see* Scotland, Kings of.
- Alexander, Duncan, Obs. Fr., I., 330; II., 329.
- Alfunsus, Peter, on the Homilies of St. Gregory, II., 242.
- Alkmaar, Grey Friary, I., 53.
- Allan, Andrew, provost of Aberdeen, discharges annual rent secured over site of the Observatine Friary, I., 310, 311; II., 220, 221.
 Andrew, vicar of Lanark, legacy to the Conventual Friary, I., *n.* 241, 243, *n.* 356.
 Patrick, Conv. Fr., his pension and discharge of his rights over the Grey Friary, Haddington, I., *n.* 154, *n.* 170, 188, 189, 194; II., 66, 67, 93, 96.
- Allane, Moreis, Mend. Fr., II., 342, 345, 368, 369.
- Allason, David, Dom. Fr., I., *n.* 356; II., 345, 360.
- Alness, *see* Schand, Robert.
- Alverno, Mount, Grey Friary, I., 50.
- Alvide, Braz d', collects evidence for trial of George Buchanan, I., 119.
- Amanerius, Lord of Lebreto, legend of Battle of Bannockburn, I., 24.
- Ambrosius, Friar, II., 242.
- Ancona, March of, I., 43.
- Anderson, Obs. Fr., I., 332.
 Alexander, feuar of lands of Pentser, Dominican Priory, Elgin, II., 366.
 George, landholder in Dundee, I., 237.
 Gilbert, "assythement" for his murder agreed to in Observatine Friary, Aberdeen, I., 487.
 Robert, landholder in Haddington, II., 37, 38.
 Robert, landholder in Haddington, II., 84.
 Thomas, landholder in Haddington, II., 13.
 William, Protestant martyr, I., 301.
- Andrew de Douraid, Conv. Fr., warden of Haddington, I., 23, 193.
- Andrew, John, copy of Aristotle's Politics made by him in Cologne, II., 240.
- Angelina de Marsciano, organisation of Regular Tertiary Sisters, I., *n.* 388, 389, *n.* 389, 390.
- Angelo da Clareno, Conv. Fr., I., 43.
- Angelus, Conv. Fr., I., *n.* 14.
- Angus, Earl of, Friar Andrew Cairns acts as mediator between him and James V., I., 76, 77, *n.* 328.
- Annan, *see* William; Turner, John.
- Annabella, *see* Scotland, Queens of.
- Annand, *see* David.
- Annandale, I., 203.
- Anne, Duchess of Brittany, I., *n.* 387.
- Annibal, Grey Friar, independence of the Scottish Province, I., 10.
- Annual Rents, *see* Friars Minor, Theory of Poverty; Scotland, Friars Minor, friaries; Scotland, Observatine Province, Observance of the Rule.
- Anselm, archbishop of Canterbury, II., 241.
- Anthony, commissary of the ultramontane vicar general of the Observatines, I., 311; II., 224.
- Anthony of Rusco, minister general of the Observatine Friars Minor, II., 182, 191.
- Antonio de Massa, minister general of the Conventual Friars Minor, I., 49, 390.
- Antwerp Grey Friary, I., 53, 56.
- Aquilano (Aquila), *see* Friars Minor, Observatine Chapters General.
- Aquinas, Thomas, views on ecclesiastical poverty, I., *n.* 445.
- Aquitaine, II., 264, 265; *see* Friars Minor, Chapters General.
- Arbroath, Abbot of, founds the Leper House in Haddington, I., 181.

- Arbuchell, *see* Arbuckle.
- Arbuckle, Alexander, provincial minister of the Scottish Observatines, I., 100, 102, 103, 290, 296; II., 182, 193.
 Disputation with John Knox, I., 103, 293, 294, 295.
- Arbuthnett, James, monk of Melrose, I., *n.* 154; II., 367.
- Arbuthnot, Robert, of Arbuthnot, Letter of Confraternity to, I., 386; II., 263.
 Arbuthnot, Marion, wife of, *ibid.*
- Ardross, lands of, II., 372.
- Arctinus, Leonard, preface to the politics of Aristotle, II., 240.
- Argyll, Earl of, I., 64.
 Archibald, fifth Earl of, Lord of the Congregation, I., 146, 296, 346, 372.
 Acquires the Grey Friary, Stirling, I., 147, 376; II., 261.
- Arnot, Hugo, antiquarian writer and historian, of Edinburgh, I., *n.* 269.
- Arran, Earls of, annual rents over lands of, in favour of Dominican Friars, Glasgow, II., 338, 343, 367, 369.
- Arran, James, Earl of (1535), allowance of meal and money to the Conventual Friars, Lanark, and of money to the Observatine and Black Friars, Glasgow, I., 242, 345.
- ARRAN, JAMES, Earl of, Regent of Scotland—
 Absolution granted to, in Grey Friary, Stirling, I., 82, 485.
 Apostate Dominican Friars in his retinue, I., 81.
 Casual donations to Scottish Observatines, I., 320, 474.
 Leanings to Protestantism, I., 80, 147.
 Orders payment of royal bounties to Dominican Friars, Perth, I., *n.* 303.
 Regent's Alms, *see* Scotland, Friars Minor, Observatine Revenues.
 Sanctions destruction of Grey and Black Friaries in Dundee and Edinburgh, I., 81, 225, 281.
- Arth, Mend. Fr., sermon in Dundee, I., 102.
- Arthiano, *see* Albert.
- Aslowane, William, II., 169.
- ASSISI—
 Benedictine Monks, I., 437.
 Bishop of, I., 1.
 Grey Friary, I., 50, 428, *n.* 431, 437, 457, 479.
 The Portiuncula, I., *n.* 40, 50, 416, 437, 472.
 Rivo Torto, I., 415, 416.
See also Friars Minor, Chapters General.
- Asslowand, Isabelle, tenant of the Dumfries Friary, I., 211; II., 109.
 John, tenant of the Dumfries Friary, II., 109.
- Assumption of Benefices, *see* Thirds of Benefices.
- Athelstaneford, parish church, warden Auchinleck, Haddington, appointed reader, I., 155, 192, 193.
- Atholl, Patrick, Master of, buried in the Grey Friary, Haddington, I., 7, 174.
- Atkinson, William, landholder in Haddington, II., 24.
- Atkynssoun, John, burges of Edinburgh, I., 341.
- Auchindoir, parish church, I., 337.
- Auchinleck Chronicle, I., *n.* 72.
- Auchinleck, John, Conv. Fr., warden of Haddington, I., *n.* 154, 155, *n.* 155, *n.* 170, 173, *n.* 180, 188, 189, 190, 191, 192, 193, 194, 212, 225; II., 40, 45, 47, 48, 52, 53, 54, 57, 58, 59, 61, 63, 64, 65, 90, 92, 93, 96, 97, 98, 99, 100, 105.
- Auchmontie, John, commissioner for Stirling, II., 260.
- Augustinus, Aurelius, II., 238, 239.
- Avignon, I., 31; II., 2, 3, 149.
- Aweyille, Alexander, Conv. Fr., II., 129, 132.
- AYR—
 Dominican Priory, Friars, I., 111, *n.* 356, 357.
 Revenues, I., 140, 350.

Ayr—*continued.*

- Grey Friary, Bull of Erection, I., 62, *n.* 62 ; II., 250-251.
 Charters and Writs, II., 250-255.
 Fate, I., 147, *n.* 148, 356, 357, 358 ; II., 254, 255.
 Friars, I., 80, 137, 352.
 History, I., 62, 133, 299, 318, 345, 352-358 ; II., 176, 187, 293.
 Lawsuits, I., 353, 354 ; II., 251-254.
 Legacies, I., 133, 333, 356, 357, 358.
 Revenues, Royal Bounties, I., 355, 359.
 Municipal Allowances, I., 355, 360, 363.
 Wardens, I., 352, 353, 354, 359 ; II., 252, 253.
Fratres Minimi, I., *n.* 356, 358.
 Friars Vennel, I., *n.* 352.
 Hospital, I., 357.
 Parish Church, I., 352, 357, 358.
 Provost and Magistrates, I., 355, 356, *n.* 356, 357, 360.
 Ayton, Andrew, master of works in Stirling, supervises erection of Observatine Friary there, I., 370 ; II., 258, 259.
 John, chaplain, payments to, on behalf of Observatine Friars, Stirling, I., 371.
 Aytoun, George, fear of two roods of the Freir Wall, Haddington, II., 89.
 His creditor refuses to accept redemption money tendered in friary church, I., 173 ; II., 89.
 John, provost of Haddington, II., 46.
 John, leases the Convent yard, Haddington, II., 89.
- BACHIL or Bachlow, Walter, Conv. Fr., warden of Dumfries, I., 215 ; II., 132.
 Bacon, Roger, Conv. Fr., interpretation of the Franciscan Rule, I., *n.* 31, 41, 88.
 Bailie, Janet, of Cruddilyds, legacy to Observatine Friars, Glasgow, I., 351.
 Robert, Obs. Fr., warden of Aberdeen, I., 317, 329 ; II., 315.
 Baillie, Nichol, Conv. Fr., warden of Kirkcudbright, I., 193, 256 ; II., 13, 69.
 Balcat, John, accused of hanging image of St. Francis, I., 103.
 Balcomie, lands of, II., 343, 371.
 Laird of, *see* Lermonth, George.
 Bald, Henry, Conv. Fr., I., 193, 194 ; II., 39, 40.
 Balfour, Robert, disposition of the "Kirkafield," Edinburgh, to, II., 379.
 Balglaly, John and Lawrence of, privy to forgery of charter, Kinghorn, II., 167.
 Ballagane, lands of, I., 347 ; II., 340.
 Ballerno, Andrew, landholder in Edinburgh, I., *n.* 266.
 Ballincreif, chamberlain of, I., 272.
 Balliol, Edward, expulsion from Scotland, I., 12, 33, 35.
 John, *see* Scotland, Kings of.
 John de, founds an almshouse at Oxford, I., 19.
 Balnacrag, *see* Chalmer, William.
 Balquhannan, Christian, legacy to Observatine Friars, Perth, I., 305.
 Baltersan, *see* Kennedy, James.
 Balyhe, *see* Baillie.
 Balylie, *see* Baillie.
 Banff, Carmelite Friary, Revenues, II., 348.
 Bannatyne, Alexander, monk of Melrose, I., *n.* 154 ; II., 367.
 Alexander, landholder in Lanark, II., 159.
 James, annual rents of Grey Friary, Lanark, in hands of, II., 360.
 James and John, appropriate building material of Grey Friary, Lanark, II., 150.
 Bannockburn, legend, I., 23.
 Bany, John, landholder in Haddington, II., 14.
 Barcelona, *see* Friars Minor, Observatine Chapters General.
 Barlow or Barla, Elizabeth, Lady of Elphinstone, I., 315, 332, 335 ; II., 325.

- Barnbugall, lands of, I., *n.* 276 ; II., 377.
- Barnes, Alexander, landholder in Haddington, I., 196 ; II., 80, 81, 82.
 Thomas, acquires the stank of Grey Friary, Haddington, II., 96.
- Barry, Andrew, tenant of the Dundee Friary, I., 238 ; II., 144, 145.
 John, vicar of Dundee, present in Grey Friary when burghesses renounce Protestantism, I., 107 ; II., 143.
- Bartholomew of Pisa, Book of Conformities, I., 14.
- Bathcat, George, landholder in Haddington, II., 84, 85, 86.
- Batho, Sir Robert, entrusts revenues of his endowment to Observatine Friars, Stirling, I., 373.
- Bawfour, Thomas, Obs. Fr., lay brother, I., 346.
- Baxter, George, landholder in Dundee, I., 237.
 James, Obs. Fr., his observance of Observatine vow of poverty, I., *n.* 159, 348, 349, *n.* 349, 450 ; II., 246, 247.
 John, landholder in Dundee, I., 237.
 John, joiner in Elgin, I., 364, 365.
 Robert, brother of Friar James Baxter, I., 349, *n.* 349 ; II., 246, 247.
- Bayonne, *see* Bertrand.
- Beaton, David, cardinal, I., 80, 81, 82, 102, 103, *n.* 133, 374.
 And George Buchanan, I., 118, 119, 122, 123.
 James, archbishop of St. Andrews, I., 77, 101.
- Beithane, Walter, landholder in Kirkcudbright, I., 251 ; II., 168.
- Bell, David, landholder in Haddington, I., 196 ; II., 80, 81, 82.
 Sir Robert, of Mauchline, legacy to Observatine Friars, Ayr, I., 355, 358, 359.
 Robert, participates in forgery of charter, Kinghorn, II., 167.
- Bellenden, Sir John, of Auchnoule, Commissioner of Platt, II., 147.
- Beltoun, rector of, II., 78.
- Benefices, *see* Thirds of Benefices.
- Benyng, John, Conv. Fr., warden of Dumfries and Lanark, I., 247.
- Bercore, *see* Friars Minor, Observatine Chapters General.
- Berkeley, John, of Kipps, I., *n.* 276.
- Bernardine, *see* St. Bernardine.
- Bernardone, Francesco, *see* St. Francis.
 Pierre, father of St. Francis, I., 1.
- Bernhame, *see* David de.
- Bernils, *see* Bervils.
- Berthold of Ratisbon, Conv. Fr., his interpretation of the Franciscan Rule, I., 41, 88.
- Bertram, Walter, provost of Edinburgh, endowments and gifts to Scottish Franciscans, I., *n.* 170, 181, 182, 194, 280, 312 ; II., 16-21, 196, 221, 222.
 Family of, services for, in Grey Friaries, Haddington and Aberdeen, II., 17, 222.
- Bertrand of Bayonne, Conv. Fr., treatise on manual labour, I., *n.* 411, 473.
- Bervils, Patrick, Conv. Fr., studies at Lausanne, I., *n.* 30.
- Bervy—
 Dominican Priory, Friars, II., 341, 346.
 Revenues, II., 339, 340, 348, 350, 351, 352, 353, 354, 355, 371.
- Berwick, town of, I., 5, 6, 19, 20, 25, 33, 35, 67, 162, 163.
 Grey Friary, I., 5, 6, 7, 9, 12, 21, 22, 25, 27, 34, 35, *n.* 161 ; II., 2.
- Bethune, James, archbishop of Glasgow, I., 344.
- Beverlay, Waren de, I., 167.
- Beziers, Grey Friary, I., 43.
- Binton, abbot of, II., 241.
- Birkmyre, John, feuar of the Newyards, Grey Friary, Dumfries, I., 210 ; II., 105.
- Birkton, James, Messenger-at-Arms, II., 53.
- Bishop's Charity, *see* Scotland, Friars Minor, Observatine Revenues.
- Bissait, Alexander and George, burghesses of Aberdeen, I., 487.
- Bissate, *see* Bisset.

- Bisset, James, burgh of Aberdeen, gift of land to Observatine Friars, Aberdeen, I., 62, 309, 311, 312, 316; II., 195, 212, 218, 221, 222.
- Blacadder, Margaret, wife of George Haitlie of Broomhill, demands surrender of documents from Franciscan Warden, Haddington, I., 183, 184; II., 73-79.
- Rolland, sub-dean of Glasgow Cathedral, provides for celebration of masses by Dominican and Observatine Friars, I., 344; II., 244.
- Blacater, Patrick, archbishop of Glasgow, II., 78.
- Patrick, of Tuli Allan, II., 75.
- Blackburn, John, Conv. Fr., warden of Kirkcudbright, I., 256; II., 94.
- Black Friars, *see* Dominican Order.
- Blackie, Alexander, landholder in Lanark, II., 155.
- Andrew, landholder in Lanark, I., 246; II., 154.
- David, landholder in Lanark, II., 158.
- Isobel, tenant of Grey Friary Yard, Lanark, II., 155, 156, 157.
- Blair, Alexander, Obs. Fr., I., 331; II., 328.
- Egidia, Lady of Row, I., 133, 316, 332, 356, 358; II., 331.
- John, landholder in Haddington, I., 197; II., 91.
- John, landholder in Lanark, II., 159.
- John Blair of, I., 332, 358.
- Blance or Blause, laird of, lands in Haddington, II., 35, 80, 81, 82, 84.
- Blare, Janet, Regular Tertiary Sister in Dundee, I., 396; II., 273.
- William, landholder in Dundee, I., 396; II., 273.
- Blindscheill, John, Dom. Fr., II., 341, 345, 365, 366.
- Blinseill, Cristina, I., 335.
- Blois, Château, Illustrations of, I., 167, 247, 351, 377, 387, 488.
- Blonde, Francis, ultramontane vicar general of the Observatine Friars Minor, I., 310; II., 215, 218, 219.
- Blunt, Adam, Conv. Fr., warden of Roxburgh, delivers John Balliol's renunciation to Edward I., I., 19, 163.
- Blyth, Dom. Fr., Edinburgh, II., 346.
- Lands of, I., 338.
- Bogsyid, lands of, II., 339, 350, 351, 356.
- Bologna, Friars Minor, I., 437, 478.
- Bolton, Robert, landholder in Haddington, II., 31, 32.
- Bomby, *see* MacLellane, Thomas.
- Bona Donna, Order of Penitents, I., *n.* 388.
- Bonaventura, minister general of the Conventual Friars Minor, *see* St. Bonaventura.
- Provincial minister of the English Observatines, I., 75.
- Bonagrazia, minister general of the Conventual Friars Minor, I., 43, *n.* 466.
- Bordeaux, I., 119, 123, 124.
- Borthik, John, Conv. Fr., I., 193; II., 28, 37.
- Borthwick, David, baillie of Haddington, II., 32, 34.
- Sir John, Friar John Paterson one of his judges, I., 291.
- Bothans, Collegiate Church of, *see* Valterstone, Robert.
- Bothkennar, lands of, II., 339.
- Bothwell Bridge, battle of, I., 270.
- Earls of, I., 83, 230, *n.* 291, 336.
- Boulogne, Treaty of, I., 172, 210.
- Boward, laird of Duddingston, I., *n.* 276; II., 377.
- Bower, Walter, continuator of the Scotichronicon, I., 168, *n.* 169.
- Bowland, Walter, Conv. Fr., warden of Dumfries, I., 215.
- Bowle, Henry, Conv. Fr., I., 239.
- Bowstoun, Bernard, monk of Melrose, I., *n.* 154; II., 367.
- Boyd, Alexander, legacy to Observatine Friars, Ayr, I., 358.
- James, of Hullerhill, Sub-Collector of Thirds of Benefices, II., 151.
- Lord, Collector-General of Church Rents, I., *n.* 236.

- Boyll, Jessie, legacy to Observatine Friars, Ayr, I. 358.
- Boyman, Patrick, burgess of Leith, I., 273, 286.
- Brabanar, John, Dom. or Carm. Fr., Aberdeen, II., 341, 346.
- BRECHIN—
- Bishops, I., 60, 106, 225; II., 141, 227.
 - Chancellors, *see* Ogilvy, William.
 - Tertiary Congregation, *see* Tertiaries; Leis, John.
- Brentoun, David, appropriates building material, Grey Friary, Lanark, II., 150.
- Brethertown, lands of, I., 238.
- Brine, James, Conv. Fr., II., 132.
- Brison, Agnes, anniversary service for, in Grey Friary, Haddington, II., 34.
- Brittany, Duchess of, *see* Anne; Isabella.
- Duke of, *see* Francis I., Francis II.
- Brogliano, Grey Friary, I., 45, 46, 131.
- Broun, *see* Brown.
- Brown, Alexander, landholder in Haddington, I., 196; II., 80, 82.
- George, bishop of Dunkeld, I., 61, 301.
 - Professor Hume, I., *n.* 68, 112, 124.
 - James, baillie of Haddington, II., 97, 98.
 - James and William, appropriate building material, Grey Friary, Lanark, II., 150.
 - John, Conv. Fr., warden of Dundee, I., *n.* 154, *n.* 156, 225, 227, 228, 234, 235, 477; II., 94, 147, 148, 161, 341, 345, 364.
 - John, landholder in Haddington, II., 12.
 - John, purchaser and tenant of the Tertiary Nunnery, Dundee, I., 397.
 - Margaret, nun of Coldstream, II., 367.
 - William, collector in Haddington, II., 96.
 - William, landholder in Dundee, I., 237.
 - William, vicar of Mouswald, distribution of his obit doles, I., 281; II., 198.
- Broyn, James, Conv. Fr., II., 129.
- Bruce, Alexander, of Airth, acquires feu-duties of Carmelite Friary, Linlithgow, II., 355.
- Isabella, I., 335.
 - John, landholder in Dumfries, I., 208.
 - Elizabeth, daughter of, warden of Dumfries, acts as procurator for, I., 208.
- Brunhill, George, tenant of Crispimanis land, Haddington, II., 93.
- Brux, *see* Forbes, Arthur.
- Buchanan, George, his charges against the Franciscans, I., *n.* 79, 86, 96, 98, *n.* 99, 110-126, 135, 147, 270, 384, 385.
- Franciscanus, criticism of, I., 110-126.
 - Palinodia, I., *n.* 117, 118, 119, 120, 122, 124.
 - Somnium, I., 66, *n.* 111, *n.* 117, 118, 121, *n.* 122, 124, 125.
 - John, II., 340.
- Bulmer, Sir R., I., 84, 165.
- Sir W., I., 76.
- Bulsano, *see* Albertus.
- Burgundy, Friars Minor, I., 47.
- Burial, *see* Friars Minor, Pastoral Charge; Scotland, Observatine Province, Friars of.
- Burnefute, lands of, II., 377.
- Burnet, Alexander, of Leys, I., 333.
- Duncan, rector of Methlick, alms and legacies to Scottish Observatines, I., *n.* 95, 274, 298, 301, 333, 356, 363, 373, 384; II., 295, 328.
- Burton, Thomas, monk of Iona, I., *n.* 31.
- Bute, Marquis of, restores Observatine Friary, Elgin, I., 362.
- Buty, John, burgess of Kinghorn, declaration in Grey Friary, Inverkeithing, concerning forgery of charter of Kinghorn, I., 250; II., 166-167.
- Bybe, John, Conv. Fr., II., 132.
- Byris, Robert, baillie of Haddington, II., 68.

- CADBOLL, lands of, I., 361, 362.
 Cærlaverock Castle, I., 22, 204.
 Cæsarius of Spires, Conv. Fr., I., *n.* 407.
 Cairns, Andrew, provincial minister of the Scottish Observatines, I., *n.* 60, 277, 328; II., 181, 192, 316.
 Acts as mediator between James V. and the Earl of Angus, I., 76, 77.
 Henry, *see* Cant.
 Caithness, Dean of, I., 11.
 Calbraith, Robert, II., 74.
 Calderwood, Thomas, landholder in Haddington, II., 41.
 CAMBUSKENNETH—
 Abbot, I., *n.* 105; II., 258.
 Monks of, write books for Observatine Friars, Stirling, I., 369.
 Camera, *see* Chalmers, Alexander.
 Cameron, David, Dom. Fr., prior of Perth, I., *n.* 136, *n.* 157, *n.* 303, 304; II., 341, 346.
 Camieulle, Alexander, Conv. Fr., II., 129.
 Campbell, Mend. Fr., sermon on duties of a bishop, I., 95.
 Alexander, Dom. Fr., prior of St. Andrews, I., 291.
 David, landholder in Dundee, I., 237.
 Hew, action at instance of Crown against, II., 252.
 Hew, undertakes to lodge documents in Grey Friary, Ayr, I., 486.
 James, I., 486.
 John, of Little Cesnok, crown donee of ward of lands of Carlton, I., 354; II., 253.
 John, his son, *ibid.*
 William, of Skeldoun, tenant of Observatine Friary, Ayr, I., 357; II., 254.
 Campvere, Lord, I., 71.
 Regular Tertiary Sisters of, I., 320, 321, 342.
 Camskeith, *see* Hamilton, John.
 Candida Casa, *see* Whithorn.
 Candoche, Margaret, grant of land to Observatine Friars, Aberdeen, I., 312, 316; II., 223.
 Cant, Elizabeth, anniversary service for, in Grey Friary, Haddington, II., 17.
 Henry, Conv. Fr., warden of Roxburgh, I., *n.* 154, 166; II., 4, 5, 105, 168, 342, 346, 367.
 James or John, Conv. Fr., warden of Kirkcudbright, I., *n.* 154, *n.* 156, 253, 254, 256; II., 5, 108, 168, 341, 345, 359, 360.
 Cante, Clement, landholder in Aberdour, II., 269.
 Walter, tenant, Aberdour, II., 267.
 Canterbury, archbishop of, I., 410, *n.* 410.
 Capistrano, *see* John of.
 Carcassone, Grey Friary, I., 43.
 Cardinal Protector, *see* Friars Minor; Ugolini.
 Caris, James and Marion, tenants of the "litill croft," Grey Friary, Haddington, II., 93.
 Carketill, John, bailie of Haddington, II., 99.
 Carketill, John, burgess of Edinburgh, I., 338.
 John, burgess of Leith, I., *n.* 276.
 Carlestoune, lands of, redeemed in church of Grey Friary, Dumfries, I., 253, 254, 486.
 Carlisle, I., 21, 84, 108, 209.
 Dominican Friars purchase the bell of Grey Friary, Dundee, I., 222.
 Grey Friar, compiler of the Lanercost Chronicle, I., 34, 174, 222.
 Carlowry, *see* Haliburton.
 Carlton, barony of, I., 354.
 Lands of, I., 353; II., 251-254.
 See Cathcart.
 Carlyle, Sir John, of Torthorwald, I., 207, 216.
 Carmelite Friars, I., 25, 108, *n.* 111, 129, *n.* 177; II., 175, 186, 207.
 Carmichael, James, of Hyndfurd, acquires site of Grey Friary, Lanark, II., 158, 159.

- Carmichael, John, of Meadowflatt, lands in Lanark, II., 160.
 Margaret, *see* Crawford, Countess of.
- Carncors, Nicholas, burgess of Edinburgh, II., 198.
- Carnok, *see* Crannok.
- Carnys, *see* Cairns.
- Carpenter, *see* John the Carpenter.
- Carrick, David, Earl of, I., 230.
- Carrutheris, James, Mend. Fr., II., 342, 345, 368, 369.
 Mark, notary public, Kirkcudbright, II., 169.
- Casale, *see* William de.
- Cassilis, Earls of, I., 121, 333.
- Cassillis, *see* Douglas, James.
- Cateau-Cambrésis, treaty of, I., 149.
- Cathcart, Allan, of Carlton, I., 353; II., 252.
 David, son of William, of Drumsuddan, I., 353.
 Earls of, I., 353.
 Lord John, II., 253.
 Margaret, daughter of Allan, of Carlton, I., 353, 486; II., 252.
 Margaret, daughter of William, of Drumsuddan, I., 353.
 Sibilla, daughter of Allan Cathcart of Carlton, I., *n.* 127, 353, 354, 486; II., 251-254.
 Her husband and daughters, I., 354, 359; II., 251-254.
See also Kennedy, Margaret and Janet.
 William, of Drumsuddan, I., 353, 486.
- Cavers, *see* Douglas, Sir James.
- Cay, Alexander, Mend. Fr., Elgin or Inverness, II., 341, 345, 365.
- Cecil, William, Baron Burghley, I., 143, 149.
- Cervantes, Legate, presides over Chapter General, Friars Minor, I., 464.
- Cesena, *see* Michele de.
- Cesfurd, *see* Ker.
- Chalmer (Chalmers), Alexander, bailie of Aberdeen, II., 229.
 Alexander, chaplain in Stirling, II., 261.
 Alexander, provost of Aberdeen, undertakes to discharge ground annual over site of
 Observatine Friary, Aberdeen, I., 308, 310, 311; II., 213, 221.
 Duncan, younger of Balnacrag, I., 334; II., 307.
 Margaret, of Finlater and Drum, alms to Observatine Friary, Aberdeen, I., 333;
 II., 305.
 Mariota, services to and burial in Observatine Friary, Aberdeen, I., 317, 384; II.,
 297.
 Robert, I., 334.
 William, of Balnacrag, alms to and burial in Observatine Friary, Aberdeen, I., 315,
 334; II., 307.
- Chapman, John, Dom. Fr., I., 283; II., 342, 346, 347, 378, 379.
- Charles I., II., *see* Scotland, Kings of.
- Charteris, Robert, of Amysfield, ordered to render accounts in church of Grey Friary,
 Dumfries, I., 486.
- Chene, James, } their status decided by commission in Observatine Friary, Aberdeen, I., 322.
 Jerome, }
- Childe, James, Obs. Fr., warden of Aberdeen, I., 312, 317, 329; II., 225.
- Chisholm, Michael, collector of Church Rents in Edinburgh, II., 151, 152, 377.
- Chousslie, Thomas, II., 56.
- Christopher, *see* Friars Minor, Observatine Vicars General.
- Clalek, lands of, II., 348, 353.
- Clareno, *see* Angelo.
- Clarences, *see* St. Clare.
- Clat, *see* Scherar, Duncan.
- Cleghorn, mains of, Vicar's Croft granted to Grey Friary, Lanark, I., 242, 246; II., 154.

- Clepane, William, landholder in Haddington, I., 196 ; II., 80, 81, 82.
- Clerk, John, participates in forgery of charter, Kinghorn, II., 167.
 Marion, landholder in Haddington, I., 197 ; II., 91.
- Clerkington, *see* Cockburn.
- Clintis, lands of, I., *n.* 276 ; II., 377.
- Clochrystane, lands of, II., 343, 349, 354, 371, 372.
- Cockburn, Adam, landholder in Haddington, I., 197 ; II., 87, 91.
 Alexander, of Harperdean, I., 196 ; II., 40, 80, 81, 82.
 David, landholder in Dundee, I., 236.
 George, landholder in Haddington, II., 95.
 Henry, landholder in Haddington, II., 92.
 Henry, tenant of Corn Mills, Haddington, II., 28.
 James, landholder in Haddington, I., 188, 197 ; II., 91.
 James, grant of the Freir Croft to Grey Friary, Haddington, I., 171, *n.* 180 ; II., 68-71.
 James, provost and treasurer of Haddington, II., 60, 67, 68, 95, 97, 98.
 John, demands restitution of Freir Croft, I., *n.* 171 ; II., 68-71.
 Patrick, landholder in Haddington, I., 181.
 Patrick, sells roods of Freir Wall to magistrates, I., *n.* 168, 169, 170.
 Thomas, procurator of Grey Friary, Haddington, I., 183, 194 ; II., 24, 72.
 Thomas, east wall of church of Grey Friary offered to, I., 174 ; II., 95, 96.
 Thomas, landholder in Dundee, I., 237.
 William, I., 341.
 Sir William, of Scarling, legacy to Observatine Friars, Edinburgh, I., 274, 285.
- Coimbra, I., *n.* 119.
- Cok, *see* Cook.
- Colane, Andrew, I., 334.
 Andrew, burgess of Aberdeen, I., 314 ; II., 324.
 John, I., 334.
 Robert, alms to Observatine Friars, Aberdeen, I., 310, 334 ; II., 213, 296.
- Coldstream, nuns of the Abbey of, II., 367.
- Colison, David, grant of land to Observatine Friary, Aberdeen, I., 309, 311, 313, 316, 325, 334 ; II., 212, 216, 217, 218, 325.
 David, demands restoration of ancestor's land given to Observatine Friary, Aberdeen, I., 325.
 Gilbert, bailie of Aberdeen, II., 229.
- Collector-General of Thirds of Benefices, *see* Thirds of Benefices.
- Cologne, Franciscan Province of, I., *n.* 13, 51, 53, 159, 160, *n.* 310 ; II., 173, 174, 180, 183, 184, 185, 190, 194.
- Colville, Robert, of Hiltoun, II., 259.
- Colville, James, of Ochiltree, I., 350.
 William, ordered to receive accounts in church of Grey Friary, Dumfries, I., 486.
- Communitas, *see* Friars Minor, Observatine Franciscans.
- Comyn, John, murdered in church of Grey Friary, Dumfries, I., 22, 204.
- Confession, *see* Friars Minor, Pastoral charge ; Scotland, Observatine Province, Friars of.
- Confraternity, Letters of, *see* Tertiaries.
- Congilton, George, tenant of Grey Friary yard, Haddington, I., 171, 192 ; II., 95, 98.
 John, Conv. Fr., warden of Haddington, I., *n.* 170, 186, 187, 192, 193, 194 ; II., 28, 37, 39, 43, 44, 45, 60, 80-88, 93, 94, 97, 98, 105, 168.
 Sir John, annual rent to Grey Friary, Haddington, I., 177, 194.
- Connell, or Connellson, John, provincial master of the Scottish Conventuals, I., *n.* 60, 165, 224 ; II., 142.
- Conrad, legate at the Synod of Cologne, I., 409.
- Conyghame, Joanna, disponee of the Observatine Friary, Glasgow, I., 348 ; II., 248, 249.
 William, bailie of Glasgow, II., 248, 249.
- Cook, William, II., 18, 31.

- Cook, William, commissioner for St. Andrews, II., 205.
 William, landholder in Haddington, I., 195, 196; II., 80, 81, 82.
- Cooper, Professor, I., *n.* 316, 482; II., 284.
- Cordelière, I., 52, 387.
 Illustrations of, I., 1, 37, 52, 167, 247, 351, 377, 387, 488.
- Cordigeri Friars, *see* Scotland, Friars Minor.
- Cordileir Friars, *see* Scotland, Friars Minor.
- Cornawell, Cristina, Regular Tertiary Sister of Aberdour, I., *n.* 395.
- Cornelius, of Zieriksee, Obs. Fr., leads the Observatine mission to Scotland, I., 16, 51, 53, 56, 263, 264, 271, *n.* 271, 277, 288, 299, 343, 482; II., 174, 175, 180, 184, 186, 190.
- Cortona, *see* Elias.
- Cottis, Alexander, Obs. Fr., lay brother, I., 346.
 Andrew, Obs. Fr., warden of St. Andrews, I., 281.
- Coussy, Matthieu de, chronicle of, I., 72.
- Couvelson, *see* Connell.
- Covenanters, prisoners in Edinburgh, I., 270, *n.* 270.
- Covington, laird of, II., 356; *see* Lindsay, John.
- Cowstounis, Thomas, landholder in Dundee, I., 238.
- Craegmak, *see* Glasgow.
- Crafurd, John, I., 328.
- Crag, George, tenant of Douket, Grey Friary, Haddington, II., 88, 89.
- Craig, David, Carm. Fr., Aberdeen, II., 341, 346, 357.
 Sir Thomas, I., *n.* 70, 86, 110.
 His charges against the Friars, I., 126-139, 270, 356, 378.
- CRAIL—
- Burgh, I., 296.
 Collegiate Church, I., 337, 338.
 Magistrates, I., 230, 239.
- Craile, Alexander, bailie of Dundee, II., 226, 227, 228.
- Craill, James, landholder in Dundee, I., 237.
- Crambie, *see* Crumbie.
- Crannock, David, provincial minister of the Scottish Observatines, I., 271, 272, *n.* 283, 310, 311, 328, 475; II., 200, 216, 220, 221, 319.
- Crauford, *see* Crawford.
- Crawford, Andrew, feuar of the burgh midden, Aberdeen, II., 230.
 Bartholomew, }
 Duncan, } rights of, in lands of Carlton, II., 251-254.
 Robert, }
- Charles and William, joint tenants of Dominican Priory, Ayr, I., 357.
- Countess of, Margaret, Letter of Confraternity to, I., 221; II., 127, 128.
- Countess of, Marjory, endowment for Earl of Crawford's mass, I., 220, 231; II., 125, 126, 128.
- Earls of, I., 73, 299; II., 175, 186.
 Burial vault in Grey Friary, Dundee, I., 220, 221.
 David, first Earl, buried in church of Grey Friary, Dundee, I., 220.
 David, third Earl, I., 220; II., 125, 126.
 David, fifth Earl, endowment for Duke's Mess of Montrose, I., 220, 221; II., 127, 128.
 David, ninth Earl, feu-charter to, of Grey Friary, Dundee, I., 226; II., 143-144, 145.
 David, eleventh Earl, vindicates his ancestor's right to Grey Friary, Dundee, I., 152, *n.* 152, 219, 228, 239.
 John, sixth Earl of, endowment for daily mass, I., *n.* 144, 221, 222, 231; II., 135-137.
- Janet, wife of William Cathcart of Drumsuddan, I., 353.
- John, prebendary of St. Giles, I., *n.* 271.
- Margaret, widow of William Hebburn of Lowis, I., 353.
- Crawfordjohn, barony of, I., 243.
- Crechtoune, *see* Crichton.

- Cressingham, Hugh of, treasurer of Edward I. for Scotland, I., 20, 218.
 Crethy, *see* Keith, Robert.
- Crichton, Abraham, procurator for Lord Hume, II., 74-78.
 Alison Melville or, *see* Melville.
 Church of, *see* Halkerston, Thomas.
 Lord, of Sanquhar, delivers King's alms to Grey Friars, Dumfries, I., 208.
 Robert, of Elyk, King's Advocate, II., 150.
 William, rector of Oyne, alms to Observatine Friary, Aberdeen, I., 95, 314, 334 ;
 II., 303.
- Cristesoun, John, provincial minister of the Scottish Carmelites, I., *n.* 319 ; II., 341, 346, 357.
 Cristeson, John, Dom. Fr., Montrose, II., 341, 345, 364.
- Crombie, Andrew, Conv. Fr., warden of Kirkcudbright, I., 256 ; II., 132.
- Cromwell, Oliver, Lord Protector of England, I., 357.
 Thomas, Earl of Essex, I., 108.
- Crondan, Thomas, landholder in Aberdeen, II., 221, 222.
- Croser, John, chaplain in Haddington, lawsuit with Grey Friars, Haddington, I., 183, 195 ;
 II., 72, 73.
 John, father of, II., 72.
- Crossraguel, Abbey of, I., 333.
 Abbot of, alms to Grey Friars, Ayr, I., 147, 355.
- Crousers, Cyprianus, Grey Friar, I., 426.
- Crumbie, John, burgess of Haddington, I., 176.
- Crumby, Bartholomew, landholder in Leith, II., 18.
 Elizabeth, landholder in Haddington, II., 33.
 Richard, landholder in Haddington, II., 12, 31.
- Crummy, Margaret, Regular Tertiary Sister of Aberdour, I., *n.* 395.
- Cuik, John, surety for tenant of Sisterlands, Aberdour, II., 271.
- Culross, monks of, write books for the Observatine Friars, Stirling, I., 369.
- Cuming, John, Dom. or Carm. Fr., Aberdeen, II., 341, 346, 358.
- Cuningham, Andrew, surety for lessee of Grey Friary revenues, Dumfries, II., 118, 120.
- Cuninghame, William, burgess of Dumfries, II., 105.
- Cunningham, David, parish minister of Lanark, lawsuit against tenant of Grey Friary, I., 242,
 244 ; II., 152.
 Herbert, notary public, Dumfries, II., 105, 108, 169.
 John, feuar of the Friarhaugh, Dumfries, I., 212 ; II., 113, 121, 169.
 John, appropriates building material, Grey Friary, Lanark, II., 150.
 Ninian, collector of church rents, II., 344.
 Robert, collector of church rents in Edinburgh, II., 377.
 William, of Glengarnok, legacy to Observatine Friars, Glasgow, I., 350.
- Cunninghame of Polmais, right of patronage, II., 261.
- Cunyngham, Andrew, vicar of Lochow, II., 259.
- Cupar, Dominican Priory of, I., *n.* 14, *n.* 477.
- Curry, Thomas, tenant of Ralph Eglinton's Acres, Haddington, II., 24.
- Cuthbert, commendator of Glenluce, II., 73.
 George, provost of Inverness, vestments and ornaments of Dominican Priory in custody
 of, I., 483.
- Cwyk, John, Con. Fr., II., 129.
- Cylma, Henry, Conv. Fr., warden of Dundee, II., 132.
- DACRE, I., 75.
- Dalgernot, William de, *see* Kelso, Abbot of.
- Dalmahoy, Alexander, of Over Libertoun, I., 339.
 Hugo de, notary to Cardinal Eustace, I., 31.
- David I., II., *see* Scotland, Kings of.
- David de Annand, Sir, confirms gift of coals to Grey Friars, Haddington, I., 177.
- David de Bernhame, bishop of St. Andrews, I., 6, *n.* 255.

- Davidson, John, hospital master, Perth, I., *n.* 130, *n.* 303.
 Davidson, Thomas, landholder in Dundee, I., 237.
 Dawson, David, Mend. Fr., II., 342, 345, 368.
 Debts, *see* Scotland, Friars Minor, Observatine Province, Observance of the Rule.
 Dee, Katherine, landholder in Edinburgh, I., 267, *n.* 268.
 Dekysoun, Margaret, } tenants of Ralph Eglinton's Acres, Haddington, II., 24.
 Robert, }
- Delft, Grey Friary, I., 53.
 Dempstar, George, II., 50.
 Dempster, Thomas, writings of, I., *n.* 19, *n.* 147, 201, 290, 324.
 Dempsterstoun, Robert, landholder in Inverkeithing, I., 249 ; II., 164.
 Deneval, George, or John, Mend. Fr., II., 341, 345, 368, 369.
 Denum, Patrick, landholder in Edinburgh, I., *n.* 266.
 Devorgilla, Lady, of Galloway, I., 19, 202, 204, 218.
 Devorguila, *see* Devorgilla.
 Dewy, Patrick, feuar of burgh midden, Aberdeen, II., 229-233.
 Dick, Alexander, Obs. Fr., escapes from Aberdeen Friary, shelters in Dundee, I., 106, 107, 225, 230, 291, 332 ; II., 226-228.
 Dickison, Thomas, procurator of warden of Haddington, II., 92.
 Diksoun, Robert, procurator of prioress of nunnery, Haddington, II., 88.
 Dillidaff, John, Obs. Fr., warden of St. Andrews, I., 100, 101, 291.
 Dirleton, laird and barony of, right to present paupers in almshouse, Haddington, I., 179 ; II., 14.
 Dirsse, *see* Dross, Jean.
 Discipline, Franciscan, *see* Friars Minor ; Scotland, Friars Minor, Observatine Province, Friars.
 Documents, custody of, *see* Ayr, Haddington, Stirling, Grey Friaries ; Scotland, Observatine Province, Friars of.
 Dodds, James, Dom. Fr., prior of Wigton, I., *n.* 157.
 John, Dom. Fr., Montrose, II., 341, 345, 364.
 Dogma, *see* Friars Minor, the Holy See ; Scotland, Friars Minor, Observatine Province, Friars of.
 Dominican Order—
 Friars, I., 16, 17, 23, 28, 33, 61, 71, 81, *n.* 82, 94, 100, 101, 103, 108, 109, 111, 130, 136, 181, *n.* 183, 292.
 Pensions paid to Scottish Dominicans who recanted, I., 153, *n.* 153, *n.* 154, 155, *n.* 157, 225, 283, *n.* 296, *n.* 297, 304, *n.* 304, *n.* 319, *n.* 356, *n.* 376 ; II., 341, 342, 345, 346, 357, 358, 359, 360, 362, 364, 365, 366, 368, 369.
 Priors in Scotland, *see* Aberdeen, Ayr, Bervy, Dundee, Edinburgh, Elgin, Glasgow, Inverness, Montrose, Perth, St. Andrews, Stirling, Wigton
 Revenues, I., 140 ; II., 337-377.
 Priors of the Scottish Dominicans, I., *n.* 157.
 Provincial Chapters, I., *n.* 12.
 Provincial Ministers of the Scottish Dominicans, *see* Greirson, John.
 Rule, I., 134, *n.* 233, 302, *n.* 302, 303, *n.* 442.
 Statutes, I., *n.* 404, *n.* 413, *n.* 424.
 Tertiaries, I., *n.* 380, *n.* 383.
 Dominicans and Franciscans. *see* Scotland, Friars Minor, Franciscans and the Mendicants.
 Don, Sir David, of Kincardine, legacy to Observatine Friary, Stirling, I., 373.
 Douglas, James, Earl of, confirms gift of bridge toll to Grey Friars, Dumfries, I., 203 ; II., 102, 103.
 Margaret, wife of, I., 203 ; II., 101, 102.
 Earls of, I., 207.
 Archibald, of Pittendreich, II., 351, 356.
 Archibald, Aberdeen Obituary Calendar in possession of, II., 284.
 Beatrix, *see* Erroll, Countess of.
 Elizabeth, landholder in Lanark, II., 159.

- Douglas, James, of Cassillis, foundation of Observatine Friary, Edinburgh, I., 55, 61, 263, 266 ; II., 195.
- Sir James, of Cavers, Sheriff of Roxburgh, defrauds Grey Friars, Dumfries, of royal bounties, I., 205, 206 ; II., 123-124.
- Sir James, of Dalkeith, legacy to Conventual Friary, Haddington, I., 182, 198.
- James, of Pendreich, I., 365.
- John, of Roberton, II., 267, 268.
- John, landholder in Haddington, I., *n.* 170 ; II., 93.
- John, procurator of warden of Haddington, II., 90, 92.
- John, tenant of roods of Freir Wall, Haddington, II., 90, 92, 93.
- John, landholder in Haddington, II., 37, 38, 43.
- Patrick, landholder in Haddington, I., 197 ; II., 86.
- Robert, provost of Lincluden, II., 109.
- Robert, II., 284.
- Doungalson, John, burgess of Kirkcudbright, II., 171.
- Douraid, *see* Andrew de.
- Dremhills, lands of, annual rent due from, to Grey Friary, Haddington, I., 178 ; II., 8, 9, 10.
- Drosse, Joan, Regular Tertiary Sister of Aberdour, I., 392, 393 ; II., 267.
- Drum, *see* Chalmer, Margaret.
- Drumcarne, lands of, annual rent due from, to Grey Friary, Dundee, I., 220, 238 ; II., 125-126, 127.
- Drummond, John, of Drummond, Letter of Confraternity to, I., 386 ; II., 264.
- Elizabeth, wife of, *ibid.*
- Margaret, mass for, in Observatine Friary, Stirling, I., 371.
- Drumsleit, barony of, II., 109.
- Drumsmuddan, *see* Cathcart, William.
- Drury, General, I., *n.* 266.
- Duarte, Augustinian Friar, collects evidence for trial of George Buchanan, I., 119.
- Duddingston, lands of, annual rent due from, to Dominican Priory, Edinburgh, I., *n.* 276 ; II., 377.
- Dugeon, John, tenant of Dremhills, lawsuit against by Grey Friars, Haddington, II., 10.
- Dumbarton, fermes of, I., *n.* 347.
- DUMFRIES—
- Grey Friary—
- Charters and Writs, II., 101-124.
- Church, I., 22, 200, 201, 208, 209, 212, 485, 486 ; II., 103, 110.
- Fate, I., 150, 153, 155, 156, *n.* 156 ; II., 104-117.
- Friars, I., 84, 85, 107, 108, *n.* 150, 203, 209, 252, 439 ; II., 341, 342, 345.
- Lawsuits in which engaged, I., 205, 206, 207, 208, 214 ; II., 123, 124.
- See also* Law, George.
- History, I., 5, 12, 15, 22, 77, 85, 199-215, 242, 318.
- Lands, I., 85, 200, 209, 476.
- Corbellie Hill, I., 211 ; II., 109.
- Friarhaugh, I., 201, 209, 211, 212 ; II., 105, 112-114.
- Garden, I., 200, 211, 474 ; II., 109-112, 115, 116.
- Newyards, I., 201, 210 ; II., 104, 105.
- Revenues—
- Annual Rents, I., 207, 208 ; II., 103-104, 117-121.
- Right of Salmon Fishing, I., 206, 207, 211, 213, 214 ; II., 108.
- Fate of, II., 104, 117-123, 338, 344, 347, 349, 354, 358, 359, 360, 371.
- Royal Bounties, I., 21, 140, 202, 203, 204, 205, 206, 208, 209, 212, 215-217.
- Vestments of, I., 208, 216.
- Wardens, I., 85, 108, 207, 209, 215.
- See also* Home, Charles.
- Bridge, I., 202, *n.* 202, 207.
- Toll granted to the Grey Friars, I., 202 ; II., 101-103.

Dumfries—*continued.*

Bridge Toll disposed by the Grey Friars, I., 207, 210, 213 ; II., 106, 107.

Streets bounding the Grey Friary—

Bridge Street, I., 200.

Buccleuch Street, I., 199.

Castle Street, I., 199.

Friars' Vennel, I., 200, 202.

High Street, I., *n.* 208, 210.

Newton, I., 199, 200.

Staitfurd, The, I., 199, 201 ; II., 105.

Willeis, *see* Common.

Common, I., 199, 201, 210, 211 ; II., 105.

Magistrates, I., 204, 212, 214, 215 ; II., 119-121.

Parish Church, I., *n.* 202.

Provost, *see* Macbrair, Archibald.

Dun, *see* Erskine.

Dun, Sebastian, landholder in Haddington, I., 196 ; II., 80, 81, 82, 83.

Dunbar, I., 20, *n.* 291.

Alexander, dean of Moray, II., 354, 355.

Gavin, archbishop of Glasgow, I., 107, *n.* 111.

Legacies to Scottish Franciscans, I., *n.* 111, 204, 243, 274, 285, 301, 305, 350, 356, 358, 373.

Gavin, bishop of Aberdeen, support accorded to Observatine Friars, I., 277, 290, 314, 315, 316, 334, 335, 336, 452 ; II., 294, 330.

John, surety for lessee of Grey Friary revenues, Dumfries, II., 118, 120.

Patrick, Earl of, I., 34, 163, 167.

William, I., 66, 68, 94, 370, 373.

Poems of, I., 65, 66, 67, 68, 125, 133, 484.

DUNBLANE—

Bishops, I., *n.* 62, *n.* 105.

Cathedral Church, I., 373.

DUNDEE—

Common, I., 219, 228, 396.

Customs, I., *n.* 303 ; II., 338, 343.

Dominican Priory, I., 81, 140, *n.* 144.

Revenues and rents, II., 147, 337, 340, 343, 347, 348, 353, 364, 371.

Grey Friary—

Annual rents, I., 220, 221, 228, 231-238 ; II., 125-128, 133-141, 142, 147.

Books and vestments, I., 223, 225, 369, 483.

Burial vaults in, I., 220, 221, 226.

Cemetery, I., 219, 226, 227 ; II., 144, 145, 146.

Charters and Writs, II., 125-148.

Church, I., 219, 220, 222, 223, 226, 227.

Fate, I., 150, 152, 226-229 ; II., 143-147.

Friars, I., 36, 175, *n.* 222, 225, 396 ; II., 341, 343, 364.

Lawsuits in which engaged, I., 205, 230.

Sale of books and ornaments during famine, I., 223, 224, 369 ; II., 129-133.

History, I., 5, 15, 16, 19, 23, 81, 84, 103, 107, 137, 218-236, 242, *n.* 313, 318, 334, 335.

Incidental destruction, I., 222, 223, 225, 226, 374.

Lands and yards, I., 219, 227, 229, 233, *n.* 235, 236, 476.

Feu charter of, I., 226, 228 ; II., 143-145, 146, 147.

Leases of, I., 227, 234.

Sale of, I., 219, 227, 228.

Legacies, I., 232.

Procurator, I., 229.

Dundee—*continued.*

Grey Friary—*continued.*

Revenues and rents, fate of, I., 222, 225, 227, 228, 229; II., 147, 148, 337, 339, 340, 343, 347, 348, 350, 353, 363, 364, 371.

Revenues, summaries of, I., 135-137, 140, 229-234, 236-239.

Royal bounties, I., 218, 223, 226, 229-231, 233, 235, 236, 238, 239.

Services in, I., 220, 221, *n.* 221, 224, 231.

Schools, I., 219.

Wardens, I., 224.

See also Brown, John; Connell, John; Ferguson, John; Lindsay, James; Yhare, John.

Hospital, I., 225, 228, 233, 235, 236-238.

Magistrates, I., 226, 227, 233, 234, 238, 396.

Nunnery of Tertiary Sisters in, I., 235, 395-397.

Charter of Foundation, I., 397; II., 273, 274.

The Grey Sisters' acre, I., *n.* 235, 396, 397; II., 337, 340, 343, 347, 348, 353, 364, 371.

Dunfermline, Abbots of, I., 23, *n.* 248, 477; II., 258.

Dunkeld, Bishops of, I., 31, 61, 62, 103, 301, 392; II., 250.

Dunlop, Patrick, Warden Paterson, Glasgow, witnesses his apprenticeship agreement, I., 346.

Patrick, legacy to Observatine Friary, Ayr, I., 358.

Dunottar, rector of, I., 341.

Duns, *see* Scotus.

Durham, I., 25.

Bishop of, I., 19.

Durham, Henry, destruction of friaries in Dundee, I., 81.

Durie, laird of, II., 349, 354.

Lands of, II., 343, 371.

Dykisoun, George, messenger-at-arms, II., 53.

Dykysoun, Thomas, bailie of Haddington, II., 38.

ECCLESTON, THOMAS, Conv. Fr., his Chronicle, I., 4, 8, 409, *n.* 458.

EDINBURGH—I., 17, 54, 55, 65, 71, 72, 73, 74, 81, 102, 103, *n.* 122, 190, 205, 208, 214, 230, 252, 301, 308, 310.

Bristo Port, I., 267, *n.* 269.

Charity Workhouse, I., 270.

City Walls—

First Wall, I., 264.

Flodden Wall, I., 266, 267, 269, *n.* 269, 270.

Third Wall, I., *n.* 268, 270, *n.* 270.

Collector of Church Rents of, I., 283, 284.

George Heriot's Hospital, I., *n.* 267, 268, *n.* 269, 270.

Grey Friars Port, I., 265, 267.

Hammermen, guild of, I., 273, 274, 286, 398.

Magistrates, I., *n.* 153, 265, 268, 269, *n.* 270, 273, 274, 275, 276, 280, 282, 283, *n.* 283.

Provosts, I., 280, 281, 282; *see* Bertram, Walter.

Religious Houses—

Abbey of Holyrood, I., 264.

Chapel of St. John the Baptist, I., 271, *n.* 271, 272; II., 200.

Chapel of St. Mary Magdalene, I., 33, 265, 283.

Chapel of St. Ninian, II., 199.

Church of Our Lady in the Fields, I., 265, 266, *n.* 269; II., 379.

Collegiate Church of St. Giles, I., 271, *n.* 271, 272, 279, *n.* 279, 281, 282, 339; II., 30, 31, 78, 196-199, 200.

Dominican Priory, I., 73, 81, 104, 147, *n.* 153, 265, 266, *n.* 269, 281.

Friars, I., 137, *n.* 154, 273, 282, 283, *n.* 462; II., 342, 346, 377, 378, 379.

Edinburgh—*continued.*Religious Houses—*continued.*

Dominican Priory—

Revenues and Rents, I., *n.* 129, 135, 137, 140, *n.* 234, 273, 274, 275, 276, *n.* 276, *n.* 277, 279, *n.* 279, 283, 286; II., 339, 344, 347, 349, 354, 364, 365, 371, 373-377.

Rental, I., 275, 276; II., 373-377.

Domus Dei, I., 33, 265, 266.

Grey Friary—

Cemetery, I., *n.* 266, 267, 268, 269, *n.* 269, 270, 328, 329, 337.

Charters and Writs, II., 195-201.

Church, I., *n.* 266, 268, 271, 272, 277, 281, 487; II., 200, 201, 288, 302, 316, 334.

Fate, I., *n.* 145, 147, 148, 268, 269, 274, 275, 282, 283.

Friars, I., 72, 74, 78, 81, 95, *n.* 154, *n.* 276, 283, 331, 339; II., 342, 346.

History, I., 55, 57, 58, 60, 61, 72, 73, 104, 109, 262-284, 288, 310, 312, 318, 375; II., 174, 175, 181, 184, 185, 192, 311, 323.

Image of St. Francis, I., 281, 282.

Legacies, I., 274, 285, 286.

Municipal Grants, I., 273, 274, 286, 363.

Revenues, I., 95, 140, 274, 275, 276, *n.* 276, 476.

Royal Bounties, I., 272, 273, 284, 285, 297.

Schools, I., 114, 219, 277, 289.

The Friars and the Poor, I., 277-281; II., 196-199.

See also Friars Minor and the Poor.

Wardens, *see* Crannok, David; Cornelius of Zierikzee.

Yards—

East Yard, I., 268.

Friary Ditch, I., 267, *n.* 268.

Great Yard, I., 268, 269.

Uppermost Yard, I., 266, 269, *n.* 269.

Hospital of St. Leonard, I., 279; II., 198.

Hospital of St. Mary in the Vennel, I., 279, 280, 281; II., 196, 197, 198, 199.

Hospital of St. Paul, I., 279; II., 198.

Leper Hospital, I., 279, 280; II., 196, 197.

Nunnery of St. Catherine of Siena, I., 321, 342.

Nunnery of St. Mary of Placentia, I., 265.

Society Port, I., 267, 270.

Streets—

Black Friars Wynd, I., 265.

Burgh Muir (*see also* Sciennes), I., *n.* 265, *n.* 271, 280, 342.

Burrow Loch, I., *n.* 271.

Candlemaker Row, I., 264, 265, 266, 268, 269.

College Street, I., 265, *n.* 267.

Cowgate, I., 263, 264, 267.

Grassmarket, I., 263, 264, 265, 267, 268, 271.

High Street, I., 264, 265.

Loaning, *see* Candlemaker Row.

New Greyfriars, I., *n.* 269.

Nor' Loch, I., 281.

Old Greyfriars, I., *n.* 269.

Sciennes, or Mureburgh, I., 265, *n.* 265, *n.* 271

Tollcross, I., 265, 266.

Vennel, I., *n.* 267.

West Bow, I., 264, 265, 271.

West Port, I., 265.

Edinburgh—*continued.*

- Treaty of, I., 83, 142, 143, *n.* 158, 159, 187, 283.
 Trinity College, I., *n.* 140, 275, *n.* 275, *n.* 283; II., 354, 365.
 Edmonstoun, David, Advocate, I., 183; II., 72.
 Edmont, Henry, tenant of Dremhills, lawsuit against, by Grey Friars, Haddington, I., 178;
 II., 10, 11.
 Ednem, Gilbert, Dom. or Carm. Fr., Aberdeen, II., 341, 346.
 Education, *see* Friars Minor; Scotland, Friars Minor, Observatine Province.
 Edwards, John, I., *n.* 349.
 Edzell, I., 226, 238.
 Efflett, *see* Auchinleck.
 Eglinton, Earl of, legacies to Observatine Friaries, Ayr and Glasgow, I., 80, 346, 351, 356,
 358.
 Ralph, *see* Haddington, acres of.
 Eilson, Patrick, *see* Neilson.
 Eistoun, John, landholder in Haddington, I., 196; II., 84.

ELGIN—

- Dominican Priory, I., 16, *n.* 139, 362.
 Friars, I., *n.* 82, *n.* 154, 363; II., 341, 345, 365, 366.
 Lands, I., 364; *see also* Pentsere, Nether Manbynniss, Abircherder.
 Friarhaugh, II., 339, 344, 347, 350, 354, 355.
 Revenues, I., 140; II., 337, 339, 348, 350, 351, 354, 355, 356, 365, 366, 371.
 Grey Friary—
 Fate, I., 148, 149, 346, 364; II., 256.
 Friars, I., *n.* 154; II., 341, 345, 365, 366.
 History, I., 16, 60, 62, 299, 318, 330, 336, 361-364; II., 176, 187, 293, 300.
 Legacies, I., *n.* 139, 363.
 Municipal allowance, I., *n.* 95, 363, 365.
 Royal bounties, I., 140, 363, 364, 365.
 Elias of Cortona, minister general of Conventual Friars Minor, I., 7, 8, 9, 40, 57.
 Elphinstone, Lord Alexander, I., 332, 335.
 James, I., 335.
 James, Obs. Fr., I., 331; II., 333.
 John, rector of Innerochtie, I., 333.
 Lady Elizabeth, *see* Barlow.
 William, rector of Clat, legacy and contributions towards rebuilding Observatine Friary,
 Aberdeen, I., *n.* 95, 316, 335; II., 314.
 William, bishop of Aberdeen, I., 313, 337, 338, 340; II., 228, 324.

Elstanford, *see* Athelstaneford.

ENGLAND—

- Friars Minor—
 Conservators, I., 410.
 Custodies, I., 5, 7, 12, 14, 162.
 Observatines, I., 75, 79, *n.* 94, 105.
 Province and Friars, I., 4, 7, 8, 9, 11, 13, 17, 22, 34, 35, 40, 73, *n.* 129, 164,
n. 428, *n.* 455.
 Provincial Minister, I., 9, 10, 12, 13, 14, 33.
 Kings of—
 Edward I.—I., 11, 17, 19, 22, 36, 162, 216, 222.
 Lodges in Grey Friary, Dumfries, I., 22, 204, 217.
 Lodges in Grey Friary, Roxburgh, I., 22, 163, 167.
 Sanctions continuance of royal bounties to Scottish Franciscans, I., 20-21,
n. 174, 203.
 Edward II., I., 22, 24, 204, 217.
 Edward III. orders deportation of Scottish Franciscans from Berwick, I., 13, 20,
 33-34, 163, 168.

England—*continued.*

- Kings of—*continued.*
 Edward IV., I., 71, 73.
 Edward VI., I., 84.
 Henry III., I., 17.
 Henry IV., I., 73.
 Henry VI., I., 71, 72, 73.
 Henry VII., I., 73.
 Henry VIII., I., 75, 76, 80, 85, *n.* 94, 102, 379.
 Richard II., I., 32, 73, 223.
- Queens of—
 Catharine of Aragon, I., 75, 482.
 Elizabeth, I., 143.
 Margaret of Anjou, I., 72.
- Erasmus, I., 111.
 Erdfordia, burghers of, I., *n.* 458.
 Erection, Bulls of, *see* Scotland, Conventual and Observatine Provinces; Rome, Popes, Boniface VIII.
 Errol, bailiary of, I., 300, 305.
 Erroll, Beatrice, Countess of, charity to Grey Friars, Dundee, during the famine, I., 223, 224, *n.* 313, 334, 335; II. 129-132.
 Kirkton of, I., 335.
 William, Earl of, alms to Observatine Friary, Aberdeen, I., 224, 312, 334-335; II., 129, 130, 131, 286.
 Erskine, Alexander, appropriates Dominican Priory, Stirling, I., 147; II., 261.
 John, of Dun, Commissioner of Plat, II., 147.
 Esse, David, Conv. Fr., II., 129, 132.
 Essen, Grey Friars, I., 317, *n.* 470.
 Eston, John, landholder in Haddington, II., 26.
 Eubel, Conrad, editor of the *Bullarium Franciscanum*, I., *n.* 51, 251.
 Eure, Lord, burns Observatine Friary, Jedburgh, I., 83, 378.
 Eustace, Cardinal, I., 31.
 Everhard, bishop of Münster, appoints Franciscan procurator, I., 459, 460.
 Eviot, George, Dom. Fr., I., *n.* 304; II., 341, 346.
 Ewin, Thomas, chaplain of St. Giles, Edinburgh, I., *n.* 279, 281; II., 198.
 Ewlik, laird of, I., 238.
 Executors, *see* Scotland, Observatine Province, Observance of the Rule; Friars Minor, Procurators.
 Exeter, *see* Walter.
 Exile, *see* Scotland, Observatine Province, Friars of.
 Expropriation, *see* Friars Minor, Theory of Poverty; Scotland, Observatine Province, Observance of the Rule.
- FAIR, THOMAS, Conv. Fr., warden of Lanark, I., 247; II., 13.
 Falkirk Parish Church, I., 373.
 Fary, John, landholder in Haddington, II., 18.
 Faversham, *see* Haymo.
 Fawins, town of, II., 74-77.
 Fawlow, John, Conv. Fr., warden of Kirkcudbright, I., 256.
 Fawsid, Robert, landowner in Haddington, II., 84, 91.
 Felanus, Robert, tenant, Aberdour, II., 267.
 Feldeis, or Feldryie, lands of, II., 349, 354, 372.
 Fenton, John, provincial vicar of the Scottish Conventuals, I., 215.
 Ferguson, John, provincial master of the Scottish Conventuals, I., 15, *n.* 60, *n.* 154, 224, 225, 227, 232, 233, 234, 292, 295, *n.* 296; II., 5, 40, 48, 50, 94, 105, 106, 107, 108, 110, 112, 114, 115, 116, 142, 143, 144, 161, 168, 202, 341, 345, 364.

- Ferrier, James, landholder in Dundee, I., 237.
 John, landholder in Dundee, I., 237.
- Feyld, Thomas, Conv. Fr., I., 193; II., 13.
- Fife, Andrew, Conv. Fr., warden of Dumfries, I., 207, 208, 215; II., 132.
- Fife, chamberlain of, I., 300, 305.
- Findon, *see* Vaus, Richard.
- Finguid, James, burgess of Leith, I., 276; II., 376.
- Finlater, *see* Chalmer, Margaret.
- Fitchet, Matthew, burgess of Aberdeen, I., 334.
- Flanders, Friars Minor, I., 47.
 Nunneries of Regular Tertiary Sisters, I., 394.
- Flec or Flek, *see* Auchinleck, John.
- Fleming, David, landholder in Dundee, I., 237.
 John, pauper of Haddington, refused admittance to Franciscan Order, I., *n.* 115, 185, 186, 450; II., 79, 80.
 Lawrence, notary public, Haddington, II., 13, 33, 86.
 Lawrence, landholder in Haddington, II., 22.
 Sir Malcolm, promises pension to Friar John the Carpenter, I., 35; II., 166.
 William, Obs. Fr., I., 318, 331; II., 311.
- Flescher, John, chancellor of Aberdeen, yearly alms to Observatine Friary, I., 316, 335; II., 292.
- Florence, Grey Friary, I., 481.
- Floukare, Alexander, Dom. or Carm. Fr., Aberdeen, II., 341, 346.
- Fluccar, Mark, Conv. Fr., warden of Inverkeithing, I., *n.* 150, *n.* 154, 227, 249, 250; II., 5, 161.
- Foirhouse, John, monk of Melrose, I., *n.* 154; II., 367.
- Foligno, *see* Angelina.
- Forbes, Arthur, of Brux, I., 321, *n.* 322.
 Duncan of Monymusk, receives Crown charter of Observatine Friary, Aberdeen, I., 325, 326.
 John, sixth Lord, shelters in Observatine Friary, Aberdeen, I., 321, 322, 332.
 Eighth Lord, I., *n.* 321.
 Ninth Lord, I., *n.* 321.
 John, of Pitsligo, I., 321, 335, 487; II., 304.
 Margaret, I., 339.
 Master of, Scottish Franciscan implicated with, in conspiracy, I., 124.
 William, vicar of St. Giles, Edinburgh, grants Chapel of St. John the Baptist to Observatine Friars, I., 272; II., 200.
- Fordun, John, author of the *Scottichronicon*, I., 5, *n.* 5, *n.* 202, 218, *n.* 218.
- Forest, Thomas, I., 397.
- Forgye, Alexander, chaplain in Stirling, II., 261.
- Forrest, David, tenant of Getgudis, Haddington, II., 93.
 Henry, Protestant martyr, I., 101.
 John, procurator of nunnery, Haddington, I., 187; II., 88.
 William, of Moschokmylne, landholder in Lanark, II., 159.
- Forrester, Edward, }
 Robert, } burgesses of Kirkcudbright, II., 171.
 Robert, landholder in Kirkcudbright, I., 251; II., 170.
- Forret, Dean Thomas, Protestant martyr, I., 94, 102, *n.* 292.
 Thomas, burgess of Glasgow, II., 248, 249.
 William, his son, *ibid.*
- Forsyth, Thomas, rector of Glasgow, grant of land by, to Observatine Friary, I., 62, 343; II., 195.
- Forton, John, grants annual rent to Grey Friary, Haddington, I., 182, 195; II., 22-23.
- Foster, Robert, commissioner for Stirling, II., 260.
- Fotheringham, James, charter to Regular Tertiary Sisters, Dundee, I., 395, 396; II., 273-274.

- Fotheringhame, James, Mend. Fr., II., 342, 345, 368, 369.
 Foular, William, landholder in Haddington, II., 34.
 Fowler, John, landholder in Haddington, II., 37, 38.
 Foxe, John, author of the Actes and Monuments. I., n. 98, 99, 101, 102.
 Framysden, John, Conv. Fr., appointed Bishop of Glasgow, I., 32.
 France, Friars Minor, I., 3, 13, 47, 48, 52, 53, 487; II., 183, 194.
 France, James, chaplain of Dunblane, legacy to Observatine Friars, Perth, I., 301, 306.
 France—
 Kings of—
 Charles VIII., I., n. 387.
 Francis, I., 75, 83.
 Queens of—
 Catherine de Medicis, I., 142, 143.
 Johanna, I., 22.
 Nunneries of Regular Tertiaries, I., 394.
 Franche, Katherine, Nun of Coldstream, II., 367.
 Francis, *see* St. Francis.
 Francis I., Duke of Brittany, I., 52.
 II., Duke of Brittany, I., n. 52.
 Franciscan Order, *see* Friars Minor.
 Franciscanus, *see* Buchanan, George.
 Fraticelli, *see* Friars Minor, the Holy See.
Fratres Egvegii, friary in Lanark, I., 241, 247, n. 356.
Fratres Minimi, friary in Ayr, I., n. 356, 358.
 FRIARS MINOR—
 See England, Flanders, France, Germany, Ireland, Italy, Portugal, Savoy, Scotland, Spain.
 Rule of, I., 7, 17, 29, 30, 38, 39, 40, 41, 43, 45, 46, 47, 48, n. 53, 56, 69, 78, 86, 87, 89, 91, 100, n. 111, 120, n. 121, 128, 131, 134, 157, 185, 302, n. 349, 385, 399, 404, 407, 408, 413, 425, 426, 435, 443, 454, 475; II., 380-385, 385-390, 392, 397-451, Modifications of, I., 17, 29, 43, 44, 45, 46, 48, 54, n. 100, n. 130, 134, 136, 289, 302, 413, n. 413, 435, 436, 454; II., 397-451.
 See also Theory of Poverty; Episcopal License; Controversies.
 Rules, earlier, I., n. 400, 404, 407, 453.
 Chapters General (*see also* under Observatines)—
 Aquitaine (1337), I., n. 28.
 Assisi (1224), I., 3.
 (1304), I., 22, n. 408, 475.
 (1430), I., 49, n. 451, 464.
 Genoa (1249, 1254), I., 458.
 (1302), I., 22.
 (1359), I., 13.
 Metz (1249, 1254), I., n. 428, 458.
 Milan (1286), I., 462, 480.
 Naples (1316), I., 475.
 Narbonne (1260), I., 9, 10, 28, 423-429, 481.
 Padua (1278), I., n. 428.
 Perpignan (1331), I., 12.
 Rome (1239), I., 8.
 (1517), II., 436.
 Verona (1349), I., n. 13.
 Mentioned, I., 8, 10, 18, 21, 47, n. 53, n. 76, 222, 391, n. 401, 408, 414, 426.
 Ministers General—
 Albert of Pisa, I., 9.
 Alessandro, I., 43.
 Antonio de Massa, I., 49, 390.

Friars Minor—*continued.*Ministers General—*continued.*

- Bonagrazia, I., 43.
 Bonaventura, *see* St. Bonaventura.
 Elias of Cortona, I., 7, 8, 9, 40, 57.
 Gaufridi, Raymond, I., 42.
 Leonardo di Giffoni, I., 46.
 Marcellus, Anthony, II., 436.
 Michele da Cesena, I., 45.
 Mino, John, I., 479, 480.
 Parens, John, I., 409, *n.* 428.
 William de Casale, I., 49.
 Election of, II., 383, 388, 400, 417, 436, 437, 441, 442.
 Mentioned, I., 13, 14, 45, 46, 47, 48, 49, 93, 178.

Provincial Ministers—

- Acceptance of friaries, I., *n.* 480.
 Appointment of preachers, I., 404, 425, 426, 430; II., 399, 416.
 Appointment of confessors, I., 407, 408, 430; II., 384, 388, 399, 442, 449.
 Burial, I., 427.
 Election of, II., 432-433.
 Property, I., 436, 446, 451, 453, 456, 457, 459, 460, 465; II., 399, 414, 425, 446.
 Spiritual friends, I., 433; II., 415, 424, 430.
 Cardinal Protector, I., 27, 60; II., 385, 390, 392, 395, 399, 414, 436.
See also Theory of Poverty.
 Discipline, I., 38, 40, *n.* 43, 44, 45, 47, 54, 86, 87, *n.* 94, 128, 262, 263, 278, 288, 390, 391, 423, 425, 442, 444, 447, 448, 458, 462, 463; II., 178, 189.

Theory of Poverty, I., 433-452.

See also Scotland, Observatine Province.

- Precepts of the Rule, I., 433; II., 382-383, 387-388.
 Interpretative declarations of, II., 398, 399, 405-414, 426-432.
 Practical exigencies, I., 434, 453, 455, 456, 475.
 Dispensative rôle of the Holy See, I., 44, 45, 434, 435, 438, 439; II., 408.
 Cardinal Protector, I., 435, 436, 437, 457, 458, 459, 460, *n.* 460, *n.* 466.
 Common ownership, I., 435, 436, 447, 449, 461; II., 399, 407, 427, 429.
 Individual ownership, I., 436, 449, *n.* 449-450, 452; II., 399, 407, 427.
 Use defined, I., 435, 436, 437, 438, 439, *n.* 440, 443; II., 406, 407, 408, 427, 431, 432.
 Expropriation, I., 423, 425, 446, 449, 461; II., 381, 386, 391, 394, 405, 406, 427.
See also Baxter, James; Hugo, George.
 Proprietary detention of things, I., 451.
 Inconsistencies in relation to the Civil Law, I., 438, 439, 444, 445, 464; II., 407, 408.
 Among ecclesiastical persons, I., 272, 310, 344; II., 200, 212-222, 224.
 Land and buildings, I., 56, 131, 134, 210, 435-440, *n.* 445, 448, 449, *n.* 449, 475; II., 399, 408, 427, 428, 430.
 Books, I., *n.* 435, 440, *n.* 440; II., 399, 408, 411, 414.
See also Rossy, Friar.
 Annual rents, I., 128-130, 134, 302-303, 440-442; II., 428, 429, 435.
See also Scotland, Observatines.
 Movable property, I., 442-446; II., 398, 406-407, 409-412, 414, 426.
 Accumulation of stores, I., 132, 133, 302; II., 430.
 Succession, I., 446-448; II., 429.
See also Baxter, James.
 Legacies, I., 448-449; II., 412, 413, 414, 433, 434.
 Lawsuits, I., 462, 463; II., 429, 434.

Friars Minor—*continued*.

Procurators, I., 38, 40, *n.* 128, 131, 426, 453-470 ; II., 398, 433-435, 442.

See also Spiritual Friends ; Interposed Person ; Scotland, Observatine Province, Observance of the Rule.

Pastoral Charge—

Definition of, I., 420.

Controversy between Mendicant Friars and Clergy concerning—

Scope of, I., 403, 431 ; II., 402, 448.

Liberalism of Holy See towards the Mendicants, I., 39, 399, 402, 407, 412, 413 ; II., 441-451.

Reaction against, I., 411, 419, 429.

Privileges accruing to the laity, I., 55, 263, 383, 406, 411, 418, 421, 423, *n.* 423, 427, 428.

Autonomy acquired by the Friars Minor, I., 412-419 ; II., 441-451.

Interposition of the diocesan authority, I., 401, 404, 409, 410, 417, 420, 426, 430.

Preaching (*see also* Scotland, Observatine Province, Friars of)—

Precept of the Rule, I., *n.* 400 ; II., 384, 389.

Interpretation of, II., 391, 393, 399, 416, 424, 442, 448-449.

Appointment of Franciscan preachers, I., 399, 404, 424, 426, 430 ; II., 384, 389, 399, 416.

License to preach, Apostolic, I., *n.* 400, 412, 413, 430, *n.* 430 ; II., 448, 449.

See also Interpretation of Precept of the Rule.

Episcopal, I., 400, 404, 405, 412, 413, 414, 425, 426, 430.

Parochial, I., 411, 412, 413, *n.* 413, 420, 426.

Obligations imposed on the Franciscan preacher, I., 405, 406, 422, 432.

Characteristics of the Franciscan sermon, I., 95, *n.* 114, 422, 424, *n.* 424, 425, *n.* 425, 432.

Collections taken at, I., 421, 425, 426, 458.

Veto against public rebukes, I., 422, 424.

Franciscans in the parish church, I., 421 ; II., 449.

Obstructive attitude of the clergy, I., 39, 405, 412, *n.* 413.

Confession (*see also* Scotland, Observatine Province, Friars of)—

Precepts of the Rule, I., 407, 408 ; II., 383, 388.

Interpretation of, II., 399, 442-445, 449, 450.

Canon of the General Council, I., 406, *n.* 406, 423.

Franciscan ordinances concerning, I., 409, 414, 427.

Confessions of the Friars, I., 406-409 ; II., 383, 388, 399, 443.

Absolved from confessing to the clergy, I., 408 ; II., 446.

Confessions of Laymen, I., 55.

Appointment of friar confessors, I., 426, 430, *n.* 430.

License, Apostolic, I., 412, 413, 423, 426, 430 ; II., 449.

See also Interpretation of Precept of the Rule.

Episcopal, I., 412, 413, 423, 426, 430.

Parochial, I., 413, 423, 426, 430.

Validity of absolution granted by friars, I., 406, 407, 414, 420, 421, 422, 430 ; II., 449, 450.

Obstructive attitude of the clergy towards, I., 39, 289, 409, 411, 412, *n.* 413.

Tentative compromise, I., 414, 422.

Burial (*see also* Scotland, Observatine Province, Friars of)—

Canon Law of, I., 415, *n.* 415, 418.

Franciscan ordinances concerning, I., 427, 428.

Apostolic privileges, I., 6, 7, 416, 417, 418, 427, 429 ; II., 440, 446, 450, 451.

Burial of Franciscans, I., 415, 416.

Burial of Laymen, I., 6, 7, 55, 162, 416-419, 427-429, 430-431 ; II., 1-2, 440, 446, 450, 451.

Friars Minor—*continued.*Pastoral Charge—*continued.*

Burial—

- Attitude of the clergy, I., 416, 417, 419, 427.
- Attitude of the Franciscans, I., 416, 417, 427, 429.
- Attitude of St. Bonaventura, I., 427, 428.
- Funeral offerings, I., 417, 428, 429, 431, *n.* 431; II., 431.
- Mortuary dues, I., *n.* 136, 303, 419, 422, 429, 431, *n.* 431.
- Portio canonica*, I., 419, *n.* 419, 420, 430, 431, *n.* 431; II., 450.

Educational system, I., 40, 41, 57.

Internal Controversies—

- De paupertate Christi*, I., 44, 45, 88, *n.* 100, 464.
- Poverty and Procurators, I., 37, 39, 40, 435, 447, 454, 457, 458, 459, 462, 469; II., 428.
- Preaching, I., 413, 425.
- Burial, I., 424, 428, *n.* 428, 429; II., 428.
- Learning, I., 40, 41, 88, 424, 425, 444, 479.
- Migratory habit, I., 479, 480; II., 442.
- See also* Dunbar, William; Gerard of Texel; Lythtone, George.

Observatine and Conventual Friars; *see infra*, Observatine Franciscans.

Libraries, I., 28, 29, 40, 48.

Manual labour, I., 411, 471-477; II., 382, 391, 394, 415, 416, 446.

The Friars and the Holy See—

- Church levies, I., 17, 18, *n.* 18; II., 443, 444, 447.
- Dogma, I., 38, 42, 43, 46, 47, 99, 100, 291, 401, 404.
- General business, I., 17, 18, 466; II., 443-445.
- Orthodox Spirituals, I., 40-47, 478, 481.
- Unorthodox Spirituals, I., *ibid.*, 49, 88, 100.
- Visitation and correction of nunneries, I., *n.* 408; II., 384, 385, 390, 400, 417, 418, 443, 444.

Observatine Franciscans—

- Mentioned, I., 100, 116, 388, 390, *n.* 433.
- Relations with the Conventuals, I., 38-50, 88, 91, 92, 93, 134; II., 435-440.
- Rule of, I., 128, *n.* 135, 272, 276, 302, *n.* 349, 440, 443, 447, 463, 475, 480, 481; II., 401-433.

Ministers General—

- Anthony of Rusco, II., 182, 194.
- Francis Gonzaga, I., *n.* 5, *n.* 159; II., 173, 183.
- Nicholas Rudolph, I., 48.
- Francis Zamorra, II., 182, 194.

Vicars General—

- Francis Blonde, I., 310; II., 218, 219.
- Christopher of Forolivio, II., 436.
- John Grohin, II., 263.
- John of Capistrano, I., 49, 50.
- Oliver Maillard, II., 264.
- Jean de Maubert, I., 50, 51, 53, *n.* 53, 58; II., 174, 184.
- Mentioned, I., 50, 159, 277, 394; II., 263, 264, 265, 276.

Provincial Vicars, I., 48, 49, 53, 63; II., 436, 437, 438.

Chapters General—

- Aquila, II., 182, 194.
- Barcelona, I., 29, *n.* 433; II. 283.
- Bercore (1416), I., 48, 49.
- Mantua, I., 80.
- Monte Lucido (1467), I., 16.
- Toulouse (1487), II., 264.
- (1496), II., 265.

- Frisby, Roger, Conv. Fr., I., 73.
 Froissart, John, chronicle of, I., 223.
 Fulbert, bishop, sermon on Nativity of Blessed Virgin, II., 241.
 Fulfurd, John, Dom. or Carm. Fr., II., 341, 346, 358.
 Fullerton, Margaret, legacy to Observatine Friars, Ayr, I., 358.
 Furd, John, tenant of Dremhills, lawsuit against, by Grey Friars, Haddington, I., 178 ; II., 10.
 Futtie, lands in, I., 336.
 Fynnenn, village of, II., 50.
 Fyschar, Robert, Mend. Fr., II., 368, 369.
- GADDY, *see* Geddy, John.
- Gaderar, George, joiner in Elgin, I., 365.
 Thomas, disponee of rents of lands, Dominican Priory, Elgin, II., 366.
- Gairdiner, Rowye, flesher in Edinburgh, appropriates east yard of Observatine Friary, I., 268.
- Gairdner, Robert, landholder in Lanark, II., 159.
- Galloway, *see* Devorgilla.
- Galloway, Alexander, rector of Kinkell, architect of Grey Friars Church, Aberdeen, I., 315, 316, 335, 336 ; II., 330.
 Bishops of, I., 32, 253.
 Charity of, to Observatine Friary, Ayr, I., 355.
 Chamberlain of, I., 252.
 Lordship of, I., 202, 203.
 Robert, assigns right of redemption of annual rents to Grey Friars, Haddington, I., 182, 195 ; II., 30-32.
 William, I., 336.
- Gardin, John, annual rent, Dominican Friary, Montrose, in hands of, II., 364.
- Gardine, Janet, I., 333.
- Gardnare, William, Dom. or Carm. Fr., of Aberdeen, II., 346.
- Gariltoun, *see* Tours.
- Garvieaugh, James of, I., 334.
- Gaucelin, cardinal, I., 25.
- Gaufred, Raymond, Conv. Fr., division of his books, I., *n.* 451.
- Gaufridi, Raymond, minister general of the Conventual Friars Minor, I., 42.
- Gaw, Andrew, burghess of Kirkcudbright, II., 171.
- Geddy, John, Obs. Fr., appointed custodier of Observatine Friary, Aberdeen, I., *n.*, 154, *n.* 157, 324, *n.* 324 ; II., 342, 346, 357.
- Genoa, *see* Friars Minor, Chapters General.
- Gentile de Spoleto, Obs. Fr., I., 45, 46.
- Gerard of Texel, Obs. Fr., warden of Aberdeen, I., *n.* 264, 307, 317, 318, 329 ; II., 320.
- German, Robert, participates in forgery of charter, Kinghorn, II., 167.
- Germany, Franciscan Province of Lower, *see* Cologne.
 Friars Minor, I., 4, 13, *n.* 407, *see* Cologne.
- Getgude, John, landholder in Haddington, I., 196 ; II., 80, 81, 82, 93.
- Ghent, Capuchin Friary, I., *n.* 321.
- Giano, *see* Jordon.
- Gibson, Alexander, landholder in Haddington, I., 196 ; II., 80, 81, 82, 84.
 James, landholder in Dundee, I., 237.
 Philip, purchases annual rent from Grey Friars, Haddington, I., 182, 195, 197 ; II., 39-41.
 Philip, bailie of Haddington, II., 90, 93, 94.
 William, Dom. Fr., Montrose, II., 341, 345, 364.
 William, lessee of east yard, Grey Friary, Haddington, II., 88.
 William, treasurer of Haddington, II., 88, 90.
- Giffard, Sir John, warden of Roxburgh empowered to grant dispensation of marriage to, I., 163.

- Giffoni, *see* Leonardo di.
- Gifford, David, tenant of Sisterlands, Aberdour, II., 268.
 Hugh, last Lord Yester, I., 341.
- Gillesbie, Patrick, chaplain in Stirling, II., 261.
- Gillespie, Robert, notary public, Aberdeen, II., 221.
- Gilruif, William, Obs. Fr., I., 331 ; II., 335.
- Gilzean, Thomas, landholder in Haddington, II., 83.
- Girardo, annotation by, II., 238.
- GLASGOW—
- Bishops and Archbishops, I., 30, 31, 60, 62, 77, 147, 209, 300 ; II., 245.
 — Bethune, I., 344.
 Patrick Blacater, II., 78.
 Gavin Dunbar, I., 107, *n.* 111, 204, 243, 274, 285, 301, 305, 350, 356, 358, 373.
 John Laing, I., 62, 343 ; II., 176, 187, 195.
 William (1235), I., 6, 7, 162, 417 ; II., 1.
- Archbishops, rented lands of, I., *n.* 348, 349, *n.* 349, 450.
- Carmelite Friars, I., *n.* 111.
- Dominican Priory, I., *n.* 274, 346.
 Friars and Priors, I., *n.* 157 ; II., 341, 342, 345, 368, 369.
 Legacies, I., *n.* 111, *n.* 351.
 Revenues, I., 140, *n.* 345, 347, *n.* 347 ; II., 338, 340, 349, 352, 353, 367, 368, 369.
- Grey Friary—
 Charters and Writs, II., 245-249.
 Fate of, I., 147, 346, 347 ; II., 248-249.
 Friars and wardens, *see* Baxter, James ; Paterson, John ; Johnson, John.
 History, I., 60, *n.* 274, 319, 343-349, 352, *n.* 370, 484 ; II., 176, 187.
 Legacies, I., 345, 346, 350, 351.
 Revenues, I., 140, 297, 320, 345, 350.
- Rector, lands of, I., 343, *n.* 343 ; II., 248.
- Streets, &c.—
 Craegmak, I., *n.* 343, 344, *n.* 344.
 Grey Friars Wynd, I., 343.
 High Street, I., 344, *n.* 344.
 Magistrates of, I., 347, 348.
 Market Cross, I., *n.* 344.
 University of, I., 347, 348 ; II., 352, 353, 368.
- Gledstanes, Herbert, bailie of Kirkcudbright, II., 171.
- Gleghorne, Mains of, *see* Cleghorn.
- Glen, Thomas, Conv. Fr., I., 193 ; II., 13, 69.
- Glencairn, Earl of, Rhyme of, I., 78, 79, *n.* 79, *n.* 95, *n.* 125, *n.* 292, 355.
 Sack of religious houses, I., 147.
- Glensk, Barony of, II., 126, 127.
- Glenga water, right of salmon fishing, Grey Friary, Dumfries, I., 206 ; II., 108.
- Glenluce, commendator of, II., 73.
 Prior of, I., 31.
- Gonzaga, Francis, minister general of the Observatine Friars Minor, I., *n.* 5, *n.* 159 ; II., 173, 183.
- Gordon, Adam, rector of Kinkell, alms to Observatine Friary, Aberdeen, I., 336, 363 ; II., 300.
 Alexander, vicar of Manys, alms to Observatine Friary, St. Andrews, I., *n.* 95, 298 ; II., 328.
 John, gift of books to Marischal College, II., 244.
 Margaret, of Ballindalloch, dispoinee of rents of Bogside, Dominican Priory, Elgin, II., 356.
 Patrick, of Methlick, I., 338.

- Gosford, lands of, annual rent in favour of Dominican Priory, Edinburgh, I., *n.* 276 ; II., 377.
- Gothra, Elspeth, mother of Friar George Hugo, I., 185 ; II., 36.
- Gouda, Grey Friary, I., 53.
- Gourlay, Walter, landholder in Haddington, II., 23.
- Gouvea, Andrew de, invites George Buchanan to teach in Bordeaux, I., 119, 123.
Diogo de, his share in trial of George Buchanan, I., 119.
- Graham, Christina, services for, in Grey Friary, Dundee, II., 138, 139, 141.
Gilbert, of Knokdoliane, II., 252.
Patrick, archbishop of St. Andrews, I., 287 ; II., 195.
- Grant, Agnes, disponee of victual, Dominican Priory, Elgin, II., 351.
Patrick, of Ballindalloch, *see* Gordon, Margaret.
- Gravet, Alexander, appropriates building material, Grey Friary, Lanark, II., 150.
- Gray, Alexander, burghess of Aberdeen, II., 224.
Alexander, Obs. Fr., I., 323, 331 ; II., 286.
George, } tenants of the lands of Haghill, I., 349 ; II., 247.
Robert, }
- Gilbert, tenant of roods of Freir Wall, Haddington, II., 92.
- James, disponee of victual, Dominican Priory, Inverness, II., 351.
- Janet, I., 338.
- John, chaplain in Aberdeen, I., 331 ; II., 286.
- John, Dom. Fr., II., 341, 346.
- Lord, Justiciar of Scotland, I., 280.
- Thomas, II., 70.
Thomas, Obs. Fr., reputed author, I., 324.
Walter, notary public, Lanark, II., 153.
- Greenlaw, *see* Haliburton, John.
Robert, landholder in Haddington, I., 176, 182, 194 ; II., 16, 21, 22, 26.
- Greenwich, Grey Friary, I., 105.
- Grey, John, cessionar of George Simson's rights in Grey Friary Yards, Haddington, I., 170, 174, 190 ; II., 90, 95.
- Grey Friars, *see* Friars Minor.
- Grey Sisters, *see* Tertiaries, Regular Sisters.
- Grierson, John, provincial minister of the Scottish Dominicans, I., *n.* 144, *n.* 153, *n.* 157, *n.* 296 ; II., 342, 345.
- Grohin, John, cismontane vicar general of Observatine Friars Minor, grants letter of confraternity, II., 263.
- Guikhill, lands of, I., 336.
- Guise, Duke of, I., 142.
- Gullane, William, chaplain in Stirling, II., 261.
- Guthrie, Richard, abbot of Arbroath, founds leper house, Haddington, I., 181.
- Guy, bishop of Sabina, legate to Scotland, I., 18.

HADDINGTON—

Provost, magistrates and treasurer, I., *n.* 168, 169, *n.* 171, 172, 173, 174, 177, *n.* 180, 181, 185-193, 198 ; II., 44-100.

Religious Houses—

Grey Friary, almshouse attached to, I., 179-181, 185, 194, 278 ; II., 13-16.

Chapters of, I., 193-194.

Charters and Writs relating to, II., 8-100.

Church, I., 168, 169, *n.* 169, 170, 173, 174, 175, 177, 178, 181, 182, 186, 194, *n.* 387, 483 ; II., 8, 9, 16, 17, 89, 95, 96.

Fate, I., 150, 155, 169, 187-193 ; II., 44-51, 55-63, 94, 97-100.

History, I., 5, 7, 9, 12, 16, 74, 83, *n.* 115, 168, 193, 242, 312.

Lawsuits, I., 175, 176, 178, 183, 184, 186, 187, 189 ; II., 10, 11, 52-55, 67, 72-79, 79-88, 90-92.

Legacies, I., 182, 198.

Haddington—*continued.*

Religious Houses—*continued.*

Grey Friary—

Procurators, I., 194 ; II., 22, 23, 32, 33.

Revenues—

Annual rents, I., 140, 175, 176, 177, 178, 181, 182, 183, 184, 188, 190, 194-197 ; II., 11, 16, 21, 22, 26, 28-36, 39-44, 72, 79-88, 90-91, 99-100.

Rental of, I., 193 ; II., 96.

Royal bounties to, I., 21, 140, 174, 175, 198.

Seal, II., 10, *n.* 27.

Title-deeds, I., 180, *n.* 180.

Wardens, I., 193 ; *see also* Auchinleck, John ; Congilton, John ; Harlaw, Adam ; Yhare, John.

Yards, I., 169, 170.

Freir Croft, I., *n.* 144, 171, *n.* 171, *n.* 181, 189, 476 ; II., 38, 39, 49, 55, 60, 61, 68-71, 88, 89, 90, 94, 95, 98.

Charters of, I., 170, *n.* 170, 171, 192 ; II., 88, 89, 90, 95, 96.

Hospital of St. Lawrence, I., 181, 198.

Leper House, I., 181.

Nunnery, I., 74, 83, 187 ; II., 88.

Parish Church, I., 168, 169, *n.* 169, 172, 173 ; II., 45, 46, 95.

St. Catherine's Chapel, I., 171, 186 ; II., 45, 46, 93.

Streets, &c.—

Calparis Gate, I., 183, 195 ; II., 72.

Freir Gowill, I., 169, *n.* 170, 174 ; II., 45, 46, 89, 92, 95.

Greenlaw's Tower, I., 172, 195, 197 ; II., 40.

Poldrait, I., 179, *n.* 180, 192, 194, 195 ; II., 13, 18, 31, 80, 81, 82, 91.

Ralph Eglinton's acres, I., 175, 176, *n.* 176, 177, 187, 190, 191, 194 ; II., 23, 24, 25, 26, 27, 28, 52, 65, 66, 73, 88.

Well Tower, I., 184, 195 ; II., 79.

Haghill, lands of, in Glasgow, I., 348, 349, *n.* 349, 450 ; II., 247.

Haichtwe, sells annual rent to Grey Friary, Haddington, I., 195 ; II., 42-44.

Haisty, John, legacy to Observatine Friary, Glasgow, I., 351.

Haitlie, George, of Broomhill, title-deeds in custody of Grey Friars, Haddington, I., *n.* 127, 183, 184 ; II., 73-78.

John, son of, *ibid.*

Haldane, Andrew, Conv. Fr., warden of Dumfries, I., 215.

Hales, master of, lands in Haddington, II., 26, 80.

Haliburton, Sir Alexander and John, of Carlowry, services for, in Grey Friary, Haddington, I., 178 ; II., 9.

John, vicar of Greenlaw, places almshouse in hands of Grey Friars, Haddington, I., 179, 194, 278 ; II., 13-16.

John, grants annual rent to Grey Friars, Haddington, I., 182, 195 ; II., 35, 36.

John, landholder in Haddington, II., 80, 81, 82, 84.

Sir William, of Carlowry, endows altar of St. John the Baptist in Grey Friary, Haddington, I., *n.* 170, 178, 194 ; II., 8-10.

William, landholder in Haddington, II., 35.

Holiday, Robert, tenant of the Dumfries Friary, I., 211 ; II., 109.

Halkerston, Thomas, provost of the Collegiate Church of Crichton, alms to Observatine Friary, Aberdeen, I., 336, 337 ; II., 336.

Halywell, Thomas, monk of Melrose, I., *n.* 154 ; II., 367.

Hamilton, Adam, Conv. Fr., theft of books, I., 27, 28 ; II., 2, 3.

Hugo, of Inneruik, services for, in Grey Friary, Haddington, II., 12.

James, *see* Arran, Earl of.

James, chaplain in Haddington, II., 66.

- Hamilton, James, landholder in Haddington, I., 191, 197.
 John, of Camskeith, I., 359.
 Mark, Mend. Fr., II., 342, 345, 368.
 Patrick, Abbot of Fern, Protestant martyr, I., 100, 101, 291.
 Robert, landholder in Lanark, II., 159.
 town of, annual rents from, due to Dominican Priory, Glasgow, I., 347; II., 338, 343, 367, 369.
- Hammermen, Guild of, donations to Observatine Friary, Edinburgh, I., 273, 274, 286, 398.
- Hanuple, Adam, Conv. Fr., apostasy and theft of books, I., 27, 28; II., 2-3.
- Hany, John, landholder in Dundee, I., 237.
- Harker, George, landholder in Haddington, II., 12.
- Harlaw, Adam, Conv. Fr., warden of Haddington, I., 176, 183, 184, 185, 193; II., 12, 25, 27, 29, 30, 31, 32, 33, 34, 35, 73, 79.
 Richard, Conv. Fr., I., 212, 215, 259; II., 107.
- Harroware, Hew, Mend. Fr., Elgin or Inverness, II., 341.
- Hartisheid, lands of, annual rent to Dominican Priory, Edinburgh, I., *n.* 276; II., 377.
- Harvey, Alexander, Obs. Fr., I., *n.* 154, *n.* 157, 324, 332; II., 341, 346, 357, 358.
- Hawick, *see* Patrick.
- Hay, *see* Erroll.
 George, purchases Grey Friary crop, Dundee, I., 219, 227.
 John, Observatine Provincial minister of Cologne, "Chronicle of the Observatine Province of Scotland," I., *n.* 5, 51, *n.* 53, 56, 64, 77, 97, 127, 132, *n.* 154, 158, *n.* 159, 160, 263, 271, 274, 277, 288, 289, 294, 299, *n.* 302, 318, 352, 366, 368, 369, 488; II., 173-194, 283, 284.
 John, lands of, in Peebles, II., 377.
 Mariota, services for, in Grey Friary, Dundee, II., 133, 134.
 William, burghess of Kirkcudbright, II., 171.
- Haymo of Faversham, provincial minister of the English Franciscans, I., 8, 40, 57, 88, 317, 475.
- Haythwe, Janet, tenant of Hangmannis acres, Haddington, II., 92.
- Hegait, William, landholder in Glasgow, I., *n.* 344; II., 248.
- Heislop, John, I., 336.
- Henderson, John, tenders payment in church of Grey Friary, Haddington, I., 173; II., 89.
 William, Dom. Fr., prior of Stirling, I., *n.* 157, *n.* 376; II., 342, 345, 368.
- Henrison, Symon, vicar of Lestalrig, II., 78.
- Henry, Walker, of Aytoun, participates in forgery of charter, Kinghorn, II., 167.
- Henry de Resesby, provincial vicar of the Scottish Conventuals, I., 7.
- Henryson, Edward, landholder in Dundee, I., 237.
 Frances, Regular Tertiary Sister, Aberdour, I., 392, 393; II., 267, 268.
 James, I., 64.
 James, declaration concerning acres of Haddington, II., 73
 Robert, I., 94, 116.
 Poems of, I., 95, 97.
- Henrysoun, Thomas, landholder in Dundee, I., 237.
- Hepburn, Alexander, feuar, roods of Freir Wall, Haddington, II., 89.
 James, of Rollandstoun, lands in Haddington, II., 35.
 John, landholder in Haddington, II., 30.
 Patrick, of Bolton, lands in Haddington, II., 81, 82, 84; *see also* Hales.
 Sir Patrick, of Wauchton, letter of confraternity, I., 386; II., 266.
 William, Conv. Fr., I., 193, 194; II., 37, 40.
 William, of Lewis, I., 353.
- Hepburne, William, Mend. Fr., II., 368, 369.
- Herbertson, John, procurator, Glasgow, II., 248.
 Robert, assignee of the lands of Haghill, I., 349; II., 246-248.
- Heriot, James, official of Lothian, II., 78.
- Hert, William, II., 271.
- Hertford, Earl of, I., 83, 165, *n.* 266, 273, 378.

- Hervy, Henry, chaplain of St. Nicholas, Aberdeen, I., 340.
- Hew, John, Dom. Fr., procurator of the Priory in Edinburgh, I., *n.* 462.
- Heweson, James, landholder in Haddington, I., 196; II., 82, 83.
- Hey, *see* Erroll.
- Highriggs, lands of, I., 265, 266, 270.
- Hilarius, Grey Friar, treatise on Rule of Friars Minor, I., 459.
- Hilfield, lands of, I., 249; II., 161.
- Hoggart, John, monk of Melrose, I., *n.* 154; II., 367.
- Holland, Friars Minor, I., *n.* 5, 16, *n.* 51, 53, 158, 159, 264 (Ob. M. from), 296, *n.* 320, 324; II., 173, 174, 180, 184, 191.
- Home, Charles, Conv. Fr., warden of Dumfries, I., 151, 156, 206, 212, 215; II., 5, 168.
 Charters granted by, II., 104-117.
 Pension of, I., 206, 213, 214, 215, 216; II., 117-123, 341, 345, 359, 360.
- Hope, Captain, School of, in Kirkcudbright, I., 251, 256.
- Hopper, James, Dom. Fr., II., 342, 346.
 Richard, burgess of Edinburgh, obit doles, I., 281; II., 197.
 Robert, prebendary of St. Giles, obit doles, I., 281; II., 199.
- Hoppringile, Elizabeth, nun of Coldstream, II., 367.
- Hoppringill, David, monk of Melrose, I., *n.* 154; II., 367.
- Hopringill, William, landholder in Edinburgh, I., *n.* 266.
- Horne, David, landholder in Lanark, II., 160.
 James, landholder in Haddington, I., 196; II., 80, 81, 82.
- Hosts of the Friars, I., 470, *n.* 470; *see* Leis, John; Ogilvy, William.
- Houme, David, landholder in Aberdour, II., 269.
- Houston, James, subdean of Glasgow, legacy to Observatine Friary, I., 350.
- Howgoun, Robert, Conv. Fr., I., 193; II., 13, 69.
- Hubert, Jean, Grey Friar, writes book for Isabella, Duchess of Brittany, I., 52.
- Hucheson, Richard, legacy to Observatine Friary, Glasgow, I., 350.
- Huddo, Alexander, landowner in Haddington, II., 31.
- Hugh, Conv. Fr., provincial of Hertepol, I., *n.* 426.
- Hugo, George, Conv. Fr., formal expropriation of, I., *n.* 115, *n.* 135, 184, 185, 193, 447, 450;
 II., 36, 37, 39.
 Richard, de Sancto Victore, II., 237, 240.
- Hugolini, Cardinal, *see* Ugolini.
- Hugoun, George, *see* Hugo.
 John, II., 36.
- Huid, John, landholder in Haddington, I., 196; II., 80, 81, 82.
- Hullerhill, *see* Boyd, James.
- Hume, Charles, *see* Home.
 Lord (1514), I., 337.
 Lord of, lands in Haddington, I., 196; II., 82.
 Lord George, lawsuit concerning lands of Mellostanis, I., 183, 184; II., 74-78.
 Alexander, of Redbraes, legacy to Observatine Friary, Edinburgh, I., 274, 286.
 John, landholder in Haddington, II., 91.
 Mariota, Countess of Crawford, services for in Grey Friary, Dundee, II., 135, 136.
- Humiliati*, Order of, I., 380, *n.* 418.
- Hungary, King and Queen of, I., 428, *n.* 428.
- Hunter, John, bailie of Kirkcudbright, II., 171.
 John, lessee of east yard, Grey Friary, Haddington, II., 89.
- Huntly, Earls of, I., 124, 362; II., 366.
 Earl of, Charter of Observatine Friary, Aberdeen, I., 325, 327.
- Hutone, James, Carm. Fr., of Perth, II., 341, 346.
- Hutton, General, manuscripts of, I., 218, *n.* 218, *n.* 365.
- Hynd, John, landholder in Haddington, *see* Huid, John.
- IMMOMELANUS, Francis, Observatine provincial minister, Cologne, I., 159; II., 182, 193.

- Inchcolm, Abbot of, I., 391, 393.
 Inchmartin, lands of, I., 231, 238; II., 133-135.
 Inchmartyne, lands of, I., 392; II., 268.
 Indeault, David, feuar of Observatine Friary, Aberdeen, I., 327.
 Inerpeffry, laird of, *see* Merser, Robert.
 Inghale, Robert de, chamberlain of Berwick, I., *n.* 35.
 Inglis, Alexander, treasurer of Cathedral, Glasgow, Observatine Friars witness his resignation of office, I., 346.
 Richard, Conv. Fr., warden of Lanark, I., 247; II., 132.
 Inglisberry Grange, *see* Lindsay, Bernard.
 Ingram, Archdeacon of Dunkeld, I., 31.
 Innerleith, laird of, I., 267, *n.* 268.
 Innerochtie, lands of, I., 332.
 Rector of, I., 333.
 Innes, Alexander, of Innes, disponee of annual rent, Dominican Priory, Elgin, II., 366.
 Cosmo, report in Dundee stipend case, I., 218.
 Frances, *see* Henryson.
 James, disponee of victual, Dominican Priory, Elgin, II., 350, 351.
 John, of Innes, founder of Observatine Friary, Elgin, I., 62, 362; II., 176, 187.
 John, disponee of victual, Dominican Priory, Elgin, II., 356.
 Robert, disponee of victual, Dominican Priory, Elgin, II., 347.
 Robert, of Innermarkie, disponee of Observatine Friary, Elgin, I., 364; II., 256.
 Thomas, disponee of victual, Dominican Priory, Elgin, II., 347.
 Inquisition, *see* Portugal.
 Interposed person, I., 453, 454, 455, 459, 461, 468, 469; II., 398, 409-412, 426, 427.
 See also Scotland, Friars Minor, Observatine Province, Observance of the Rule.
 Inveresk, I., 103.
 INVERKEITHING—
 Grey Friary, Bull of Erection, I., 26, 248, 481; II., 149.
 Charters and Writs, II., 161-167.
 Fate, I., 150, *n.* 150, *n.* 156, 249; II., 161-166.
 History, I., 5, 14, 15, 36, 248-250.
 Revenues, I., 140, 250.
 Palace of, I., 248, 249.
 Provosts of, I., 249.
 See Swynton, Mark.
 INVERNESS—
 Dominican Priory, I., 346, 483.
 Friars, II., 341, 345, 365.
 Revenues, I., 140; II., 348, 351, 353, 365.
 Invergie, *see* Keith, Sir William.
 Iona, monastery of, I., *n.* 31, 32.
 IRELAND—
 Friars Minor, I., *n.* 428.
 Conservator, I., *n.* 410.
 Provincial minister, I., 8; II., 433.
 Ireland, John, Conv. Fr., II., 94.
 Irving, Richard, II., 240.
 Irwy, Thomas de, Conv. Fr., apostasy and theft of books, I., 27, 28; II., 2, 3.
 Isabella, Duchess of Brittany, I., Frontispiece, 51, 52, 387, 388.
 Italy, Friars Minor, I., 13, 44; *see* Friars Minor and the Holy See.
 JACK, ANDREW, feuar of Observatine Friary, Aberdeen, I., 327.
 Gilbert, }
 Patrick, } sons of, I., 327, *n.* 327, 328.
 John, landholder in Dundee, I., 236.

- Jakson, John, landholder in St. Andrews, I., 287 ; II., 203.
 Robert, Dom. Fr., Montrose, II., 341, 345, 364.
- James I., II., III., IV., V., VI., *see* Scotland, Kings of.
 of Mark, Conv. Fr., I., 50.
- Jamison, Francis, Obs. Fr., I., 331 ; II., 318.
- Jean de Maubert, ultramontane vicar-general of the Observatines, I., 50, 51, *n.* 53 ; II., 174, 184.
- Jedburgh—
 Henry, abbot of, II., 258.
 Charters of the Abbots and Commendators of, I., *n.* 379.
 Grey Friar, Bull of Erection, I., 69-70, 127, 128 ; II., 262.
 Fate, I., 148, 149.
 Friars, I., 75, 76, 379.
 History, I., *n.* 58, 79, 83, 127, 128, 378, 379, 474 ; II., 178, 188.
- Jedwart, John, landholder in Haddington, I., *n.* 180, 182.
- Jerusalem, I., 50.
- Joanna, *see* Scotland, Queens of.
- John III., King of Portugal, I., *n.* 119.
 Dom. Fr., Ayr, I., *n.* 135.
 Grey Friar, Romeo and Juliet, I., *n.* 278.
 de Kethene, provincial vicar of the Scottish Conventuals, I., 8, 9.
 de Mitia, Obs. Fr., visitor of Scotland, I., 310, *n.* 310 ; II., 215, 218, 219.
 de Vallée, Obs. Fr., I., 45.
 of Capistrano, cismontane vicar-general of the Observatines, I., 49, 50.
 of Hill, vicar of Kirkcaldy, privy to forgery of charter, Kinghorn, II., 167.
 of Parma, Conv. Fr., his observance of the Rule, I., 40, 41, 88, *n.* 428.
 of Scases, Conv. Fr., refused Christian burial, I., 482, 483.
 the Carpenter, Conv. Fr., pension granted to, by David II., I., 35, 36, 252, 477 ; II., 166.
 the locksmith of Stirling, I., 368.
- Johnnestoun, James, Dom. or Obs. Fr., Edinburgh, II., 342, 346.
- Johnson, John, Obs. Fr., warden of Glasgow, I., 344 ; II., 245.
 Thomas, Obs. Fr., dies of the plague, I., 277.
- Johnston, Edward, tenant of the Bridge Toll, Dumfries, II., 106.
 James, provides wine for Observatine Friary, Ayr, I., 360.
 James, notary public, Haddington, II., 36.
 John, Dom. Fr., I., *n.* 304 ; II., 341, 346.
 John, of Novinholm, feuar of the Bridge Toll, Dumfries, I., 210, 213 ; II., 106, 107.
 Marion, his granddaughter, I., 213.
 John, landholder in Haddington, II., 29.
 Teophilus, of Elgin, I., 365.
- Jordon a Giano, Conv. Fr., I., 8.
- Juana, Archduchess Doña, Observatine Friar her confessor, I., 116.
- KANDULY, *see* Candoche.
- Kattepoll, *see* Cadboll.
- Keir, *see* Stirling, Sir John.
- Keire, George, of Samuelstoun, lands in Haddington, II., 26.
- Keith, John, provincial minister of the Scottish Observatines, II., 180, 191.
 Robert, Dom. Fr., Elgin, II., 341, 345, 365, 366.
 Robert, provincial minister of the Scottish Observatines, I., 57, 288 ; II., 175, 180, 185, 191.
 William, owner of the Aberdeen Obituary Calendar, II., 284.
 Sir William, of Invergie, I., 312 ; II., 225.
- Kello, Bartholomew, landholder in Haddington, I., 196 ; II., 80, 82, 83.
 Bartholomew, notary public, Haddington, II., 27.
 John, Bailie of Haddington, II., 12.

- Kelso, abbey, abbot and monks of, I., 6, 7, 27, 162, 163, 242, 417; II., 2-3.
- Kemp, Henry, annual rent payable by, to Dominican Priory, St. Andrews, II., 372.
- Kennedy, Andrew, burgess of Aberdeen, discharges ground annual over site of Observatine Friary, I., 312; II., 224.
- Gilbert, of Balmaclanochan, legacy to Observatine Friary, Ayr, I., 358.
- James, of Row, I., 332, 356, 358, 485; II., 331.
- James, bishop of St. Andrews, grants site of Observatine Friary, I., 56, 62, 220, 264, *n.* 272, 287, 288; II., 174, 175, 185, 195, 200.
- Janet, daughter of Sibilla Cathcart, I., 354; II., 252, 253.
- Janet, I., 363.
- John, notary public, Aberdeen, II., 233, 234.
- Lord, I., 332.
- Margaret, daughter of Sibilla Cathcart, I., 354; II., 252, 253.
- Marion, daughter of Sibilla Cathcart, I., 354; II., 252, 253.
- Ninian, Protestant martyr, I., 107.
- Patrick, I., *n.* 267.
- Thomas, undertakes to deposit documents in Observatine Friary, Ayr, I., 486.
- Walter, the poet, I., 68.
- Kennyte, Alison and Gilbert, services for, in Grey Friary, Haddington, II., 12.
- Margaret, grants annual rent to Grey Friary, Haddington, I., 195; II., 11-13.
- Kent, Earl of, buried in Grey Friary, Winchester, I., *n.* 418.
- Ker, Adam, Conv. Fr., warden of Lanark, I., 247.
- Andrew, of Cesfurd, II., 74.
- Mark, I., 165.
- Mark, of Dolphinton, tutor to John Haitlie, of Broomhill, I., 184; II., 74, 78.
- Robert, II., 7.
- Sir Robert, of Ancrome, I., *n.* 162.
- Walter, of Cesfurd, disponee of Grey Friary, Roxburgh, I., 150, 151, 161, 166; II., 4-7.
- William, provincial vicar of the Scottish Conventuals, I., 15.
- William, I., *n.* 162.
- Kerington, Elizabeth, landholder in Haddington, II., 41, 43, 44.
- Kers, *see* Menteith, William.
- Kessok, Miln of, II., 356.
- Kethene, *see* John de.
- Kildrummy Castle, lands of, I., 332.
- Kilmarnock, *see* Whithead.
- Kincaid, Alexander, historian of Edinburgh, I., *n.* 269.
- King, Alexander, II., 378, 379.
- Andrew, feuar of Observatine Friary, Aberdeen, I., 327.
- Kinghorn, forgery of Charter of, I., 250; II., 167.
- Kingorne, Janet, nun of Coldstream, II., 367.
- Kinkell, *see* Galloway, Alexander; Gordon, Adam.
- Kinloss, abbot of, I., 277.
- Kipps, *see* Berkeley.
- Kirkbene, vicar of, I., 207.
- Kirkcaldy, Thomas, landholder in Haddington, II., 21, 22.
- Vicar of, II., 167.
- KIRKCUDBRIGHT—
- Grey Friary, Charters and Writs, II., 168-172.
- Fate, I., *n.* 145, 150, *n.* 150, 151, 254, 255; II., 168-172.
- Friars of, I., 150, 243; II., 341, 342, 345, 359, 360.
- History, I., 5, *n.* 14, 15, 36, 127, 251-256, 476.
- Revenues, I., 140, 253, 254; II., 338, 344, 358, 359, 370.
- Royal bounties, I., 252, 254, 257, 300.
- Wardens, I., 256.
- See also* Cant, James.

Kirkcudbright—*continued*.

- Priory, I., 36, 37.
- Provost, *see* Maclellane of Bombie.
- Robert, Lord, I., 256.
- Town Council, II., 171.
- Kirkintilloch, vicar of, I., 333.
- Kirkmyre, Patrick, tenant of the Dumfries Friary, I., 211 ; II., 109.
- Known, Vicar of, grants annual rent to Grey Friary, Dumfries, I., 208 ; II., 103.
- Knox, John, I., 81, 83, 98, 99, 101, 117, 126, 143, 145, *n.* 226, 275, 282, 291, 292, 295, 297, 355, *n.* 424.
- Condemns Letters of Cursing, I., *n.* 79.
- Disputation with Friar Andrew Arbuckle, I., 103, 293-295.
- His accusation of the Scottish Franciscans, I., 86, 132, 133, 134, 302.
- Historical discrepancies in the History of the Reformation, I., 146, 148, 293-295, 296.
- The Beggars Warning, I., 141-142.
- Kyd, commissioner for Dundee, I., 236 ; II., 147.
- Kyle, Archibald, treasurer of Haddington, II., 64, 92, 100.
- Kynglasse, Chapel of, II., 204.
- Kynloch, William, tenant of the Dundee Friary, I., 238 ; II., 144, 145.
- Thomas, Conv. Fr., II., 129, 132.
- Kynynmontht, chapel of, II., 204.
- Kynnescot, lands of, I., 336.

LAG, laird of, I., 206 ; II., 108.

Laing, Dr. David, I., 101, *n.* 292, 379.

John, bishop of Glasgow, founder of Observatine Friary, I., 62, 343 ; II., 176, 187, 195.

Walter, *see* Lang, Walter.

William, chaplain, I., *n.* 78.

Lamb, Robert, Protestant martyr, I., 301.

William, Obs. Fr., custodier of Observatine Friary, Aberdeen, I., *n.* 154, *n.* 157, 324, 332 ; II., 342, 346, 357.

Lambe, John, landholder in Leith, II., 17.

Lamberton, William, bishop of St. Andrews, Friar Thomas de Rivers appointed to his See, I., 23, 24, 25.

LANARK—

Friary of the *Fratres Egregii*, I., 241, 247.

Grey Friary, Bull of Erection, I., 23, 26, *n.* 58, 242, 481 ; II., 149.

Charters and Writs, II., 149-160.

Fate, I., *n.* 145, 150-155, *n.* 156, 247 ; II., 150-160.

History, I., 240-247.

Mentioned, I., 5, 12, 14, *n.* 57, 127, 474, 476.

Lawsuits, I., 153, 243-247 ; II., 150-153, 155-157, 355-356, 370.

Legacies, I., 243.

Revenues, I., 25, 140, 242, 243, 246 ; II., 338, 343, 349, 352, 355, 356, 367, 369, 370.

Royal bounties, I., 242, 244.

Wardens, I., 247.

Streets, &c.—

Burgh roads, I., 241, 246.

Clydesdale Hotel, I., 241.

Common School, I., 240, 241.

Freirwynd, I., 241, *n.* 241.

Freiryards, I., 241.

High Street, I., 240, *n.* 240, 241.

West Port, I., *n.* 247.

Vicar of, *see* Allan, Andrew.

- Lang, Walter, Obs. Fr., undertakes to prove existence of Purgatory, I., 78, 79.
 Endeavours to arrest Friar Dick in Dundee, I., 106; II., 226.
- Langlands, William, landholder in Haddington, II., 84.
- Largo, laird of, rental of revenues, Dominican Priory, St. Andrews, II., 372.
- Larmoth, William de Lihill, lands in Haddington, II., 29.
- Lauder, Captain Hew, assignee of rents, Dominican and Carmelite friaries, Aberdeen, I.,
n. 320; II., 351, 353, 358.
 Catherine, legacy to Grey Friary, Haddington, I., 182, 198.
 Katherine, services for, in Grey Friary, Haddington, II., 42.
 Sir Alexander, of Blyth, provost of Edinburgh, obit doles, I., 280, 338; II., 198,
 310.
- Lautay, *see* Lawtay.
- Law, George, Conv. Fr., lawsuit concerning his pension, I., *n.* 154, 156, 212, 214; II., 105,
 345, 359.
 John, Dom. Fr., sub-prior of Glasgow, I., *n.* 157; II., 341, 345, 368, 369.
 Thomas, Conv. Fr., II., 359.
- Lawmonth, bailie of St. Andrews, II., 202.
- Lawrie, Christopher, burghess of Dumfries, I., *n.* 208; II., 115.
- Lawson, John, Crown donee of acres of Haddington, I., 176; II., 73.
 Marjory, of Glenegais, legacy to Observatine Friary, Perth, I., 301, 306.
 Patrick, notary public, II., 23.
 Robert, procurator of Grey Friars, Haddington, I., 194; II., 22, 23, 32, 33.
- Lawsuits, *see* Friars Minor; Scotland, Friars Minor, Conventual and Observatine Provinces.
- Lawtay, John, treasurer of Haddington, I., 172; II., 39.
 Thomas, Conv. Fr., I., *n.* 154, 188, 243, 244; II., 91, 342, 345, 368, 369.
- Lea, Dr. Henry Charles, and the Franciscan Theory of Poverty, I., *n.* 445.
- Leanoeh, George, notary public, II., 22.
- Leche, Walter, Obs. Fr., I., 332; II., 309.
- Ledgerwood, *see* Maltman, Symon.
- Lee, *see* Lockhart of.
 Mains of, granted to Grey Friars, Lanark, I., 242, 246; II., 154.
- Lees, *see* Leis, John.
- Leich, Andrew, Dom. Fr., prior of Glasgow, I., *n.* 157.
- Leis, Andrew, Dom. Fr., Edinburgh, I., *n.* 283; II., 342, 346, 377.
 John, chaplain of Tertiary Congregation, Brechin, I., 319, 337, 384, *n.* 470; II., 290.
- Lempitlaw, Andrew, landholder in Lanark, I., 246; II., 154, 155, 158.
 William, II., 158.
- Leo, Fr., confessor of St. Francis and author of the *Speculum Perfectionis*, I., 39, 41, 88,
 277, 437.
 of Milan, Conv. Fr., I., 100.
- Leonard, cardinal of St. Eufame, I., 337.
- Leonardo de Giffoni, minister general of the Conventual Friars Minor, I., 46.
- Lermonth, George, laird of Balcomie, annual rent to Dominican Priory, St. Andrews, II.,
 349, 356, 361.
 Patrick, provost of St. Andrews, accepts resignation of Observatine Friary, II., 203.
 Robert, procurator of Observatine Friars, Stirling, I., 367.
- Lermoth, William, landholder in Haddington, II., 31, 32.
- Lesle, William, Obs. Fr., I., 331; II., 312.
- Leslie, David, Conv. Fr., II., 129, 132.
 John, bishop of Ross, I., 295; II., 182, 194.
 Robert, procurator, II., 76.
- Leslye, Alexander, of Warderis, I., 487.
 Andrew, I., 487.
- Lesmahagow, commissary of, I., 353.
 Priory, I., 242.
- Lestalrig, barony of, II., 17.

- Lestalrig, vicar of, II., 78.
- Lesuris, Andrew, lay brother of Cupar, military engineer, I., *n.* 477.
- Lethame, John, Mend. Fr., II., 342, 345, 368.
- Lethane, John, Dom. Fr., I., *n.* 462.
 John, sells annual rents to Grey Friars, Haddington, I., 182, 195; II., 29-30.
 John, II., 76, 77, 78.
 John, defends provost and bailies of Dundee in trial for harbouring Friar Dick, II., 226.
 William, burges of Edinburgh, I., *n.* 462.
- Leverance, John, Mend. Fr., II., 342, 345, 369.
- Lewynton, Elizabeth, of Suthwan, alms to Scottish Observatines, I., 337; II., 329.
- Ley, *see* Lee, Lockhart of.
- Leyden, Grey Friary, I., 53.
- Leydes, John, Obs. Fr., I., 307, 317, 318, 330; II., *n.* 283, 327.
 Walter, Obs. Fr., I., 307, 310, 317, 330; II., *n.* 283, 326.
- Leys, *see* Burnet, Alexander.
- Liberato, Conv. Fr., I., 42.
- Liberton, barony of, victual from, to Grey Friars, Lanark, I., 242.
- Libraries, Franciscan, *see* Friars Minor; Aberdeen, Roxburgh, Stirling, friaries of.
- Liddale, Janet, tenant of Ralph Eglinton's Acres, Haddington, II., 24.
- Limburg, Grey Friary, I., *n.* 310; II., 218, 219.
- Lincluden, *see* Stewart, William.
- Lincoln, bishop of, I., *n.* 426.
- Lindesay, *see* Lindsay.
- Lindsay, *see* Crawford, Earls of.
 Alexander, of Wane, annual rent, Dominican Priory, Montrose, in his hands, II., 364.
 Sir Alexander, of Glenesk, I., 230.
 Marjory, wife of, assignation of her terce to Grey Friary, Dundee, I., 230, 239.
 Alison, victual from, to Dominican Priory, St. Andrews, II., 372.
 Bernard, of Inglisberry, competitor for Grey Friary, Lanark, I., *n.* 241, 242, 245, 246; II., 154, 155, 156, 157, 356.
 David, Protestant minister of Leith, Crown donee of victual, Dominican Priory, Bervy, II., 350, 352, 354, 355.
 Sir David, I., 69, 94, *n.* 95, 96, 99, 112, 113, *n.* 113, 116, 118, 126, 355.
 Sir David, poems of, I., 96, 98, 113.
 Sir David, of Luffness, II., 8.
 James, archdeacon of Aberdeen, alms and gift of books to Observatine Friars, I., 315, 337; II., 334.
 James, provincial vicar of the Scottish Conventuals, I., 15, *n.* 223, 224; II., 13, 125, 129, 130, 131.
 Jerome, provincial minister of the Scottish Observatines, I., 299; II., 175, 180, 181, 186, 191.
 John, minister of Carluke, I., 241; II., 159.
 John, of Covington, legacy to Observatine Friary, Glasgow, I., 274, 285, 351.
 Lady Margaret, buried in Grey Friary, Haddington, I., 177; II., 8.
 Robert, of Pitscottie, I., 291.
 Thomas, disponee of friary acres, Linlithgow, II., 354.
 William, provincial vicar of the Scottish Conventuals, II., 9.
 Sir William, of Luffness, provides for entertainment of Grey Friars, Haddington, by monks of Newbattle, I., 177, 194; II., 8.
- Linlithgow, I., 22.
 Carmelite Friary, Revenues, II., 339, 340, 350, 351, 352, 353, 354, 355.
 Constabulary of, I., 230.
- Litill, Clement, procurator of parish church, Lanark, II., 152.
- Litstar, Robert, tenant of roods of Freir Wall, Haddington, II., 90.
- Little, A. G., "Grey Friars in Oxford," I., *n.* 4, *n.* 14, *n.* 289, *n.* 461.

- Little, Robert, Conv. Fr., warden of Dumfries, I., 215.
 Livingston, Lord, II., 354.
 Loches, Château of, I., *n.* 387.
 Lochmaben, *see* Stewart, William.
 Lock, Anna, I., *n.* 226.
 Lockhart, Sir James, of Lee, feuar of the friary in Lanark, I., 243, 244, 245; II., 158.
 (Son), I., *n.* 241, 246; II., 152, 156, 157, 158, 159.
 (Grandson), I., *n.* 240, 246; II., 158, 159.
 John, great-grandson, II., 159, 160.
 Samuel, great-grandson, II., 159, 160.
 Stephen, of Wicketshaw, II., 159, 160.
 Logan, John, vicar of Knowen, I., 208; II., 103.
 Logane, Margaret, nun of Coldstream, II., 367.
 Logy, Leonard, provisioner of Observatine Friars, Stirling, I., 370.
 Lokhart, Robert, landholder in Lanark, II., 159.
 LONDON—
 Benedictine monastery, I., *n.* 418.
 Bishop, appointed Conservator of the Scottish Franciscans, I., 410.
 Franciscan warden, I., 409.
 Lonsay, David, II., 284.
 Loretto, hermit of, I., 78.
 Lorimer, Thomas, Mend. Fr., I., 477.
 Lorraine, Cardinal of, I., 142.
 Lothon, John, Obs. Fr., I., 318, 330; II., 327.
 Louranson, Robert, landholder in Haddington, II., 18.
 Louvain, Observatine Friary, Scottish friars settle in, I., 159; II., 182, 193.
 Lovell (Lowell), Alexander, bailie of Dundee, I., 232; II., 142.
 Alexander, landholder in Dundee, I., 237.
 James, landholder in Dundee, I., 237.
 James, tenant of the Dundee Friary, I., 238; II., 144, 145.
 Lewis, *see* Hepburn, William.
 Lud, William, notary public, Dundee, II., 143.
 Luke, cardinal, I., 25.
 Lumlethyn, lands of, grant from, to Grey Friary, Dundee, II., 141.
 Luwett, George, accused of hanging image of St. Francis, I., 103.
 Lychtone, George, Obs. Fr., warden of Aberdeen, I., 277, 317, 329; II., 302.
 Lyell or Lyle, John, Conv. Fr., warden of Inverkeithing, I., 250; II., 132.
 John, Conv. Fr., Haddington, I., 193; II., 13, 69.
 Lyn, John, Obs. Fr., abandons his Order, I., 107.
 Lyndsay } *see* Lindsay.
 Lyndesay }
 Lyon, Richard, Conv. Fr., warden of Haddington, I., 193; II., 9.
 Lystar, *see* Lytstar.
 Lystoun, Thomas, Dom. Fr., I., *n.* 297; II., 345.
 Lytstar, John, provincial minister of the Scottish Observatines, I., 317, 329; II., 181, 192,
 289.
 M'BRAIR, HERBERT, chaplain, II., 169; *see also* MacBrair.
 M'Cartney, Thomas, burges of Kirkcudbright, II., 171.
 M'Cleane, Alexander, of Gilestoune, I., 253, 486.
 Donald, I., 486.
 M'Coll, John, burges of Kirkcudbright, II., 171.
 M'Culloch, John, I., 362.
 Robert, burges of Kirkcudbright, II., 171.
 M'Culzeane, Henry, procurator of Robert Mure, Lanark, II., 153.
 M'Ghee, David, burges of Dumfries, I., 201; II., 111.

- M'Gill, James, clerk of register, II., 147.
 John, defends tenants of Grey Friary, Lanark, in action of ejection, II., 156, 157.
- M'Haigh, John, Obs. Fr., summoned to give evidence at Stirling, I., 352, 485.
- M'Kuffie, John, burghess of Kirkcudbright, II., 171.
- M'Kynnell, Elizabeth, feuar of garden, Grey Friary, Dumfries, I., 211 ; II., 109, 110-112.
 Robert, burghess of Dumfries, II., 111.
- M'Lellan, Donald, of Gilston, steward of Kirkcudbright, I., 257.
- M'Quharr, John, notary of Ayr, I., 354 ; II., 252.
- MacBrair, Archibald, provost of Dumfries, deals with revenues, Grey Friary, I., 156, 212, 213, 214, 253 ; II., 117, 118, 120, 169, 360.
 John, feuar of the Grey Friary salmon-fishing in Dumfries, I., 211, 253 ; II., 107, 108.
 Roger, II., 169.
 Thomas, I., 212.
- MacGowan, John, tenant of Dumfries Friary, I., 211 ; II., 115.
- Mackay, A. J. G., I., *n.* 68.
- MacLellan, Thomas, of Bombie, provost of Kirkcudbright, dispoonee of Grey Friary, I., *n.* 150, 254, 255 ; II., 170, 171, 172.
- Magnus, Thomas, English ambassador in Scotland, I., 76.
- Maillard, Oliver, cismontane vicar general of the Observatines, letter of confraternity to Sir John Drummond, II., 264-265.
- Maitland, John, sub-deacon of Ross, I., 315, 337 ; II., 306.
 Sir Richard, of Lethington, grants wadset to Grey Friars, Haddington, I., 185 ; II., 37, 38.
 Robert, landholder in Haddington, I., 197 ; II., 91.
- Major, John, identifies Church of Grey Friary, Haddington, with Lamp of Lothian, I., 72, 168, 169, 482.
- Makbrek, Andrew, chaplain, I., 285, 298, 359, 365.
- Makgill, James, landholder in Edinburgh, I., *n.* 268.
- Makquirk, David, II., 109.
- Maltman, Symon, Obs. Fr., warden of St. Andrews, I., 100, 107, 291, 292, 295, *n.* 296 ; II., 202.
- Malversation, *see* Scotland, Friars Minor, Observatine Province, Friars of.
- Malyson, Gilbert, bailie of Aberdeen, II., 229.
- Mandonnet, Pierre, instruction of Penitents by laymen, I., *n.* 380, *n.* 381, *n.* 382, 383.
- Manis, Robert, landholder in Dundee, I., 238.
- Mansuel, Herbert, abbot of Kelso, I., 6, 162 ; II., 1.
- Mantua, *see* Friars Minor, Observatine Chapters-General.
- Many, *see* Vaus, Richard.
- Manys, *see* Gordon, Alexander.
- Mar, David, bailie of Aberdeen, I., 323 ; II., 234.
 David, burghess of Aberdeen, II., 236, 351, 353, 358.
- Marahon, Eufena de, warden of Roxburgh empowered to grant dispensation of marriage to, I., 163.
- Marcellus, Anthony, master general of the Conventual Friars Minor, II., 436.
- Marchel, Alexander, Obs. Fr., I., 331 ; II., 313.
- Margaret, Countess of Douglas, *see* Douglas.
 Dauphine of France, I., 51, 52.
 of Anjou, *see* England, Queens of.
 of England, *see* Scotland, Queens of.
- Marischal, Earls of, I., 57, 288, 336 ; II., 175, 185.
 George, Earl of, I., *n.* 315, 327 ; II., 355, 356.
- Marjoribanks, Michael, clerk in Edinburgh, II., 378, 379.
 Thomas, II., 251.
- Mark, *see* James of.

- Marschel, William, Obs. Fr., I., 307, 330; II., *n.* 283, 328.
- Marsciano, *see* Angelina.
- Marshall, John, feuar of garden and disjoined lands, Grey Friary, Dumfries, I., 109, 211; II., 114-117.
 William, tenant of the Dumfries Friary, I., 211; II., 109.
- Martin, custos of the Scottish Conventuals, defends Franciscan rights of burial against monks of Kelso, I., 6, 162; II., 1.
 William, tenant of St. Catherine's Chapel, Haddington, II., 93.
- Mary, *see* Scotland, Queens of.
 of Gueldres, *see* Scotland, Queens of.
 of Lorraine, *see* Scotland, Queens of.
- Mason, William, landholder in Dundee, I., 237.
- Masoun, Henry, Dom. Fr., St. Andrews, I., *n.* 297; II., 345.
- Massa, *see* Antonio.
- Massinden, lands of, Dominican Priory, Elgin, II., 350, 351, 354, 356.
- Mathieson, Andrew, burgess of Dumfries, I., *n.* 208; II., 115.
- Matthew, Alexander, landholder in Dundee, I., 237.
 Cardinal, Protector of the Friars Minor, I., 459, 460, *n.* 460, *n.* 466.
- Maubert, *see* Jean de.
- Mauchline, *see* Bell, Robert.
- Maule, Alexander, services for, in Grey Friary, Dundee, II., 138, 139.
 Robert, son of, II., 140.
 Thomas, services for, in Grey Friary, Dundee, II., 138, 139.
- Sir Thomas, of Panmure, grants annual rent and legacy to Grey Friary, Dundee, I., 231, 232, 234; II., 138-141.
 Letter of confraternity to, I., 231, *n.* 291, *n.* 385, 386; II., 265, 266.
 William, son of, II., 141.
- Mawen, Alexander, of Steynson, lands in Haddington, II., 29.
- Maxwell, Alexander, author of History of Old Dundee, I., *n.* 218.
 Lady Grizel, buried in church of Grey Friary, Kirkcudbright, I., 256.
 Robert, Lord, feuar of Grey Friary yards, Dumfries, I., 108, 209, 210; II., 104.
 Janet, legacy to Observatine Friary, Glasgow, I., 350.
 John, II., 120, 121.
 Matthew or Michael, tenant of Grey Friary yards, Lanark, II., 155, 157.
 Richard, tenant of Grey Friary, Dumfries, II., 109.
 William, of Cruvestanes, lawsuit with Grey Friars, Dumfries, I., 207.
- Mayne, John, tenant of cloister yard, Grey Friary, Haddington, I., 192; II., 56, 89, 90, 92, 96, 99.
 Thomas, monk of Melrose, I., *n.* 154; II., 367.
- Maysheill, lands of, I., 341.
- Mechlin, Grey Friary, I., 53.
- Medicis, Catherine de, *see* France, Queens of.
- Medoflat, lands of, in Glasgow, I., *n.* 343.
- Melginch, barony of, II., 136.
- Mellerstanis, lands of, title-deeds in custody of warden of Haddington, I., 183; II., 73-78.
- MELROSE—
 Abbot of, lands in Leith, II., 18.
 Monks of the Abbey of, I., *n.* 154; II., 367.
- Meltrin, Archibald, provincial minister of the Scottish Observatines, II., 181, 192.
- Melvil, James, Obs. Fr., apostasy and appeal of, to Rome, I., 104-106, 291.
- Melville or Crichton, Alison, general merchant in Stirling, I., 370.
- Menteith, William, of Kers, legacy to Observatine Friary, Stirling, I., 373.
- Menzes, Andrew, burgess of Aberdeen, I., 487.
- Menzies, Andrew, feuar of burgh midden, Aberdeen, II., 231.
 David, bailie of Aberdeen, II., 229.

- Menzies, Gilbert, arbitration with Observatine Friars, Aberdeen, I., 312, 317, 325, 329; II., 224, 225.
 Sir Robert, legacy to Observatine Friary, Perth, I., 301, 306.
 Robert, son of, I., 306.
 Thomas, provost of Aberdeen, II., 229.
- Merny, John, Dom. or Carm. Fr., Perth, II., 341, 346.
- Merser, Alexander, Obs. Fr., I., 307, 330; II., *n.* 283, 332.
 Robert, laird of Inerpeffry, I., 307, 330; II., 332.
- Methlick, *see* Burnet, Duncan; Gordon, Patrick.
- Methven, Paul, his reformed church in Dundee, I., *n.* 227.
- Metz, *see* Friars Minor, Chapters General.
- Michele da Cesena, minister general of the Conventual Friars Minor, I., 45.
- Migel, Grey Friary, I., *n.* 371.
- Milan, *see* Leo; Friars Minor, Chapters General.
- Mindrom, Egidia de, I., 167.
- Ministers General, *see* Friars Minor.
- Mino, John, minister general of the Conventual Friars Minor, I., 479, 480.
- Minorites, *see* Friars Minor.
- Minto, *see* Stewart.
- Mirabelle, Grey Friary, I., 47, 52.
- Mitia, *see* John de.
- Modray, Alexander, burges of Aberdeen, I., 312; II., 223.
- Moffat, John, bailie of St. Andrews, II., 202.
- Moncrief, William, of Moncrief, appropriates victual, Dominican Priory, Perth, I., *n.* 303; II., 362, 363.
- Moncur, John, Conv. Fr., I., 193, 194; II., 39.
- Monorgound, Thomas, tenant of Grey Friary meadows, Dundee, I., 227; II., 144, 145.
- Mons Meg, I., *n.* 477.
- Mont, James, chaplain in Stirling, II., 261.
- Montago, lands of, annual rent from, to Grey Friary, Dundee, I., 221, 238; II., 136.
- Montaigne, Michel Seigneur de, essays of, I., *n.* 120.
- Monte Lucido, *see* Friars Minor, Observatine Chapters General.
- Montgomery, Master of, endeavours to liberate Observatine friar from Tolbooth, Ayr, I., 80, 360.
- Month, William, legacy to Observatine Friary, Stirling, I., 373.
- Montluc, bishop of, I., *n.* 158.
- Montmorency, Anne, Duc de, I., 142.
- Montrose, Dominican Priory, friars of, II., 341, 345, 364.
 Revenues, I., 140; II., 339, 340, 348, 350, 353, 364, 371.
 Duke of, I., 220, 221, 386; II., 127.
 Margaret, Duchess of, *ibid.*
- Monymusk, *see* Myrton, John.
- Moray, bishops of, I., 16, 104, 361, 362.
 chamberlain of, I., 363, 365.
 Earl of, I., 163.
 Agnes, daughter of, I., 163.
 James, Earl of, Regent of Scotland, I., 117, 118, 129, 146, 173, 231, 296, *n.* 326, *n.* 364; II., 170, 171, 206, 235, 350.
 John, Earl of, I., *n.* 139, 363.
 Randolph, Earl of, I., 334.
- Mortimer, Marjorie, I., 336.
- Morton, James, Earl of, founder of Tertiary Nunnery, Aberdour, I., 391, 392, 393; II., 267-270.
 Earls of, I., 74, 182, 198, 339.
- Motto, Thomas, Obs. Fr., I., 159; II., 182, 193.
- Mowat, Alison, landholder in Lanark, II., 151.

- Mowat, James, tenant of Grey Friary yards, Lanark, II., 155.
 James, writer in Lanark, I., 241 ; II., 159.
- Mowbray, Andrew, provost of Edinburgh, *obit doles*, I., 280 ; II., 197.
- Mudy, James, feuar of burgh midden, Aberdeen, II., 230-233.
 John, landholder in Haddington, II., 18.
- Mudye, Andrew, chaplain of Cupar, legacy to Grey Friary, Inverkeithing, I., 250.
- Muir, John, I., 358.
- Muirhead, Ninian, tenant of Grey Friary Croft and Fishings, Kirkcudbright, I., 252 ; II., 168.
- Mukarsy, vicarage of, I., *n.* 296, *n.* 297 ; II., 362.
- Mulzeane, Janet, legacy to Observatine Friary, Glasgow, I., 350.
- Munio de Zamora, I., *n.* 383.
- Münster, *see* Everhard.
- Munter, John, II., 93.
- Mure, Robert, bonnet-maker in Lanark, institutes action of Declarator concerning site of Grey Friary, I., 153, 244 ; II., 151-153, 370.
- Murray of Polmais, II., 261.
 Christina, I., *n.* 276.
 John, alms to Observatine Friary, Aberdeen, I., 338 ; II., 309.
 Patrick, of Tibbermure, disponsee of Carmelite Friary, Perth, I., *n.* 304 ; II., 206, 207.
- Murthle, laird of, lands in Dundee, I., 238.
- Mury, Alexander, bailie of Dundee, II., 141, 142.
 Elizabeth, legacy to Observatine Friary, Perth, I., 305.
- Myll, Alexander, deacon of Angus, I., 61.
- Myllar, Thomas, II., 92.
- Myllare, James, notary public, Aberdour, II., 271.
- Mylvn, Walter, Protestant martyr, I., 291.
- Mylnsid, lands of, I., 249 ; II., 162.
- Mynto, *see* Stewart.
- Myrton, John, rector of Monymusk, I., 338.
- Myrton, Thomas, archdeacon of Aberdeen, purchases land for Observatine Friary, I., 313, 337, 338 ; II., 284, 324.
 William, provost of the Collegiate Church of Crail, I., 337.
- NAPIER, ALAN, landholder in Leith, II., 17.
- Naples, *see* Friars Minor, Chapters General.
- Narbonne, Grey Friary of, I., 43.
See Friars Minor, Chapters General ; St. Bonaventura, statutes of.
- Nedy, lands of, II., 372.
- Neilson, Patrick, Dom. Fr., I., *n.* 304 ; II., 341, 346.
- Neise, Jeannot, of Haddington, I., 184 ; II., 36.
- Nesson, Pierre, poetical paraphrase of the Book of Job, I., 51.
- Nether Manbynnis, lands of, II., 366.
- Newall, Patrick, bailie of Dumfries, II., 120, 121.
- Newbattle, abbot and abbey of, I., 177, 194 ; II., 8.
- Newbiggin, *see* Cockburn.
- Newcastle, I., 222 ; *see* England, Friars Minor, Custodies.
- Newmannis Wallis, lands of, II., 348, 353.
- Newton, Adam, Conv. Fr., warden of Berwick, I., 25.
 John, archdeacon of Dunblane, entrusts custody of endowment to Observatine Friars, Stirling, I., 373.
- Nicholas, cardinal, I., 31.
- Nicholson, John, landholder in Haddington, II., 13.
 Thomas, bailie of Aberdeen, II., 234.
- Niddrie, laird of, his comment on sermon of John Knox, I., 293.
- Nisbet, Philip of Nisbet, places redemption money on high altar of Grey Friary church, Kirkcudbright, I., 253, 486.

- Norfolk, Duke of, I., 79.
- Norham, warden of Jedburgh, preaches in, I., 76, 379.
- Norre, Robert, landholder in Haddington, I., 196; II., 80, 83.
- Northampton, treaty of, I., 204.
- Nortoun, lands of Estpleuchlands of, I., 338.
- Norwich, bishop of, appointed Conservator of Scottish Franciscans, I., 410.
Register of the Consistory Court of, I., *n.* 138.
- Nottingham, *see* William of.
- Novinholm, *see* Johnston, John.
- OBSERVATINES, *see* Friars Minor; Scotland, Friars Minor.
- Ogillis, laird of, lands in Dundee, I., 237.
- Ogilvy, Alexander, of Auchterhouse, I., *n.* 220.
Andrew and Mariota, services for, in Grey Friary, Dundee, II., 133, 134.
David, of Inchmartin, annual rent to Grey Friary, Dundee, I., *n.* 221, 231; II., 133-135.
William, chancellor of Brechin, host of the Observatine Friars, I., 315, 319, 338, 384, *n.* 470; II., 293.
- Oleaster, Jerome, Portuguese Inquisitor, I., 120.
- Olyphant, James, provost of Haddington, power of attorney to, by Warden Auchinleck, I., 188; II., 47.
James, tenant of the warden yard, Grey Friary, Haddington, II., 88, 89.
Lord Laurence, founds Observatine Friary, Perth, I., 299; II., 175, 186.
Mariota, Regular Tertiary Sister, Dundee, I., 396; II., 273.
William, II., 70.
- Oliver, John, chaplain, I., 207.
- Olivi, Jean, Conv. Fr., I., 44.
- Orkney, bishops of, I., 277, 290, 452; II., 147.
marts from, to the Observatine Friars, Edinburgh, I., 273, *n.* 273, 285.
- Orok, Lord John, suggests forgery of charter, Kinghorn, II., 167.
- Oswald, prior of Glenluce, I., 31.
- Otho, cardinal, papal legate to Scotland, I., 6.
- Otterburn, Sir Adam, King's Advocate, I., 354; II., 226, 252.
Sir Adam, of Reidhall, provost of Edinburgh, obit doles, I., 281; II., 199.
- Ottobon, cardinal, papal legate to Scotland, I., 17, 18.
- Oxford, I., 19.
Grey Friars of, I., *n.* 426, *n.* 461.
- Oyne, *see* Crichton, William.
- PACIFICO, Conv. Fr., leads the Franciscan mission to France, I., 3.
- Pacock, Matthew, notary public, Aberdeen, II., 214.
- Padua, *see* Friars Minor, Chapters General.
- Palmer, William, landholder in Dundee, I., 237.
- Panmure, *see* Maule.
- Pardoners, indulgences sold by, I., *n.* 385.
- Parens, John, minister general of the Conventual Friars Minor, I., 409, *n.* 428.
- Paris, I., 3, *n.* 5, 33, 72, 119, *n.* 122, 123, 124.
University of, I., 30, 119, 277, 299; II., 174, 175, 185, 186.
- Park, Arthur, Obs. Fr., warden of Ayr, I., 352, 353, 486.
- Parma, *see* John of.
- Paterson, Alexander, Obs. Fr., warden of Stirling, I., 372, 452.
Lady Janet, legacy and alms to Observatine Friary, Aberdeen, I., 338, 339; II., 310.
John, provincial minister of the Scottish Observatines, I., 100, *n.* 281, 291, 346.
Robert, bailie of Haddington, II., 68.
Thomas, landholder in Dundee, I., 237.
- Patoun, John, Dom. Fr., Aberdeen, II., 341, 346, 357.

- Patrick, of Hawick, Conv. Fr., warden of Haddington, I., 178, 193; II., 9.
 Earl, valuables of, in custody of Grey Friars, Berwick, I., 34.
 John, provincial minister of the Scottish Observatines, leads his friars into exile, I., 159, 295; II., 182, 193.
 John, of Banff, Obs. Fr., I., 324.
- Patrickson, Duncan, burghess of Aberdeen, I., *n.* 309; II., 216, 217.
- Pauluccio, Obs. Fr., I., 46, 47.
- Peckham, John, archbishop of Canterbury, Conservator of Scottish Franciscans, I., 410.
- Pedigrew, *see* Pettigrew.
- Peebles, Oliver, hospital master, Perth, I., 130, *n.* 303.
- Peirson, John, landholder in Haddington, II., 40.
- Penitents, Order of, *see* Tertiaries.
- Pensions, allotted to recanting mendicant friars, I., 153-158; II., 340-369.
- Perpignan, Scottish provincial vicar attends Chapter General at, I., 12.
- PERTH—
- Carmelite Friars, I., *n.* 154, 299, *n.* 300, *n.* 304; II., 175, 186, 207, 341, 346.
 Revenues of, II., 339, 343, 362, 371.
- Charterhouse, I., *n.* 300; II., 207.
- Customs of, I., *n.* 300; II., 338, 343.
- Dominican Priory, I., 133, 142, 299, *n.* 303, 306; II., 175, 186.
 Friars, I., *n.* 154, 474, 476; II., 341, 346.
 Revenues, I., 130, *n.* 136, 140, *n.* 226, *n.* 300, 303, 304; II., 338, 339, 340, 343, 347, 348, 349, 350, 352, 353, 362, 363, 371.
- Grey Friary, Church, I., 301, 318, 333; II., 293, 295.
 Destruction and fate, I., 142, 145, 146, 282, 302; II., 207.
 Friars and wardens, I., 132, *n.* 154, *n.* 281, 301, 302, 329; II., 322, 346.
 History, I., 57, 58, 62, 103, 109, *n.* 159, 299-304, 318; II., 175, 186.
 Legacies, I., 301, 305-306.
 Provisioner, I., 301, 305, *n.* 370.
 Revenues, I., 130, 140, 303.
 Comparative estimate of, I., 302-304.
 Royal bounties, I., 300, *n.* 300, 301, 305.
 Stores accumulated in, I., 132, 133, 302.
- Hospital of, I., 130, *n.* 303, 304; II., 347, 349, 350, 353.
 Charter of, II., 206-210.
- Peter, of Trau, Conv. Fr., I., 14, 384.
- Petkenny, lands of, I., 361.
- Pettigrew, James, provincial minister of the Scottish Observatines, I., 329, 345; II., 246.
 William, Lay Obs. Fr., Glasgow, II., 246.
- Phares, *see* Symond.
- Philip II., King of Spain, I., 143.
- Pierson, John, treasurer, Haddington, II., 79.
- Piggot, Alexander, landholder in Dundee, I., 237.
- Pinheiro, Joam, Dom. Fr., instrumental in procuring trial of George Buchanan, I., 119, 124.
- Pinkie, battle of, I., 126, 128, 282.
- Pisa, *see* Albert; Bartholomew.
- Piterkin, Alexander, dispeece of Dominican Priory yards, Elgin, II., 366.
- Pitmaden, Margaret, inventory of her goods, I., 298.
- Pitmedill, lands of, annual rent from, to Grey Friary, Dundee, I., 231, 238; II., 133, 134.
- Pitmillie, laird of, annual rent to Dominican Priory, St. Andrews, II., 349, 356.
 Lands of, II., 343, 371.
- Pittenweem, prior of, I., 341.
- Pittinsaire, lands of, Dominican Priory, Elgin, II., 366.
- Plummer, James, landowner in Haddington, II., 34.
- Poliwadum (Dumfries), I., 199; II., 105.
- Poliacio, John de, condemned by Pope John XXII., I., 407.

- Polmais, II., 261.
- Pomponius of Mela, *de cosmografia*, II., 244.
- Pont, Robert, commissioner of Platt, II., 147.
- Ponton, Thomas, bailie of Haddington, I., 172.
- Popes, *see* Rome, Church of.
- Portiuncula, *see* Assisi.
- Portugal, Friars Minor, I., 47.
 Inquisition in, I., 117, 120, *n.* 125, 385.
 John III., King of, I., *n.* 119.
- Poverty, Franciscan, *see* Friars Minor, Theory of; Scotland, Friars Minor, Observatine Province, Observance of the Rule.
- Power, Alexander, feuar of Observatine Friary yards, Ayr, I., 357, 360.
- Preachers, Friars, *see* Dominicans.
- Preaching, *see* Friars Minor, Pastoral Charge; Scotland, Observatine Province, Friars of.
- Preston, John, feuar of waste ground adjoining Grey Friary yards, Edinburgh, I., 265.
 John, of Fentounbarnis, Collector-General, II., 163.
 Sir Symon, tenant of uppermost yard, Observatine Friary, Edinburgh, I., 269, *n.* 269.
 William, rector of Belton, II., 78.
- Procurators, *see* Friars Minor; Scotland, Observatine Province, Observance of the Rule.
- Provence, Comte de, I., *n.* 416.
- Provincial ministers, *see* Friars Minor; Scotland, Friars Minor, Observatine Province.
 Vicars, *see* Friars Minor, Observatines; Scotland, Friars Minor, Conventual Province.
- Provinciale, Ordinis Fratrum Minorum, I., 12.
- Provisioners, *see* Scotland, Friars Minor, Observatine Province, Observance of the Rule;
 Interposed Person.
- Pumfrastoun, Lady of, I., 486, 487; II., 201.
- Punton, Thomas, provost and treasurer, Haddington, II., 43, 65, 88.
- Purrow, John, Conv. Fr., I., *n.* 154, 166, 193; II., 37, 342, 346, 367.
- Purves, David, macer of Court, I., 359.
- RAE, Obs. Fr., warden of Ayr, summoned to give evidence concerning grant of sasine to
 Sibilla Cathcart, I., 352, 354, 359; II., 252, 253.
 David, Conv. Fr., I., 193; II., 69, 129, 132.
- Rag, David, Mend. Fr., Perth, II., 346.
- Ragusa, I., 14.
- Rainy, Andrew, of Davolz, alms and legacy to Observatine Friary, Aberdeen, I., 315, 339;
 II., 298.
- Ramishorne, lands of, in Glasgow, I., *n.* 343, 344; II., 245, 246.
- Ramsay, James, Mend. Fr., Elgin or Inverness, II., 341, 345, 365.
 James, monk of Kelso, I., *n.* 154; II., 367.
 John, chaplain, I., 359.
 Sir John, of Trarinzeane, II., 258, 259.
 William, burges of Edinburgh, I., 275.
- Ranald, landholder in Glasgow, I., 344; II., 246.
- Randolph, Sir Thomas, I., 117.
- Ranison, Andrew, I., 340.
- Ranny, Patrick, provincial minister of the Scottish Observatines, confessor of James IV. and
 V., I., 64, 366, 374; II., 177, 181, 188, 192.
- Ratho, lands of, annual rent to Dominican Priory, Edinburgh, II., 377.
- Rathubeat, lands of, annual rent to Dominican Priory, St. Andrews, II., 372.
- Rattray, John, bailie of Aberdeen, II., 223, 224.
- Ravelson, James, Protestant martyr, I., 301.
- Ravyne, *see* Rainy.
- Ray, William, landowner in Haddington, II., 24.
- Reclington, George, landholder in Haddington, I., 197; II., 85.
 John, tenant of East Yard, Grey Friary, Haddington, II., 92, 93.

- Red Friars, burghal annual rents of, in Dundee, I., 136.
- Rede, Huchoun, Conv. Fr., I., 193; II., 13, 69, 129, 132.
- Redheuch, James, comptroller, Stirling, II., 258, 259.
- Patrick, imports images and church ornaments for Observatine Friary, Stirling, I., 369, 371.
- Redy, Alexander, Obs. Fr., I., 331; II., 299.
- Regents, of Scotland, *see* Albany, Duke of; Arran, Earl of; Moray, Earl of.
- Regent's Alms, *see* Scotland, Friars Minor, Observatine Revenues.
- Reid, Alexander, assignee of Thomas Reid, II., *n.* 231.
- Alexander, feuar of burgh midden, Aberdeen, II., 230.
- Robert, bishop of Orkney, consecrated in church of Observatine Friary, Edinburgh, I., 277.
- Thomas, feuar of burgh midden, Aberdeen, II., 229-233.
- Thomas, secretary of James VI., II., 242.
- Rennes, Grey Friary, Isabella, Duchess of Brittany, elects to be buried in, I., 52.
- Resesby, *see* Henry de.
- Richard, Alexander, gifts to Scottish Observatines, I., 339; II., 288.
- Robert, Obs. Fr., enters Friary of Louvain, I., 159; II., 182, 193.
- Richardson, John, burgess of Dumfries, II., 119, 120.
- John, feuar of Friarhaugh and Grey Friary garden, Dumfries, I., 211, *n.* 212; II., 109-112, 112-114.
- John, landholder in Haddington, I., 197; II., 87.
- John, Obs. Fr., warden of Aberdeen, activity of, in organisation of Observatine Province, I., 264, *n.* 283, *n.* 299, 307, 330; II., 323.
- Richartoun, laird of, I., 486; II., 201.
- Richertson, Isobel, elects to be buried in Dominican Priory, St. Andrews, I., *n.* 298.
- Richertson, James, Dom. or Obs. Fr., Edinburgh, II., 342, 346.
- Richie, Robert, Dom. or Carm. Fr., Perth, II., 341, 346.
- Richmond, Grey Friary, I., 105.
- Riddale, Helen, nun of Coldstream, II., 367.
- Rig, James, bailie of Dumfries, II., 108, 120, 121.
- Rivers, Thomas de, Conv. Fr., appointed Bishop of St. Andrews, I., 24.
- Rivo Torto, *see* Assisi.
- Robert I., II., III., *see* Scotland, Kings of.
- de Rotheley, Conv. Fr., warden of Roxburgh, I., 22, 163, 167.
- of Carleton, Conv. Fr., warden of Berwick, I., 22.
- Robertson, John, Dom. Fr., Elgin, II., 341, 345, 365, 366.
- John, provincial minister of the Scottish Observatines, II., 181, 192.
- John, tenant of Sisterlands, Aberdour, II., 271.
- Robert, inventory of his goods, I., 298.
- William, feuar of burgh midden, Aberdeen, II., 229-233.
- Robinson, Hugo, landholder in Haddington, II., 18.
- Robison, William, landholder in Haddington, I., 197; II., 22, 26, 85.
- Roch, James, landholder in Dundee, I., 237.
- Roger, John, procurator of Grey Friary, Perth, I., 301, 305.
- John, Obs. Fr., warden of Aberdeen, surrender of the Friary, I., 317, 322, 323, 330; II., 233-234.
- Rogierius, Friar, I., *n.* 14.
- Rohan, Jean, Vicomte de, I., *n.* 52.
- Rolland, John, Dom. Fr., II., 345, 346, 359.
- Robert, procurator of Grey Friary, Dundee, I., 229.
- Rolle, Richard, of Hampole, commentary on the Psalms, II., 243.
- Rollock, James, bailie of Dundee, prosecuted by the Crown for sheltering Friar Alexander Dick, I., 106, 107; II., 226-228.
- Rollok, Elizabeth, services for, in Grey Friary, Dundee, II., 138, 139.
- Rolly, John, *see* Rolland.

ROME—

Chapters General at, *see* Friars Minor.

Church of—

Apostasy, *see* Dominican Order ; Scotland, Friars Minor, Conventual and Observantine Provinces.

Councils—

Constance, I., 48, *n.* 92.

Lateran IV., I., 55, 404, 406.

See Friars Minor, Pastoral Charge.

Lateran V., I., 59, *n.* 396, 424.

Lyons, I., 18.

Toulouse, I., *n.* 406.

Trent, I., *n.* 391.

Vienne, I., 430, 431.

Orders, *see* Carmelite, Dominican, *Fratres Egregii*, *Fratres Minimi*, Friars Minor, *Humiliati*, Penitents.

Popes and their Bulls—

Adrian V., is buried in Grey Friary, Viterbo, I., 428.

Adrian VI., I., 32.

See Jedburgh, Grey Friary, Bull of Erection.

Alexander IV., grants petition of Alexander III. for appointment of provincial minister in Scotland, I., 9-10 ; II., 275.

Cum dilectos filios, I., 458.

Cum olim quidam (preaching and confession), I., 413, 426.

Ex parte vestra, I., 436, *n.* 440.

Nec insolitum est (preaching and confession), I., 411, 412.

Non sine multa, I., 411, 412.

Perlata nuper (autonomy), I., 412.

Quaedam, I., 412.

Quia Ordinem, I., 412.

Vehementer mirari cogimur, I., 411.

Virtute conspicuos sacri (ecclesiastical privileges), I., *n.* 18, 104, 408, 412, 419 ; II., 441-447.

Alexander VI., *see* Stirling, Grey Friary, Bull of Erection.

Cum intellexerimus (succession), I., 349, 450.

See Baxter, James.

Benedict XI., *Inter cunctas sollicitudines* (mortuary dues), I., 429, 430, *n.* 430, *n.* 431.

Benedict XII., *Redemptor noster* (books), I., 28, 29, 440, 451.

Benedict XIII., anti-pope, I., 47.

Boniface VIII., revokes grant of autonomy conceded to Spirituals, I., 43.

Cum ex eo (Bulls of Erection), I., 26, 57, 58, 63, 480 ; II., 149, 251, 258.

Inter ceteros ordines (autonomy), I., 414, 415, 438.

Inter dilectos filios (funeral ceremonies), I., 431.

Nuper ut discordiae materia (mortuary dues), I., *n.* 429, 430, 431.

Super cathedram (pastoral charge), I., 55, 289, *n.* 383, 415, 429-432 ; II., 447-451.

Boniface IX. appoints Friar Framysden bishop of Glasgow, I., 32.

Limits mortuary dues payable by the Friars Minor, I., *n.* 431.

Exultantes (procurators), I., 464.

Calixtus III., I., *n.* 56.

In Domo Domini, I., 442.

Celestine V., authorises spiritual secession, I., 42.

Wills, I., 447.

Rome—*continued.*Church of—*continued.*Popes and their Bulls—*continued.*

Clement IV., and Roger Bacon, I., 41, 88.

Obtentu divini nominis (succession), I., 447, 456, *n.* 461.*Ordinis vestri*, I., 414, 415.*Providentia laudabilis* (books), I., *n.* 440.*Quidam temere sentientes* (preaching), I., *n.* 413.

Clement V.—

Appoints Friar Rivers bishop of St. Andrews, I., 24.

Dudum a Bonifatio, I., 430.*Exivi de Paradiso*, II., 420-433.

Annual rents, I., 128, 302, 440, 441, 442; II., 429.

Buildings, I., 480, 481; II., 431.

Garden ground, I., 475; II., 430.

Goods of entrants, I., *n.* 135, 450; II., 425.

Preaching, I., 424.

Procurators, I., 463.

Property and use, I., 45, 443, *n.* 445, 446; II., 426-427.Storage of alms, I., *n.* 130, 443; II., 430.

Succession, I., 447; II., 429.

Intervenes in Franciscan controversies, I., 43, 44.

Urges churchmen not to exact *portio canonica*, I., 431.Clement VI., *see* Lanark, Grey Friary, Bull of Erection—*Bonorum operum*, I., 45.*Exhibita*, I., 464.*Sacrosancta*, I., *n.* 441.

Clement VII.—

Petition of James V. to, on behalf of Scottish Observatines, I., 90, 93, 94, 157; II., 279-280.

Dudum per, I., 172, 441.*Dum consideramus*, I., 465.*Nuper pro parte vestra*, I., 436, 456.*Vacantibus* (procurators), I., 469, 470.

Anti-pope, Scottish Franciscans side with, I., 13.

Appoints Friar Rossy bishop of Whithorn, I., 15, 31, *n.* 32.Clement VIII., I., *n.* 450.

Eugenius IV.—

Ad Ordinem Minorum, I., 442.*Apostolicae Sedis* (procurators), I., *n.* 465, 466.*Apostolicae Sedis* (Third Order), I., *n.* 389, *n.* 390.Appointment of Observatine Vicars General, I., 49, 50, *n.* 53; II., 174, 184.*Eugenianae*, I., 308; II., 212, 221.*Exigit devotionis* (annual rents), I., 442, 468.*Sedis Apostolicae*, I., 390.

Gregory IX.—

Cum qui recipit (preaching), I., 405.*Cupientes nobis* (procurators), I., 457.

Deposition of Elias of Cortona, I., 8, 9.

Detestanda, I., *n.* 382.*Discretioni vestrae* (tithes), I., 406, 432.*Ita vobis* (burial), I., 6, 7, 162, *n.* 174, 177, 416, 417.*Licet ad hoc* (autonomy), I., 408.*Nimis iniqua* (confession), I., 408, 409, 410.

(burial), I., 417.

Reissue, I., 410.

Rome—*continued.*Church of—*continued.*Popes and their Bulls—*continued.*Gregory IX.—*continued.*

Prohibente regula vestra (preaching), I., 404.

Quo elongati, II., 397-400.

(confession), I., 408, 409, 410; II., 399.

(poverty), I., 367, 425, *n.* 434, 435, 437, 443, 444, 453, 454, 457, 458, 460, 469; II., 398, 399.

(preaching), I., 404, 425; II., 399.

Quoniam abundavit (confession), I., 405, 406.

Recolentes qualiter, I., 437.

Sicut nostris est, I., 456.

Significante dilecto filio, I., 455.

Si ordinis (burial), I., 416.

Ut cum majori, I., 381.

See also Ugolini; St. Francis, Testament, subordination of.

Gregory X., directs provincial vicar of the Scottish Conventuals to preach the Crusade, I., 10, 18.

Voluntariae paupertati (poverty), I., 443, *n.* 460, *n.* 461.

Gregory XI., *Sedes Apostolica pia* (legacies), I., 456.

Sincerae devotionis, I., 448.

Gregory XIII., Bishop Leslie dedicates History of Scotland to, II., 183, 194.

Honorius III., I., 403.

Cum dilecti filii, I., 404.

In his quae, I., 405.

Quia populares, I., 405, 406, 409.

Solet annuere, *see* Friars Minor, Rule of.

Innocent III., confirms Rule of Friar Minors, I., 3, 91, 399, 400; II., 276, 380.

Innocent IV., indulgence to English Franciscans, I., 17.

Cum a nobis (burial), I., 7, 418, 427; II., 440.

Cum a nobis (procurators), I., 458.

Cum tamquam veri, I., 479.

Etsi animarum (preaching and confession), I., 411, 412, 414, (burial), I., 419.

Iustis petentium desideriiis, I., 410.

Ordinem vestrum (confession), I., 408.

(poverty), I., 436, 443, 444, 454, 457, 469.

Provisionis nostrae (apostasy), I., 104.

Pro zelo (confession), I., 410.

Quanto studiosus (procurators), I., 455, 457, *n.* 457, 458, 459, 461, 463, 465.

Qui Deum, I., 418.

Summus orbis opifex, I., 422.

Ut absque, I., 410.

Vestra semper, I., 18.

Innocent VI., *Ad nostrum*, I., 46.

Sedes Apostolica, I., 46.

Innocent VIII., *see* Aberdour, Tertiary Nunnery, Bull of Erection.

John XXII., supports Bishop Lamberton against Friar Rivers, I., 24.

Ad conditorem, I., 45, *n.* 88, 438, 440, 445, *n.* 445, 446, 463, 464.

Empowers warden of Roxburgh to grant dispensations of marriage, I., 163.

Gloriosam Ecclesiam, I., 44.

Imminente nobis, I., 438.

Interpretation of Rule of Third Order, I., 388.

Rome—*continued.*

Church of—*continued.*

Popes and their Bulls—*continued.*

John XXII.—*continued.*

Orders restoration of books and ornaments stolen from friaries in Berwick and Roxburgh, I., 27, 28, 34; II., 2-3.

Quorundam exigit, I., 44, 48, 88, 302, *n.* 443.

Sancta Romana, I., 44.

Sends Franciscan minister general to Scotland, I., 33.

Vas electionis (confession), I., 407.

Julius II., petition of James IV. to, on behalf of Scottish Observatines, I., *n.* 59, 91-93, 96, 157; II., 276-278.

Archbishop of St. Andrews, I., 77.

Exponi nobis (procurators), I., 466, 468.

Indulgence to English Observatines, I., 482.

Suggests palliation of penance of James IV., I., 366; II., 177, 188.

Julius III., *Cum sicut accepimus*, I., *n.* 391.

Leo X., petition of Henry VIII. to, I., *n.* 94.

Cum saepe numero, I., *n.* 152, 172, 436, 438.

Dilectae, I., *n.* 391.

Dudum fel., I., *n.* 391.

Exponinobis, I., 385.

Merentur vestrae, I., 128, 449, 482.

Nuper per, I., 390.

Omnipotens Deus, I., 50, 59, 60, 93, 134, 441, 448, 449; II., 280, 435-440.

Martin IV., elects to be buried in Grey Friary, Assisi, I., 428.

Ad fructus uberes (confessions), I., 414.

Exultantes (procurators), I., 456, 459, 461, 463, *n.* 463, 464, 465, 467.

Martin V., and the Franciscan sermon, I., 424.

Amabiles fructus, I., 464.

Exultantes (procurators), I., 49, 459, 461, *n.* 461, 464, 465; II., 433-435.

Licet inter cetera, I., 390.

Orders Christian burial to be given to Friar John of Scases, I., 483.

Pervigilis more pastoris, I., *n.* 464, 465.

Romani Pontificis, I., 49.

Sacrae religionis, I., 390.

Sincerae devotionis, I., *n.* 438, 441.

Nicolas III., *Exiit qui seminat*, I., *n.* 100, *n.* 135, *n.* 434, 456; II., 401-420.

(preaching), I., 413, 414; II., 416.

(procurators), I., 454, 458, 459, 460, 463, *n.* 463, 468, 469; II., 414.

(succession), I., *n.* 447; II., 413.

(use), I., 437, 438, 443, 444, 445, 446; II., 405-412.

Nicolas IV., *Exhibita nobis*, I., *n.* 441.

Ex parte, I., 466.

Ex parte vestra (consecration), I., 417.

Quia provinciarum, I., 9.

Religionis favor (procurators), I., 461, 467.

Supra montem, II., 464-471.

See Tertiaries, Third Rule.

Unigenitus Dei filius, I., 383.

Nicolas V., I., 466.

Paul II., *Ambitiosae cupiditati*, I., 438.

Paul III., petition to, by James V., concerning Friar Melvil, I., 105.

Exhibita nobis (succession), I., 448.

Paul IV., *Ex clementi*, I., 438, 465, 470.

Rome—*continued.*Church of—*continued.*Popes and their Bulls—*continued.*

Pius II., incorporates Observatine Friary, Edinburgh, into patrimony of the church, I., *n.* 56, 264 ; II., 174, 185.

Intelleximus te, I., 58, 59, 62, *n.* 92, 288, 308, 344, 481 ; II., 275-276.

Sixtus IV., I., *n.* 434, 469.

See Ayr, Grey Friary, Bull of Erection.

Dum fructus uberes, I., *n.* 448, 449, 465.

Licet nos dudum (succession), I., 448.

Romani Pontificis, I., 390.

Urban IV., I., *n.* 389, *n.* 408.

Beata Clara (Rule of the Second Order), I., 389, 455.

Urban VI., I., 13.

Ross, Gavin, notary public, Ayr, I., 352.

William, Earl of, I., 361.

Rossy, Thomas, Conv. Fr., I., 15, 29, 30, 31.

Rouen, Observatine Friary, Scottish friars settle in, I., 324 ; II., 182, 193.

Rough, Dom. Fr., preaches under protection of Earl of Arran, I., 81, 292.

Row, *see* Blair, Egidia ; Kennedy, James.

John, commissioner of Platt, II., 147.

Roxburgh, I., 5, 6, 17, 32, 164, 168, 204, 205, 206, 215, 216, 253, 271 ; II., 122, 123, 338,

344, 349, 359.

Earl of, I., *n.* 161.

Grey Friary—

Cemetery, I., 6, 7, 416, 417 ; II., 1-2.

Charters and writs, II., 1-7.

Fate, I., 150, *n.* 156, 161, *n.* 161 ; II., 5-7.

Friars and wardens, *see* Robert de Rotheley ; Cant, Henry ; Purrow, John.

History, I., 5, 7, 9, 12, 20, 22, 33, 83, 84, 161-167, 476.

Revenues, I., 21, 140, 163, 164, 165, 166, 167.

Royal bounties, I., 166, 167 ; II., 3-4, 5-7.

Spoliation of its books, I., 27, 28, 163 ; II., 2.

Sheriff of, I., 205, 206 ; II., 123, 124.

Royntoall, *see* Ryntoull.

Rudolph, Nicolas, vicar general of the Observatine Friars Minor, I., 48.

Rufinus, ecclesiastical history, II., 240.

Rufus, Richard, Conv. Fr., I., 8.

Rusco, *see* Anthony of.

Ruskin, John, I., 481.

Russell, Andrew, Conv. Fr., warden of Dundee, I., 224, 256 ; II., 132, 133, 136, 138.

David, II., 353.

Jerome, Obs. Fr., martyrdom of, I., 107, 108, 291.

John, student in St. Andrews, Crown donee of annual rent from St. Monans,

Dominican Priory, St. Andrews, II., 353.

Rutherford, David, resignation of Observatine Friary, St. Andrews, II., 202.

Isabella, I., 340.

Ruthven, Lady of, I., 337.

Lord, shares in destruction of Observatine Friary, Edinburgh, I., 147.

Rynd, James, of Carse, grant of land to Grey Friary, Dundee, I., 232 ; II., 141-142.

Rynde, Alexander, burgess of Edinburgh, obit doles, I., 281 ; II., 198.

Ryntoull, John, provincial minister of the Scottish Observatines, II., 181, 192.

SABATIER, PAUL, I., *n.* 380, *n.* 388 ; II., 452, *n.* 458.

Sadlare, William, Conv. Fr., warden of Kirkcudbright, I., 256.

Sadler, Ralph, English ambassador, I., 81.

- St. Andrew, altar, cathedral church, Aberdeen, I., 340.
impressed on seal of Scottish Observatine Province, II., 182, 194.
- ST. ANDREWS—
- Abbey Church, I., 291, 296.
- Bishops and archbishops of, I., 10, 27, 31, 57, 103, 104, 106, 107, 209, 289, 296, 297, 336; II., 143, 171, 176, 187, 195, 236.
- Beaton, James, I., 77, 101.
- Bernhame, David de, I., 6, *n.* 255.
- Graham, Patrick, I., 287; II., 195.
- Kennedy, James, I., 56, 62, 220, 264, *n.* 272, 287, 288; II., 174, 175, 185, 195, 200.
- Lamberton, William, I., 23, 24, 25.
- Dominican Priory, I., *n.* 14, 290.
- Burial in church of, I., *n.* 298.
- Friars, I., 296, *n.* 296-297; II., 345.
See Campbell, Alexander; Grierson, John.
- Rental, II., 372.
- Revenues, I., 140, *n.* 144, *n.* 297; II., 343, 348, 349, 353, 355, 371.
- Grey Friary, charters and writs, II., 202-205.
- Fate, I., *n.* 146, 148, *n.* 287, 292, 295, 296, 297; II., 202-205.
- Friars, I., 100-104, 106, *n.* 289; as Inquisitors, 292-295, 452.
- History, I., 56, 62, 66, 107, 287-297, 318; II., 175, 181, 185, 193, 195, 295, 311, 327, 328.
- Revenues, I., 345; II., 140, 297, 298, 320, 333.
- Seminary for novices, I., 57, 114, 219, 289, 290; II., 175, 186.
- Wardens, *see* Cottis, Andrew; Dillidaf, John; Keith, Robert; Maltman, Symon.
- Hospital of St. Nicholas, I., *n.* 297; II., 204, 353, 355.
- Lady College of Kirkhill, II., 204.
- Magistrates, I., 292, 295.
- Parish Church, I., 290, 296.
- Prior of, I., 183; II., 74.
- St. Leonard's Chapel, I., 288.
- College, I., 290; II., 204.
- Yards, I., 293.
- St. Mary's College, I., 290.
- St. Salvator's College, I., 287, 290; II., 204.
- Chapel of, I., 290.
- University of, I., 289, 290, 291.
- Streets—
- Bell Street, I., *n.* 288.
- Greyfriars Gardens, I., 288.
- Market Street, I., 287, *n.* 288.
- North Street, I., 287, 288, *n.* 288.
- St. Anne, chapel, Dundee, II., 142.
- St. Andrews, II., 204.
- St. Anthony of Padua, I., *n.* 425, 481.
- St. Augustin, rule of, II., 237.
- St. Benedict, I., 27; II., 2.
- St. Bernard of Clairveaux, sermons of, II., 240.
- St. Bernardine of Siena, I., 50, 54, *n.* 70, 376; II., 173, 182, 184, 193.
- St. Blaise, altar, St. Giles, Edinburgh, II., 198.
- St. Bonaventura, minister general of the Conventual Friars Minor, I., 12, 42, 88, *n.* 371, 420, 473; II., 173, 184, 284.
- Administrative writings, I., 408, 423-428.
- Controversial writings, I., 42, 97, *n.* 382-383, *n.* 400, 420-423.

- St. Bonaventura—*continued*.
 Statutes of Narbonne, I., 426-428, 473, 481.
See also Friars Minor, Chapters General, Narbonne.
 Theory of poverty, I., 439, 453, *n.* 456.
- St. Catherine of Siena, nunnery, Edinburgh, I., 113, 181, *n.* 271, 321.
- St. Clare, Order of, I., 14, 51, 134, 321, *n.* 321, 342, 386, 389, *n.* 389, 391, *n.* 391, *n.* 408, 442, 455; II., 384, 390, 400, 417, 443, 444.
- St. Clement, altar, Grey Friary, Haddington, I., 170, 181, 194; II., 16-21.
- St. Coletta, I., 47.
- St. Columba, I., *n.* 31, 392.
- St. Cuthbert, church, Kirkcudbright, I., 251; II., 168.
- St. Cyril, epistles of, II., 239.
- St. Dominic, *see* Dominican Order.
- St. Duthac, patron saint of Grey Friary, Haddington, I., 170, 177, 194, 340.
- St. Elizabeth of Hungary, I., *n.* 388, *n.* 416.
- St. Euphame, cardinal of, I., 337.
- St. Firmin of Amiens, II., 243.
- St. Francis, I., 1, 2, 3, 14, 17, 24, 27, 32, 40, *n.* 40, 42, 46, 52, *n.* 56, 66, 67, 68, 69, 87, 88, 91, 94, 97, 99, *n.* 111, *n.* 114, *n.* 125, 137, 170, 262, 272, 302, 308, 315, 316, 447, 455, 456, 481; II., 173, 182, 184, 194.
See also Tertiaries, St. Francis.
 Rule for Friars Minor, *see* Friars Minor, Rule of.
 Rule for order of penitents, I., 380-384; II., 451-458, 458-464.
- Testament of, I., 7, 38, 39, 40, 43, 44, 87, 88, *n.* 89, 99, 385, 471, 472, 478; II., 390-395.
 Subordination of, I., 39, 49; II., 397, 398, 418.
- And the Papacy—
 Received into the Church, I., 1.
 Submission to, I., 2, 3, 400, 402, 403, 404.
 Attitude towards the offices of the Church, I., *n.* 40, *n.* 41, 94, 99, 478.
- And the clergy, choice of the sphere of his work, I., 2, 88, 137, 262, 289, 290, 400, *n.* 400, 401, 404, 406, 409, 413, 424, 455, 459; II., 391, 393.
- Attitude towards the material conditions of life, I., 1, 2, *n.* 54, *n.* 130, 277, 278, 433, 434, 435, 440, 455; II., 382-383.
- Views upon church buildings and accessories, I., 56, 263, 264, 478; II., 174, 185, 391, 392, 393, 394.
 Modified by his successors, I., 264, 449, 479, 481; II., 428, 431.
- Attitude towards learning, I., 28, 40, 425, *n.* 425; II., 384, 389.
- And manual labour, *see* Friars Minor, Manual Labour.
- Conflict between theory and practice in his administration, I., 38, 39, 40, *n.* 40, *n.* 87, 415, 416, *n.* 416, *n.* 435, 437, *n.* 437.
- Images of, I., 103, 109, 225, 285.
- Miniature of, I., Frontispiece, 52.
- Pictures of, I., 160, 380, 433, 452; II., Frontispiece.
- St. Elyne, patron saint of almshouse, Haddington, II., 15.
- St. Gabriel, altar, St. Giles, Edinburgh, II., 197, 198.
- St. Gregory, homilies, &c., II., 237, 240, 241.
- St. James, altar, St. Giles, Edinburgh, II., 30, 31.
- St. John the Baptist, altar, Observatine Friary, Aberdeen, I., 336; II., 330.
 Altar, Grey Friary, Dumfries, I., 201; II., 110.
 Grey Friary, Haddington, I., 170, 178, 194; II., 8, 9.
 St. Nicholas Church, Aberdeen, I., 309; II., 213, 215, 220.
 Chapel, Edinburgh, assigned to Observatine Friars, I., 271, 272; II., 200-201.
 Haddington, I., 197; II., 66.
- St. Johnston, *see* Perth.
- St. Lawrence, altar, St. Giles, Edinburgh, I., *n.* 297.
- St. Leonard, *see* Edinburgh, Religious Houses.

- St. Martha, *see* Regular Tertiary Sisters, Aberdour ; Campvere.
- St. Michael, chapel, Dundee, II., 142.
- St. Monans, Dominican Priory, I., *n.* 14.
lands of, annual rent to Dominican Priory, St. Andrews, II., 343, 353, 371, 372.
- St. Nicholas, *see* Aberdeen, Church of.
- St. Ninian, I., 254 ; II., 135, 197.
- St. Omer, Grey Friary, I., 52, 53.
- St. Paul, II., 243.
- St. Peter, patron saint of Grey Friary, Roxburgh, I., 162 ; II., 1, 3.
- St. Roch, altar, St. Giles, Edinburgh, II., 197, 199.
Chapel, Stirling, II., 258, 259.
- St. Salvador, altar, Grey Friary, Dumfries, I., 201, 208 ; II., 103.
Altar, St. Giles, Edinburgh, II., 198.
- St. Sebastian, altar, St. Giles, Edinburgh, I., 339.
- Salamon, Conv. Fr., warden of London, I., 409, *n.* 458.
- Salimbene, Conv. Fr., chronicler, I., 100, *n.* 416.
- San Francesco del Monte, Grey Friary, I., 47, 109.
- Sanctuary, right of, I., 104, 321.
- Sandelands, James, laird of St. Monans, annual rent to Dominican Priory, St. Andrews, II., 348, 372.
- Sarum, I., 32 ; II., 241.
- Savoy, Friars Minor, I., 47.
- Schairp, John, II., 70, 71.
- Schand, Donald, I., 339.
Robert, rector of Alness, alms and grant of land to Observatine Friary, Aberdeen, I., 314, 339 ; II., 315.
- Scharp, George, tenant of Dremhills, lawsuit against, by Grey Friars, Haddington, II., 10.
- Schaw, Janet, nun of Coldstream, II., 367.
- Scherar, Duncan, rector of Clat, alms to Observatine Friary, Aberdeen, I., 315, 339, 340 ; II., 322.
William, father of, I., 340.
- Scherynlaw, Adam, Conv. Fr., warden of Kirkcudbright, I., 256.
- Schort, Robert, landholder in Haddington, I., 171, 197 ; II., 45, 91.
- Scone, abbey of, I., 227.
abbot of, II., 258.
- Scottus, Andrew, *de Sancto Miniato*, II., 244.
- Scot, Henry, bailie of Haddington, II., 23.
- SCOTLAND—
- Church of—
- Clergy, *see infra*, Friars Minor, Franciscans and the Clergy.
- Provincial Councils, I., 281, 301.
- Kings of—
- Alexander II., I., *n.* 5, 16.
- Alexander III. petitions Pope Alexander IV. to appoint provincial minister for
Scottish Franciscans, I., 9, 10 ; II., 275.
Grants royal bounties to them, I., 20, 229.
Scottish Franciscans in his retinue, I., 17.
- Balliol, John, renunciation of fealty presented to Edward I. by warden of Roxburgh,
I., 19.
Royal bounties to Scottish Franciscans, I., 20, 21, 163, 229.
- Charles I., I., 247, *n.* 253.
- Charles II., I., 379.
- David I., I., 168, *n.* 248.
- David II., petitions Pope Clement VI. for Bull of Erection, I., 26, 242, 248 ; II., 149.
Exile in France, I., 33.
Grants pension to Friar John the Carpenter, I., 35, 36 ; II., 166.

Scotland—*continued.*Kings of—*continued.*

- James I. invites Observatine friars to settle in Scotland, I., 50, 51, 53 ; II., 173, 174, 184.
 Confirms Grey Friars, Dundee, in allowance from burghal fermes, I., 230.
 Daughters of, *see* Isabella, Duchess of Brittany ; Joan, Countess of Morton ; Margaret, Dauphine of France.
 Services for, in Grey Friaries, II., 101.
 Sisters of, *see* Douglas, Margaret, Countess of.
- James II. founds Grey Friary, Kirkcudbright, I., 36, 251.
 Friar David Crannok, his physician, I., 328 ; II., 319.
 Grants annual allowance to Grey Friars, Kirkcudbright, I., 252, 257, 300.
 Invites Observatine friars to settle in Scotland, I., 53.
 Provides for maintenance of Dumfries Bridge, I., 207.
 Provides for repair of Observatine Friary, Edinburgh, I., 58, 271, 284.
 Services for, in Grey Friary, Roxburgh, I., 164, 167.
- James III., Betrothal of his son, I., 71, 73.
 Charter of Confirmation to Observatine Friaries, I., 61-62, 288, 299, 311 ; II., 195-196.
 Charters confirmed by, I., 180, 276, *n.* 276.
 Consent given to charter of Observatine Friary, Aberdeen, I., 308 ; II., 217.
 Enriches Scottish Observatines, I., 92 ; II., 277.
 Grant from burgh fermes to Grey Friary, Roxburgh, I., 164, 165 ; II., 3-4.
 Murder of, I., 366 ; II., 177, 188.
 Services for, in Grey Friaries, II., 17, 128, 196, 268.
- James IV. and the Observatine Friary in Stirling, I., 62-66, 75, 366-374, 483 ; II., 177, 187, 188, 257-259, 325.
 Allowance to chaplain of Regular Tertiary Sisters, Aberdour, I., 395, 397.
 Anniversary services for, in Grey Friaries, I., 75, 374 ; II., 17, 268, 325.
 Casual donations to Scottish Franciscans, I., 198, 208, 216, 239, 242, 250, 252, 257, 273, 285, 298, 300, 305, 320, 341, 342, 345, 350, 355, 359, 365, 395, 398.
 Charters confirmed by, I., 165, *n.* 231, 280, 332 ; II., 16, 133, 135, 196-198, 273.
 Grants barrel of salmon to Tertiary Sisters of Campvere, *see* Campvere.
 Marries Margaret of England, I., 73, 74, 332.
 Mentioned, I., 61, 69, 363 ; II., 245.
 Observatine friar his confessor, *see* Ranny, Patrick ; Seaton, Alexander.
 Petitions Pope Julius II. on behalf of Scottish Observatines, I., 59, 90-93, 96, 157 ; II., 276-279.
 Protector of Scottish Observatines, I., 92, 220 ; II., 125, 278.
- James V. and George Buchanan, I., 118, *n.* 118, *n.* 120, 121-124.
 Casual donations to Scottish Franciscans, I., 78, 216, 239, 273, 285, 301, 305, 345, 350, 355, 359, 378.
 Charters confirmed by, I., 367 ; II., 103, 125, 136, 198, 199.
 Mentioned, I., 75, 79, 105, 128, *n.* 169, 205, 333, 375, 379 ; II., 177, 178, 181, 188, 192.
 Observatine friars confessors to, I., 78, 93, 101, 102, 118, 209, 374.
 Petitions Pope Clement VII. on behalf of Scottish Observatines, I., 90, 93-94, 157 ; II., 279.
 Protector of Scottish Observatines, I., 93, 374.
 Precept to Observatine Friary, Perth, I., 300.
 Safe conduct to Observatines attending Chapter General, I., 80.
 Services for, in Grey Friaries, II., 42.
 Uses Friar Cairns as mediator, I., 76, 77.

Scotland—*continued.*Kings of—*continued.*

- James VI., legal chaos concerning Church lands during his minority, I., 152, 228, 245, 255.
 Charters, II., 151, 154, 158, 163, 170, 206, 235, 256.
 Commentary on the Book of Revelations, II., 242.
 Grants out of mendicant revenues, II., 347, 349, 350, 351, 352, 354, 355.
 Grants pension to Warden Home, Dumfries, I., 206, 215; II., 122-123.
 Robert I., independence of Franciscan province, I., 11.
 "Ancient alms of King Robert I," I., 163, 175, 198, 206, 230, 239, 242.
 Clergy declare allegiance to, in church of Grey Friary, Dundee, I., 23, 222.
 Founds Grey Friary, Lanark, I., 25, 240; II., 149.
 Grants annual allowance of 120 merks to Scottish Franciscans, I., 25, 204.
 Murder of Comyn in church of Grey Friary, Dumfries, I., 22, *n.* 22, 23, 204.
 Supports Bishop Lambert against Friar Rivers, I., 24.
 Robert II., foundation of Grey Friary, Inverkeithing, I., 36, 248.
 A mendicant friar his painter, I., 477.
 Grants annual allowance of 10 merks to Dominican Priory, Edinburgh, I., *n.* 276.
 Robert III. confirms right of salmon-fishing to Grey Friary, Dumfries, I., 206.
 William I., forgery of charter, I., 250; II., 167.

Queens of—

- Annabella, I., 249.
 Joan, I., 26, 242; II., 149.
 Margaret, I., 61, 92; II., 17, 268, 278.
 Margaret of England, journey to Scotland, I., 73, 74, 175, 332.
 Mentioned, I., 75, 76.
 Mary of Gueldres, arrival in Leith, and meeting with James II., I., 71, 72.
 Her physician, I., 328; II., 319.
 Not the foundress of Scottish Observatine Province, I., 58, 92, *n.* 92.
 Petitions Pope Pius II. to grant Bull of Erection, I., 58, 60; II., 276.
 Repairs Trinity College Church, Edinburgh, I., 271, 284.
 Mary of Lorraine, casual donations to Scottish Observatines, I., 355.
 Confirms charter of Grey Friary, Haddington, I., 187.
 Defence of French interests in Scotland, I., 83, 374, 375.
 Edinburgh riot, I., 282.
 Employs French Franciscans in her judicial reforms, I., 487.
 Father John Hay, I., 375; II., 177, 188.
 Grants charter of Observatine Friary, Aberdeen, to Forbes of Monymusk, I., 325, 326.
 Increases royal bounties to Observatine friars, I., 273, 372.
 Party to lawsuit concerning Observatine Friary, Stirling, I., 367.
 Summons Earl of Arran to resign the Regency in Grey Friary, Stirling, I., 82, 375.
 Mary Stuart, appoints Friars Geddy and Lamb custodiers of Observatine Friary, Aberdeen, I., *n.* 157, 324; II., 342, 346.
 Betrothal with Edward VI., I., 84.
 Casual donations to Scottish Observatines, I., 345, 372.
 Charters granted and confirmed by, I., 129, 297, 326, 347, 376; II., 5, 48, 51, 108, 109, 110, 112, 114, 143, 144, 146, 161, 203, 255, 259, 270.
Detectio of George Buchanan, I., *n.* 117.
 Grant of Grey Friary cemetery, Dundee, I., 219, 227; II., 145-146.
 Edinburgh, I., 268.
 Grants pension to Warden of Haddington, I., 188, 191; II., 52, 53.
 Mentioned, I., 150, 153, 186, 204, 206, 209, 273, 323, 372.
 Services for, in Grey Friaries, II., 42.

Scotland—*continued.*

Religious Orders—

Carmelite Order, *see* Carmelite Friars.Dominican Order, *see* Dominican Order.Friars Minor, *see* Aberdeen, Ayr, Berwick, Edinburgh, Elgin, Dumfries, Dundee, Glasgow, Haddington, Inverkeithing, Jedburgh, Kirkcudbright, Lanark, Perth, Roxburgh, St. Andrews, Stirling.Architecture, I., 115, 169, *n.* 169, 219, 220, 316, 363, 481, 482; II., 174, 184.

Clothing, I., 239, 263, 450; II., 179, 190, 381, 386, 414, 415, 424, 425, 426.

Custodiers of documents, I., 126, 127, 183, 184, 290, 353, 354, 373, 486; II., 73-79, 251-254.

Franciscans and the Mendicants, I., 85, 108, 111, 130, 131, 136, 302, 362.

And the clergy, I., 6, 7, 86, 87, 89, 94, 95, 96, 97, 109, 115, 145, 262, 263, 271, 272, 287, 289, 290, 293, 307, 316, 333-340, 343, 344, 361, 370, 371, 372, 373; II., 18, 174-177, 184-188, 195, 198, 199, 200, 201, 228, 245, 246, 250, 251, 285-336.

And the poor, I., 89, 114, 179-181, 262, 277-281; II., 13-16, 79, 80, 180, 191, 196-199.

Manual labour, I., 317, 318, 331, 371, *n.* 371, 471-477.*See* Leydes, John and Walter; Strang, Alexander; Thomson, John.

Observatine and Conventual Friars, relations, I., 50, 55, 59, 60, 87, 90-94, 105, 127, 157, 224, 295.

Terminology, I., 71, *n.* 295.

Conventual Province, I., 1-37.

Apostate friars, I., 108, 154-157, 166, 188, 189-193, 209, 212-215, 225, 244, 254, 291; II., 341, 342, 345, 346, 359, 360, 364, 367, 368, 369.

Bulls of Erection, *see* Lanark, Inverkeithing.Chapters, I., 12, 15, 150, *n.* 210, 220, 221, 224, *n.* 224, 250, 386; II., 127, 128, 129, 130, 132.

Conservators, I., 410.

Critics of, *see* Buchanan, George; Craig, Sir Thomas; Dunbar, William; Henryson, Robert; Knox, John; Lindsay, Sir David.Endowments, I., *n.* 115, 134-137, 140, 143, 144, 145, *n.* 151; *see* Friaries, Royal bounties, legacies.

Friars, Summary of, I., 258-261.

Independence, I., 7-15.

Lands, I., 115, 151-153.

Lawsuits, *see* Roxburgh, Haddington, Dumfries, Dundee, Friaries of.Legacies, I., 138, *n.* 138, *n.* 139.Observance of the Rule in, I., 59, 87, 128, *n.* 183, 185, 223, 229, 450, 475; *see* Hugo, George.

Pensions to, I., 153-156; II., 341, 342, 345, 346, 359, 360, 364, 367, 368, 369.

Preaching, confession, and burial, *see infra*, Observatine Province.Scholarship and books, I., 19, 26-31, 34, *n.* 99, 114, 219, 224; II., 2-3.

List of, I., 258-261.

Vicars, residence of, I., 15, 219.

Connell, John, I., *n.* 60, 165, 224; II., 142.

Fenton, Thomas, I., 215.

Ferguson, John, I., 15, *n.* 60, *n.* 154, 224, 225, 227, 232, 233, 234, 229, 295, *n.* 296; II., 5, 40, 48, 50, 94, 105, 106, 107, 108, 110, 112, 114, 115, 116, 142, 143, 144, 161, 168, 202, 341, 345, 346.

Ker, William, I., 15.

Kethene, John de, I., 8.

Lindsay, James, I., 15, *n.* 223, 224; II., 13, 125, 129, 130, 131.

Lindsay, William, I., 15; II., 9.

Resesby, Henry de, I., 7.

Yhare, John, I., 15, 179, 193, 220, 250, 485; II., 13, 127, 132, 137, 140.

Scotland—*continued.*Religious Orders—*continued.*Friars Minor—*continued.*

Observatine Province, I., 16, 54-70.

Bulls of Erection, I., 58, 63, 69; II., 250, 257, 262, 276.

Chronicle, II., 173-194.

Custodies, I., *n.* 329.

Educational system, I., 57, 114, 219, 277, 289, 290; II., 175, 180, 185, 186, 191.

Mentioned, I., 57, 60, 127, 299, 308, 344, 352, 481.

Mission to Scotland, I., *n.* 5, 15, 16, 159; II., 174, 184, 320; *see* Cornelius.

Provincial ministers, lists of, I., 328, 329; II., 180-182, 191-193.

Arbuckle, Alexander, I., 100, 102, 103, 290, 293-296; II., 182, 193.

Cairns, Andrew, I., *n.* 60, 76, 77, 277, 328; II., 181, 192, 316.

Crannok, David, I., 271, 272, 310, 311, 328, 475; II., 200, 216, 220, 221, 319.

Keith, John, II., 180, 191.

Keith, Robert, I., 57, 288; II., 175, 180, 185, 191.

Lyndsay, Jerome, I., 299; II., 175, 180, 185, 191.

Lytstar, John, I., 317, 329; II., 181, 192.

Meltrin, Archibald, II., 181, 192.

Paterson, John, I., 100, *n.* 281, 291, 346.

Patrick, John, I., 159, 295; II., 182, 193.

Pettigrew, James, I., 329, 345; II., 246, 285.

Robertson, John, II., 181, 192.

Ryntoull, John, II., 181, 192.

Stuart, Robert, II., 181, 192, 193.

Williamson, Ludovic, I., 80, 277, 281, 318, 329, 375; II., 181, 192, 266, 288.

Provincial chapters, I., 104, *n.* 291; II., 266.

Provincial seal, I., 277, 375; II., 182, 194.

Revenues, summary, I., *n.* 82, 129-134, 140, *n.* 274, *n.* 276-277, 278.

Bishop's charity, I., 90, 95, 98, 102, 137, 297, 320, 345, 355.

Lands, I., 115, 153, 475.

Legacies, I., 128-132, 138-139.

Summaries, I., 285, 305, 332-341, 350, 358, 363, 372, 373.

Municipal allowances, I., 95, 273, 274, 286, 355, 360, 363, 365.

Regent's alms, I., *n.* 82, 131, *n.* 140, 273, 285, 298, 300, 305, 345, 372, 374, 377.

Observance of Rule in the, I., 59, 87, 157, 263, 276.

Accumulation of stores, I., 132, 133; II., 430.

Alms, I., 131, 134, *n.* 302; II., 179, 189.Annual rents, I., 129, 130, 132, 140, 275, 297, 319, *n.* 356, 376, 442, 450.

Debts, I., 185, 298.

Executors, I., 290, 372, 452; II., 429, 430.

Expropriation, I., 307, 330, 348, 349, 450; II., 246-248, 332.

Fixity of residence, I., 317, 318, 329-332.

Garden ground and sale of produce, I., 274, *n.* 441, 475; II., 430.Interposed person and provisioner, I., 128, 131, *n.* 132, 300, 301, 305, 345, 350, 367, *n.* 367, 368, 370, 371; II., 179, 190.Land, acquisition and conveyance, I., 56, *n.* 134, 263, 264, 272, 310, 311, 344, 345; II., 174, 184, 200, 215-221, 224.Lawsuits, II., 429; *see* Aberdeen and Stirling, Friaries.

Obedience, I., 288, 289; II., 175, 185.

Riding, I., 78, *n.* 93; II., 382.Vestments and ornaments, II., 431; *see* Aberdeen, Dumfries, Friaries.

Scotland—*continued.*Religious Orders—*continued.*Friars Minor—*continued.*Observatine Province—*continued.*

Friars of—

- Apostasy among, I., 104-107, *n.* 154, *n.* 157, 225, 230, 283, 291; II., 183, 194, 226, 227, 392, 394, 445.
- Burial, I., 6, 7, 55, 135, 136, *n.* 136, 162, 163, 174, 177, 220, 221, 243, 277, 317, 334, 372, *n.* 372; II., 1, 8, 126, 128, 297, 307, 316, 334.
- Confession, I., 57, 63, 69, 76, 77, 79, 92, 97, 98, 101, 103, 115, 116, 126, 203, 285, 289, 292, 328-332, 362, 368; II., 175, 176, 177, 178, 181, 183, 186, 187, 188, 192, 194, 277.
- Discipline, I., 262, 263; II., 178, 179, 189, 190.
- Exile and fidelity to the Roman Church, I., 87, 108, 109, 157-160, 296, 304, 348, 349, *n.* 349, 375; II., 182, 193.
- Letters of confraternity granted by, I., *n.* 291, 385, 386; II., 265, 266.
- Pensions to, I., 157; II., 341, 342, 346, 357, 358.
- Preaching, I., 61, 69, *n.* 76, 90, 92, 94, 95, 96, 97, 98, 102, 114, 174, 220, 272, 273, 286, 291, 292, 299, 328-332, 362, 368, 379; II., 177, 178, 179, 180, 183, 187, 189, 194, 200, 277, 289.
- Protector's mass, I., 374.
- Resistance to the Reformation, I., 80, 81, 90, 99, 100-109, 291-295; II., 143.
- Scholarship of, I., 99, 294-296, 324, 328-332; *see* John Hay.
- Tertiary Sisters submitted to, I., 394, 395.
- Treasury and Exchequer, I., 12, 17, 35, 163, 175, 206, 212, 223, 228, 231, 271, 303; *see* Friaries, Royal bounties.
- Scott, George, of Sinton, disponsee of Grey Friary, Haddington, I., 191, 192; II., 55-57, 58, 59, 62, 63, 94, 95.
- James, feuar of Grey Friary yards, Inverkeithing, I., 249; II., 161-163.
- John, vicar of Aberdour, surrenders management of hospital to Regular Tertiary Sisters, I., 391, 393.
- John, of Spenserfield, II., 161.
- John, Obs. Fr., charged with revealing confessions made to him, I., 100, 292, 293.
- Walter, of Sinton, II., 55, 57.
- Scotus, John Duns, Conv. Fr., I., *n.* 201.
- Scrimgeour, *see* Scrymgeour.
- Scrope, William le, Earl of Wiltshire, I., 32, 73.
- Scrymgeour, James, provost of Dundee, prosecuted by the Crown for sheltering Friar Dick, I., 106, 107; II., 226-228.
- Agreement concerning Grey Friary and other lands, I., 228, 236; II., 147.
- James, II., 143.
- John, constable of Dundee, enters protest against sale of Grey Friary lands, I., 227.
- Seaton, *see* Seton.
- Seill, Michael, Dom. Fr., I., *n.* 304; II., 341, 346.
- Seneca, Lucius, works of, II., 243.
- Sermons, Franciscan, *see* Friars Minor, Pastoral Charge.
- Seton, Alexander, Dom. Fr., I., 101, 102.
- Sir Alexander, annual rent to Grey Friary, Haddington, I., 177, 194.
- Lord, provost of Edinburgh, defence of Observatine and Dominican Friaries, I., 147, 282.
- Lord George, annual rent to Grey Friary, Haddington, I., 181, 194.
- Lord, annual rent to Dominican Priory, Edinburgh, I., *n.* 276.
- Lord William, increases annual rent to, and is buried in Grey Friary, Haddington, I., 177, *n.* 177, 178, *n.* 387.
- Sharp, Patrick, landholder in Haddington, I., 196; II., 80, 81, 83.

- Shaw, John, of Broth, II., 261.
- Shetland, pigs from, to Observatine Friary, Edinburgh, I., 273.
- Sibbaldson, John, annual rent to Grey Friary, Haddington, I., 182, 195 ; II., 33-34.
- Siena, *see* St. Bernardine.
- Simson, Alexander, notary public, Haddington, I., 184.
- Cuthbert, landholder in Haddington, I., 197 ; II., 84, 85, 86, 91.
- Cuthbert, vicar of Dalliel, legacy to Observatine Friary, Glasgow, I., 351.
- George, disponsee of Grey Friary, Haddington, I., 189, 190, 191, 192, 197, 225 ; II., 48-50, 55, 56, 57, 58, 59, 62, 63, 85, 90, 97.
- Thomas, landholder in Haddington, I., 196, 197 ; II., 80, 81, 82, 91, 100.
- William, landholder in St. Andrews, I., 287 ; II., 203.
- Sinclair, Margaret, II., 49, 50.
- Thomas, tenant of Corn Mills, Haddington, II., 28.
- William, Conv. Fr., warden of Inverkeithing, I., 172, 193, 194, 250 ; II., 37, 38, 39.
- Sinton, *see* Scott, George.
- Skene, croft of, I., 336.
- John, conducts action of ejectment against tenants of Grey Friary yards, Lanark, II., 156.
- Skichen, lands of, annual rent to Grey Friary, Dundee, I., 231 ; II., 138-140.
- Sleich, James, landholder in Haddington, II., 29, 30, 32.
- Slikeburn, Richard de, Conv. Fr., I., 19.
- Smaloyssel, I., Obs. Fr., II., 264.
- Smith, Andrew, tenant of Gladismure, Haddington, II., 92.
- James, landholder in Dundee, I., 237.
- Robert, landholder in St. Andrews, I., 287 ; II., 203.
- Thomas, landholder in Dundee, I., 238.
- William, landholder in Edinburgh, I., *n.* 266.
- Smyth, James, Mend. Fr., Perth, II., 346.
- John, Dom. Fr., Bervy, II., 346.
- John, Dom. Fr., Montrose, II., 341.
- William, landholder in Glasgow, I., 344.
- Smytht, Walter, Conv. Fr., Dundee, II., 129.
- Southesk, Earls of, I., 341.
- Spain, Friars Minor, I., 13, 47.
- Spalding, Isabella, services for, in nunnery of Regular Tertiary Sisters, Dundee, I., 396 ; II., 273.
- Spence, Thomas, bishop of Aberdeen, I., 307, 308 ; II., 176, 186, 216, 217.
- Spens, Adam, landholder in Haddington, II., 18.
- Jerome, feuar of lands, Dominican Priory, Elgin, II., 366.
- John, of Conde, King's Advocate, II., 150.
- Walter, landholder in Edinburgh, I., *n.* 268.
- Spethy, Nicolas, loan to James II. for repair of Observatine Friary, Edinburgh, I., 271, 284.
- Spires, *see* Cæsarius.
- Spiritual Friends, *see* Interposed Person ; Hosts of the Friars ; Friars Minor, Procurators ; Scotland, Observatine Province, Observance of the Rule.
- Spittal, Robert, tailor in Stirling, I., 367.
- Spittelfield, lands of, Grey Friary, Kirkcudbright, I., 253 ; II., 168, 169.
- Spoleto, *see* Gentile de.
- Spottiswoode, Thomas, bailie of Haddington, II., 68.
- Stalker, Patrick, Obs. Fr., I., 318, 330 ; II., 326.
- Stanehouse, David, landholder in Inverkeithing, I., 249 ; II., 164.
- Stavensby, Alexander of, bishop of Coventry and Lichfield, II., 241.
- Stevenson, Thomas, legacy to Observatine Friary, Stirling, I., 372.
- Stevin, Thomas, notary public, Haddington, II., 47, 60, 61, 64, 97.
- Stevinson, John, Dom. or Obs. Fr., Edinburgh, II., 342, 346.
- William, tenant of roods of Freir Wall, Haddington, II., 92.

- Stewart, Adam, dispoonee of Grey Friary, Lanark, I., *n.* 241, 245 ; II., 151, 152, 153, 156, 157.
 Agnes, I., 337.
 Bernard, Dom. Fr., prior of Edinburgh, I., 137, *n.* 157, 275, 276 ; II., 342, 346.
 Rental prepared by, II., 373-377.
 Herbert, Conv. Fr., I., *n.* 154, 212, 215 ; II., 105, 108, 341, 345, 359.
 Sir John, of Minto, acquires Observatine Friary, Glasgow, I., 245, 348 ; II., 248, 249.
 Thomas, landholder in Dundee, I., 237.
 Sir Thomas, of Minto, I., 340.
 Sir Walter, of Arthurly, I., 340.
 William, bishop of Aberdeen, I., 314, 316, 340 ; II., 301.
 Stewinston, Matthew, breaks windows of Observatine and Dominican Friaries, Edinburgh, I., 282, 283.
- STIRLING—
- Dominican Priory, I., 147 ; II., 261.
 Friars, II., 342, 345, 368, 369.
 Priors, I., *n.* 157, *n.* 376 ; II., 342, 345, 368, 369.
 Revenues, I., 140, 376 ; II., 338, 339, 347, 349, 367, 368, 370.
- Grey Friary—
- Books, I., 29, 369.
 Bull of Erection, I., 63, 368 ; II., 257-258.
 Burials in, I., 372, *n.* 372.
 Charters and writs, II., 257-261.
 Church, I., 369, 373, 374, 375, 485.
 Fate, I., 146, 147, 375, 376 ; II., 259, 260, 261.
 Friars, I., 64, 66, 78, *n.* 93, 132, 474.
 History, I., *n.* 58, 64, 65, 66, 82, 366-376 ; II., 177, 181, 188, 192, 325.
 Kailyard, I., 371, 474.
 Lawsuits, I., 367, 368.
 Legacies, I., 372, 373.
 Provisioners, I., 368, 370, 371.
 Revenues, I., 131, 134, 140, 376 ; II., 260, 261.
 Royal bounties, I., 297, 370, 372, 374.
 Seal, I., 376.
 Wardens, *see* Paterson, John ; Williamson, Ludovic ; Ranny, Patrick.
- Stirling, Sir John, of Keir, places endowment in custody of Observatine Friary, Stirling, I., 373.
 Sir John, of Cragbernard, II., 258, 259.
- Stodart, John, chaplain in Stirling, II., 261.
- Story, John, I., 397.
- Strabrok, Castlewards of, allowance to Grey Friary, Dundee, I., 230, 239.
- Straithaven, John, Conv. Fr., warden of Haddington, I., 193, 194 ; II., 28, 36, 37, 38, 39, 42.
- Strang, Alexander, landholder in Forfar, annual rent to Grey Friary, Dundee, I., 232, 238.
 John, Obs. Fr., I., 318, 330, 352, 363, 477 ; II., 293.
 Richard, II., 150.
- Strone, Arthur, Mend. Fr., Elgin or Inverness, II., 341.
- Stronoch, Antone, Mend. Fr., Elgin or Inverness, II., 345.
- Stuart, Professor, I., *n.* 315 ; II., 237.
 Robert, provincial minister of the Scottish Observatines, I., *n.* 60 ; II., 181, 192, 193.
- Sub-Collector of Thirds of Benefices, *see* Thirds of Benefices.
- Surrey, Earl of, I., 74, 75.
- Suthwan, *see* Lewynton, Elizabeth.
- Sweetheart Abbey, I., 19.
- Swynton, John, feuar of Grey Friary, Inverkeithing, I., 249 ; II., 165.
 John, of Swynton, I., 183, 198.
 Mark, provost of Inverkeithing, I., 249 ; II., 163-166.

- Swynton, William Bertram, vicar of, II., 17.
- Sybal, Alexander, II., 205.
- Syfrycht, John, landholder in Haddington, II., 12.
- Symond de Phares, I., *n.* 30.
- Symonton, *see* Lindsay.
- Symson, James, landholder in Dundee, I., 237.
- William, Mend. Fr., Elgin or Inverness, II., 345, 365.
- Syndics, *see* Friars Minor, Procurators; Scotland, Observatine Province, Observance of the Rule.
- TAILZEFEIR, GEORGE and THOMAS, appropriate building material, Grey Friary, Lanark, I., 243; II., 150.
- Talliefer, Margaret, Regular Tertiary Sister of Aberdour, I., 397; II., 271.
- Tasse, John, landholder in Haddington, II., 23.
- Templars, The Knights, I., 23.
- Tenand, Obs. Fr., I., 346.
- Tertiaries, I., *n.* 114, 138, *n.* 177, 221, *n.* 291, 315, 317, 319, 337, 338, 380-397, 415, 473.
 First Rule of, I., 380, 381, *n.* 382-383, 384, 389; II., 451-458, 458-464.
 Second Rule of, I., *n.* 381, *n.* 389.
 Third Rule of, I., *n.* 381, 383, *n.* 383, 388, 389; II., 464-471.
 Confession and the offices of the Church, I., 382; II., 452, 453, 454, 466, 467, 468.
 Congregations in Scotland, I., 14, 319, 337, 338, 384, *n.* 389, *n.* 470; II., 290, 293.
 Dress, I., Frontispiece, 52, 381, 387; II., 452, 466; *see also* Cordelière.
 And the Friars Minor, I., *n.* 382, 383, *n.* 383, 385, 386, 389, 390; II., 266, 454, 457.
 Letters of confraternity, I., 221, 231, *n.* 291, 319, 385, *n.* 385, 386; II., 263-266.
 Nunneries of Regular Sisters, *see* Aberdour; Campvere; Dundee.
 Regular Tertiary Sisters, I., 47, 51, 75, 320, *n.* 321, 342; II., 263, 264, 265, 266.
 As Hospitallers, I., 394, 395; *see* Campvere.
 As Teachers, I., 395.
 And St. Francis, I., 380, 381, *n.* 381, 383, 385, 388, *n.* 388; II., 457, 470.
- Teviot, ferry and fishings of, granted to Grey Friary, Roxburgh, I., 164, 165, 167; II., 3-4.
- Texel, *see* Gerard.
- Thenande, John, Conv. Fr., II., 129, 132.
- Thirds of Benefices, I., 129, 140, 151, 153, 155, 188, 212, 213, 214, 225, 231, 234, *n.* 236, 244, 250, *n.* 275, 297, *n.* 319, 324, 347, *n.* 347.
 Excerpts from Accounts of Collectors, II., 337-377.
- Thirlstane, lands of, I., 338.
- Thomson, Alexander, bailie of Haddington, II., 97, 98.
 Andrew, notary public, Dundee, II., 143.
 Bernard, bailie of Haddington, II., 46.
 Bernard, Dom. Fr., I., *n.* 296; II., 362.
 Cristina, I., 232; II., 142.
 Henry, landholder in Haddington, I., 197; II., 82, 84.
 Henry, payment for Freir Croft, Haddington, II., 90.
 John, landholder in Haddington, I., 196; II., 18, 80, 81, 82.
 John, Obs. Fr., I., 320, 331, 477; II., 335.
 John, Mend. Fr., Elgin or Inverness, II., 345, 365.
 Robert, landholder in Dundee, I., 237.
 Robert, payment for Freir Croft, Haddington, II., 90.
 William, burgess of Dumfries, II., 111, 115, 116.
 William, tenant of Dumfries Friary, I., 211; II., 109.
- Thorbrand, Robert, Conv. Fr., I., 193; II., 69.
- Thrive Castle, I., 207, 251, *n.* 477; II., 102.
- Tod, John, tenant of the Dumfries Friary, I., 211; II., 115.
 Thomas, landholder in Haddington, II., 26.
- Todrig, Alexander, landholder in Haddington, I., 196, 197; II., 80, 81, 82, 83, 85.

- Toulouse, Grey Friary, II., 264, 265.
- Touraine, Duchess of, *see* Douglas, Margaret, Countess of.
Duke of, *see* Douglas, Archibald, Earl of.
Friars Minor, I., 53.
- Tournai, Capuchin Friary, I., *n.* 321.
- Tours, family of, I., 266.
Sir George, of Gariltoun, I., *n.* 265, 269, *n.* 270.
Sir John, I., 272.
- Towris, Obs. Fr., I., 332.
- Traill, Thomas, notary public, Dundee, II., 142, 143.
- Tranent, town and barony of, grant of coals to Grey Friary, Haddington, I., 177, 178.
- Trau, *see* Peter of.
- Troqueer, church of, I., 215.
Grey Friary lands in, I., 211 ; II., 109, 115.
- Trumball, Elizabeth, Regular Tertiary Sister of Aberdour, I., *n.* 395.
- Tulliallan, *see* Blacater.
- Tulloch, William, bishop of Moray, I., 362.
- Tullofeu, lands of, I., 338.
- Tulylum, Carmelite Friary, II., 343.
- Turner, John, rector of Annan, protests in church of Grey Friary, Dumfries, I., 208.
- Tweddell, Thomas, appropriates building material, Grey Friary, Lanark, II., 150.
- Tweedy, James, tenant of Grey Friary, Haddington, I., 170, *n.* 180, 192, 197 ; II., 91, 92, 100.
- Tytler, Patrick Fraser, historian of Scotland, I., *n.* 72.
- UBERTINO, Conv. Fr., his crusade against modification of the Rule of the Friars Minor, I., 43, 44, 425, *n.* 425, 429, 462, 478, 480.
Ubertino, *de la passione*, II., 243.
- Ugolini, cardinal of Ostia, Cardinal Protector of the Friars Minor, I., 3, *n.* 56, *n.* 380, 381, *n.* 388, 401, 437, 453, 478 ; II., 392, 395.
See Rome, Popes, Gregory IX.
- Umbria, I., 100.
- Une, *see* Crichton, William.
- VAITCHE, ROBERT, Mend. Fr., II., 346.
- Vallée, *see* John of.
- Vals, Alan, Conv. Fr., II., 132.
- Valsterstone, Robert, provost of the Collegiate Church of Bothanis, I., 340-341 ; II., 291.
- Van, Alexander, Obs. Fr., I., 330 ; II., 317.
- Vaus, Alexander, official of Aberdeen, participates in ceremony of investiture of Observatine Friary, I., 310 ; II., 211-218.
Edward, landholder in Haddington, I., 197 ; II., 91.
Gilbert, I., 341.
John, bailie of Aberdeen, I., 310, 311 ; II., 213.
John, of Many, I., 341.
Margaret, daughter of, I., 341.
Richard, of Many and Findon, I., 307, 311, 341 ; II., 287.
His charter to the Observatine Friars, Aberdeen, I., 62, *n.* 296, 308-310 ; II., 195, 211-214, 216, 217, 218, 284.
- Vere, Seigneur de la, I., 72.
- Verneuil, battle of, I., 203.
- Verona, *see* Friars Minor, Chapters General.
- Vicars General, *see* Friars Minor, Observatines.
- Vindegatis, Elizabeth, I., 315, 341, 384, 483 ; II., 321.
- Vitali, Anthony, commissary of cismontane vicar general, letter of confraternity to Sir Thomas Maule, I., *n.* 291 ; II., 265, 266.

- Viterbo, Grey Friary, I., 428.
- WADDING, LUCAS, compiler of the *Annales Minorum*, I., *n.* 5, 13, 14, 15, *n.* 31, 37, 376, *n.* 457.
- Wait, John, purges his heresy in church of Grey Friary, Dundee, I., 107; II., 143.
- Walcare, Dom. or Carm. Fr., Aberdeen, II., 346.
- Wald, Alexander, bailie of St. Andrews, II., 202.
- Walderson, Walter, landholder in Haddington, II., 30.
William, notary, Haddington, II., 96.
- Walker, Christopher, Conv. Fr., warden of Kirkcudbright, I., 212, 256; II., 105, 108, 168.
- Wallace, Edward, feuar of Observatine Friary yards, Ayr, I., 357, 360.
John, lawsuit with the Observatine friars, Stirling, I., 367, 368.
- Walredi, James, Conv. Fr., II., 132.
- Walter of Exeter, Conv. Fr., I., *n.* 22.
- Wardlaw, John, Conv. Fr., warden of Kirkcudbright, I., 256.
Walter, bishop of Glasgow, I., 32.
- Warrenne, John de, English Governor of Scotland, I., 20, 21, 218.
- Watson, Alexander and Andrew, feuars of lands of Pittinsair, Dominican Priory, Elgin, II., 366.
James, Dom. or Carm. Fr., Aberdeen, II., 341, 346.
John, Dom. or Carm. Fr., of Aberdeen, II., 341.
John, monk of Melrose, I., *n.* 154; II., 367.
- Wauchton, laird of, annual rent to Grey Friary, Dundee, I., 232, 238.
See also Hepburn, Sir Patrick.
- Waus, Margaret, I., 486.
- Wause, Alexander, Conv. Fr., II., 129.
Edward, landholder in Haddington, I., 197; II., 85.
Richard, landholder in Haddington, I., 171.
Robert, landholder in Haddington, II., 45.
Thomas, baillie of Haddington, I., 185; II., 36.
- Wawane, Alexander and Thomas, of Stevenston, lands in Haddington, II., 31, 32.
- Wear, Thomas, II., 160.
- Wedderburn, James, purges his heresy in church of Grey Friary, Dundee, I., 107; II., 143, 226, 227, 228.
Peter, landholder in Dundee, I., 237.
- Weir, James, of Balshaw, II., 160.
John, monk of Melrose, I., *n.* 154; II., 367.
- Weitlandsyde, *see* Lanark, Grey Friary.
- Weld, John, Conv. Fr., I., 452.
- Wemes, Robert, vicar of Stirling, legacy to, and burial in Observatine Friary, Stirling, I., 372, 452.
- Wemys, John, II., 271.
- West, Dr., English ambassador in Scotland, I., 64, 374.
Gordon, lands of, II., 377.
- Weymes, parish church of, I., 306.
- Weyr, Archibald, legacy to Observatine Friary, Ayr, I., 358.
- Wharton, Lord, I., 83, 84, 85, 108, 178, 209, 476.
- White Friars, *see* Carmelite Friars.
John, legacy to Observatine Friary, Ayr, I., 358.
- Whitecross, Andrew, Dom. or Carm. Fr., Aberdeen, II., 341, 346.
- Whitefurd, John, Obs. Fr., I., 331; II., 308.
- Whitehead, Andrew, Conv. Fr., warden of Lanark, I., 247; II., 94, 105.
Andrew, vicar of Kilmarnock, annual rent to Grey Friary, Dundee, I., 231, 234; II., 135.
Burgess of Kirkcudbright, II., 171.
- Whithorn, *See* of, I., 31, 254, 345, 350.

- Wiclif, John, I., *n.* 99; II., 243.
- Wight, Isabella, mother superior of the Regular Tertiary Sisters in Aberdour, I., 392, 393, 394, 395, *n.* 395, 397; II., 267, 268.
 Johanna, Regular Tertiary Sister of Aberdour, I., 392, 393; II., 267, 268.
- Wigton Dominican Priory, I., 140, *n.* 157.
- Wilkin, William, tenant of Grey Friary yards, Lanark, II., 155, 159.
- William I., *see* Scotland, Kings of.
 Abbot of Binetona, II., 241.
 Bishop of Glasgow, I., 6, 7, 162, 417; II., 1.
 de Casale, minister general of the Conventual Friars Minor, I., 49.
 of Annan, Conv. Fr., warden of Dumfries, I., 204, 215, 217.
 of Dundee, provincial vicar of the Scottish Conventuals, I., 15; II., 9.
 of Nottingham, provincial minister of the English Franciscans, I., 458.
- Williams, Dom. Fr., preaches under protection of Earl of Arran, I., 81, 292.
- Williamson, Gilbert, Dom. or Carm. Fr., Aberdeen, II., 341, 346.
 James, notary public, Dumfries, II., 118, 121.
 John, joiner in Elgin, I., 365.
 John, procurator of the warden of Dumfries, I., 208.
 John, privy to forgery of charter, Kinghorn, II., 167.
 Ludovic, provincial minister of the Scottish Observatines, I., 80, 277, 281, 318, 329, 375; II., 181, 192, 266, 288.
- Wilson, Andrew, landholder in Haddington, I., 196; II., 80, 81, 82.
 Andrew, burges of Ayr, legacy to Observatine Friary, Ayr, I., 358.
 Sir Daniel, I., *n.* 72, *n.* 276.
 Katherine, II., 84.
 Martin, tenant of Grey Friary douket, Haddington, II., 92.
 Robert, landholder in Haddington, I., 176, 196; II., 26.
 Robert, payment to Grey Friars, Haddington, II., 80.
 Thomas, chamberlain of the Earl of Arran, I., *n.* 243, *n.* 345.
 William, landholder in Haddington, II., 56, 90, 92.
- Winchester, Grey Friary, I., *n.* 418.
 James, Obs. Fr., warden of Perth and Aberdeen, I., *n.* 281, 301, 302, 317, 329; II., 322.
- Winton, Marion, I., 338, 339.
- Wishart, George, refuses his confession to Observatine friars, I., 103, 225, 292.
 Sir John, of Pitarrow, II., 147.
- Wittimur, Alexander, I., 398.
- Wmphra, Thomas, burges of Elgin, II., 354, 356.
- Wode, William, Carm. Fr., Aberdeen, II., 341, 346, 357.
- Wolsey, Cardinal Thomas, chancellor of Engiand, I., 75, 105.
- Wolson, Robert, tenant of Corn Mills, Haddington, II., 28.
- Wolston, John, redeems wadset from Grey Friars, Haddington, I., 185; II., 37, 38.
- Wolwod, David, baillie of St. Andrews, II., 202.
- Wood, Matthe, II., 284.
 Patrick, tenant of Dremhills, action against, by Grey Friars, Haddington, II., 10.
- Wright, Francis, Dom. Fr., prior of Elgin, I., *n.* 157; II., 341, 345, 365.
- Wrycht, Agnes, mother superior of the Regular Tertiary Sisters in Aberdour, I., *n.* 395.
 Thomas, Mend. Fr., II., 345, 368, 369.
- Wygmond, Conv. Fr., appointed Visitor of England and Scotland, I., 8.
- Wynram, Dean John, sub-prior of St. Andrews, I., 292, 293, 294.
- Wynton, Andrew, chronicler, I., *n.* 202, 218, *n.* 218.
- YALLOLEIS, JAMES, landholder in Haddington, II., 29.
- Yester, Lord Hugh, I., 341.
- Yhare, or Yhair, John, provincial vicar of the Scottish Conventuals, I., 15, 179, 193, 220, 250, 485; II., 13, 22, 23, 69, 127, 132, 137, 140.

Yonge, John, II., 267.

York, I., 8, 32.

Young, Alexander, Dom. or Carm. Fr., Perth, II., 341, 346.

Alexander, landholder in Dundee, I., 237.

Marion, II., 284.

Peter, letter of George Buchanan to, I., 117.

Robert, landholder in Haddington, I., 197 ; II., 91.

Robert, notary in Aberdour, I., 397 ; II., 271.

Thomas, Conv. Fr., warden of Haddington, I., 193, 215 ; II., 13.

Younger, William, Conv. Fr., warden of Inverkeithing, I., 250, 256.

ZAMORA, *see* Munio de.

Zamorra, Francis, minister general of the Observatine Friars Minor, II., 182, 193.

Zelanti, *see* Friars Minor and the Holy See.

Zieriksee, *see* Cornelius.

ERRATA

VOL. I.

- Page 192, l. 26, *for* John *read* James Tweedy.
194, l. 7, *for* John *read* Robert Lawson.
215, l. 28,
259, 7th last name, } *for* Robert *read* Richard Harlaw.
291, n. 1, l. 2, *read* Anthony Vitali, Commissary of the.
371, l. 14, *for* John *read* Patrick Redheuch.
408, n. 5, *for* 110 *read* 446.

VOL. II.

- Page 67, No. 40, l. 4, *for* vi^c *read* v^c.
155, l. 4, *for* 11th *read* 18th December.
229, No. 10, l. 8, *for* Thomas *read* James Mudy.

HEcSco
B

Bryce, William Moir
The Scottish Grey Friars.
v.2

608355

DATE

NAME OF BORROWER

UNIVERSITY OF TORONTO
LIBRARY

DO NOT
REMOVE
THE
CARD
FROM
THIS
POCKET



