

NOTARIAL INSTRUMENT RECORDING SASINE OF PROPERTY IN NEWTYLE,
FORFARSHIRE, 1611

IN THE NAME OF GOD AMEN By this present public instrument to be manifestly apparent and known to all that in the year of the Incarnation of our Lord one thousand six hundred and eleven on the penultimate day of the month of December in the ninth and fortyfifth year of the Reign of S D N James the sixth of that name of Great Britain France and Ireland King the discreet man LAURENCE ANDERSON son and heir apparent to John Anderson at the mill of Middle Newtyld having and holding in his hands being in the presence of me a notary public and the underwritten witnesses personally present a certain charter of sale and alienation of lands and other the underwritten made given and granted to him by the said John Anderson his father and John Anderson son of the same by common consent and assent in manner following containing in the conclusion thereof a certain precept of sasine expressly directed to the discreet man John Anderson in Auchtertyre bailiff in that place. And there the said Laurence exhibited the said charter with the aforesaid precept to the said bailiff and delivered it to him for the wording thereof to be performed. Which the bailiff accepted into his hand and committed to me the notary public underwritten to read through and expound. The tenor of which charter and precept I have set down transcribed word for word. And thus it has it TO ALL who shall see or hear THIS CHARTER JOHN ANDERSON at the mill of Newtyld freeholder of the lands and other the underwritten and JOHN ANDERSON his legitimate son and feudatory Greeting in the Lord Eternal. Be it known that we with one consent and assent by way of fulfilment on the part of one of us of a certain contract begun and completed between me the said John the senior for myself and accepting the responsibility upon myself for my said son John and I the said John the junior for myself with the consent and assent of the said John my father and governor of the one part and LAURENCE ANDERSON son and heir apparent of me the said John the senior of the other part from the date of these presents so far as regards the infeoffment underwritten for weighty causes in the said contract specified HAVE SOLD ALIENATED and by this our present charter confirmed and by the tenor of these presents do sell alienate and by this our present charter confirm to the said Lawrence Anderson his heirs and assigns whatsoever in inheritance without any redemption reversion or regress the whole and entire our lands of HILLEND otherwise called TEMPILBANK and one acre of land lying in the land of the Haltoune of Newtyld and one croft with a garden lying in the said township of Haltoune with all and every the houses buildings gardens tofts crofts appertaining to all and singular the said lands at one time by Alexander Webster occupied and now by me the said John Anderson senior lying in the lordship of Lendoris and within the sheriffdom of Forfar TO HOLD AND TO HAVE AND MOREOVER to our well-beloved John Anderson in Auchtertyre and whatever man he chooses jointly and severally especially constituted our bailiffs in that behalf Greeting. We order and firmly command that when you see these presents you proceed without delay to the boundaries of the said lands of Hilend otherwise called Tempilbank and other the underwritten and there transfer and deliver hereditary and irredeemable sasine equally of possession real actual and corporeal of the aforesaid lands of Hilend otherwise Tempilbank and also of the said acre of land with the croft garden houses buildings and their appurtenances aforewritten by the handing over of soil and stones of the firmament of these lands as is the custom to the aforesaid LAWRENCE ANDERSON or his certain attorney bearer of these presents. And that according to the tenor of the said contract and the present charter and precept you do cause it to be had justly in all respects. And that this you by no

means omit to do FOR THE DOING OF WHICH we commit our plenary and irrevocable power by these presents to you and whatever man you choose jointly and severally our bailiffs aforesaid in that behalf IN TESTIMONY OF WHICH THING to these presents written by Thomas (Tre)ssane chirographer in Dundee with our hands subscribed our proper seals are appended. At Dundee the twentyeighth day of the month of November in the year of the Lord one thousand six hundred and eleven before these witnesses Andrew Moncur junior of the same Thomas Scoit his servant Patrick Burghe skinner burgess of the burgh of Dundee William Gray notary and the said Thomas Treassane. Thus it is subscribed John Anderson elder John Anderson with my hand Andrew Moncur youngar witnes Thomas Scoit Patrick Burgh witnes W Gray notary witnes T. Tressane witne AFTER WHICH reading through of the charter and precept and an exposition of it having been made to those standing around in the vulgar tongue there came forward the aforesaid John Anderson the bailiff as aforesaid to the ground of the aforesaid lands of Hilend otherwise Tempilbank and other the abovesaid. And there by the virtue and force of the said precept and by his office as bailiff to him in that behalf committed the state of sasine in inheritance equally in possession real and actual and corporeal of the aforesaid lands of Hilend otherwise Temilbank together with the said acre of land aforesaid with the croft houses buildings and their appurtenances aforesaid lying as above by soil and stones of the ground of the same presented and accepted by handling over in accordance with custom to the aforesaid Laurence Anderson conferred exhibited and according in all respects to the tenor of the said charter and precept given and delivered without any redemption reversion or regress CONCERNING all and singular WHICH premises the said LAURENCE ANDERSON requested me the underwritten notary public to provide instruments. These ACTS took place upon the ground of the said lands about the tenth hour ante meridiem or thereabouts there being present as witnesses to the premises requested and required George Dog in Auchtertyre William Anderson in Kilpurin and Thomas millar in Haltoun of Newtyld

(notarial sign)

W G

Notarius publicus

MP

Now I William Gray Notary Public of the Diocese of Saint Andrew by Royal Authority and admitted throughout the two dioceses according to the tenor of act of parliament Whereas while all and singular the premises as before described were being carried out I was present in person together with the aforesaid witnesses and I saw understood and heard all and singular the above-written and recorded the same I have caused to be made thereof this present public instrument in the hand of another faithfully written and reduced into this public form of an instrument. And have signed and subscribed the same with my customary and usual sign name and cognomen In faith and testimony of all and singular the premises being therein commanded and required

Paper (watermarked with a (?) fleur-de-lis and with a trefoil and hand or glove), 15" x 10 ¼".
Latin

There is wear on some folds, slightly affecting six or seven words.

::: The purpose of this instrument, which is somewhat complex in form and in language, is simply to place on record the giving and taking of sasine (or seisin) of property which has been conveyed. It incorporates a recital of the conveyance, to which the passing of seisin constituted the essential concluding act. The recited charter conveying the property was dated at Dundee on 28 November, just over a month before the giving of seisin. The beginning of this charter, in the body of the notarial instrument, is signalled by a very unusual ornamental capital “O” of the word “Omnibus” (“To all” in the English transcript). The precept of sasine - the order for the giving of seisin - is that part of the charter which begins with the words “And moreover”.

Newtyle (which throughout this instrument is called “Newtyld”) is about ten miles north-west of Dundee. Presumably the lordship of “Lenoris”, to which the property is said to belong, is Lindoris, near Newburgh, on the other side of the Firth of Tay. Lindoris had an abbey of the Tironensians, and this property at Newtyle was doubtless part of the abbey lands. Auchtertyre, where John Anderson the baliff lived, is less than a mile from Newtyle. Forfarshire is, of course, the shire which was latterly known as Angus.

St. Andrew’s, of which William Gray was notary public, was at this time an archiepiscopal see, with Dunblane and Dunkeld as its two subordinate bishoprics - which are no doubt the two dioceses to which Gray says that he has been admitted. Newtyle would have been within the bishopric of Dunkeld, about sixteen miles to the west.