

Testament Dative of James Drysdail of Dollar, 1588

Transcription

James Drysdail Primo Maij 1588

The testament Datiue and Jnuentar of the guid[is] geir sowmes of money and dettis p[er]tein[in]g to vmq[ui]le James Drysdail in the Mainss of Dollor w[i]thin the shrefdome of clakma[n]na[n] the tyme of his deceis quha deceissit vpoun the xxiiij day of m[ar]che the zeir of god Jajvc Lxxxvij zeiris Fay[thfu]lie maid and gevin vp be thomas Drysdail his lau[ch]tfull sonne exe[cuto]r datiuie Dec[er]nit to him be decret of Jo[h]n wallace [com]miss[a]r deput of striuiling as the samy[n] decret of the dait at striuiling the xiiij day of aprile the zeir of god Jaj vc Lxxxviiij zeir[is] at lenth p[ur]portis

In the first the said vmq[ui]le James Drysdail had the guid[is] geir sowmes of money and dettis of the awaill and prices eft[ir] following p[er]tein[in]g to him the tyme of his deceis foirsaid viz~ four oxin p[ri]ce of the pece viij lib~ Su[mm]a xxxij lib~ JTem four zoung stott[is] of thre zeir auld price of the pece vj lib~ Su[mm]a xxiiij lib~ JTem fyve ky w[i]t[h] the followeris price of the pece w[i]t[h] the follower ten m[er]k[is] Su[mm]a L m[er]k[is] JTem thrie zoung stottis and and tua quoyis of tua zeir auld[is] price of the pece o[u]rheid v m[er]k[is] Su[mm]a xvj lib~ xiiij s~ iiij d~ JTem ane gray naig of thre zeir auld price x lib~ JTem of zeild scheipe wedderis riglings and tuijis fourtie price of the pece o[u]rheid xxiiij s~ Su[mm]a xlviij lib~ JTem ten zawis w[i]t[h] the lambis pryce of the pece w[i]t[h] the lamb xxiiij s~ Su[mm]a xij lib~ JTem sex hoggis price of the pece xiiij s~ iiij d~ Su[mm]a iiij lib~ JTem ane auld meir of tuelf zeir auld price v lib~ vj s~ viij d~ JTem sawn on the ground befor his deceis xx b[ollis] blak aittis estimat to the thrid corne extending to Lx b[ollis] aittis price of the boll w[i]t[h] the fodder xl s~ Su[mm]a Jc xx lib~ JTem mair

ane boll of peis and beins sawin estimat the feird corne extending to four boll[is] peis and beinss price of the boll w[i]t[h] the fodder iij lib~ Su[mm]a xij lib~ JTem to be sawin on the ground sex boll[is] beir estimat to the feird corne extending to xxiiij b[ollis] beir price of the boll w[i]t[h] the fodder iij lib~ Su[mm]a Lxxij lib~ JTem resten in the barne and barnezaird ten boll[is] beir price of the boll w[i]t[h] the fodder v m[er]k[is] su[m]ma xxxiiij lib~ vj s~ viij d~ JTem mair for ane boll aittis resten ouer the ferd price th[air]of L s~ JTem in

vtencilis and domicilis w[i]t[h] the abuilzeme[n]t[is] of his body estimate to
tentie m[er]k[is] /

Su[m]ma of the Jnue[n]tar ----- iij c xxxvij lib~ x s~

Followis the dettis awin to the deid

JTem th[e]r was awin to the said vmq[ui]le James Drysdail be alex[ande]r
erskin of gogar for ane a[n]uelrent furt[h] of the land[is] of
gogar resten the witsunday and m[er]tymes termes a[n]nuell in a[n]no
Jaj vc Lxxxvij zeiris xxxij lib~ vj s~ viij d~ JTem be Jo[h]n dewar
at the forrest mylne xvij lib~ iij s~ iij d~ JTem be alex[ande]r patoun in
Middiltoun x lib~ JTem be wa[iter] kirk in braidstr[?]* vj lib~ vj s~ viij d~
JTem be gilbert kininmouth ij m[er]k[is] JTem be alex[ande]r hutoun cordiner
xxx s~ JTem be James Lambert cadgear v m[er]k[is] JTem be Johne
gib in solisgirth iij lib~ xij s~ iij d~ JTem be Jo[h]n Drysdail in the
Mainss for ane boll of beir vj lib~ /

Su[m]ma of the dettis awin to the deid ----- Lxxxij lib~ xij s~ iij d~

Su[m]ma of the Jnuentar w[i]t[h] the dett[is] ----- Vc xxij lib~ iij s~ iij d~

Followis the dettis awin be the deid

JTem th[e]r was awin be the said vmq[ui]le James Drysdail to my ladie argyle
for hir fermes and teind of the ground in a[n]no Jaj vc Lxxxvij zeir[is]
Nyne bollis ferme meill and tua bollis ferme beir at iij lib~ the boll
o[u]rheid and tua bollis teind beir at iij lib~ the boll and viij b[ollis] teind
aittis at xl s~ the boll Su[m]ma L lib~ JTem mair to the said lady
of argyle for the witsuday maill of the Mainss ochard in a[n]no
foirsaid xx s~ JTem mair to the said Lady argyle and hir chalmer
Laind resten of the f[er]mes of hir rowme of the neth[er] mainss and
teind[is] th[e]rof of the crope and zeir of god Jaj vc Lxxxvij zeiris four
boll[is] beir a v m[er]k[is] the boll Su[m]ma xx m[er]k[is] JTem mair for the rest
of teind aittis in a[n]no foirsaid iij m[er]k[is] JTem to thomas penss
sh[e]ruand for his zeiris fie four m[er]k[is] /

Su[m]ma of the dettis awin be the deid ----- Lxxiiij lib~ xij s~ iij d~

Restis of frie geir the dett[is] deducit ----- iij c xlvij lib~ x s~

To be diuidit in thre p[ar]tis deid[is] p[ar]t is --- j c xlix lib~ iij s~ iij d~

Q[ui]rof the quot is componit for iij lib~

We mr Jo[h]n prestoun / vnderstanding th[at] eft[ir] dew su[m]mond[is] & lau[ch]tfull
p[ro]ving maid be forme of edict oppinlie as efferis of the exe[cuto]r & intr[omittor]
w[i]t[h] the guid[is] & geir of the said vmq[ui]le James Drysdail and of
vth[er]is haifand int[er]es To [com]peir inditialie befor the [com]missar of stiruiling
day bypast to heir and sie exe[cuto]r datiuie dec[er]nit to be p[ro]evin
admittit & [con]fermit be him in r[espect?] to the guidis and geir q[ui]lk iustlie
p[er]tenit to him the tyme of his deceis Or ell[is] to schaw

* This placename clearly begins 'braids' but the ending is odd. It contains a two-minim letter followed by a 'd' and ends with what looks like an italic 'e' but the clerk does not use italic 'e' anywhere else.

ane caus quhy the said [com]missar[is] dec[er]nit th[air]untill as his decreit
gevin th[e]rvpoun beirs Conforme to the q[ui]lk we haifand power
to [con]ferme all al testame[n]t[is] q[ui]r the deid[is] p[ar]t extend[is] the sowme of
L lib~ in o[ur] sou[er]ane Lord[is] Name & auct[ori]tie mak[is] [con]stitutis
ordains & [con]fermis the said thomas drysdail in executor
datiue to the said vmq[ui]le James drysdail his fath[er] w[i]t[h] power
to him to intromet uptak follow and p[ur]sew as Law will the guid[is]
and geir forisaid[is] and to outred dett[is] & creditor[is] and generalie
all & sundrie thingis to do exe[cu]te & vse th[at] to the office of exe[cuto]rie
datiue is knawn to [per]tene Provyding th[at] the said James exe[cuto]r
foirsaid sall a[n]ss[e]r prouid compt vpoun his intromiss[i]o[un]
q[ue]n and q[ui]r the sam[yn] sallbe requyrit of him and th[at] the said[is]
p[ro]uid[is] / q[ui]rvpoun cau[tion]ne is fundin as ane act maid

Summary

The testament dative and inventory of the movable estate, money and debts pertaining to the deceased James Drysdail in the Mains of Dollar, in the sheriffdom of Clackmannan, who died on the 24 March 1588*, faithfully made and entered into court by Thomas Drysdail, his lawful son, executor dative, appointed by decree of John Wallace, Commissar Depute of Stirling on 13 April 1588.

Firstly, James Drysdail had the following movable estate at the time of death:

- four oxen – 32 pounds
- four 3-year-old bullocks – 24 pounds
- five cows with calves – 50 merks
- three 2-year-old bullocks and two 2-year old cows – 16 pounds 13 shillings 4 pence
- a gray 3-year-old horse – 10 pounds
- forty sheep without lambs, castrated lambs, ridglings and rams – 48 pounds
- ten ewes with lambs – 12 pounds
- six young sheep – 4 pounds
- a 12-year-old mare – 5 pounds 6 shillings 8 pence
- 20 bolls black oats sown, estimated at harvest to yield 60 bolls – 120 pounds
- a boll of peas and beans sown, estimated at harvest to yield 4 bolls, with the fodder – 12 pounds
- six bolls of barley yet to be sown, estimated at harvest to yield 24 bolls, with the fodder – 77 pounds
- remaining in the barn and barnyard, 10 bolls of barley with the fodder – 33 pounds 6 shillings 8 pence
- an additional boll of oats – 50 shillings
- equipment and household utencils, with his body cothes and personal possessions – 20 merks

Total of the inventory 438 pounds 10 shillings

* 24 March 1587 in the text, which is 24 March 1588 in modern terms.

Debts owed to the deceased:

- by Alexander Erskin of Gogar for an annualrent* out of the lands of Gogar, owing for the Whitsunday and Martinmas terms of 1587 33 pounds 6 shillings 8 pence
- by John Dewar at the Forrest Mill 17 pounds 3 shillings 4 pence
- by Alexander Patoun in Middiltoun 10 pounds
- by Walter Kirk in Braidst? 6 pounds 6 shillings 8 pence
- by Gilbert Kininmouth 2 merks
- by Alexander Hutoun, cordiner 30 shillings
- by James Lambert, cadgear (probably a carrier, but possibly an itinerant trader) 5 merks
- by Johne Gib in Solisgirth 4 pounds 13 shillings 4 pence
- by John Drysdail in the Mains (of Dollar) for a boll of barley 6 pounds

Total of the debts owed to the deceased – 83 pounds 13 shillings 4 pence

Total of the inventory and the debts – 522 pounds 3 shillings 4 pence

Debts owed by the deceased:

- to Lady Argyll for rent and teind (tithes) for 1588 – 9 bolls rent meal and two bolls rent barley and two bolls teind barley and 8 bolls teind oats – 50 pounds
- also to Lady Argyll for the Whitsunday half-year's rent of the Mains Orchard for 1588 – 20 shillings
- also to Lady Argyll and her chamberlain, rent and teinds owing for her room at the Nether Mains and teinds for 1587, four bolls barley – 20 merks
- also for the rest of teind oats for 1587 – 4 merks
- to Thomas Penss, servant, for his year's fee – 4 merks

Total of the debts owed by the deceased – 74 pounds 13 shillings 4 pence.

Remaining movable estate, with the debts deducted – 347 pounds 10 shillings.

To be divided into three parts, the deceased's part is 149 3 shillings 4 pence.

The quot (court's fee) is 4 pounds.

Testament confirmed by Mr John Prestoun. Thomas Drysdail confirmed as executor dative to the deceased James Drysdail, his father, on condition that he provides an account of his intromissions if required, and Thomas Drysdail found surety (*caution*).

* An annualrent is either disguised interest on a loan (originally to get round the prohibition on interest being charged on debts/loans under canon law), or else an annuity on an investment. In either case, the income came out of rent paid on a landed estate, and would have been specified in a legal deed, such as a marriage contract, obligation or wadset.