

**Transumpt of Charter by James Earl of Douglas and Marr to the Monks of Melrose, of the patronage of the church of Meikle Caiiers.**

Dated 27th July 1388, transumed 28th July 1442.

Vniuersis presentes litteras inspecturis Nicholaius de Otirburn magister in artibus, licenciatus in decretis, canonicus ecclesie Glasguensis, ac officialis curie

Sanctiandree

infra archidiaconatum Laudonie, salutem in Domino sempiternam : Notum facimus quod die date presencium coram nobis personaliter constitutus venerabilis in Christo pater ac dominus dominus Eicardus permissione diuina abbas monasterii de Melros, Cisterciensis ordinis, Glasguensis diocesis, quandam cartam dudum bone memorie domini Jacobi comitis de Douglas et de Marre, ac domini baronie de Caueris, datam et concessam abbati et conuentui et suis successoribus dicti monasterii de Melros, de toto jure patronatus siue aduocacione ecclesie parochialis de

Magna Caueris infra prenotatam baroniam dicte Glasguensis diocesis, cum gleba et omnibus iuribus ac capellis ab eadem dependentibus suo vero sigillo rotundo in cera rubea alba impressa more cartarum pendente sigillatam, non rasam, non abohtam, non cancellatam, non viciatam sed prorsus omni suspicione carentem, in cuiusquidem sigilli rotunditate seu circumferencia sculpebantur hec verba : SIGILLUM Jacobi comitis de Douglas, et infra circumferenciam antedictam sculpebatur clipeus triangularis, et supra dictum clipeum ly tymerale et quedam bosca de plumis, et ex vtraque parte eiusdem clipei quedam arbor cum ramis, dictus vero clipeus gestus erat cum bestia siluestri ad modum leonis seu leopardi, et infra dictum clipeum in vna parte, videlicet, in infima parte sculpebantur tres stelle et vnum cor, et in secunda infima parte sculpebantur sex cruciuncule wlgariter dicte croysletis, cum ly bendd in medio earundem, et in duabus superioribus partibus dicti clipei consimilis erat sculptura facta, sed modo e contrario ad inferiorem sculpturam, nobis tunc pro tribunali ad iura reddenda loco nostra solito sedentibus coram notariis publicis et testibus infrascriptis presentauit, nobis supplicando cum idem dominus abbas nomine dicti sui monasterii et conuentus eiusdem eadem carta siue Uteris in curia Eomana et diuersis aliis locis pro conseruacione, probacione et tuicione juris patronatus dicte ecclesie de Caueris et ad diuersos alios effectus indegeret, et timeret propter discrimina viarum et casus fortuitos perdicionem eiusdem carte, quatinus vellemus cartam huiusmodi per notarios huiusmodi

transcribi et transsumi, ac transcripto seu transsumpto huiusmodi nostrum decretum interponendo tantam vim atque eandem fidem seu similem fore in iudiciis et extra adhibendam quanta eidem carte originali adhiberetur si in eisdem iudiciis ostensa foret seu osteuderetur : Cuius supplicacioni tanquam juri consone annuentes, citatis prius legitime ad petitionem dicti domini abbatis de mandato nostra omnibus et singulis sua communiter uel diuisim interesse putantibus, prout moris est, cum intimatione ad certos diem et locum et terminum octo dierum ad audiendum et videntum Imiusmodi cartam transcribi copiari et exemplari : quoquidem termino octo dierum adueniente, nemineque coram nobis ad dicendum contra producta comparente, dictam cartam recepimus, tenuimus, palpauimus et visitauius, ac deinde

eandem cartam per notarios infrascriptos transcribi, exemplari et copiari, ac presentes litteras cum transcripto et exemplo predictis earundem in lianc publicam formam redigi mandauimus ; cuius quidem carte tenor sequitur in hec verba

Vniuersis Christi fidelibus presentibus et futuris ad quos et quorum noticiam presentes littere peruenerint, Jacobus comes de Douglas et de Marre ac dominus baronie de Cauerys, salutem in Domino sempiternam : Nouerit vniuersitas uestra quod cum dudum bone memorie dominus Willelmus progenitor noster mere deuocionis affectu concesserit et dederit religiosi viri abbati et conuentui monasterii

de Melros, presentibus et futuris, totum jus patronatus siue aduocacionem ecclesie parochialis de magna Cauerys infra baroniam suam prenotatam, cum gleba et omnibus iuribus ac capellis ab eadem dependentibus, prout carta sui inde ipsis confecta in se continet et testatur, nos Jacobus comes preclitus et dominus baronie prefate de Cauerys eadem deuocione instigati non solum dictas concessionem et donacionem ipsis religiosi et eorum monasterio de Melros de dicto jure patronatus siue aduocacionis prefate ecclesie de magna Cauerys, cum gleba et capellis ac iuribus

et pertinenciis quibuscunque non solum ratificamus et approbamus, verum etiam pro nobis et heredibus ac successoribus nostris tenore presencium confirmamus : et ad ampliorem rei euidenciam ac securitatem eisdem sicut et ipse progenitor noster de nouo damus et concedimus perpetuis temporibus libere et quiete ac sine reuocacione et calumpnia nostri, lieredum vel successorum nostrorum, possidendas ;

non obstante preterea per aliquam viam juris, pacti vel facti cuiuscunque quod nos de speciali licencia et permissione ac gracia dictorum religiosorum ad precum nostrarum magnam instanciam et non de aliquo jure vel titulo ad nos pertinente in hac parte semel et vnica vice tantum presentauerimus vnum rectorem ad predictam ecclesiam babita prius et notorie facta speciali protestacione per prefatos religiosos quod nee ipsis nee ipsorum successoribus cederet in preiudicium vel grauamen, quin ipsi, cedente vel decedente prefato rectore, ad prenotatam ecclesiam possent et deberent de reliquo et in posterum vt veri patroni imperpetuum presentare ; quamquidem protestacionem, omni alia via et remedio juris, conuencionis vel facti protinus exclusis, nos pro nobis heredibus et successoribus nostris sponte admisimus et ipsam bene acceptauimus coram consilio nostro et testibus

fidedignis : In quorum omnium testimonium sigillum nostrum presentibus precipimus apponi ; hiis testibus, dominis Malcolmo de Drommond dilecto fratre nostro, Jolianne de Swyntoun carissimo patre nostro, et Johanne de Turribus, militibus, Murdaco de Glaycestre, et Henrico de Wedalle clerico nostro apud Etybredsclielis, xxvij die mensis Julii anno Domini m<sup>o</sup> cccmo lxxm<sup>o</sup> viij mo. Quaquidem carta sic copiata, transcripta seu exemplata, nos de huiusmodi transcripto copia et exemplo ad ipsam cartam originalem diligenter per notaries infrascriptos cum persona nobis fida et habili fieri fecimus collacionem quam uisibiliter concordare reperimus, nil addito uel remoto quod suam substanciam mutet vel variet intellectum, ideo presentibus litteris nostris transsumptum exemplum et copiam dicte carte seu dictarum

litterarum in se continentibus et eisdem presentibus transsumpto seu transcripto tantam et similem fidem in iudiciis et extra adhibendam et adhibere debere ad presentes tantam et talem vim consimilemque vigorem ac idem robur sic vbique obtinere quanta adliiberetur eidem carte originali si vt prefertur in eisdem iudiciis ostenderetur seu ostensa foret : Presentesque literas ad finem et effectum supradictum publicauimus ac nostrum decretum et auctoritatem nostram ordinariam

eisdem interposuimus et interponimus per presentes : In quorum omnium et singulorum premissorum fidem et testimonium presentes litteras siue presens publicum instrumentum huiusmodi transsumptum, exemplum, et copiam dicte carte in se continentes siue continens exinde fieri et per notarios infrascriptos redigi, subscribi, et publicari mandauimus, sigillique officii nostri officialatus Laudonie iussimus appensione communiri : Datum et actum apud Edinburgh in ecclesia fratrum predicatorum eiusdem loco nostro solito, hora expeditionis causarum ante merediam, sub anno Domini millesimo quadringentesimo quadragesimo secundo, indiccione quinta, mensis vero Julii die vicesima octaua ac pontificatus sanctissimi in Christo patris ac domini nostri, domini Eugenii diuina prouidencia pape quarti anno duodecimo : Presentibus ibidem protunc venerabilibus viris, videlicet, magistris Thoma de Luedree, magistro domus hospitalis de Soltre, Sancti Andree diocesis, Roberto de Luedree canonico Glasguensi, dominis Thoma de Luedree et Daud de Glasfurd, presbyteris dicte Sanctiandree diocesis cum multis aliis testibus. . . . Et ego Robertas Tod presbiter Sanctiandree diocesis, publicus auctoritate imperiali notarius, quia predicte carte presentacioni [etc. in forma communi]. Et ego Thomas de Kyrcauld presbyter de Edinburght Sancti Andree diocesis, publicus imperiali auctoritate notarius [etc. in forma communi].

This document is a **Transumpt** (an official copy or exemplified transcript) of an earlier **Charter** concerning the **patronage of the Church of Meikle Cavers** in Roxburghshire, Scotland.

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## Key Documents and Dates

Document	Author	Subject	Date
<b>Original Charter</b>	<b>James Earl of Douglas and Mar</b>	Grant of the entire <b>right of patronage</b> (advowson) of the parish church of Meikle Cavers to the <b>Abbot and Convent of Melrose</b> .	<b>July 27, 1388</b>
<b>Transumpt</b>	<b>Nicholas de Otirburn</b> , Official of the court of St. Andrews	Official transcript and confirmation of the Original Charter.	<b>July 28, 1442</b>

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## Summary of the Original Charter (1388)

The charter, issued by **James Earl of Douglas and Mar**, Lord of the Barony of Cavers, confirms and grants the **right of patronage** (the power to nominate or present a priest to the benefice) of the parish church of Meikle Cavers to the **Monks of Melrose Abbey**.

- **Basis of Grant:** Earl James acknowledges that his ancestor, **William**, had previously granted this right out of devotion. James, motivated by the same devotion, **ratifies, approves, and confirms** the grant for himself and his successors.

- **Grant Type:** The grant covers the entire right of patronage, the **glebe** (land belonging to the benefice), and all dependent rights and chapels.
  - **A Special Condition:** The charter explicitly addresses a past incident where **Earl James presented a rector** to the church. He declares that this presentation was only made **once**, at his **special request** and by the **license and permission** of the Monks of Melrose—not based on any right of his own.
  - **The Protestation:** The Monks had made a **special, public protestation** beforehand that this single instance of presentation should **not prejudice** their rights. Earl James confirms that he spontaneously accepted this protestation, ensuring that upon the resignation or death of that specific rector, the Monks were to resume their right to present as **true patrons forever**.
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## Summary of the Transumpt (1442)

The Transumpt records the official legal process by which the 1388 Charter was copied and verified.

- **The Request: Richard, Abbot of Melrose**, personally appeared before **Nicholas de Otirburn**, the Official of St. Andrews, in Edinburgh. The Abbot presented the original charter, noted to be **intact and bearing its round seal** (which is described in detail, including the arms of Douglas and Mar). The Abbot requested the transumpt because he feared the original might be **lost** due to the dangers of travel and needed copies for use in the **Roman Court and other places** to protect the Abbey's right of patronage.
- **The Process:**
  1. The Official cited all parties who might have an interest to appear within **eight days** to challenge the copying.
  2. No one appeared.
  3. The Official **received, held, felt, and examined** the original charter.
  4. He commanded notaries public to **transcribe, copy, and exemplify** the charter.
  5. The copy was **collated** (compared) against the original and found to be in complete agreement.
- **The Decree:** The Official then issued a **decree** that the transumpt (the official copy) must be given **the same force, faith, and vigor** in all judicial and extra-judicial settings as the original charter itself. The document concludes with the witnesses and the signatures of the notaries.