

Sasine -Samuel McKean - 20 August 1840

At Dumfries the Twentieth day of August Eighteen hundred and forty years between the hours of ten and eleven forenoon the Sasine after inserted was presented by Francis McKie, clerk in the Commercial Bank of Scotland's office in Dumfries for Andrew Kirk, writer in Gatehouse of Fleet to be recorded whereof the tenor follows:

In the name of God Amen, Know all men by this present public instrument that upon the Thirteenth day of August in the year of our Lord and thousand eight hundred and forty and of the reign of Her Majesty Victoria the First by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen Defender of the Faith the Fourth year, In presence of me Notary Public and of the witnesses herein after named and designed and hereto with me subscribing, and upon the ground of the subjects after described respectively and successively after others Compeared personally **Samuel Telfer**, Shoemaker in Gatehouse of Fleet, as procurator and attorney for **James McKean**, Joiner in Manchester, whose power of attorney was sufficiently known to me Notary Public, as also compeared **Thomas Gordon**, Physician in Gatehouse of Fleet, Bailie in that part specially constituted by virtue of the Precept of Sasine herein after inserted, the said Procurator Having and Holding in his hands a Precept of Sasine, commonly called a Precept of Clare Constal, of the date tenor and contents underwritten made and granted by Alexander Murray Esquire of Broughton immediate lawful Superior of the subjects therein and after mentioned, to and in favor of the said **James McKean** for infetting him as nearest and lawful heir of Samuel McKean, sometime Weaver in Drumshangan now deceased, designed in _ the Instrument of Sasine therein & after mentioned **Samuel McKeand** his grandfather, in all and whole the tenements of houses and yards after mentioned lying in manner after specified which Precept of Sasine, commonly called a Precept of Clare Constat, the said procurator presented to the said Bailie and desired him to proceed to the execution of the office of Bailiary thereby committed to him by giving Sasine to the said **James McKean** of the tenements of houses and yards therein mentioned which desire the said Bailie finding to be just and reasonable he received the foresaid Precept of Sasine into his hands and thereafter delivered the same to me Notary Public subscribing to be read and published to the witnesses and others present which I did accordingly and which Precept of Sasine, commonly called a Precept of Clare Constal, the tenor follows in these words:

“Alexander Murray Esquire of Broughton, immediate lawful superior of the subjects aftermentioned To and each of you my Bailies, in that part conjunctly and severally specially constituted Greeting, whereas by authentic Instruments and documents read, seen and considered by me and others on my behalf, it clearly appears and is made known to me That **Samuel McKean**, sometime Weaver in Drumshangan, now deceased, designed in the Instrument of Sasine after mentioned, **Samuel McKeand**, Grandfather of my Lovite, **James McKean**, Joiner in Manchester, died last vest and seized as of fee at the faith and peace of our Sovereign in all and in Whole that tenement of houses and year then possessed by him or his tenants on the south side of High Street of Gatehouse leading to and from Bridge of Fleet consisting of thirty-seven feet and one half of a foot in front on the South side of the said High Street and extending for this breadth backwards for the length of one hundred and fifty feet bounded by the house and year formerly belonging to **James Murray Esquire of Broughton** and then possessed by **John Hunter** on the East, my property land on the South, the house and year feued or to be feud to **James Kirkpatrick** on the West, and the foresaid High Street on the North parts. And all & Whole That tenement of houses and year then possessed by the said **Samuel McKean** or his tenants on the North side of the Back Street of Gatehouse aforesaid consisting of Forty-one feet in front towards the said street and extending northwards the same length of **Thomas Gordon's** feu on the East thereon, viz. one hundred and fifty feet but decreasing or angling Southwestward across the Northern boundary for the whole breadth of the feu till it join **Samuel Crosbie's** feu on the west side thereof so as to be upon the whole a medium length of one hundred and twenty two feet only from the foresaid street Northward But always with and under the burdens, restrictions, conditions & obligations under written contained in the Feu Charter after mentioned and which are directed to be insert in the infetment to follow thereon which were to be strictly observed by the said **Samuel McKean** and his therein written in all time coming viz.

Primo, That he and they should join and be at equal expense with the fuears on the marches of the said feus in making and maintaining in constant repair sufficient good fences on the respective boundaries of the same and where the said feus march with my property land then at their own expense to make and maintain such fences on these marches respectively.

Secunda, That the said Samuel McKean and his foresaids should betwixt and the term of Whitsunday one thousand seven hundred and eighty five (1785) build good dwelling houses along the whole front of the feu last above described so far as not already done and keep and maintain such houses well roofed

and in constant good repair in all time timing and also to keep up and maintain in constant repair and condition good houses well roofed and covered with slate alongst the whole front of the feu first above disponed and to have all the windows in the said front property sashed and in good repair, all the houses to be in a line with the front house already built on the respective streets aforesaid and to have no forestairs or projections of any sort that may hurt or obstruct the regularity of the village and be declaring also That the west gavel of the house on the feu first mentioned should be a mean gavel betwixt the said houses and the one feued or to be feued to **James Kirkpatrick** who is bound to leave a passage or entry meet that gavel from the front backwards to the garden at least three feet wide and of a reasonable height to be a mean passage to him and the said **Samuel McKean** to their respective gardens in all time coming.

Tertia, That the said **Samuel McKean** should have in the best and most sufficient manner alongst the whole front of the feus above disponed to the center of the said respective streets and keep the same thus paved clean and in good order without any dunghills or other nuisances of any sort thereon and that none of the houses on these feus built or to be built should be used for making bricks or lime nor should any gunpowder be kept in the same in a larger quantity than a pound weight at a time so as to avoid all injury, disturbance or danger to the other feuars.

And **Quatro**, That all these restrictions, burdens and obligations and the payment of the feu duties under written should be real burdens on the subject feued and action should be competent to me, my heirs, successors and disponees, or any of the other feuers so far as they are interested for implement and observance thereof conform to Instrument of Sasine in favor of the said **Samuel McKeand** dated the second day of May and registered in the new Particular Register of Sasines Reversions & for the Shire of Dumfries, the fourteenth day of June, one thousand seven hundred and eighty six (14 June 1786) proceeding upon a Precept of Sasine contained in a Feu Charter granted by James Murray Esquire of Broughton, now deceased, in favor of the said **Samuel McKean**, his heirs and assignees whatsoever, bearing date the twentieth day of December, one thousand seven hundred eighty one (20 December 1781) And that the said **James McKean**, my lovite, is nearest and lawful heir to the said **Samuel McKean**, his grandfather, and that he is of lawful age, and that the said subjects and others are holders of me the said Alexander Murray, my heirs and successors immediate lawful superiors thereof, But always with and under the burdens, restrictions, conditions & obligations above written, contained in the said Feu Charter which are by the said Feu Charter and hereby appointed to be inserted in the Infefments to follow hereon which are to be strictly observed by the said **James McKean** and his fore saids in all time coming; To be holden and for to hold All and Whole the subjects above mentioned lying extended and bounded in manner above written in feu farm with and under the burdens and others foresaid by the said **James McKean**, his heirs and successors of me and my foresaids in Feu farm fee and heritage forever by the meiths and marches above described paying therefore yearly the said **James McKean** and his foresaids to me and my foresaids the following feu duties. viz

For the subject first above disponed, the sum of Two shillings and for the subject last above described, the sum of one shilling all sterling money at the term of Martinmas, yearly beginning the first payment at Martinmas next and so thereafter yearly in all time coming, and the vassals to be at the expense of all Charters or other writings for obtaining entries in the premises and declaring it shall not be in their power to split or divide the feu duty to the prejudice of me or my foresaids but we shall still have power to exact & distraign for the same out of any part of the subjects feued.

Therefore, I hereby desire and require you and each of you jointly and severally my Bailies in that part to the effect under written hereby specially constituted that on sight hereof ye pass to the ground of the said respective subjects and there give and deliver to the said James McKean as heir foresaid heritable state and Sasine with actual real & corporal profession of all and Whole the tenement of houses and yards above described lying extended and bounded in manner above written and here held as repeated for brevitys sake and that by delivering to him or to his certain attorney in his name bearer hereof of earth and stone of the ground of the said subjects and all other symbols usual and necessary, But always with and under the burdens, restrictions, conditions, obligations & others above mentioned which are declared to be real burdens on the said subjects and this in no ways ye leave undone. The which to do I hereby commit to you and each of you jointly & severally my full power by this my Precept of Sasine directed to you for that effect Saving and Reserving always my own right and the rights of all others as accords of Law.

In Witness Whereof these presents written on the two preceding pages of stamped vellum by William Macbean clerk to Anas. Macbean, Writer to the signet, are subscribed by me at Cally, the twenty eighth

day of July one thousand eight hundred and forty years (28 July 1840) before these witnesses, Edward Tothill Esq., Surgeon, presently residing at Cally and Mr. John Brown, my factor.

A Murray

Edward Tothill **Witness**
John Brown **Witness**

After reading and publishing of which Precept of Sasine, commonly called a Precept of Clare Constant, the said Bailie by virtue thereof and of the office of Bailiary, thereby committed to him, gave and delivered to the said James McKean, as heir foresaid, heritable state and Sasine with actual real and corporal profession of all and Whole, the tenements of houses and yards above described lying extended and bounded in manner above written and here held as repeated for brevity sake, and that by delivering to the said procurator and attorney foresaid, of earth and stone of the ground of the said subjects and all other symbols usual and necessary, But always with and under the burdens, restrictions, conditions, obligations, and others above mentioned which are declared to be real burdens on the said Precept of Sasine, commonly called a Precept of Clare Constat, above inserted in all points. Whereupon and upon all and sundry the premises, the said procurator asked and took Instruments in the hands of me, Notary Public, subscribing These things were so done upon the ground of the said tenements of houses and yards respectively and successively after others, betwixt the hours of three and four in the afternoon of the day of the month in the year of our Lord and the Queens reign respectively first above written before and in the presence of Andrew Finlay, Watchmaker in Gatehouse of Fleet and Thomas Kirk, writer there, witnesses to the premises specially called & required and hereto with me subscribing.

Et Ego vero, Andrew Kirk, clericus Gallovidiensis Diocesios ae Notarius Publicus auctoritate regali et per Dominos Concilii et Lessiouis secundum tenorem acti Parliamenti admissus Quia premissis omnibus et singulis diem sic etpremittitur dicerentur agerentur et fierent ana cum premominatis testibus presens personaliter interfui Eaque omnia et singula premissa sic fieri et dici vidi seivi et audivi ac in notam cepi Ideoque hoc prasens publicum Instrumentum mea super hane et quinque precedentes paginas peramcua delite impressce fideliter scriptuni exinde confeci ac in hane publici Instrumenti forman redegi signoque nomine et cognonine meis solitis et consuetis signavi et subscripsi In fidem rubur et testinouium vertatis omnium et singulorum premissorum rogatus et reguisitus Veritas Vincit And Kirk N.P., And Finlay, Witness, Thomas Kirk, Witness

Written by Tho Haining