

CC9/7/15 Glasgow Commissary Court John Gartshore

*Transcribed and Translated for Mary McGonigal by Miles Kerr-Peterson Completed 15 November 2025.
Proper nouns capitalised, some punctuation added for clarity.*

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The Testament Testamentar and Inventar of the guidis geir debts and sowmes of money quhilk perteinit to umquhille Johnne Gartshore of that Ilk within the parochin of Lenzie

The tyme of his deceis quha deceisit in the moneth of Marche j^m vj^c and sevintein yeiris

Faithfullie maid and gevin up be his awin mouth as In his latter will and testament of the date underweittin more fullie purports.

Inventar

First in the said umquhille Johne had pertaining to him the tyme foirsaid and In his posessione the guidis and geir under writtin of the avails and pryces eftir spirit viz:

Nyne tydie Cy pryce of the piece xij lib Inde j^c viij lib

Item twa forrow kow pryce x lib

Item four pleughe horses by the airschip horses pryce of the piece or heid xx lib inde Lxxx lib

Item twentie heid of scheip pryce of the piece or heid xxxiiij^s iiij^d inde xxxiiij lib vj^s viij^d

Item thrie young quoyis pryce of the piece or heid vj lib Inde xvij lib

Item ane bull pryce therof vj lib

Item four stirks pryce of the piece xl^s inde viij lib

Item the sawing of fiftie bolls aitts estimate to the third terme extending to sevin scoir and Ten bolls pryce of the boll with the fodder iij lib vj^s viij^d inde v^c lib

Item of beir In the barne and barnesyaird four bollis pryce of the boll vj lib with the fodder Inde xxvj lib xiiij^s iiij^d

Item the insicht of the houses in utencils and domicills and the abulzement of the defuncts bodie by the airschip estimate to xl lib

Item the barne ten bolls beir

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pryce of the boll vj lib inde Lx lib

Item certiane hay estimate to xx lib

Summa of the Inventar --- ix^c ix lib

debtis awin out

Item thair was awand be the said umquhille Jon the tyme foirsaid to the persones following the sowmes of money eftir specifit viz:

To Elizabeth Forsythe his mother in full and compleit payment be just compt of all bygane sowmes proffettis and dewties of hir lifrent and conjunctle of the lands of Gartshoir possesit be the said Johnne and his tennents of all yeiris and croppis bygone preceeding the day and daite heirof, and acceptis be the said debt In full fair factionie thereof vij^c lib

To umquhile Williame Gieuidlaw conforme to ane band j^c Lxxiiij lib vj^s viij^d

To George Auchinlek in Smeystoune conforme to ane band xxxiiij lib vj^s viij^d

To Robert Hay in Schirva j^c xxxiiij lib vj^s viij^d

To the executors of umquhile William Hay conforme to ane band grantit to the said umquhille William j^c xxxiiij lib vj^s viij^d

To Robert Smalie in Barbethe restand of ane mair sowme jj^c lib

To the said Robert Smalie of bygane proffeit xxx lib

To Niniade Kincaid maltman burges of Glasgow xl lib

To Robert Miller and Margrat Flemying his spous ix lib

To the said Robert Hay by and attoure the former sowmes Lxvj lib xiiij^s iiij^d

To Thomas Dune in Auchinwill xxxiiij lib v^{js} viij^d

To George Wallace of Fey¹ xvij lib vj^s viij^d

To James Rae of Fey xij lib xiiij^s iiij^d

To Agnes Donnaldsoun of Fey vj lib xiiij^s

Summa of the debts out --- j^m vj^c Lxxxix lib

<Quota Nulla> Et sic debita exterminat bona.

Legacie

At Gartshoir the xxj day of merche j^m vj^c and sevintein yeiris. The quhilk day the said Joun nominats makes and confirms Williame Stark of Auchinstarie, Robert Burne in Schirva, Barbara Stark his spous his confirmit executoris. And the said Barbara onlie and undersall intromitrix

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with his guidis and geir.

And nominates constitutes appoints and ordanes the said Barbara his spous tutrix testamentair during hir wedowheid to William, Robert, Patrick, Thomas and James Gartshoiris his lawfull sones.

¹ This could be 'Sey' for the next few. It's probaby a place they all reside, and is possibly a contraction. I wondered if it might be 'fei' as in fee, but I'd expect 'in' not 'of' beforehand.

And in cais of hir deceis and marriage in that caise now as than, and than as now, nominats and appoyntis the saids William Starke and Robert Barne² conjunct tutors to his foir namit five sones

And tutars to William, Robert, Patrick, Thomas, James and Jonet Gartschoirs his lawfull bairneis his blissing with his hail frie guidis and geir amangst thame equallie to be devydit

In witness thereof their presents writtin be William Flemyng notar in Glasgow the said Joun hes subscrivit the samyne At day year and place foirsaid Befoir the witnesses Malcome Flemyng of Woddellie, James Flemyng of Oxcange, Johnne Stark brother germane to the said William Starke, and the said William Flemyng. Sic Subscribitur Johnne Gartschoir of that Ilk.

Ita est. William Flemyng publicus de mandato dicte Elizabethe Forsythe scribe, nesciens ut asseruit manu propria subscripsit.

Ita est. Jacobus Stewinson communitis publicus de mandato dicte Elizabeethe Forsythe scribere nesciens ut asseruit manu propria subscripsit.

William Forsythe of Idyks witness. Waltum Flemyng witness. James Flemyng. Johnne Turk witness.

I Mr James Handtoun³ of Westport commissioner of [Glasgow?] Be the tenor hereof Certifeis approves and effairmis this testament and Inventar In sew foir as the same is newlie meid and gevin up needing nothing further of the former, nor name of the items above the same contained and gevis and admittis full power and Intromissioune to the guidis and geir abovewrittin foresaid Elizabethe, she acceptaring the office upon hir with power foirsaid, Elizarbetea to call and persue therefoir and to enter debt to creditors Reservand alweyes compt and reckoning be maid be hir of hir intromassioune quhen and quhair the same sall be requytat.

Because William Stark of Auchinst[.] ane of the executors nominat be the defunct In testament personally compeired in iudgement Renuncit his office and maid faithe that he had tane nor tyne to intromit with the defuncts guidis or geir and the said Robert Burne in [.] ane uyer of the executors nomynat be the defunct being likewise required to accept the said office of executor In and upon him, comperit not to the effect In respect quhair of, the said commissioner served hir for the sole office of executor all burdne their of as ane act meid therupone beiris.

The said Barbara Stark being putt In Judgement acceptis as said is, maid fayt as use is, and hes fund caution as law will as ane act meid thereupoun adknowledges with quhilk yeir the aucht day of December 1618.

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The said quhilk day In presens of the commissioners of Glasgow compeirit personallie William Stark of Auchinstaris and of his awin consent actit him selfe his airis and executors cautioner and souertie for Barbara Stark relict and executorix onlie constitue to umquhile Johnne Gartschoir of that Ilk hir spous that the guidis and geir contenit in his confermit testament salbe furthcumand to all pairteis haveand enterest as law will.

² Sic – spelled Burne on the previous page.

³ Possibly Hamilton.

And the said Barbara Stark accepit hir selfe hir airs and executors to releif and skaithless keip hir said cautioner and his foirsaidis of the premisis of all danger that Ander ather aryse upon ethir of thame and aceptis.

ENGLISH TRANSLATION

The Testament Testamentar and Inventory of the goods, gear, debts, and sums of money which belonged to the late John Gartshore of that Ilk, within the parish of Lenzie, at the time of his death, who died in the month of March 1617.

Faithfully made and given up by his own mouth, as his latter will and testament of the date written below more fully sets forth.

Inventory

First, the late John had belonging to him at the time foresaid, and in his possession, the goods and gear written below, of the values and prices after specified:

- Nine cows producing a calf every year, price of each £12, total £108.
- Two cows not in calf, price £10 pounds each.
- Four plough horses, besides the heritable horse, price of each £20, total £80.
- Twenty head of sheep, price of each 3 shillings 4 pence, total £33 6 shillings 8 pence.
- Three young cows up to three years old which have not calved, price of each £6, total £18.
- One bull, price £6.
- Four bullocks or heifers between one and two years old, price of each 40 shillings, total £8.
- The sowing of fifty bolls of oats, estimated at the third term, extending to 150 bolls, price of each boll with the fodder £3 6 shillings 8 pence, total £500.
- Barley in the barn and barnyard, four bolls, price of each boll £6 with the fodder, total £26 13 shillings 4 pence.
- The insight (household contents) of the houses in utensils and furnishings, and the clothing of the deceased's body (besides the heritable goods), estimated at £40.
- In the barn, ten bolls of barley, price of each £6, total £60.
- Certain hay, valued at £20.

Sum of the Inventory: £909.

Debts Owed Out

There was owed by the late John at the time foresaid to the following persons the sums of money after specified:

- To Elizabeth Forsyth his mother, in full and complete payment by just account of all bygone sums, profits, and duties of her liferent and conjunct fee of the lands of

Gartshore, possessed by John and his tenants in all years and crops bygone preceding this date—accepted by her in full satisfaction: £700.

- To the late William Givanlaw, according to a bond: £173 6 shillings 8 pence.
- To George Auchinleck in Smitstoun, according to a bond: £33 6 shillings 8 pence.
- To Robert Hay in Shirva: £133 6 shillings 8 pence.
- To the executors of the late William Hay, according to a bond granted to him: £133 6 shillings 8 pence.
- To Robert Smailie in Barbreath, part remaining of a larger sum: £200.
- To the said Robert Smailie for bygone profit: £30.
- To Ninian Kincaid, maltman, burgess of Glasgow: £40.
- To Robert Miller and Margaret Fleming his spouse: £9.
- To the said Robert Hay, over and above the former sums: £66 13 shillings 4 pence.
- To Thomas Dune in Auchinwill: £33 6 shillings 8 pence.
- To George Wallace of Fey: £17 6 shillings 8 pence.
- To James Rae of Fey: £12 13 shillings 4 pence.
- To Agnes Donaldson of Fey: £6 13 shillings.

Sum of the debts owed out: £1,589.

No fee for the writing of the testament.

Because the debts exceed the goods, the estate is insolvent.

Legacy

At Gartshore, the 21st day of March 1617.

On this day, the said John nominates, makes, and confirms William Stark of Auchinstarrie, Robert Burn in Shirva, and Barbara Stark his spouse, as his confirmed executors, with the said Barbara as sole and universal intromitter (administrator) with his goods and gear.

He nominates, constitutes, appoints, and ordains the said Barbara his spouse as testamentary tutrix (guardian), during her widowhood, to his lawful sons William, Robert, Patrick, Thomas, and James Gartshore.

And in the event of her death or remarriage, in that case, now as then, and then as now, he nominates and appoints the said William Stark and Robert Burn as joint tutors to the foresaid five sons, and as tutors to William, Robert, Patrick, Thomas, James, and Janet Gartshore, his lawful children—giving them his blessing and his whole free goods and gear, to be divided equally among them.

In witness whereof, these presents, written by William Fleming, notary in Glasgow, are subscribed by the said John at the day, year, and place foresaid, before these witnesses: Malcolm Fleming of Woodhall, James Fleming of Oxcgang, John Stark lawful brother to the said William Stark, and the said William Fleming.

Signed: John Gartshore of that Ilk.

Thus it is. William Fleming, public notary, at the command of the said Elizabeth Forsyth, wrote this, she not knowing how to write, as she affirmed, and he subscribed with his own hand.

Thus it is. James Stevenson, public notary, at the command of the said Elizabeth Forsyth, she not knowing how to write, wrote and subscribed with his own hand.

Witnesses: William Forsyth of Edicks; Walter Fleming; James Fleming; John Turk.

I, Mr. James Handtoun of Westport, commissioner of Glasgow, by the tenor hereof certify, approve, and affirm this testament and inventory, in so far as the same is newly made and given up and needs nothing further of the former nor any other items above those contained. And I give and admit full power and authority to the foresaid Elizabeth (Forsyth), she accepting the office upon her, with power to call and pursue therefore and to enter debtor to creditors, always reserving that account and reckoning be made by her of her intromission when and where the same shall be required.

Because William Stark of Auchinstarrie, one of the executors nominated by the deceased, personally appeared in judgment and renounced his office and made oath that he had taken nor meant to take any dealing with the deceased's goods or gear; and because Robert Burn in [Shirva], another of the executors nominated by the deceased, being likewise required to accept the office of executor on and upon him, did not appear for that effect—therefore the commissioner served her (Elizabeth) as the sole executor, with the whole burden thereof, as an act made thereupon bears.

The said Barbara Stark, being placed in judgment, accepts as said is, made oath as is customary, and has found caution as law requires, as an act made thereupon acknowledges, upon the eighth day of December 1618.

On the said day, in the presence of the commissioners of Glasgow, personally appeared William Stark of Auchinstarrie, and of his own consent bound himself, his heirs, and executors as cautioner and surety for Barbara Stark, relict and sole executrix to the late John Gartshore of that Ilk, her spouse, that the goods and gear contained in his confirmed testament shall be forthcoming to all parties having interest, as law will.

And the said Barbara Stark accepted herself, her heirs, and executors to relieve and keep harmless her said cautioner and his foresaids of the premises, and of all danger that might arise upon either of them, and so accepted.