

THE ROYAL BURGH OF AYR



Seven Hundred and Fifty Years of History

Edited by

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FOREWORD

by

ADAM HART, PROVOST OF AYR

EARLY in the year 1950 the town council were considering what action should be taken to commemorate, during 1952, the seven hundred and fiftieth anniversary of the creation of Ayr as a royal burgh, the original charter having been granted to the burgesses by King William the Lion *c.* 1202. When it became known that the Ayrshire Archaeological and Natural History Society purposed the publication of a volume of their Collections covering matters concerning the history and development of the burgh, the town council welcomed the opportunity of collaborating in the project, and the Society fortified in the knowledge that the local authority's support was readily—indeed enthusiastically—given, immediately put in hand the preparation of this book.

The reader will appreciate the tremendous amount of research which has gone into the compilation of a volume narrating in such a readable form seven hundred and fifty years' history of a town like Ayr, which, as Dr. Dunlop comments in her preface, has undergone many upheavals and survived frequent crises.

The town council are indebted to the Society for the task they undertook and have discharged so well. The gentlemen who have been responsible for the various chapters have given us the benefit of their experience, skill and time, and have earned the gratitude of the community.

The Society and the council were fortunate indeed to obtain the services of Dr. Annie I. Dunlop, O.B.E., LL.D., to edit the commemorative book which bears the hallmark of Dr. Dunlop's specialised skill and extensive knowledge of the history of Ayrshire and Scotland.

Men of Ayr have helped in shaping the history of the world, Old and New, and I know that this volume will find its way into public and private libraries in all parts of the globe.

PREFACE

THE present volume is published to commemorate the seven hundred and fiftieth anniversary of the creation of the royal burgh of Ayr. It is a token of civic pride in the fact that Ayr is the oldest Scottish royal burgh which still possesses its charter of foundation; and the contents of the book afford ample evidence that this civic pride is well justified. In the long history of the burgh we can trace continuity through change. It is a far cry from the small semi-rural burgh created by King William under the shadow of his new castle to the present flourishing county town of one of the most important of Scottish shires.

During the seven and a half centuries of its history Ayr has undergone many upheavals and survived frequent crises. Thus she has been affected by the Wars of Independence and the Reformation, the Covenanted troubles and the Union of the Parliaments, the Agricultural and Industrial Revolutions, and by the schisms and reunions within the Church. Yet the royal burgh still serves as a centre of administration, and her prosperity still derives largely from agriculture and commerce. To this day she holds a strategically important geographical position and enjoys economic advantages. Her Sheriff Court, her market and her harbour, her schools and churches and bridges, are as essential to her economy to-day as they have been through the centuries; and old street names survive to reflect the past in the life of the present.

The problems of poverty and disease and of man's spiritual and material welfare have been ever present, and this book shows how the burgh has tackled them in the various phases of her development. Thus public health measures can be traced from the rudimentary system evolved to deal with the plague up to the establishment of the National Health Service. Similarly, we can follow the expanding conception of education and poor relief from the days when they were administered locally by the Church until they reached their existing position

as part of a nation-wide scheme. The diverse parts played, at home and overseas, by eminent sons of Ayr may be taken as an epitome of the many-sided contribution of the royal burgh to the wider life of Britain and the Commonwealth.

Finally, the spirit that animated the past is vital to-day and is looking towards the future. The volume finishes upon a note of expectancy. Its very publication is a proof that the ancient burgh has not lost her hold upon the loyalty of her children. The work has been a labour of love on the part of all the contributors, working as a team under the auspices of the Ayrshire Archaeological and Natural History Society. Moreover, the Town Council, as trustees of a great inheritance, have shown their civic patriotism by making a generous grant in aid of publication.

ANNIE I. DUNLOP

3rd March 1953

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CHAPTER I

CHARTER OF FOUNDATION

GEORGE S. PRYDE, M.A., PH.D.

WILLELMUS dei gracia Rex Scottorum episcopis abbatibus comitibus baronibus justiciariis vicecomitibus prepositis ministris et omnibus probis hominibus tocius terre sue clericis et laicis salutem. Sciant¹ presentes et futuri me ad nouum castellum meum sup[er] Are burgum fecisse et eidem burgo et burgensibus meis in eo manentibus omnes libertates et omnes liberas consuetudines concessisse quas alij burgi mei et mei burgenses in eis manentes per regnum meum habent. Assedi etiam in eo quolibet die sabbati diem fori. Concessi etiam² burgensibus qui illuc uenient ad burgum meum inhabitandum et ibi sedentes et manentes erunt ut quieti sint a tolmeio et omni alia consuetudine per totam terram meam de dominicis catallis suis. Prohibeo itaque firmiter ne quis in regno meo ab aliquo illorum tolneium aut aliquam aliam consuetudinem de dominicis catallis suis exigit super meam plenariam forisfacturam. Concessi et³ eidem burgo meo et burgensibus meis qui in burgo illo sedentes et mannetes erunt quinque nummatas terre que pertinent ad uillam de Are per diuisas inferius scriptas scilicet de Inuerdon sursum usque in Inuerpolcurtecan et de Inuerpolcurtecan sursum usque ad Crottun et sic per Curtecan usque ad capud⁴ Curtecan et sic a capite Curtecan ascendendo per Boghesken usque ad Monedamdereg et sic a Monedamdereg per sicum usque in Monemethonac et a Monemethonac per sicum usque in Pollecleuan et sic per Pollecleuan usque in Lochfergus et a Lochfergus descendendo usque in Dufhat et a Dufhat descendendo per sicum usque ad riuulum ex orientali parte Drumnesauel et a riuulo Drumnesauel descendendo usque in sicum ex occidentali parte riuuli illius et sic per sicum illum usque in Polleclonecrangali et sic per Polleclonecrangal

¹ Not *Sciat* as in transcript in *Charters of Ayr*, 1

² Not *ut* as in *Charters of Ayr*, loc. cit.

³ Not *etiam* as in printed transcript

⁴ *Charters of Ayr*, loc. cit., makes this word *caput*

usque in Duffloch et inde usque in Pollemulin et sic per Pollemulin descendendo usque in Are et sic per Are descendendo usque in mare. Concessi etiam burgensibus meis ibidem manentibus ut cum quolibet plenario tofto suo habeant sex acras terre quas de boscho extirpauerint infra predictas quinque¹ nummatas terre ad faciendum inde commodum suum. Reddendo annuatim mihi pro quolibet tofto et sex acris terre² illi adiacentibus xij denarios. Mando itaque et firmiter precipio ut omnes homines qui cum merchaturis suis ad uendendum et emendum ad illum predictum burgum meum uenerint firmam pacem meam habeant et forum exerceant et in bene et pace³ redeant. Precipio etiam firmiter ut apud Mach et Karnebuth et Lowdun et Crosenecon⁴ et Lachtalpin tolneium et alie consuetudines que burgo debentur dentur et recipiantur. Prohibeo itaque firmiter ne quis tolneium aut aliquam aliam consuetudinem quam predicto burgo meo de ratione facere debet ultra predictas diuisas asportare presumat super meam plenariam forisfacturam. Si quis uero tolneium uel aliquam aliam consuetudinem predicti burgi mei ultra predictas diuisas asportare presumpserit precipio firmiter ut omnes homines infra predictas diuisas manentes sint auxiliantes seruientibus meis ad adquirendum ius meum et ad capiendum et attachiandum illum qui tolneia aut aliquam aliam consuetudinem ad predictum burgum meum pertinentem ultra predictas diuisas asportauerit uel asportare contenderit. Testibus Florentio electo Glasguensi cancellario meo⁵ Waltero et Willelmo capellanis meis⁶ Philippo de Valoniis camerario meo⁷ Roberto de Londoniis filio meo⁸ Willelmo de Boscho⁹ et Hugone¹⁰ clericis

¹ *Quinque* is omitted in *Charters of Ayr*, 2

² *Terre* is inadvertently omitted, *loc. cit.*

³ [*Sic*]: error for *bene et in pace*

⁴ Though *c* and *t* are almost identical in the original hand, this seems a slightly better reading than *Croseneton*, as in the printed transcript

⁵ Florence was elected to Glasgow after 20th September 1202, but apparently never consecrated: Dowden, *Bishops of Scotland*, 300. He was chancellor by 4th November 1203: *Liber Sancte Crucis*, 36. He had resigned his see before 15th May 1207: Dowden, *op. cit.*, 301.

⁶ Walter was elected to Glasgow, 9th December 1207: *ib.* Walter and William, chaplains, witnessed many of King William's charters: *Charters of Coupar Angus*, i, 40

⁷ Philip de Valoniis (de Valence), chamberlain in the latter part of William's reign, died in 1215: *Chron. de Mailros*, 121; *Charters of Ayr*, 2, note 2

⁸ Robert of London was a natural son of the king, whom he survived: *Charters of Inchcolm*, 108-9

⁹ William de Boscho (de Bois) was the chancellor's clerk in 1203: *ib.*, 110-11

¹⁰ There were several men so designated about this time: *Charters of Coupar Angus*, i, 5

meis Willelmo de Valoniis¹ Thoma de Coleuill² Reginaldo de Crauford.³ Apud Lanarc xxj die Maij.

(Translation)

WILLIAM, by the grace of God king of Scots, to the bishops, abbots, earls, barons, justiciars, sheriffs, provosts, officials and all honest men of his whole land, clerical and lay, greeting. Let those present and to come know that I have made a burgh at my new castle upon Ayr and have granted to the same burgh and to my burgesses dwelling in it all the liberties and all the free customs which my other burghs and my burgesses dwelling in them have throughout my kingdom. I have also allotted in it a market day every Saturday. I have also allowed to the burgesses who shall come thither to inhabit my burgh and settle and dwell there that they be free from toll and from all other custom for their proper goods throughout my whole land. I therefore strictly forbid anyone in my kingdom, on pain of my full forfeiture, to exact from any of them toll or any other custom for their proper goods. Further, I have granted to the same burgh of mine and to my burgesses who shall settle and dwell in that burgh the five pennylands which belong to the town of Ayr, by the bounds afterwritten, to wit, from Inverdon up to Inverpolcurtecan, and from Inverpolcurtecan up to Corton, and so by the Curtecan to the head of the Curtecan, and so going up from the head of the Curtecan by Boghesken to Monedamdereg, and so from Monedamdereg by the ditch into Monemethonac, and from Monemethonac by the ditch into Polcleuan, and so by Polcleuan into Lochfergus, and going down from Lochfergus into Dufhat, and going down from Dufhat by the ditch to the stream on the east side of Drumnesauel, and going down from Drumnesauel stream into the ditch on the west side of that stream, and so by that ditch into Polclonecrangali, and so by Polclonecrangali into Duffloch, and thence into Polmullin, and so going down by Polmullin into the Ayr, and so going down by the Ayr into the sea. I have also allowed to my burgesses dwelling there that with each

¹ He died in 1218 or 1219: *Chron. de Mailros*, 135; *Charters of Inchaffray*, 272

² He, too, died in 1218 or 1219: *Chron. de Mailros*, 134; *Charters of Inchaffray*, 270

³ He was later sheriff of Ayr: *Sheriff Court Book of Fife*, 358

full toft of theirs they may have six acres of land which they have cleared from wood within the foresaid five pennylands, making their own profit therefrom and paying me twelvepence annually for each toft and six acres adjoining it. I therefore command and strictly order that all men who come to that foresaid burgh of mine with their merchandise to sell and buy have my firm peace and use the market and return well and in peace. I also order strictly that toll and other customs which are owed to the burgh be given and received at Mach, Karnebuth, Loudoun, Crosenecon and Lachtalpin. I also strictly forbid anyone, on pain of my full forfeiture, to presume to carry off beyond the foresaid bounds toll or any other custom which he ought by reason to give to my foresaid burgh. If, however, anyone should presume to carry off beyond the foresaid bounds toll or any other custom of my foresaid burgh I strictly order that all men dwelling within the foresaid bounds help my servants to recover my right and to take and arrest the man who has carried off or attempted to carry off beyond the foresaid bounds tolls or any other custom belonging to my foresaid burgh. Before these witnesses, Florence, bishop elect of Glasgow, my chancellor, Walter and William my chaplains, Philip de Valence my chamberlain, Robert of London my son, William de Bois and Hugh my clerks, William de Valence, Thomas de Colville, Reginald de Craufurd. At Lanark the twenty-first day of May.

AYR'S CHARTER OF FOUNDATION, 1203 × 1206

In many ways the charter of erection of the burgh of Ayr is a memorable document, full of interest for the national as well as the local historian. It is the earliest surviving (and may well have been actually the first) charter of foundation of what was then called in Scotland a king's burgh (*burgus domini regis*) and, from the fifteenth century, came to be known as a royal burgh (*burgus regalis*)¹; for, though there were perhaps as many as thirty of these king's burghs in existence by about 1200, none of them possesses a charter expressly bringing the burgh into being, and it seems unlikely that all would have perished if they had in fact been granted. What we do have is a number

¹ Rothesay's charter of 1401 appears to be the first Scottish document in which the term occurs: *Scot. Hist. Rev.*, xxix, 66-9

of charters granting specific privileges—especially market grants and other economic rights—to existing king's burghs,¹ and also charters announcing or licensing the erection of four ecclesiastical burghs.² For the rest, our knowledge of the local aspects of early feudal government must depend, prior to the Ayr charter, on casual references and brief hints in the chartularies of monasteries and bishoprics, or on the general picture of town life and work to be derived from the early chapters of the *Laws of the Four Burghs*.³

Apart from its priority, the fullness of detail of Ayr's charter is striking. The burgh lands are minutely defined, the arrangements for collecting burgh tolls are most methodical, and the wording as to the formation and settlement of the burgh are unusually unambiguous. Read in conjunction with other evidence of the period, the charter gives us our clearest picture of the way in which the monarchy imposed its will and its ideas on outlying districts.

The terms of the charter may most conveniently be treated under eight headings: (i) the burgh and the castle; (ii) burghal liberties; (iii) the grant of a weekly market; (iv) freedom from toll for the burgesses' goods; (v) the five pennylands of Ayr; (vi) the six-acre burgess holdings of cleared land; (vii) the king's peace; (viii) the five toll 'check-points'. In addition, the limit-dates of the charter require some consideration.

BURGH AND CASTLE

In 1197, some six years before the earliest possible date for the charter, but certainly less than ten years before it was granted, a new castle was built between the rivers Doon and Ayr—*factum est novum oppidum inter Don et Ar*.⁴ The words of the charter show that it was by no chance coincidence that the burgh developed alongside the castle: as was the case in a

¹ cf. especially the charters to Rutherglen, Perth, Aberdeen and Inverness: *A.P.S.*, i, 86-9; A. Ballard, *British Borough Charters, 1042-1216*, 170, 172, 199

² St. Andrews, 1140 × 1153 (*A.P.S.*, i, 85); Canongate, 1143 × 1147 (*Liber Sancte Crucis*, 6); Glasgow, 1175 × 1178 (*Reg. Epis. Glasguensis*, i, 36); and Arbroath, 1178 × 1182 (*Reg. de Aberbrothoc*, ii, 533-4)

³ Dr. W. M. Mackenzie argued against the attribution of the *Leges Quattuor Burgorum* to David I's reign, and placed them no higher than their English prototypes (the Newcastle customal), i.e., the reign of Henry II: *The Scottish Burghs*, 21-30

⁴ *Chron. de Mailros*, 103. Though in classical Latin *oppidum* meant town, it was used in the middle ages to designate either town or castle, and there can be little doubt that the second term is applicable here.

great majority of Scottish districts in the early days of feudalism, the two were planned as interdependent institutions—the military and the civil elements in a local strong-point. The castle protected the burgh, the burgesses supplied, worked for, and in an emergency assisted the castle garrison.¹ At Ayr, as clearly as anywhere in the kingdom, the ‘garrison theory’ fully explains the origin of the burgh.

This is not to say that no human settlement existed on the site of Ayr prior to this time. There is no harm in supposing that a Celtic community had gathered at such a likely spot as the mouth of the river Ayr in prehistoric days—but it is pure surmise, for there is no evidence on the point. To carry the argument further, however, and (as David Murray did) to deny the attractive ‘pull’ of the castle in the planning of the burgh and to suppose that a community of freemen or burgesses, ‘bound by a common oath’, had been ‘holding an extensive territory . . . from time immemorial’,² is to flout the plain meaning of the charter. Equally futile were the conjectures of James Paterson, who took the words ‘at my new castle’ to imply ‘that an old castle had previously been in existence’ and considered that the mention, shortly after this time, of Newton-upon-Ayr itself showed that the origin of the old town ‘must have been long anterior’.³ A moment’s reflection will remind us that strange results would flow from the automatic presumption of an ‘old’ to correspond to each ‘new’.

The building of the castle (a wooden structure on an earthen mound) and the planning of the burgh were undoubtedly intended to strengthen the king’s hold in the south-west, where Galloway (with its northern division of Carrick) had a sturdy tradition of independence or at least local autonomy; Turnberry, the stronghold of Duncan, lord (and later earl) of Carrick, was something of a challenge to the royal power.⁴ It is noteworthy that the same remedy—linked castle and burgh—was applied in this region as had already been adopted to tame and govern the difficult province of Moray, where Elgin, Forbes,

¹ For detailed studies of the ‘garrison theory’, see Professor Dickinson, in *Sheriff Court Book of Fife*, 370-88; G. Neilson, in *Juridical Review*, xiv, 129-40; and G. S. Pryde, *ib.*, xlvii, 271-83.

² *Early Burgh Organisation*, ii, 305-7. As a corrective to Murray’s view, see Mackenzie, *op. cit.*, 33-4.

³ J. Paterson, *Hist. of Ayr and Wigtown* (1863-6), i, 5.

⁴ Murray, *op. cit.*, ii, 340-2; *Scots Peerage*, ii, 422-3.

Inverness, Nairn, Banff, and Cullen all antedate Ayr. Lanark had been secured in David I’s reign,¹ Dumfries by 1186.² Wigtown was to emerge as a sheriffdom in 1263³ and as a burgh (with its castle) by 1292.⁴ The completion of the process may be seen in the appearance of the bailies of Kirkcudbright at Exchequer in 1330/31 to account for the burgh fermes owed to the king.⁵

The normal pattern of local government was filled in at Ayr with the appointment of a sheriff based on the castle and burgh. Reginald de Craufurd (who was one of the witnesses of the burgh’s charter) is mentioned as sheriff of Ayr in a document dated 1204 × 1219,⁶ in another dated 1208 × 1214,⁷ and in a number of others down to 1228.⁸ Moreover, another early sheriff appears in a charter which cannot be dated more narrowly than 1197 × 1230; here the words used to designate the official—*Willelmo vicecomite de nouo castello super Ar*⁹—suggest most vividly the way in which local administration was built around a strongpoint, where castle, burgh and sheriffdom met and fused.

BURGHAL LIBERTIES

The burgh of Ayr and the resident burgesses were given in the charter all the liberties and free customs enjoyed throughout the kingdom by other king’s burghs and the burgesses dwelling in them. It is not easy to say exactly what was covered by this general phrase. The economic urge behind the foundation of burghs was no doubt vital, but the basic trading rights—freedom from toll and a weekly market—were, in most cases (including that of Ayr), expressly conveyed by separate clauses of the charter, while the grant of an annual fair was

¹ Kelso abbey had a toft there in the reigns of David I and Malcolm IV (*Lib. de Calchou*, i, v, 13); the sheriffdom appears before 1162 (*Sheriff Court Book of Fife*, 355).

² *Lib. de Calchou*, i, 11, 15; ii, 260, 317; G. Neilson, ‘Dumfries: Its Burghal Origin’, in *Trans. of Dumf. and Gall. Nat. Hist. and Antiq. Soc.*, 3rd Ser. ii (1913-14), 157-76.

³ *Sheriff Court Book of Fife*, 362.

⁴ *A.P.S.*, i, 116; *Jurid. Review*, xiv, 137.

⁵ *Exch. Rolls*, i, 303.

⁶ *Liber de Melros*, i, 64*. Since Walter FitzAlan, the grantor of this charter, succeeded in 1204, and Thomas de Colville, a witness, died in 1218 or 1219, the true limit-dates would seem to be as stated, and not 1205 × 1240, as given in *Sheriff Court Book of Fife*, 358, note 3.

⁷ *Reg. de Passelet*, 22.

⁸ *Sheriff Court Book of Fife*, 358, note 4 and sources there cited.

⁹ *Liber de Melros*, i, 29.

normally the subject of a distinct charter. Similarly, territorial possessions of any considerable extent got special mention. We should probably look elsewhere for the meaning of burghal liberties and free customs.

Very little is known of burgh government in those early days. The extent to which the *Laws of the Four Burghs* were observed in the twelfth and thirteenth centuries seems to be very limited,¹ and such hints as we get as to methods of local administration suggest that affairs were largely in the hands of *prepositi* or *ballivi* appointed directly by the king and responsible to him.² We must assume that what was conveyed by the clause under consideration was, primarily, burgage tenure, and, possibly, the right to trial in the burgh court. The burgess held his toft or tenement 'burgage' (*in liberum burgagium*); this was in some sense a non-feudal tenure, in that he owed the king (or other overlord) a money rent (usually fivepence per rood) and minimal personal services ('walking and warding', or watching and local defence).³ Since we have thirteenth century references to the *curia burgensium* actually functioning in the larger burghs, like Berwick,⁴ Glasgow,⁵ Perth,⁶ and St. Andrews,⁷ we should probably be on safe ground in assuming that the general grant of burghal privilege embraced the burgess's right and duty to seek justice and to stand trial in the court of the burgh: in the words of the *Laws of the Four Burghs*, 'wha sa evir that aw to tak rycht or do rycht in the burgh he sal cum to the motis'.⁸

GRANT OF MARKET

The grant of a weekly market-day is of normal occurrence in burgh charters. The old English law—'let no man bargain out of port'—was generally followed in Scotland,⁹ though not without a few permitted departures. David I's gift to the bishop of Brechin *de foro imperpetuum habituro in villa per dies dominicos* was frequently confirmed in later reigns, long before Brechin was a burgh.¹⁰ King William, by special concession to

¹ Mackenzie, *Scottish Burghs*, 21 *et seq.*

² *ib.*, 97-9; Murray, *Early Burgh Organisation*, i, 24; ii, 163

³ *ib.*, i, 36 *et seq.*; ii, 383

⁴ *Reg. Epis. Moraviensis*, 143

⁵ *Reg. Epis. Glasguensis*, i, 197-200; *Reg. de Passelet*, 382-3, 399-401

⁶ *Liber de Scon*, 60-1; *Liber de Balmorinach*, p. 24

⁷ *Reg. Prior. S. Andree*, 284-5

⁸ Murray, *op. cit.*, i, 228; *cf. ib.*, ii, 420-1

⁹ A. Ballard, in *Scot. Hist. Rev.*, xiii, 16

¹⁰ *Reg. Epis. Brechinensis*, i, 3, 8, 20-1, 56-7; ii, 5-6, 79, 90. In 1466 the market day was changed from Sunday to Monday: *ib.*, ii, 108-9.

the monks of Kelso, allowed their men, on any day other than that of the market of the neighbouring burgh of Roxburgh, to sell from their windows fuel, timber, corn, bread, beer, flesh and fish.¹ And in 1266 the monks of Melrose, who owned Mauchline, in Ayrshire, were given the liberty of buying and selling there *in quocumque foro uel loco uoluerint sine molestia*.²

Too much emphasis should not be laid on these cases; they were exceptional infringements of the rule, followed fairly closely until after the Reformation, that markets and trading should be confined to the burghs.³ The application of this law in the twelfth and thirteenth centuries, when 'custom hardened into law' and prescriptive rights tended to become charter rights, may have resulted in the suppression of primitive trading-posts and pedlars' meeting-places; in other cases, no doubt, customary and informal markets became regular burghal markets, where the uplandman and the stranger, on paying their tolls and dues, were permitted to trade. Speculation on the prehistoric antecedents of a particular burgh market, however, such as that of Ayr, is profitless⁴; in the legal sense, Ayr's charter created its market, and, when the king appointed Saturday as the *dies fori* of his burgh, he called into being a new institution.

FREEDOM FROM TOLL

The right of levying tolls, like that of granting a market (with which it was bound up), was assumed in the period of feudal reorganisation to belong to the king; or, at best, if a subject might collect tolls, he did so only by royal favour and special grant. There were, in Scotland as elsewhere,⁵ a great variety of petty tolls leviable from strangers arriving by land or water with goods for sale—tolls upon carts, pack-horses, pedlars and walking cattle or swine, tolls taken at bridges, fords and ports, shore-tolls, harbour-dues and anchorages, and market-dues on all sales. Everywhere the motives were the same—to encourage the local trader by hope of gain, to permit the foreigner to

¹ *Liber de Calchou*, i, 15; ii, 305

² *Liber de Melros*, i, 286, 288

³ Ballard, *Scot. Hist. Rev.*, xiii, 17-18; Mackenzie, *Scottish Burghs*, 91-2

⁴ David Murray, always prone to look beyond the charter and make bold assumptions about earlier conditions, is unwarrantably positive on this score; see especially *Early Burgh Organisation*, ii, 423, 466

⁵ For a list of early French and German tolls, *cf. ib.*, ii, 415, note 1

participate at a price, and to provide revenue for king or lord.

Exemption from these tolls was a valued privilege. As a routine act of piety, freedom from toll throughout Scotland for their own proper goods was granted by the kings to the monks and to their men: for example, by David I to Dunfermline,¹ Cambuskenneth,² Holyrood,³ Melrose⁴ and Dryburgh⁵; by Malcolm IV to Coldingham⁶; by William to Coupar Angus,⁷ St. Andrews priory⁸ and Isle of May⁹; and by Alexander II to Inchaffray.¹⁰ Barons followed their monarch's lead in granting such concessions.¹¹ As a variant of the privilege, monks might be allowed to operate one ship, free from all toll and custom.¹²

It was policy, not piety, that led the kings to give their burghs a similar exemption.¹³ Merchant burgesses were best fitted to build up the commercial prosperity of the state, and their affairs could succeed only if they were allowed free passage throughout the kingdom. The Ayr charter, therefore, like those granted to other king's burghs, conferred freedom from toll for the goods which they themselves owned (*de dominicis catallis suis*) upon the burgesses who came to inhabit the burgh and dwelt there; on pain of forfeiture, no one throughout the kingdom should exact toll from any such. The words used show that this was a new settlement that was being

¹ *Ut habeant per totam terram meam theloneum quietum de cunctis rebus quas mercati fuerint ad propria eorum necessaria: Reg. de Dunfermelyn*, 6

² *Reg. de Cambuskenneth*, 73

³ *Liber S. Crucis*, 6, 23

⁴ *Liber de Melros*, i, 15

⁵ *Ut sint liberi et quieti in omni regno meo de teloneo et . . . consuetudinibus sicut aliqui viri religiosi . . . inveniuntur videlicet quantum ad se et propria catalla sua . . . : Liber de Dryburgh*, lxix; *cf. ib.*, 105, 179

⁶ Raine, *North Durham*, App., p. 7, nos. xxxi, xxxii

⁷ *Uendendi et emendi per totum regnum meum omnia quibus opus habuerint ad sustentationem et utilitatem domus sue: Rental of Cupar Angus*, ii, 291-2; *cf. ib.*, i, 323

⁸ *Reg. Prior. S. Andree*, 147-8

⁹ *Charters of I. of May*, 9

¹⁰ *De hiis que ement ad usus eorum proprios: Liber Insule Missarum*, 13; *cf. Charters of Inchaffray*, 29-30

¹¹ About 1210 David de Lindesay granted the abbot of Arbroath and his men freedom from toll throughout his lands: *Reg. de Aberbrothoc*, i, 97. And in 1205/6 John of England gave a similar concession for the whole of his kingdom *salva libertate civitatis Londonii: ib.*, 330.

¹² *Reg. de Dunfermelyn*, 12; *Liber de Scon*, 3-4, 21-2; *Charters of I. of May*, 7-8. And for Henry III's licence to Melrose and Coupar Angus for a wool-ship to Flanders, see *Charters of Coupar Angus*, i, xxxv, citing Bain, *Cal. of Docs.*, i, 904.

¹³ See the charters to Inverness (*A.P.S.*, i, 88), Lanark (*R.M.S.*, iii, 2308; *Burgh Recs. of Lanark*, 307), Aberdeen (*Munic. Corp. Comm. Gen. Rept.*, App., 6), Dumbarton (*R.M.S.*, vii, 190), Dingwall (*R.M.S.*, ii, 2387) and Stirling (*Charters of the Burgh of Stirling*, no. viii). The burgesses of the abbot's burghs of Canongate and Arbroath were likewise exempted from toll: *Liber S. Crucis*, 6; *Reg. de Aberbrothoc*, i, 3; ii, 533-4.

fostered, and that exemption from toll was one of the inducements deliberately proffered to prospective inhabitants.

THE FIVE PENNYLANDS OF AYR

Another concession to new settlers was the conveyance to the burgh and its resident burgesses of the five pennylands which are declared to belong to the town of Ayr; the words [*que pertinent ad uillam de Are*] may be interpreted either as a mere geographical identification of the lands, or as expressing the new state of affairs created by the charter itself, or, again, as making good in written law an existing prescriptive right—the traditional association between a primitive township at the mouth of the Ayr and its hinterland of coarse pasture and waste land uncleared of wood, whin and heather.¹ Whatever the position before the charter, the burgh's title to these lands was now secure. They came to be known as the Burrowfield and formed the old parish of Ayr.

The pennyland—land of variable² area rated or taxed at one penny per annum—was the unit of land measurement or assessment in an economy, the primitive nature of which is sufficiently indicated by the modest term of reference employed; it had already given way, in the Lowlands generally, to the poundland or merkland, though it continued to be used for centuries in the West Highlands.³ It seems here to have been equivalent to some 460 acres in extent, the Burrowfield running to about 2,300 acres in all.⁴

The charter defines the area minutely, setting out its bounds by streams and place-names, which, though they cannot all be identified, are tolerably clear, especially if we accept the view that the course of the Doon has altered in the past eight centuries, and that the Curtecan or Belleisle burn was formerly one of its tributaries. It seems likely that the boundary followed the course of the Doon from its mouth to its confluence with the Curtecan, ran up the Curtecan by Corton to the head of the stream and over (possibly by Mosshill and Mossend farms)

¹ David Murray had no doubt that the third explanation offered above was the accurate one: *Early Burgh Organisation*, ii, 379, 393

² Between about 250 and 500 acres in extent, and between about a two pound land and as much as a 16 merk land

³ For a scholarly analysis of the pennyland, its incidence and its value, see Murray, *op. cit.*, ii, 384-5, and notes

⁴ *ib.*, 380

to Pouclewen and Lochfergus, and thence, perhaps by Knock-soul and Mill burn (Polmullin), to the river Ayr and so to the sea and along the shore to Doon mouth.¹

SIX-ACRE BURGESS PLOTS

The Burrowfield was potentially a valuable possession, but hardly in its natural state of rough pasture, woodland, moor and waste. It accorded well, therefore, with common sense as well as with the policy of encouraging colonisation for the king to offer each resident burgess, along with the toft that was the standard burgess holding,² six acres of land in the Burrowfield, to be cleared of wood and used for his own private profit; the yearly rent for toft and six acres of reclaimed land was to be twelvepence, presumably as an enhanced burgage rent. The uncleared balance of the five pennylands would remain as common land; that is, it could be used by the burgesses as a community, for common pasture, as peat-moss, for quarrying stones, or for pulling heather or 'bent' (rush) for flooring or bedding. But the six-acre plots would at once become individual arable holdings.

THE KING'S PEACE

All merchants coming to the burgh of Ayr to buy or sell were to have the king's firm peace, to make use of the market, and to be allowed to return in safety and peace. Such grants were common. Of the western burghs, Glasgow had this privilege in favour of its resident burgesses *in eundo et redeundo* (1175 × 1178) and of those who frequented its great fair *ad veniendum illuc et ibi standum et inde iuste redeundum* (1189 × 1198).³ Dumbarton's charter of 1221 used almost the same words as did that of Ayr,⁴ and all those who brought wood and fuel into the burgh of Lanark likewise enjoyed the king's peace (1285).⁵

¹ For a detailed examination of the boundary points, see *Charters of Ayr*, xx-xxiii

² The toft, perhaps normally one rood in area, was the tenement held in burgage, on which the burgess was required to build and maintain his house (so that the land be 'distrainable' for his debts); it was usually rather long, with a narrow frontage and garden or yard towards the 'tail'

³ *Reg. Epis. Glasguensis*, i, 36, 38; *Charters of Glasgow*, I, ii, nos. i and iii

⁴ J. Irving, *Book of Dumbartonshire* (1879), i, 58, note 1; cf. Ballard and Tait, *British Borough Charters, 1216-1307*, 271

⁵ *R.M.S.*, iii, 2308; *Burgh Recs. of Lanark*, 308; *Murray, op. cit.*, ii, 32

In this respect Scottish practice was but following what was in general use throughout Christendom. Travel was at all times dangerous, and a merchant or packman with wealth in money or goods was a particularly inviting target for the robber. The grant of the king's peace was a real deterrent to the evil-doer, for its breach raised the heinousness of the offence and incurred, in the terms of our early law-codes, the heaviest penalties.¹ 'Such a grant', wrote David Murray, 'was a passport or safe conduct to those who were entitled to it'; and, while respect for law and order was uncertain, and until (much later) the king's peace became the effective rule of the country, it was a privilege that was highly prized at market and fair.²

TOLL CHECK-POINTS

The last three clauses (other than the witness clause) of the charter concern an unusual, if not unique, arrangement designed to defeat frauds in the matter of tolls due to the burgh. It was provided that such tolls and customs should be given and received at five named places, which can be identified with some approach to certainty. Mach is very probably the Maich burn, in northern Cuninghame, crossed by the road from Ardrossan (and ultimately Ayr) by Dalry to Paisley. Karne-buth seems more likely to have been near the Renfrewshire border, on the road from Ayr by Stewarton and Mearns moor to Glasgow, than in eastern Kyle (where Chalmers placed it).³ Loudoun is on the main east-west road between Lanarkshire and Ayrshire. Crosenecon is Corsencon, in Cumnock parish, on the road from Ayr by the Nith valley to Dumfries. Lacht-alpin was a strong castle⁴ in Dalmellington parish, commanding the river Doon and the road from Ayr to Kirkcudbright and Galloway.⁵

It is noteworthy that all five toll-stations are near the boundary of historic Ayrshire, and it is perhaps tempting to regard them as defining the area within which the burgh of Ayr held a monopoly of trade and to equate that area to the

¹ *A.P.S.*, i, 320 (c. xiv), 664; *Regiam Majestatem* (Stair Soc., 1947), p. 277 (iv, c. 37); *A.P.S.*, i, 640 (IV, c. 56)

² *Murray, op. cit.*, i, 46-7, 295-7; ii, 436

³ *Caledonia*, iii, 481

⁴ cf. *New Stat. Acct. Ayr*, 315

⁵ For an examination of the place-names, see *Charters of Ayr*, xxiii-xxvi

sheriffdom or shire. For the charter was granted to Ayr precisely at the time when the characteristic Scottish system of trade-precincts was beginning to take shape; that development was inspired, no doubt, by the early co-operation of burgh and sheriffdom. William's charter to Inverness prohibited any buying and selling within the sheriffdom except by and to the burgesses and stall-holders of the burgh, and also forbade anyone to have a tavern in any landward town (*in aliqua villa campestri*) of the shire, unless it were a town in which a knight, the lord of the town, resided.¹ A monopoly of cloth-making, together with a similar prohibition of extra-burghal taverns, was granted by the same king to Perth and Aberdeen within their respective shires,² and by Alexander II to Stirling,³ while Lanark in 1285 got the monopoly of buying wool, skins and other merchandise, and of dealing in cloth, within its sheriffdom.⁴

Clearly the terms of the Ayr charter cannot be taken as conferring any such express monopoly as was conveyed to these burghs. There is, indeed, no reference in the document to either sheriff or sheriffdom, although the overlap between the limit-dates of the burgh charter and those for the earliest references to a sheriff of Ayr⁵ creates the possibility of the co-existence of burgh and sheriffship from the foundation of the former. For faint parallels to the Ayr arrangement we must look to other charter-grants.

In a charter to Inverkeithing William the Lion confirmed the burgesses' right to levy tolls in the area between the rivers Leven in the east and Devon in the west, and forbade anyone to trade within these bounds, save in the burgh.⁶ The same monarch, in ratifying Rutherglen's privileges as belonging to it from David I's time, specified the limits of the freedom of the burgh—from Neithan to Polmacde, from Garin to Kelvin, from Loudun to Prenteineth, and from Karnebuth to Karun. (The occurrence here of the names Karnebuth and Loudun indicates that Rutherglen and Ayr had interests over regions that were contiguous; this is not the only point of contact

¹ A.P.S., i, 89 ² *ib.*, 86, 87

³ *Charters of Stirling*, no. vii

⁴ *Burgh Recs. of Lanark*, 308; *R.M.S.*, iii, 2308

⁵ *Supra*, p. 7

⁶ *Munic. Corp. Comm. Gen. Report*, App., 8; Ballard, in *Scot. Hist. Rev.*, xiii, 19; Ballard and Tait, *Brit. Borough Charters*, 241; *R.M.S.*, i, App. ii, 1856

between the two charter-grants.) It was provided that, if anyone detained toll belonging to Rutherglen, the *prepositus* or serjeant of the burgh should seize him and that the local lord, under pain of a £10 fine, should assist in the arrest of the debtor. As at Inverkeithing, but in contrast to Ayr, no one was to sell anything within the defined limits unless it had first been offered for sale within the burgh.¹

Rutherglen and Inverkeithing point the way to an understanding of Ayr's toll-stations. Since the burgh was the legal centre of trade for its district and the place where tolls ought to be paid, it was necessary to define that district and to provide for the recovery of unpaid tolls within its limits; and, since it was a royal right that was being flouted, assistance to secure justice could be required in the king's name. From recovery of tolls due in the burgh but withheld, to the right of collecting tolls within the burgh's district or 'freedom', was a natural second step. The process was completed at the third stage, by a simple prohibition of all trade within the district except at the burgh itself.

Now, Rutherglen, as we have seen, had been a burgh since David I's reign, and Inverkeithing at least from that of Malcolm IV.² It is therefore reasonable that they should be at relatively advanced stages in this process—the one collecting tolls, the other recovering unpaid tolls, and both prohibiting non-burghal trade, all within their respective freedoms. (Rutherglen's district was at one time a sheriffdom,³ later incorporated in Lanarkshire as its Lower Ward.⁴) So, too, Perth and Aberdeen, established as burghs and sheriffdoms from David's reign,⁵ and Inverness, slightly more recent,⁶ were given monopolies over their shires, each of which became the

¹ A.P.S., i, 86; D. Ure, *Hist. of Rutherglen* (1793), 5, 7, 12, 21. Murray, *Early Burgh Organisation*, i, 44; ii, 9-10, 413-15. And, for the right of the boroughs of Nottingham and Northampton to collect tolls at distant points, *ib.*, ii, 406, 408-9.

² For Inverkeithing in Malcolm's reign, see *Reg. de Dunfermelyn*, 26, 152; *Reg. de Cambuskenneth*, 41; *Liber de Calchou*, ii, 299; *Liber S. Crucis*, 18; *Liber de Scon*, 5. In contrast to this full documentation, the only evidence for the burgh's prior existence is the spurious charter (1111 × 1114) to Scone: *ib.*, 2; Lawrie, *Early Scot. Charters*, 280-6.

³ Edward I recognised it as such in 1296: *Rotuli Scotiae*, i, 25, 27

⁴ *Sheriff Court Book of Fife*, 373, 379, notes 7 and 8

⁵ For Perth as a burgh circa 1125, *Reg. de Dunfermelyn*, 15; for Aberdeen in David's reign, A.P.S., i, 87; for the two sheriffdoms, *Sheriff Court Book of Fife*, 351

⁶ Kinloss priory had a toft there *ex dono Malcolmi Regis*: *Reg. Epis. Morav.*, 455, 458. For the sheriffdom, see *Sheriff Court Book of Fife*, 359-60.

trade-precinct of its head-burgh.¹ It was perhaps equally inevitable that Ayr should be at the earliest stage in this matter of tolls, for the burgh was a brand-new creation, a sheriff may not yet have been appointed, and, even if he had, the sheriffdom could certainly not have taken shape as yet.

The five toll check-points, then, were situated not far from the boundaries of historic Ayrshire; but even more significant is the fact that each of them was on one of five main roads or tracks leading from Ayr—northwards by Dalry to Paisley, north-north-east by Stewarton to Glasgow, north-east by Loudoun towards Lanark and Carstairs, east-south-east by the Nith valley to Dumfries, and south-east by the Doon towards Kirkcudbright. The only serious omission in the system is the failure to name a station on the southward route (by the coast or Maybole) towards Girvan, Innermessan and Stranraer,² and this may well mean that Carrick was deemed hostile country at Ayr's back-door.

The check-points are distant up to twenty-five miles from Ayr, in a wide arc from north to south-east. They may represent a day's hard walking or normal riding from the burgh, and it may have been thought that the absconding debtor, if he were to be caught at all, must be taken within that range; beyond it (or anywhere within the bounds of unfriendly Carrick) the quest would be hopeless. The idea would accord well with the primitive simplicity of the terms of the charter—no one should presume to carry off the just toll beyond the limits, on pain of full forfeiture to the king, but, if he attempts to do so, all men must help the king's officers to recover his dues. It is worth noting that a charter of 1223 to the newly founded burgh of Dumbarton authorised the burgesses to take toll 'for the king's use' (*ad opus regium*) within its bounds, that is, from the river Kelvin to the head of loch Long.³

To sum up, Ayr's charter did not either imply or create the sheriffdom⁴ or the trading precinct; but, by 'staking a claim'

¹ Incidentally, it would have been almost impossible to define boundaries or appoint suitable toll-stations in the roadless interiors of these three large sheriffdoms

² For the road from Ayr to west Galloway, see Murray, *Early Burgh Organisation*, ii, 404, note 2

³ The charter was confirmed in 1609: *R.M.S.*, vii, 190

⁴ *Sheriff Court Book of Fife* (an admirable authority in general) requires correction on this point (p. 358)

with geographical precision, it took the first and most important step towards both these ends.

DATE OF THE CHARTER¹

Like William's charters in general, that of Ayr is undated by year, either regnal or dominical; but, like many of those belonging to the later part of his reign, it is dated by day and month (21st May). It can, however, like most early documents, be roughly dated within limits from the names of the witnesses, and the limit-dates traditionally assigned to it are 1202 × 1207. These dates were proposed by George Chalmers² on the ground that Florence, bishop elect of Glasgow (in this respect the material witness), held that dignity from 1202 until 1207. Later writers, such as W. S. Cooper,³ Adolphus Ballard,⁴ and David Murray,⁵ have accepted Chalmers's guess, but closer consideration enables us slightly to narrow the range of possible dates.

Florence's predecessor at Glasgow was not postulated to St. Andrews until 20th September 1202, so that Florence could not have been elected until later in the year,⁶ and 21st May 1202 is therefore too early for the charter. Moreover, he had resigned the Glasgow see before 15th May 1207,⁷ and in any case a papal bull dated 6th May 1207 (for bulls *were* dated) refers to the burgh of Ayr⁸; hence 21st May 1207 is clearly too late for the charter. Its true limit-dates are accordingly 1203 × 1206.

CONCLUSION

The central fact about the charter is that it is the written record of an act of creation. Something new had been, was being and would be brought into being. Men had to be enticed to undertake the adventure of a new life in the new town. If only they would come in and settle as resident burgesses, all sorts of privileges, amenities and immunities would be theirs—a weekly market, freedom from toll, a 'croft' along with their 'toft', wide common lands for their peat, wood, stone and

¹ The substance of this section was printed as a note in *Scot. Hist. Rev.*, xxix, 215-16

² *Caledonia* (1824 edn.), iii, 499 and note

³ *Charters of Ayr*, xix, 1

⁴ *British Borough Charters, 1042-1216*, cxlvi, 3

⁵ *Early Burgh Organisation*, ii, 303

⁶ J. Dowden, *Bishops of Scotland*, 300

⁷ *ib.*, 301; *Reg. de Passelet*, 428 (misdated 1209 in Tabula)

⁸ *Reg. de Cambuskenneth*, 48

heather, and the king's peace to protect their trade. So it was with other new burghs about this time. At Dumbarton, in 1221, settlers were encouraged by the promise of five years' *kersetum*—exemption from burghal dues while they built their house on their toft;¹ and at Dingwall, in 1226, the term was extended to ten years.² 'The general tone', as Dr. Mackay Mackenzie aptly observed, 'is that of a burgh "to let" for which tenants are invited on favourable terms.'³

It was not the first burgh in what came to be the county. Fully thirty years earlier (1165 × 1173), Walter FitzAlan, in a charter to the abbey of Paisley, referred to *burgo meo de Prestwic*,⁴ but Prestwick, though for centuries the head-burgh of the barony of Kyle-stewart, and, as a tight little self-sufficient and largely self-governing community of burghal crofters, of much interest to the constitutionalist, was not destined to attain any importance in local or national economy and administration. Ayr, on the other hand, building on the sure foundation of its charter, an effective and 'live' document, very quickly became a leading seaport, a bustling market town, a centre of industry and population, and the unquestioned county town; not only so, but the sheriffdom itself, historic Ayrshire, took shape and size, as an economic and political unit, from the terms of the burgh charter.

¹ J. Irving, *Book of Dumbartonshire*, i, 58, note 1

² See rescript of this charter in the confirming charter of 1497/8: *R.M.S.*, ii, 2387; cf. Ballard and Tait, *Brit. Borough Charters*, 140-1

³ *The Scottish Burghs*, 34-5

⁴ *Reg. de Passelet*, 6



after D. O. Hill

AYR FROM BROWN CARRICK

CHAPTER 2

DEVELOPMENT OF THE BURGH

GEORGE S. PRYDE, M.A., PH.D.

THE municipal history of Ayr may be traced in some detail and with a near approach to continuity, for it is a well-documented subject. The preservation (unusual among our ancient burghs) of its charter of foundation (1203 × 1206) may be said to strike the keynote, for it is outstandingly fortunate in the possession of a complete series of its more important medieval charters, and it has a better-than-average collection of such muniments as town council minutes, court books, burgh accounts, and rolls of burgesses and guild brethren. The subject has, in addition, attracted the attention of local historians; in particular, it bulked large (as it should) in the work of the county historian, James Paterson,¹ and it inspired the devoted labours of that penetrating and industrious antiquarian, David Murray.² Finally, under the auspices of the Ayrshire and Wigtownshire Archaeological Association and the careful editorship of W. S. Cooper, the burgh's charters were published in suitable format (including admirable facsimiles of the foundation charter and later deeds),³ while, more recently, the Scottish History Society performed the like service for the burgh accounts.⁴

MEDIEVAL AYRSHIRE

In medieval Ayrshire, as in other counties, real power was shared by the Church and the great landowners. On the ecclesiastical side a dominant position was held by the two abbeys, the Tyronensian house of Kilwinning, in Cuninghame,

¹ *History of the County of Ayr* (2 vols., 1847-52); *History of the Counties of Ayr and Wigtown* (5 vols., relating only to Ayrshire, 1863-66)

² *Early Burgh Organisation in Scotland* (vol. ii, 1932, pp. 299-575)

³ *Charters of the Royal Burgh of Ayr* (Archaeological and Historical Collections of Ayr and Wigtown, 1883)

⁴ *Ayr Burgh Accounts, 1534-1624* (Scottish History Society, 3rd series, vol. xxviii, 1937)

founded in 1140 by Hugh de Morville, and staffed by monks from Kelso, and the Cluniac monastery of Crossraguel, in Carrick, established as an offshoot from Paisley by Duncan, earl of Carrick, in the thirteenth century. Less important were the short-lived Gilbertine, or mixed, house at Dalmulin and the four friars' houses—there were both Dominicans (or Black Friars), and Franciscans (or Grey Friars), at Ayr, Carmelites (or White Friars) at Irvine, and Trinitarians (or Red Friars) at Fail, in Kyle. In a degree perhaps unusual even in Scotland, the 45 medieval parishes suffered from the neglect consequent upon the prevailing evil of appropriation: no fewer than 37 of them were annexed to monastic houses (14 to Kilwinning, five to Crossraguel, three to Fail, nine to Paisley and six to other houses outside the shire), while the remaining eight were, or became, prebends of Glasgow Cathedral or of the Chapel Royal at Stirling.

From the mid-twelfth century the feudal order penetrated all three historic divisions (which antedate the shire). The Morvilles were all-powerful in Cuninghame but died out in the thirteenth century, leaving followers to found families that became famous. The northern half of Kyle got the name of Kyle-stewart from its owners, the FitzAlans, hereditary High Stewards of Scotland, while the south, as Kyle-regis or King's Kyle, remained under the Crown. Carrick, an earldom carved out of ancient Galloway, fell to the Bruces from 1292. With the elevation to the Crown in the fourteenth century of first the Bruces and then the Stewarts, most of Ayrshire became 'royalty' and, to fill the local void, a new baronage arose. The Kennedys were supreme in Carrick, acquiring a lordship in 1458 and the earldom of Cassilis in 1509. No peerage emerged in Kyle, but here the Campbells of Loudoun, as hereditary sheriffs throughout the later middle ages, were the equals of their noble rivals. Three 'new' families came to dominate the scene in Cuninghame—the Montgomeries, whose lordship (1445) led to their earldom of Eglinton in 1507, the Boyds, with a lordship dating from 1454, and the Cunninghams, who obtained the titles of lord Kilmaurs in 1463 and of earl of Glencairn in 1503.¹ Only less powerful were the lairds, some-

¹ The first creation of this earldom, in 1488, was annulled: *Scots Peerage*, iv, 233-6

times leagued with the nobles, sometimes engaged in deadly feuds against them as well as against each other; some impression of their number is conveyed by the fact that there were at least 56 baronies (i.e., holdings in chief from the Crown) in medieval Ayrshire.¹

THE MEDIEVAL BURGHS

Besides Prestwick (1165 × 1173) and Ayr (1203 × 1206), the county contained two other burghs in the early middle ages. A charter by Alexander II relieved the burgesses of Irvine from paying toll and custom on their burgh goods throughout the kingdom,² so that the origin of this burgh must be dated 1214 × 1249.³ Sometime before 1446,⁴ and possibly within the period 1306-71, the little village of Newton-upon-Ayr, across the river from the county town, also became a burgh. Irvine, Prestwick and Newton were, or came to be, dependent on the Stewarts, but the first-named alone, on the accession of that family to the Crown, became a king's burgh (*burgus domini regis*, later *burgus regalis*, or royal burgh),⁵ the two smaller communities retaining their former status as baronial burghs.⁶

Ayrshire shared in the general movement, begun in the fifteenth century, to establish a new type of burgh (*burgus in baronia*), with weekly market, annual fair and crafts designed to meet strictly local demands for goods and services. Five of them were set up within a period of forty years—Newmilns, in Loudoun parish, holding from Sir George Campbell, sheriff of Ayr (9th January 1490/1),⁷ Cumnock (James Dunbar of Cum-

¹ This estimate is based on a scrutiny of the first four volumes of the *Registrum Magni Sigilli* and concerns only baronies mentioned there in deeds prior to August 1560. It excludes Cuninghame and Kyle, sometimes designated baronies in early charters, but more properly defined as baileries.

² The original charter is lost, but it was confirmed by Robert I in 1322: *Muniments of Irvine*, i, 9-10

³ The 'Agreement of 1205', the first document printed in the *Muniments* and a late and imperfect copy, cannot be accepted as completely authentic and should probably be dated 1305. At a meeting of the Ayrshire Archaeological and Natural History Society on 9th February 1950, the writer examined the document in some detail, and the Society propose to publish the lecture in a later volume of their *Collections*. ⁴ *Burgh Recs. of Prestwick*, 114-16

⁵ Documents of April 1372 and February 1372/3 recognised it as such: *Muniments of Irvine*, 11-14

⁶ Charters of 1600 show Prestwick and Newton as burghs of barony holding from the Prince and Steward of Scotland: *R.M.S.*, vi, 1042, 1048

⁷ For charter in full (translated), see J. Strawhorn, 'Newmilns: the Story of an Ayrshire Burgh', in *Ayrshire Archaeol. and Nat. Hist. Collections*, 2nd Ser., i (1947-49), 95-7; and for Latin abstract, *R.M.S.*, ii, 2001

nock, 27th September 1509),¹ Mauchline, the county's only ecclesiastical burgh (depending upon the abbey of Melrose, 30th October 1510),² Maybole (Gilbert, earl of Cassilis, 14th November 1516),³ and Kilmaurs (Cuthbert, earl of Glencairn, 2nd June 1527).⁴ All five were of some local significance, but the same cannot be said of three other charter-grants of burghs in barony, which seem to have been dead letters: thus Auchinleck (Thomas Boswell of Auchinleck, 27th May 1507),⁵ Saltcoats (Hugh, earl of Eglinton, 1st February 1528/9),⁶ and Ballantrae (Thomas Kennedy of Bargany, 8th July 1541),⁷ despite the intentions of their founders, seem to have had no municipal existence at this time, and must be classed among Scotland's many 'parchment burghs'. Omitting these three, we see Ayrshire at the Reformation equipped with two royal burghs and seven burghs in barony—three of them in Cuninghame (Irvine, Newmilns and Kilmaurs), five in Kyle (Ayr, Prestwick, Newton, Cumnock and Mauchline) and only one in Carrick (Maybole).

THE LANDS OF ALLOWAY

A charter by Alexander II dated 20th April 1236 states that he had conveyed in feu-ferme (*tradidisse ad feodofirmam*) to his burgesses of Ayr the five pennylands in Kyle called *Auilwey et Crottun et Gortcloy*, at a rent of £10 per annum, on condition that they should not burn, give away, sell or destroy growing wood on these lands, but take only what they required for their own houses in Ayr and for building their own ships (*et ad proprias naues suas de Are faciendas*).⁸

This, one of the earliest recorded feu-ferme grants in Scotland,⁹ made the burgh the possessor, in feu, not burgage, of the lands of Alloway, Corton and Carcluie, lying to the south

¹ *R.M.S.*, ii, 3376 ² *ib.*, 3514

³ *ib.*, iii, 112; translation in *Munic. Corp. Comm. Local Reports* (1836), 128-9

⁴ D. McNaught, *Kilmaurs, Parish and Burgh*, 332 *et seq.*

⁵ *Reg. Sec. Sig.*, i, 1481; Marq. of Bute, J. H. Stevenson and H. W. Lonsdale, *Arms of Baronial Burghs*, 33

⁶ In this case a precept under the signet 'misfired', for no charter was expedited until 6th May 1576: *Reg. Sec. Sig.*, i, 4059; *R.M.S.*, iv, 2560

⁷ *R.M.S.*, iii, 2400; Bute, etc., *op. cit.*, 43 ⁸ *Charters of Ayr*, 9-10

⁹ For two grants of 1232 *ad feodofirmam*, one by the king to the bishop of Moray, the other by the bishop to David de Strathbolgyn, see *Reg. Epis. Morav.*, 26, 28; for another by the king in 1236, *ib.*, 464; and for one by the king to Holyrood in 1235, *Liber S. Crucis*, 51

of the Burrowfield and of roughly the same extent (just over 2,300 acres). These lands came to be recognised as the parish of Alloway, which, much later (1690), was absorbed by that of Ayr; but at this early date, as the wording of the charter shows, they must have been largely woodland, no doubt with rough grazing intermixed.¹ The gift made Ayr a territorially wealthy burgh.

On 20th January 1323/4 Robert I, confirming the Alloway grant, erected the lands *in unam liberam baroniam*, for the same annual reddendo (£10), but imposed on the burgesses the duty of making one suit at each sheriff court held at Ayr and the obligation of finding litter and fuel for the king's house, for three days and nights, on his visits to Ayr. The barony tenants were relieved of military service, apprisings and imposts, except those to which the burgesses themselves were subjected.² The effect of this charter was to make the community of Ayr, in respect of the Alloway lands, a collective baron, holding in chief from the Crown.

FISHINGS, BRIDGE AND HARBOUR

It was not only in lands that Ayr was favoured and privileged from an early date. On 7th December 1236 Alexander II gave the burgesses the royal fishings of Ayr and Doon (*omnes piscarias nostras de Air et Dun*), for the maintenance of the bridge and the improvement of the harbour (*ad sustentationem pontis et ad emendationem portus de Air*), and for other common affairs of the town.³ Whether the bridge was actually the 'auld brig o' Ayr' is a question of some antiquarian and architectural interest,⁴ but the important point in the historical sense is that the ford giving access to the burgh from the north had been replaced by the newer mode of transit at the earliest epoch of bridges in Scotland (Alexander II's reign).⁵ The suggestion of rapid

¹ Murray, *Early Burgh Organisation*, ii, 385-92, 574-5

² *Charters of Ayr*, 21-2. And already, in 1261, the burgesses themselves had been freed from all arrests and apprisings (*captacionibus et prisīs*) except the king's and queen's own: *ib.*, 18.

³ *ib.*, 14. There were, however, other than royal fishings in both Ayr and Doon, and these would not be affected by the present grant: Murray, *Early Burgh Organisation*, ii, 422, note 3. ⁴ *cf. ib.*, ii, 323

⁵ There are, for example, references to the Tay bridge at Perth in 1219 (*Liber de Scon*, 51), to the bridge of Brechin (over the South Esk) in 1246 (*Reg. de Aberbrothoc*, i, 184), and, during the same reign, to bridges at Aberdeen (*ib.*, 98) and at Balhaggardy, near Inverurie (*Chartulary of Lindores*, 21); the earliest mention of

progress is unmistakable. So, too, with the port or harbour, mentioned incidentally in this grant of 1236, though not formally confirmed to the burgesses and community in a surviving charter earlier than that of 1400.¹ That the sea-borne commerce of Ayr was considerable and the harbour a place of note much earlier is a plain inference from the final clause of the Alloway barony charter of 1323/4, whereby the burgesses were to have their merchant guild (*gildam suam mercatoriam*) as freely as did any other burgesses within the kingdom.²

THE ANNUAL FAIRS

To round out its early burghal privileges, Ayr obtained, in 1261, its Midsummer fair and, in 1458, a second, or Michaelmas, fair.³ In any burgh so endowed, the concourse of people for business and amusement made the fair the chief event and the greatest gathering of the year. By comparison with the normal restrictions upon buying and selling, fair time was almost one of free trade; tolls were levied, it is true, but they were light in incidence, and everyone was tolerated—not only the burgesses and stallangers who resorted to the weekly market, but also landward men, packmen and hucksters, foreign merchants and even ‘regraters’ (who committed what was at other times the offence of bulk-purchasing for re-sale at a profit). The power of holding a fair and drawing the profits therefrom was keenly sought after and highly prized.⁴

CROWN AND BURGH

The close association of burgh and castle during the early and lawless days was later dissolved, for the burghers were essentially civilian-minded. Already during the Largs campaign (1263), the sheriff had to man the castle to make up for the burgesses’ failure to come to its defence.⁵ Relations with the Crown tended to become purely financial, the *prepositi*

the Glasgow bridge over the Clyde (*i.e.*, the wooden structure that preceded Bishop Rae’s stone one built about 1350) is in 1285 (*Reg. de Passelet*, 399; *cf.* Murray, *op. cit.*, i, 71, 303-5, 543-4)

¹ ... *una cum portu burgi supradicti* ...: *Charters of Ayr*, 26

² *ib.*, 22. For the early history of the port, the goods handled, the shipping, the trade-routes, and Ayr’s relative importance, see H. McGhee, ‘The Old Harbour of Ayr’, in *Ayrshire Archaeol. and Nat. Hist. Soc. Collections*, 2nd Ser., i (1947-49), 75-86.

³ *Charters of Ayr*, 18, 29-31

⁴ Murray, *Early Burgh Organisation*, i, 330-5; ii, 15, 463

⁵ *Exch. Rolls*, i, 6; Murray, *op. cit.*, ii, 470

(later the *ballivi*) of Ayr, like those of the other burghs, answering in Exchequer for their fermes. In 1304, when Edward I was exercising the royal power, they amounted to 50 merks (£33 6s. 8d.), with an additional sum of £8 19s. for Alloway.¹ In the years 1327-1330 the total stood between £30 and 50 merks,² only to fall steeply (as did all the burgh fermes) during the disturbed reign of David II and to sink as low as £2 12s. 6d. in 1351-1366.³ From 1372 the fermes stood at £10 per annum,⁴ but twenty years later they had doubled,⁵ £10 being due for the burgh apart from the £10 payable for Alloway; and Robert III’s charter of 12th September 1400 fixed the annual reddendo at £10 when the fermes were feued to the burgesses and community.⁶

This charter is an interesting as well as important document. From 1319 (Aberdeen) and 1329 (Edinburgh) the greater burghs had been obtaining such feu-ferme grants, agreeing to pay a fixed annual sum in perpetuity to the Crown and being given virtually unfettered control of all their local revenues, for which they were formerly accountable in Exchequer. Thus the burgesses acquired, for their own use, the burgh itself, with all its lands,⁷ the harbour and fishings, the burgh fermes, petty customs and tolls, the mills, multures and their sequels, the courts and issues of courts (*i.e.* fines or ‘unlaws’). From 1400, therefore, Ayr achieved fiscal autonomy.

RELATIONS WITH THE SHERIFF

While the burgh’s close connexion with the king’s castle underwent a natural relaxation, its relationship with the sheriff positively deteriorated. During the later medieval and post-medieval periods, the hereditary sheriffship rested with the Campbells of Loudoun, a family that dominated central Ayrshire and were, from the burgh’s point of view, unhealthy neighbours. Though the burgh, as such, was not in the normal way subject to the sheriff or to his court, there were many occasions on which the jurisdictions clashed. In January 1417/18 there was a conflict (the outcome of which is not

¹ Bain, *Cal. of Docs.*, ii, 425; Murray, *op. cit.*, ii, 484, note 2

² *Exch. Rolls*, i, 69, 89, 161-2, 267, 303

³ *ib.*, i, 609-10 (£29 for 8 years); ii, 210, 283

⁴ *ib.*, ii, 486, 573

⁵ *ib.*, iv, 22

⁶ *Charters of Ayr*, 25-6

⁷ Except Alloway, already secured by the charter of 1323/4, which remained valid and was not affected by the arrangement of 1400

recorded) over the sheriff's seizure of burgess goods as pledges for failure to turn out at the Governor's last muster, when the Ayr bailie claimed that the burgesses were answerable only to the Chamberlain.¹ In 1459, the year following the grant of the Michaelmas fair, the sheriff had to be warned by the king not to interfere with it, and the burgesses, standing on their rights, refused to compare at his Fair court in 1460²; but in October of that year Sir George Campbell of Loudoun won the support of the lords of Council for his claim for 'the halding of the new fair'.³

Though the burgh owed suit (as a collective baron) to the sheriff court for its lands of Alloway, its tenants of these lands were specially exempted from giving testimony in any courts other than those of the burgh, and in 1471, on a complaint that these men 'ar compellit be oure shiref of Air and his deputis to pas upone inquestis and assisis in oure shireff courtis of Air', that official was ordered to desist.⁴ In 1547/8 his successor in office had to be commanded by the Queen not to try cases between burgesses, since they should not 'answer before ony juge undir the lordis of our counsale bot befor the . . . provest and ballies allanerlie'.⁵

In April 1557 Sir Hew Campbell (sweetened by a gift of £2,000 from the burgesses) frankly admitted, in a 'band and obligatioun', that they had full jurisdiction within their freedom over 'slaughteris mutilationis bluidis thiftis spulzeis and uthairis crymes' (though the rival claims for 'the keeping of the heid faris' were reserved).⁶ And in December 1558 the lords of Council supported Ayr's right of repledging a burgess from the earl of Eglinton's bailie court of Cuninghame.⁷ Down to the Reformation, therefore, Ayr's extensive jurisdiction, in law at least if not altogether in fact, remained unimpaired.

BURGH GOVERNMENT

Prior to the sixteenth century, when the surviving burgh records preserved at Ayr⁸ begin, we have little precise infor-

¹ *Charters of Ayr*, 76-8

² *ib.*, 31-2, 34-5, 86-8

³ *ib.*, 88-9

⁴ *ib.*, 22, 32-3, 36

⁵ *ib.*, 40-1

⁶ *ib.*, 42-7; cf. Murray, *Early Burgh Organisation*, ii, 502-5

⁷ *Charters of Ayr*, 106-8

⁸ An earlier (1428-1478) volume of unpublished burgh court records was deposited in the Register House, Edinburgh, in 1946 by the Town Clerk of Ayr. Cf. *Scot. Hist. Rev.*, xxix, 1.

mation about methods and personnel in local government. Charter grants were normally made in favour of 'the burgesses and community',¹ but it is hard to say just how this term should be interpreted. What we do know is that the earliest burgh officials were called *prepositi*, that they were two in number, and that they came to be called *ballivi* in the course of the fourteenth century. Before 1400, another change had brought in a chief magistrate, who was usually styled alderman, in addition to the two bailies; and this title was used interchangeably with, and was only very gradually (1386-1530) displaced by, that of provost.²

In 1454, for example, we have the alderman, two bailies and *pars maxima meliorum atque digniorum burgensium* acting for the community,³ and in 1507/8 the same role is played by those three magistrates, *unacum magna confluentia conburgensium ac communitatis . . . burgi*.⁴ There is as yet no hint of a settled council, and the Act of Parliament of 1469, ordering the old council to elect the new,⁵ was at first probably as little obeyed in Ayr as elsewhere.⁶ When, however, formal decisions or consultations on matters of fact were required, an assize or *inquisitio*, of 15 or more men, was specially sworn.

THE EARLIEST BURGH ACCOUNTS (1428-29)

On 17th November 1429, John de Bathcate and Thomas de Carric, bailies of Ayr, being required by the Chamberlain-depute to give in their accounts for the past year, protested against the innovation but voluntarily agreed to do so, within the customary forty days from their demission of office.⁷ By a curious coincidence these selfsame accounts have in part survived.⁸

Over the period of the accounts the bailies spent £30 3s. 3d., and, since the balance due to them was £1 2s. 4d., the total charge (which is unfortunately missing) must have been

¹ e.g., the feu-ferme charter of 1400: *Charters of Ayr*, 26

² See Murray's full and clear account of these terms: *Early Burgh Organisation*, ii, 484-8

³ *Charters of Ayr*, 15

⁴ *ib.*, 37

⁵ cf. Mackenzie, *The Scottish Burghs*, 121-4

⁶ Murray, *op. cit.*, ii, 489-90

⁷ *Charters of Ayr*, 82-3

⁸ The only accounts prior to 1534 that we have, they were discovered by Professor Croft Dickinson in the Register House, and were published by the present writer in *Scot. Hist. Rev.*, xxxi, 139-46

£29 os. 11d. The barony-mail of Alloway, it seems, was included, and another large item of revenue would be the yield of the stent (or tax) 'of Flanders' (possibly to finance an embassy) and another to defray the cost of a military expedition of 'the nechboris'; small receipts would include the burgh-mails and petty customs, and perhaps also burgess-entries and 'unlaws'.

The only magistrates mentioned are the alderman and two bailies, the latter, in the absence of a treasurer, being the sole receiving and spending functionaries. The paid officials were the clerk (13s. 4d.), the burgh officer or sergeand (who got a fee of 3s. 4d. for making the burgh's suit in the sheriff court), and the Alloway sergeand (3s. 4d.).

Among the petty routine expenses were payments for paper, wax, a notarial instrument, horse-hire, letters, ale and wine on important occasions, and sundry 'common works' (the steeple, the bell, the common coffer, 'bent' for the kirk and a cord for the 'knoke' or clock). In addition, extraordinary and warlike measures had to be financed, for the times were marked by Highland forays—the Tarbart¹ was 'castyn down', 'Aran and But was byrnt with Ersmen', and 'the flot was rinning about the Moill' (Mull of Kintyre). A French 'balyngger' (a kind of sloop) was victualled, local gentry led out 'watches' at Ayr's expense, bows and arrows and 'a blawyn horn' were bought. The biggest single item of expenditure is also the most significant, for six merks were paid to the alderman 'to pass to the parliament'—i.e., some forty years before the burgh's first record of attendance in the rolls of Parliament.²

GUILD BRETHREN AND BURGESSES

From another source we get a glimpse of burgh affairs at this time. A record of the proceedings of the guild court of Ayr, held on various dates between 1428 and 1432, has been preserved.³ The court normally met in the Tolbooth, in the presence of the alderman and the dean of guild. Strangers

¹ A strong old tower, belonging to the Rosses of Tarbert and situated on a hill overlooking the Firth of Clyde in West Kilbride parish: T. Pont, *Cuninghame Topographized* (1858), 31, 171-2; J. Paterson, in *Ayr and Wigtown Archaeol. Collections*, iii, 302

² In 1469: *A.P.S.*, ii, 93

³ It is printed in *Ayr and Wigtown Archaeol. Collections*, i, 223-30, and summarised in Murray, *Early Burgh Organisation*, ii, 542-50

were admitted as guild brethren on payment of 40s., but sons or sons-in-law of brethren were entered 'at the near hand' for 5s.

In December 1428 the brethren chose five of their number to buy all sea-borne merchandise for equal shares among all, and prohibited individual purchases of hides outwith the burgh, or of merchandise 'beyond the hand of his neighbour'. In February 1431/2 two men incurred penalties for forestalling the guild by purchasing hides and other goods, and a month later brethren were forbidden to sell hides to anyone, 'and naymly to the burg of Irwyn' (Ayr's closest commercial rival), under pain of escheat and a fine of 40d.

At the end of the record is a list of 49 names of brethren, followed by another, with 19 brethren who were out-dwellers (*confratres gilde extra manentes*), and a third, with 11 brethren willing to bear torches at guildry burials (including the alderman, dean of guild and two bailies). The record suggests a reasonably active guildry and a certain amount of foreign as well as home trade.

From the burgh accounts, guildry records and early charters we learn the names of the burgher families in fifteenth century Ayr. Not a few are common to the entire Lowlands—Stewarts, Reids, Thomsouns and Bells, Muirs, Blairs, Brouns and Whites (or Quhyts). Some Celtic names occur—McMullan, McMartyn, McIlroy and McCharry, Farquhar, Colquhoun and Urquhart (with many variants of the spelling). Much commoner are such west country names as Douglas, Craufurd, Hamilton, Cathcart, and Wallace, and even more frequent are representatives of the great Ayrshire families, like Cunningham, Boyd, Campbell, Dalrymple and Kennedy. Ayr, like any other Scottish burgh, shows many craft or vocational names, especially Masouns, Smyths and Wrychts, Walkars, Chepmans and Listers; we also find Sadlar, Lorimar and Glovar, Cordinar, Pantour (Painter) and Bower. Among families of more localised distribution were the Ahayres, Askirks and Blincanops (or Blencanhopes), the Boymans, Brisbanes, Busbys and Buthmans, the Multrers, Pettyts and Sourles (or Sourlesouns).

AYR AND IRVINE

Ayr's relations with Irvine were inevitably closer than with

any other burgh. Though the head-burgh did not enjoy, from its foundation, a full monopoly of trade within its shire, the clauses in its charter empowering it to recover uncollected tolls at five fairly distant check-points represent the nucleus of just such a monopoly, and we find that it quickly established a claim along those lines. Prior to 1322 the burgesses of Irvine were accustomed to pay toll in the king's burgh of Ayr and were only then relieved of the obligation by Robert I.¹ The settlement in 1372 of a dispute between the two burghs shows that, in the next phase, the baronial burgh of Irvine, holding from the Stewarts, had been enjoying sole trading rights within the baronies of Cuninghame and Largs.² Irvine's promotion at this time to be a king's burgh did not affect this division of economic interests (a common arrangement where one shire contained several trading burghs)³: Irvine, in effect, had Cuninghame as its trading precinct, Ayr had Kyle⁴ and Carrick.

Ayr already had some foreign trade in the staple wares of wool, woollfells and hides,⁵ and, though afflicted with the curse of the western burghs, blowing sand,⁶ it was almost certainly the leading seaport of the west country.⁷ By the sixteenth century it was trading regularly with France and Ireland, sending fishing expeditions to the Western Isles, exporting wool, cloth, skins, hides and fish, and importing salt, iron, flour and wine.⁸ It did its best to discourage 'unfree trade' within its precinct, complaining to 'the kingis grace anent chepmen at landwert kirkis' in 1538.⁹ Surviving stent-rolls of the period 1535-57 show that Ayr, paying £2 7s. 3d. out of every £100, normally ranked tenth among the 42 burghs that were then liable for national taxation—just ahead of Glasgow and Dumfries and well in front of all other western burghs.¹⁰ By analogy, one would expect this ranking to indicate a population not far short of 2,000.

¹ *Muniments of Irvine*, i, 9-10 ² *ib.*, 11-14

³ *cf.* Ballard, in *Scot. Hist. Rev.*, xiii, 17, 19

⁴ But the tenants of the bailiery or barony of Kylestewart were tied for trading purposes to its head-burgh, Prestwick: *Burgh Recs. of Prestwick*, 113-15

⁵ Murray, *Early Burgh Organisation*, ii, 533, note 4

⁶ *Charters of Ayr*, 79-82

⁷ For the *contributio burgorum* in 1370, Ayr paid £12 19s. 4d., Irvine, £11 15s., Dumbarton, £10 12s. 5d., Dumfries, £8 12s. 11d., Glasgow, £5 18s. 10d., and Renfrew, £4 14s. 8d.: *Exch. Rolls*, ii, 353-4

⁸ D. Murray, *Legal Practice in Ayr*, 51 *et seq.*

⁹ *Ayr Burgh Accounts*, 78 ¹⁰ *Recs. Conv. Roy. Burghs*, i, 514-26

THE BARONY OF ALLOWAY

Each year, in May or June, the Whitsunday court of the barony of Alloway was held in the presence of the alderman and two bailies.¹ Common lands, fishings of Ayr and Doon, petty customs, and booths under the Tolbooth, were set in tack for a yearly rent, but the main business of the court was that of setting the barony mailings to the tenants. The old tenant was normally continued in possession until his death; then the heir or a new tenant was entered, provision being made for the widow, who should 'haif ane biggit hous to duell in for hir liffytyme'² or even enjoy half the mailing 'endurand hir wedowheid'.³

The judicial cases are characteristic of life and work in a small rural community. Complaints and charges concerned such matters as 'the wrangous ettein' [by cattle] of a neighbour's corn, the occupying of 'ane heid rig' of another man's mailing, the 'wrangus withhaldin' of a sow and grice, of nine pecks of corn, or of three firlots of oats, and absence from the communal duty of bringing home the mill stone.⁴ At the 1502 court, before Thom Fary was readmitted to his mailing, he 'sat down on his kneis', asked the community's forgiveness for his faults, and obliged himself to 'keip nychtburheid'; failing 'his gud beryng', he was 'to be aluterly remuvit fra the malyng for euir'.⁵

THE BURGH PROPERTY

The nature of the revenues enjoyed by pre-Reformation Ayr is known to us through the survival of its accounts for the period 1534-62.⁶ The passage of time and monetary depreciation had now reduced almost to insignificance some of the older and traditional fixed charges: the sum of £3, payable to the bailies by individual burgesses for their original burgh-mails, was normally in arrears, booth-rents (£3 3s. 4d.) were negligible, the Burrowfield feus (£10) often went uncollected, and other lands had slipped into private hands for very small sums.⁷

¹ *MS. Court Book of Alloway, 1492-1521* (transcript *penes* the Town Clerk of Ayr)

² *ib.*, p. 93 (9th May 1513)

³ *ib.*, p. 94 (5th May 1514)

⁴ See especially the proceedings on 31st May 1501 (pp. 36-9)

⁵ *ib.*, p. 40 (28th June 1502)

⁶ There is a gap between 1562 and 1574; thereafter the accounts run on to 1624

⁷ *Ayr Burgh Accounts*, xxx-xxxii, xxxiv, 81

The barony-mail of Alloway, on the other hand, was an important item. As an eighty merk-land, it yielded £53 6s. 8d. per annum, and the rentallers, in addition, paid occasional large sums as casualties, like one merk a shilling-land as grassum (due on an heir's succession).¹ The Alloway mill brought in a further £40 a year, the petty customs (let by roup and tack to the highest bidder) some £32, the fishings of Ayr and Doon £8 6s. 8d.² Fluctuating elements on the charge side of the accounts comprised burgess-entries (at 2 merks and upwards), licences to foreign merchants and others to sell corn, hides, timber, wine, iron and salt, and burgh-court fines.³ The average revenue-yield of the period was just under £250 per annum.⁴

MUNICIPAL EXPENDITURE

The treasurer, having collected the 'Common Good', was obliged to expend it on the town's common works and other common affairs,⁵ and he did in fact devote a large part (averaging, between wide fluctuations, nearly a third) of the burgh funds to such recurrent jobs as timbering the kirk, repairing the bridge, shoring up the harbour bulwark, pointing the Tolbooth and mending the knock, or town-clock; copious draughts of ale went as 'drinksilver' to the workmen. In this department he was assisted by the dean of guild (who received guild-entries⁶ and other guild revenues and had a special responsibility for the kirk-work) and by the master of work (a spending official who acted as overseer and paymaster for appropriate tasks).⁷

An even larger share (averaging about 40 per cent) of revenue went to the Church, as gifts to the Friars (both Dominicans and Franciscans), or as stipends to chaplains in the parish church (who included the masters of the burgh school and 'sang scule').⁸ Other expenses included the provost's £5, the treasurer's, dean of guild's and master of work's fees (£2 each), the clerk's £4, the four officers' £5⁹ and small sums

¹ *Ayr Burgh Accounts*, xxxvii-xxxviii, 116-17.

² *ib.*, xlii, xlvi, 81

³ *ib.*, xlvi, li, lii

⁴ *ib.*, liii

⁵ *A.P.S.*, ii, 252; iv, 30; *Recs. Conv. Roy. Burghs*, i, 475

⁶ Sons and sons-in-law were still, as in 1428, entered for 5s., but others paid 5 merks or more: *Ayr Burgh Accounts*, lxxxv

⁷ *ib.*, lv-lvii, lxxxv-xcv

⁸ *ib.*, lviii-lix

⁹ Plus 13s. 4d. (instead of the 3s. 4d. paid in 1428) for keeping the town's suits at the sheriff court: *ib.*, lxxvi

for keeping the knock, ringing the bells, and keeping cattle off the sand-hills¹; there were various legal expenses (law-suits could be costly),² payments to commissioners for attending parliaments and conventions, state and local celebrations (with bonfires and libations), 'propines' or gifts of wine to distinguished visitors, and casual relief to decayed burgesses or unfortunate strangers. Extraordinary military expenses were incurred in the war years 1542-50, but even greater dislocation was caused by the terrifying visitation of the pest or plague in 1545-46, when local energies were bent almost exclusively on tending the sick, keeping a strict watch, cleansing infected articles and houses, and executing grim justice upon 'thame that brak rewl in the tyme of the pest'.³

PRE-REFORMATION AYR

A full and reasonably clear picture of the pre-Reformation burgh is afforded by the *Council Book, 1547-1553*, a manuscript volume in the keeping of the Town Clerk.⁴ All kinds of burgh business were entered together in chronological order—the election of magistrates, the admission of burgesses, statutes for the welfare and good order of the town, and judicial cases—debts and disputes between burgesses, petty disturbances of the peace, breaches of municipal law and privilege, and so forth. With all this varied work to be done, the burgh court met frequently—at weekly intervals or oftener.

On the purely judicial side, the claims of other tribunals sometimes interrupted the course of municipal jurisdiction. On 12th November 1548 the bailie-depute of Carrick repledged 'to the pervelege & fredome of the bailie court of Carrik'⁵ two men, 'areistit' in Maybole by the Ayr authorities. Cases of replegiation to the abbot of Paisley's court at Monkton are recorded in 1550 and 1551,⁶ and the latter year saw an attempt

¹ This had to be done to allow grass or grain to grow there and so to reduce the ever-present danger of blowing sand: *ib.*, lxxv and note 9

² e.g., as was that between the burgh and the sheriff in the years 1552-57: *ib.*, lxxiii and note 5

³ *ib.*, c-ci, 102

⁴ The early Council Books, as well as other local MSS., were drawn on by D. Murray Lyon for a series of articles which appeared originally in the *Ayr Advertiser* in the years 1874-77 and were re-published in 1928 as *Ayr in the Olden Times*; David Murray also gave some illustrative extracts, relating especially to judicial matters, in *Early Burgh Organisation*, ii, 496-509, 564-5

⁵ *MS. Ayr Council Book, 1547-1553*, p. 71

⁶ *ib.*, p. 189 (17th Nov. 1550), pp. 252, 268 (20th July and 19th Oct. 1551)

(apparently unsuccessful) to transfer the service of a brieve of tutory from Ayr to the court of the official of Glasgow.¹ Burghal jurisdiction could be specially extended by a royal commission of justiciary: thus, on 2nd March 1550/1, John Kirkpatrick, as bailie and justiciar *in hac parte*, sentenced Christian Johnsun and Robert Tod (presumably for adultery) 'to be scourgeit throu the toun . . . for thair demeritis & till forsueir the toun in all tyme to cum'.²

Three head courts were held in the year—after Michaelmas, Christmas and Easter. Much the most important was the Michaelmas head court, at which the annual statutes for the forthcoming year were enacted or renewed. Prices were fixed for ale, wheat bread, corn, hay and candles; order was taken anent the marketing of flesh, fish, wool, butter and cheese; regrating (bulk-purchasing for re-sale at a profit) was forbidden; both swine and 'myddingis' were to be removed from the burgh under pain of escheat; barrowmen's charges were regulated; 'ayll cunnaris', 'flesche prisaris' and 'lippyr lukaris' (searchers of leprosy) were named. It was the Easter head court, however, that appointed the town herd and the 'poinder' (to keep cattle off the hills whence the sand still blew—'and he to be pwt in the stokkis at the bailyeis will als oft as he failyeis').³

Shortly before the Michaelmas head court the four magistrates—provost, two bailies and treasurer—were elected; at or about the same time the council, seemingly varying in number between 14 and 21 (apart from the magistrates), were also chosen; but no details of the elections are recorded. The dean of guild (not yet a regular burgh magistrate) may still have been chosen by the guild brethren; at all events the guild court was a separate institution, with special responsibility for the vestments, books and chalices of the parish kirk.⁴

Like other records of the time, the *Ayr Council Book* yields many a fascinating glimpse of a quaint and simple past. On 12th December 1547, a nightly watch of eight persons was ordered to patrol the town (it was a time of pest); a fine of 8s. would be imposed on anyone who, being warned, refused to 'walk' or 'walkis nocht traistlie . . . bot passis to drinking or to

¹ *MS. Ayr Council Book, 1547-1553*, pp. 248, 273, 275 (6th July and 26th Oct. 1551)

² *ib.*, p. 210 (2nd March 1550/1)

³ *ib.*, p. 34 (9th Apr. 1548)

⁴ *ib.*, p. 229 (12th May 1551)

sleipe or to sum vther vices'.¹ In November 1549 James McCormell, 'ane thankfull reddy serwand to the gude towne', was, though absent at the time, appointed officer, the council 'consydderand that he hes maid na falt sen syne exceppand that it was allegit that he wes deid the tyme of his absenss the quhilk loving to god is nocht of verite'.² In December 1551 George Cochrane, parish clerk of Ayr, declared himself 'redy to teche ane sang scule within this burch and till instruct ony nybouris barnis or vtheris quhatsumeuer for the payment'.³ In April 1552 the magistrates of Irvine, by order of the last Justice-ayre, got a sealed firloft measure from Ayr 'to remane for ane iust firloft with the said burgh of Irvin in all tymes cuming'.⁴ Three weeks later Jonet Broune protested that, if the magistrates 'satisfait hir nocht for hyr husbandis gayre that thai causit to be birnt the tyme of the pest . . . scho may haue compensatioun be the law as efferis'.⁵

AYR AND THE REFORMATION

The religious change began early at Ayr, with room rent ('chalmer male') being found for a minister in 1558. A preacher was brought from Edinburgh in 1559 and regular expenditure upon church, minister and lodgings began in 1559-60.⁶ Before long Ayr, like other burghs, showed the close co-operation of town council and kirk session in the spheres of religion, education and public morals.

Between the Reformation and the Union of the Parliaments social and political power in Ayrshire was changed by the creation of new peerages. The seventeenth century brought three new earldoms into being—Loudoun (Campbell, 1633), Kilmarnock (Boyd, 1661) and Dundonald (Cochrane, 1699)—and one lordship, Bargany (Hamilton, 1641); while the Dalrymples and the Boyles of Kelburn, ennobled in the 1690s, acquired in 1703 the earldoms of Stair and Glasgow respectively.

Among the burghs much the most important of the new erections was that of the thriving town of Kilmarnock, in favour of lord Boyd, in 1592.⁷ The earl of Eglinton's burgh of Saltcoats got its long-delayed charter in 1576,⁸ and others

¹ *MS. Ayr Council Book, 1547-1553*, p. 14

² *ib.*, p. 287 (14th Dec. 1551)

³ *ib.*, p. 302 (2nd May 1552)

⁷ *R.M.S.*, v, 2014; *A.P.S.*, iii, 647

² *ib.*, p. 127 (18th Nov. 1549)

⁴ *ib.*, p. 304 (12th Apr. 1552)

⁶ *Ayr Burgh Accounts*, 30-1, 33-4, 128, 130

⁸ *R.M.S.*, iv, 2560

followed for Dalmellington (lord Cathcart, 1607),¹ Girvan (Boyd of Penkill, 1668)² and Tarbolton (Cunningham of Enterkin, 1671).³ Half a dozen other villages or hamlets had the honour, during the period, of being named in charters as burghs, but none of these grants seems to have taken effect.⁴ Of greater import to the merchants and tradesmen of Ayr and Irvine was the creation (always in favour of a local lord or laird) of non-burghal markets (with or without annual fairs) at kirktons or large villages. Acts of Parliament in this sense were obtained by the earl of Dundonald for Ochiltree in 1669, by Blair of Blair for Dalry in 1681, by the earl of Cassillis for Straiton in 1695, and by Campbell of Cessnock for both Galston and Riccarton in 1707.⁵ In addition (though the original grant has not been recorded), the markets of Beith, Kilwinning, Largs and Stewarton were prominent enough to arouse the resentment of the burghers of Irvine.⁶

ENHANCED REVENUE

The Reformation brought some direct increase in the burgh's financial resources, through the acquisition of annuals and feu-duties formerly belonging to the friars,⁷ chorists and chaplains of altars in the parish kirk; like the burgh-mails, these small sums (totalling just over £80) were hard to collect from 'sic tenentis as ar now in use of payment'.⁸

By a wise decision taken at this time, the 'kindly rentallers'

¹ *R.M.S.*, vi, 1872

² *A.P.S.*, vii, 639

³ Marq. of Bute, J. H. Stevenson and H. W. Lonsdale, *Arms of Baronial Burghs of Scotland*, 491

⁴ For Gogo, or Largs (Brisbane of Bishopton, 1595), see *R.M.S.*, vi, 385; for Fairlie (Fairlie of that Ilk, 1601), *ib.*, vi, 1222; for Dundonald (Cochrane, 1638), *A.P.S.*, v, 568; for Citadel of Ayr or Montgomeriestoun (earl of Eglinton, 1663), *R.M.S.*, xi, 506, and Bute, *op. cit.*, 112; for Kilbirnie in or before 1690, *Inquis. Retorn. Abbrev.*, Ayr, no. 660. For Riccarton there is only George Chalmers's unsupported assertion that it was made a burgh of barony in 1638: *Caledonia* (1824 edn.), iii, 511. In the fourth month after the Union (5th Aug. 1707) Fullarton of that Ilk had a charter for his burgh of barony of Fullarton: Bute, *op. cit.*, 224.

⁵ *A.P.S.*, vii, 562; viii, 445; ix, 502; xi, 477. Less important market-and-fair grants were made to Mackenzie of Dalvennan (Dalvennan, in Straiton parish, 1685), to Cunningham of Corsehill (Cocklebee, in Stewarton parish, 1707), and to the earl of Glasgow (Doghillock, in Fenwick parish, 1707), *ib.*, viii, 575; xi, 477.

⁶ *Miscellany of Burgh Recs. Soc.*, 104 (where they are termed burghs); cf. Sir J. Marwick, *List of Markets and Fairs* (1890), 24, 75, 82, 110

⁷ All tenements, lands, annuals, etc., of both the Friars Preachers and the Friars Minorites were given to the burgh in 1567 and erected into *fundatio . . . ministerii et hospitalitatis . . . burgi de Ayr*: *Charters of Friars Preachers of Ayr*, 101-6; cf. *Charters of Ayr*, 132-3.

⁸ *Ayr Burgh Accounts*, xxxii-xxxiii, 56, 260

of the barony of Alloway were transformed into feuars, paying, instead of one merk a merkland as 'silver mail', one boll of bear as ferme-bear, besides double duty on succession to a feu and 'entress siluir' on entry to a new feu. The process began in 1595, and by 1623 56 merklands were feued and only 24 'unfermit'; as a result, with grain prices high in that year, the ferme-bear brought in more than £500 and the money rent £16, instead of, as previously, 80 merks (£53 6s. 8d.) in all. The transaction strikingly illustrates the wisdom of feuing (if it must be done), not for a money rent, but for a victual rent that could keep pace with monetary inflation.¹

The burghal monopoly of milling also became extremely valuable in the early seventeenth century, when 80 bolls (half meal, half malt) were paid for the Over and Nether mills of Ayr, and £200 for the Alloway mill.² The traditional petty customs were greatly augmented by a Crown grant in 1588 of a special impost, to endure for 19 years, on all animals, wool, skins, cloth and hides passing the bridge on the way to market, and on every ship entering the harbour. The purpose was to maintain and repair the haven and bridge, and 'the Impost of the Brig' brought in some £200, more or less, per annum.³

By these and other means, the burghal revenues rose from a pre-Reformation average of nearly £250 to one of over £1,600 in the period 1600-24; this increase more than kept pace with monetary devaluation (which ranged over these years between one-third and one-quarter).⁴

RISING EXPENSES

Like most individuals or corporations enjoying a higher income, post-Reformation Ayr found little difficulty in raising its expenditure. The cost to the burgh of maintaining the Protestant faith increased until, in the years 1604-24, it was relatively little short (and, of course, positively far ahead) of what it had been in Catholic times. The minister was then getting half of the mill victual-ferme (40 bolls) and 400 merks in money—say, £500 in all. Towards the close of the accounts, too, the master of the grammar school was paid £80, his

¹ *Ayr Burgh Accounts*, xxxvii-xxxviii

² *ib.*, xl-xli

³ *Charters of Ayr*, 55-7; Paterson, *Hist. of County of Ayr* (1847 edn.), i, 186; D. M. Lyon, *Ayr in the Olden Times* (1928), 37-8; *Ayr Burgh Accounts*, xlviii-xlix

⁴ *ib.*, lii-liii. (All sums of money in Scots.)

assistant (the 'doctor') £30, and the master of the 'sang scule' £100¹; each of them, in addition, received the few shillings paid by each scholar as quarterly fee to 'be learnit . . . bayth Inglis & Latyne at the optioun & plessour of the parentis as thai think gude'.²

Other municipal expenses grew in a similar fashion; for example, the officers now got £4, instead of one merk, for keeping the suits at the sheriff court,³ while the dean of guild, attending Parliament as commissioner for the burgh in September 1600, had £2 a day for ten days for himself, his man and his horse, apart from 10 merks as horse-hire and £2 as his man's wages,⁴ and the annual fee for keeping cattle from the sand-hills rose from 6s. 8d. to £8.⁵ An interesting innovation (from 1595) concerned the few pounds spent each year 'for the bend of the papingo'—the coloured sash given as a prize for the annual archery-shoot at the wooden popinjay or parrot.⁶ Wine now cost £1 a quart, instead of 1s. 8d., and the tavern-keepers presented regular accounts for the cost of municipal hospitality and festivity⁷; a master mason's weekly wages (and the burgh had constant need of his services) were £3 10s. by 1599, whereas the figure had been £1 in 1542.⁸ In 1607 (following a visit of the pest) James Harper was hired, at 50 merks per annum, as the burgh's first surgeon; he was also the town barber.⁹

Costs had thus risen so steeply as to drive the burgh to adopt the unpopular device of taxation. Between June 1599 and August 1601 four stents were 'sett down' (the townsmen, the occupiers of the Burrowfield, and the men of Alloway each contributing their quota¹⁰). A total of £2,057 3s. 4d. was

¹ *Ayr Burgh Accounts*, lx, lxiii-lxiv

² *MS. Ayr Council Book, 1580-1589*, 5th Feb. 1582/3. In seasons of scarcity (when fees dwindled) the Council might vote the master or doctor an additional sum of £10 ('bot nocht to be ane preparatiue heireftir'): *Council Book, 1596-1606*, fol. 52 v (15th Dec. 1596); cf. *ib.*, 151 r (28th Sept. 1597).

³ *Ayr Burgh Accounts*, lxvi

⁴ *ib.*, 202

⁵ *ib.*, lxxv

⁶ *ib.*, lxxviii; cf. *Old Mortality*, ch. ii. And on 31st May 1598 the Council, 'for exercesing of the zouth', instituted the annual shoot for the 'siluir hagbut': *MS. Council Book, 1596-1606*, fol. 193 r.

⁷ *Ayr Burgh Accounts*, lxxix

⁸ *ib.*, 89, 198

⁹ *ib.*, 232, 237, 239; J. Pagan, *Annals of Ayr*, 66

¹⁰ The assessment was made, not by the magistrates and council, but by a specially elected body of stenters. Thus on 8th Feb. 1597/8 13 stenters were chosen anent the tax imposed for an embassy; of these, 5 were on the Council, 8 not: *MS. Council Book, 1596-1606*, fol. 171 rv.

raised, of which only £240 14s. 9d. were needed for national taxation; the remainder went mostly on work at the quay, but also on commissioners' expenses, payment of the town's debts, defending the 'pley aganis Mayboill', and miscellaneous charges.¹ Despite these efforts at self-help, the burgesses had, by 1620, incurred a debt of £2,000, the interest on which (at 10 per cent) cost them about a tenth of their annual revenues.²

INTER-BURGHAL JEALOUSIES

Relations between Ayr and Irvine were not unduly discordant. A dispute as to their mutual trading rights was settled by the burgh commissioners in a General Council held at Stirling on 7th February 1443/4, when it was decreed that no merchant of Irvine might (as was claimed) sell at Ayr on market day cloth, wax, wine, iron, or tar, or buy wool, hides, or skins (all of these being 'gudis belangand the gild'); such privileges they could exercise only at the fairs.³ Again, in 1582, the two burghs had fallen foul of each other about certain debts pending between them, and each had raised letters of horning to enforce payment⁴; without much trouble, however, the commissioners of six burghs, on 9th March 1582/3, settled the matter by balancing the two sides of the account in a decret arbitral, which had been accepted by both parties in advance.⁵ The shire was big enough to hold the two burghs comfortably.

The merchants of Ayr sensed a danger from the ancient burgh of Newton, on the north side of the river, and their rule was quite simple—'that na guidis be lossit nor dischargit on the Newtoun syd'.⁶ Exceptionally, a Newton indweller might be licensed to discharge goods on the Newton side⁷, but a merchant burgess, unloading there without permission, would be ordered to re-ship his cargo to Ayr, under threat of loss of his freedom and a heavy fine.⁸ Subject to this restriction, relations with the minuscule suburban burgh were straightforward and harmonious.

Disputes with Mauchline, and still more with Maybole,

¹ *Ayr Burgh Accounts*, 45-52

² *ib.*, cxi-cxii

³ *Charters of Ayr*, 27-9

⁴ *Ayr Burgh Accounts*, 36

⁵ *Recs. Conv. Roy. Burghs*, i, 150-2; Sir J. Marwick, *River Clyde and Clyde Burghs*, 33

⁶ *MS. Ayr Council Book, 1580-1589*, 13th July 1585

⁷ *MS. Ayr Council Book, 1596-1606*, fol. 202 r (24th June 1598)

⁸ *ib.*, fol. 516 v, 517 r (15th March 1603)

active burghs of barony set up in 1510 and 1516 within Ayr's trading precinct, went deeper. In 1583 the magistrates, council and community, considering themselves greatly hurt through the men of Mauchline 'taking vpoun thaim and presuming to be ane fre burch to tak vp custumes mak lawis & constitutionis within thaim self to the dirogatioun of the liberteis of this burch as gif thai wer fre', determined to seek legal remedy 'to the vtter depriuatioun of the pretendit liberteis'.¹

It was the Kennedys' burgh, the capital of Carrick, that aroused the utmost fury among the burgesses of Ayr. In 1599 the Convention instructed Ayr to oppose at law the inhabitants of Maybole for usurping 'the liberteis apertening to ane fre burgh'.² The plea succeeded, a Court of Session decret against Maybole was produced the following year, and Convention made a grant of £100.³ The burgh accounts, however, show that it was a costly victory for Ayr: the burgesses stented themselves for the purpose in 1599 and within a year spent, on commissioners', legal and incidental expenses, at least £364.⁴ Nor was this the end of the matter. Another action, in June 1602, involved the burgh in an outlay of £116, Bailie John Osburne was injured in Maybole in 1604, and letters discharging the market there were still being proclaimed in 1615.⁵ In Ayrshire as elsewhere, the problems of burghal monopolies and unfree trade became acute as the seventeenth century wore on.⁶

MUNICIPAL GOVERNMENT

The voluminous burgh records that have been preserved from 1580 enable us to trace in detail the evolution of the 'sett' or constitution.⁷ The Michaelmas election meetings were three in number, each separated from the next by two or three days, and falling at the end of September and the beginning of October. At the first, the magistrates and old council convened in the Tolbooth 'according to the ordour obseruit thairanent' and, 'eftir sage and lang aduisment', chose seven

¹ *MS. Ayr Council Book, 1580-1589*, 11th March 1582/3

² *Recs. Conv. Roy. Burghs*, ii, 54 ³ *ib.*, 78

⁴ *Ayr Burgh Accounts*, 45-7, 196, 200 ⁵ *ib.*, 209, 219, 257

⁶ cf. Mackenzie, *The Scottish Burghs*, 143-6

⁷ Extracts from the records illustrative of other aspects of town life will be found in Lyon, *Ayr in the Olden Times*

new councillors (five merchants, two craftsmen) 'as personis maist abill and ganand thairfoir be thair jugement and vnderstanding'. At the next meeting the old and new councils drew up leets (generally three for each office) for the five magistrates (provost, two bailies, dean of guild and treasurer) and the other 'officemen' (master of work, water bailie, officers, quartermasters, clerks, and procurator fiscal). At the third meeting the old and new councils, together with seven¹ deacons or visitors of crafts, after viewing the leets 'and aduisand sadlie thairupoun', filled all these posts with those they deemed 'maist meit & convenient to beir rewl'. The five new magistrates, the five old ones, and the seven new councillors formed the council for the year to come; but, if an old magistrate or a new councillor were elected as new magistrate, the vacancy or vacancies² in the new council were supplied to make up the full number of seventeen.³

Apart from the ex-officio membership of the retiring magistrates, continuity was ensured through the choice of some of the old councillors to be upon the new. Yet there was a real change of personnel from year to year: an examination of the elections during the decade 1581-1590 shows many more changes than re-elections of magistrates,⁴ while the number of 'new men' co-opted each year averaged about six.⁵ There is, indeed, direct evidence that magistracy was regarded as onerous rather than advantageous, for, on 24th September 1602, the old and new councils, considering that some of their number 'hes bene greatumly ovirburdenit . . . be continewing of thaim in office for monie zeiris togidder vnchangit, quhairas euerie honest man of the toun aucht of dewitie to beir his equall burdene zeirly about', ordered annual changes for the future, and proceeded at once to live up to this edict.⁶

¹ Though the council declared in 1589 that only six deacons should have votes, the number was settled at seven a year later (tailors, waulkers, cordiners, skimmers, websters, hammermen and masons or squaremen), and this was usual in the sixteenth century: *Council Book, 1589-1596*, 6th Oct. 1589, 25th Sept. 1590, etc.

² Generally three or even four, though sometimes as few as one or two

³ *MS. Council Books, passim*, but especially that for 1580-1589, under dates 26th and 28th Sept. and 1st Oct. 1582

⁴ Out of 50 magisterial appointments, 32 were of men who had held no office during the preceding year, 5 represent transfers from one office to another, 9 were re-appointments for a second year and 4 for a third

⁵ The numbers year by year were: 6, 6, 6, 5, 5, 5, 5, 8, 6, 7 (59 in all). The two craftsmen on the council were always changed.

⁶ *Council Book, 1596-1606*, fol. 484 v-486 r. cf. Lyon, *Ayr in the Olden Times*, 57.

The press of business was indeed considerable, and regular weekly meetings of the council were enacted—on Wednesdays from 1583, on Tuesdays from 1602.¹

The annual elections were sometimes marred by bitter disputes,² but a more insidious menace was that of royal intervention. In 1584 and again in 1585 the provost was a royal nominee,³ but in 1587 (when a forced loan to the Crown was being agitated)⁴ the burgesses resisted effectively, by finding that the king's charge to appoint Sir William Stewart of Monkton as provost had arrived too late and proceeding to elect Archibald Fergushill instead; Stewart protested that the election was 'vnordourlie', Fergushill likewise recorded his vote for Stewart and 'dissasentit fra the foirsaid electioun'—but the pawky burgher served as provost!⁵

MUNICIPAL JURISDICTION

The judicial powers of the burgh remained strong for some time after the Reformation, extending even to the infliction of capital punishment, though in rather special circumstances. Draconian rules applied during times of plague; thus in November 1587 the magistrates and council, because of 'the vehemence of the pestilence eistwart', simply ordered all non-resident poor folk to leave the burgh at once 'vnder the pane of deid'.⁶ Four witches are recorded as having been burned to death within the reign of James VI—the witch of Barnweil (1587), Marion Greiff (1595), Jonet Young (1600) and Maly Wilsoun (1618).⁷ To deal severely with thieving, particularly during visitations of pest, the magistrates' ordinary jurisdiction was amplified by special commission. In December 1583 the provost and bailies got a commission of justiciary, conferring power to punish theft and reset of theft capitally,⁸ and again, on 12th June 1598, in a court of justiciary held by the two

¹ *Council Book, 1580-1589*, 28th June 1583; *1596-1606*, fol. 28 r (6th Oct. 1596), 153 r (5th Oct. 1597), 486 v (5th Oct. 1602). *cf.* Lyon, *op. cit.*, 55. Actual meetings were even more frequent—76 in the year 1582-83.

² *cf.* Murray, *Early Burgh Organisation*, ii, 490-1

³ Merely formal protests were made by the procurator-fiscal: *Council Book, 1580-1589*, 5th Oct. 1584, 4th Oct. 1585

⁴ *cf.* Lyon, *op. cit.*, 35-7

⁵ *Council Book, 1580-1589*, 29th Sept. and 3rd Oct. 1587; and, for the sequel, *ib.*, 7th Oct. 1587

⁶ *ib.*, 13th Nov. 1587

⁷ *Ayr Burgh Accounts*, 156, 183, 200, 267

⁸ *Charters of Ayr*, 52-3; *cf.* *Ayr Burgh Accounts*, 149

bailies as justiciars-depute, constituted by special royal commission, John Makneerie, thief, was sentenced 'to be hangit to the deyth'.¹ Two separate justiciary courts were held by the magistrates in 1603, within three months of each other. They resulted in the conviction of Robert Mur and John Blair, thieves,² and, as it happens, we have record in the burgh accounts of their execution.³ Yet another thief was condemned to death in 1623,⁴ but later in the century such powers fell into desuetude and persons accused of graver offences than bloods or tuiizies were tried in higher courts.⁵

Besides fines and escheats, several lesser physical penalties were within the discretion of the burgh court. Both men and women were often scourged by the 'lokman' or hangman; two thieves were thus dealt with in the summer of 1597,⁶ and no fewer than five cases are recorded during the year 1609-10⁷; branding, or banishment, or both, frequently completed the sentence.⁸ The town council, in forbidding the age-old trading offences of regrating and forestalling, ordered escheat of the merchandise in 1583, 'with the imprisoning of the contraueneris of this act in the stokis at the will of the magistratis',⁹ while in the following year they took a short way with scolds, by ordaining that 'all skaulis and commoun flyteris be put in the clespis thairin to remane thrie houris'.¹⁰

SEVENTEENTH CENTURY AYR

Ayr is described at this time as a pleasant town, and the best port in Scotland after Leith and Dundee.¹¹ This is perhaps a little flattering, for its river harbour was exposed to weather and liable to be 'clogged and filled up with sand'. Still, it had the only ships in that part of the country, comprising, in 1656, one of 100 tons, one of 40, one of 30, and two small barques for the coasting trade in coals.¹² Among western burghs, Glasgow

¹ *Council Book, 1596-1606*, fol. 192 v-193 r

² *ib.*, fol. 513 r-514 v (18th Feb. 1603), 531 v-532 r (4th May 1603)

³ *Ayr Burgh Accounts*, 214

⁴ Murray, *Early Burgh Organisation*, ii, 508-9

⁵ This development occurred despite the fact that the magistrates were, in 1621, made sheriffs and justices of the peace within the burgh: *Charters of Ayr*, 57-8. For confirmations in 1631 and 1633, *ib.*, 62-3, 64-6.

⁶ *Council Book, 1596-1606*, fol. 89 v (28th May 1597), 145 v (26th Aug. 1597)

⁷ *Ayr Burgh Accounts*, 243

⁸ *ib.*, lxxviii

⁹ *Council Book, 1580-1589*, 18th Mar. 1582/3

¹⁰ *ib.*, sub anno 1584

¹¹ Murray, *Early Burgh Organisation*, ii, 330-1

¹² Tucker's Report, in *Burgh Recs. Soc. Misc.*, 28

had far out-paced it,¹ moving from tenth place on the stent roll in 1564 to second by 1670, while Ayr was declining from ninth to twelfth place.² Its population could not have been much above 2,000.

The century had opened with something of a fright for the burghesses. Here, as elsewhere, the burgh fermes had been accounted for in Scots currency, which was now worth only one-twelfth of sterling. Resting its case on certain ancient charter-terms, the Crown demanded payment in sterling,³ and actually obtained substantial increases from Edinburgh, Haddington, Linlithgow, Lanark, Perth, Dundee and Montrose. Ayr's ferme (£20), payable before the Reformation to the Blackfriars,⁴ had been allowed by royal grant of 1567 to the burgh itself for maintaining the poor in the Hospital,⁵ so that the contemplated change in its nominal Crown dues would have been little more than a matter of book-keeping. Nevertheless, the burgh went to some length in 1600-01 in resisting the Comptroller, who was 'cravand the townis dewite to the king to be payit of Striviling money'⁶—successfully, as it turned out, for Exchequer agreed on 15th July 1601 that its dues should remain at £20 'usuall money of this realme'.⁷

In 1663 a new threat developed, this time on Ayr's doorstep. Here, as at Leith and Inverness, Cromwell had built a citadel,⁸ and after the Restoration each of the three sites was formally erected as a burgh,⁹ perhaps because no other plan for using the available building materials could be devised. In the case of Ayr the grant was made to Hugh, earl of Eglinton, as compensation for the losses he had sustained, and the new creation was to be the free barony, burgh and regality of Montgomeriestown.¹⁰ This project, too, fortunately came to nothing.

AYR AND THE 'UNFREE' BURGHS

In 1672, as the result of a resolute campaign by the nobles and lairds, Parliament passed an Act which profoundly modified

¹ cf. Murray, *op. cit.*, 538

² *Recs. Conv. Roy. Burghs*, i, 530-1; iii, 622

³ *A.P.S.*, iii, 561

⁴ *Charters of Friars Preachers of Ayr*, 1, 27

⁵ *ib.*, 101-6; Murray, *op. cit.*, 485

⁶ *Ayr Burgh Accounts*, 204

⁷ *Charters of Ayr*, 134-6

⁸ It was near the site of the old castle: Murray, *op. cit.*, ii, 342, note 6

⁹ Marq. of Bute, etc., *Arms of Baronial Burghs*, 112, 113, 303

¹⁰ *R.M.S.*, xi, 506. The property later passed to the earl of Cassillis: Chalmers, *Caledonia*, iii, 502.

the royal burghs' stranglehold upon trade, by permitting burghs of barony to export native produce and to import all that they needed for tillage or building; but the royal burghs' counter-attack produced Acts of 1681 and 1690, which substantially restored the position by limiting the trade of the 'unfree' burghs to native commodities or to goods purchased from freemen of the royal burghs.¹ In 1693 a further statute provided for 'the communication of trade' (i.e., foreign trading rights) to 'unfree' communities that would undertake to pay a reasonable proportion of the royal burghs' stent.²

The inspiration behind the offer of 1693 is seen in the replies of individual burghs to a Convention questionnaire of the preceding year on the 'State and Condition' of the burghs. Most of them, while deploring their own decay and poverty, reported indignantly on the loss suffered by reason of the 'unfree trade' in their districts. Ayr declared that its trade had declined, the Common Good was 'mean and casual', debts were mounting, and 140 houses in the town were waste. Some iron, tar, timber, wine and sugar were imported; skins, Galloway plaids and cloth exported. There were 'about ten burghs of regaltie and barronie within ther precinct which are very prejudiciall to ther trade'; a detailed report on these was promised, but none has been recorded.³ (Irvine, suffering from the competition of Kilmarnock and other burghs and markets, had even more reason to complain.)⁴

Eventually, in 1700, Parliament allocated among the unfree burghs and towns a sum of £10 to be paid towards each £100 of the royal burghs' stent. Ayrshire's share was to be 13s.—9s. 4d. from Cuninghame (Irvine's district) and only 3s. 6d. from Ayr's precinct (1s. 2d. from Maybole, 8d. from Newton, 6d. from Ballantrae, and smaller sums from other burghs and parishes).⁵ There were objections and counter-objections.⁶ Neither now nor later did the Communication of Trade work well, and the ultimate relief to the royal burghs was little more than £2, instead of £10, in each £100 of stent.⁷ The later

¹ *A.P.S.*, viii, 63-4; xii, 44-5; ix, 152-3; W. M. Mackenzie, *The Scottish Burghs*, 146-50

² *A.P.S.*, ix, 315-16

³ *Burgh Recs. Soc. Misc.*, 75-80

⁴ *ib.*, 103-4

⁵ *A.P.S.*, x, App., 132. The total of the detailed quotas for the whole shire is only 12s. 10d.

⁶ *ib.*, 136-8

⁷ *Recs. Conv. Roy. Burghs*, vii, 551-4; cf. *Munic. Corp. Comm. Gen. Report*, 77

stent rolls of the unfree burghs, though they include contributions by Kilmarnock, Saltcoats and Kilwinning (all in Irvine's precinct), show nothing from Ayr's district.¹ The old repressive measures were again invoked: in 1714, Convention instructed Ayr to prosecute the unfree traders of Maybole, Straiton, Girvan, Ballantrae, Mauchline, Dalmellington and Cumnock.²

THE REVOLUTION

At the climax of the second Stuart tyranny Ayr, like other burghs, had its constitution virtually suspended. In 1685 the Michaelmas elections were discharged and the old magistrates and councillors continued, until, under the oversight of a Privy Council nominee (the earl of Glencairn), new elections were permitted (2nd March 1686). In 1686 and 1687 Michaelmas elections were again forbidden, and the Privy Council nominated all the magistrates and councillors on 8th December 1687 and made a few changes on 1st October 1688.³ The chief magistrate was then Sir William Wallace of Craigie, a Roman Catholic.⁴ In accordance with an Act of Parliament of 18th April 1689,⁵ the Revolution settlement was confirmed at Ayr by a poll election held on 16th May, when, out of the full council of 17, only the dean of guild and one councillor were continued in office. Thereafter the rule of Michaelmas elections was restored; the practice now was to choose four new merchant and two trades councillors each year.⁶

To enable the burgh to meet its charges, an ale impost had been granted by royal charter in 1687,⁷ but an Act of Parliament of 1695 echoes the pre-Revolution troubles by affirming that 'the magistrats who were then imposed upon the burgh' had failed in their duty; a fresh grant was now made.⁸ That municipal finances were indeed unsound is clear from the Report of 1692, already mentioned. The yearly income of

¹ *Recs. Conv. Roy. Burghs*, v, 211, 333, 508

² *ib.*, 126

³ For these points, see *MS. Council Book*, 1678-1690, and also *Council Book*, 1669-1694 (a duplicate record)

⁴ *cf.* Lyon, *Ayr in the Olden Times*, 42

⁵ *A.P.S.*, ix, 49, 51-2

⁶ The right of voting in the election of magistrates was now limited, as regards the crafts, to six deacons

⁷ The impost was of 4d. a pint of ale sold, or, alternatively, 20s. a boll of malt brewed, with £25 a tun of French wine or butt of Spanish wine: *Charters of Ayr*, 66-8, 202-11; *Council Books (ut cit.)*, 2nd, 4th, 22nd and 30th March 1687

⁸ *A.P.S.*, ix, 456; *Charters of Ayr*, 73-4

£3,055 Scots from rents, customs and mortifications was entirely disbursed on stipends, fees, recurrent common expenses, and interest on the town's debt, which stood at the alarming figure of £7,750.¹ It was probably by way of another attempt to achieve solvency that a third public fair (in January) was instituted in 1701.²

AYR AND THE UNION

On 23rd November 1706 the magistrates and council 'doe find it convenient to address the present parliament with respect to the vnion now in agitation with England' and instructed the provost and three ex-provosts to prepare a 'draught or formula', which was approved three days later.³ On 30th November this address (apparently favourable, though described as being for 'rectification of the articles of Union') was read in Parliament, while another address, on behalf of the merchants, deacons and other inhabitants of the burgh, is noted, under date 3rd December, as being simply 'against an Union with England in the termes of the articles'.⁴ In the critical votes in Parliament, Ayr's member, the veteran non-conformist and Revolutioner, John Moor (or Muir), supported Union.⁵ Like all the other royal burghs except Edinburgh, Ayr lost its separate representation in the united Parliament, being conjoined with Irvine, Rothesay, Campbeltown and Inveraray to return one member—a very awkward 'constituency'; though, given the principle of 'cantoning' the burghs (as Seafield expressed it⁶), no alternative arrangement of the scattered western burghs readily suggests itself.

THE EIGHTEENTH CENTURY

Ten years later Ayr is described as 'a handsome royall brugh, and place of trade beautified with pleasant greens',⁷ yet there can be little doubt that it lost its pre-eminent position in the county in the early eighteenth century. In 1705 it stood fourteenth on the burghs' stent roll, paying 21s. 4d. out of every

¹ *Burgh Recs. Soc. Misc.*, 75-80

² *A.P.S.*, x, 336; *Charters of Ayr*, 74

³ *MS. Council Book*, 1700-1710

⁴ *A.P.S.*, xi, 344, 345; Lyon, *Ayr in the Olden Times*, 43

⁵ *A.P.S.*, xi, 314, 405; for Moor, Lyon, *op. cit.*, 41-3

⁶ *Marchmont Papers* (1831), iii, 445

⁷ W. Macfarlane, *Geographical Collections*, i, 410

£100, whereas Irvine, rated at 10s. 6d., was twentieth.¹ In 1718 a drastic revision of the roll brought Irvine up to eleventh place, at 24s., and put Ayr fifteenth, at 18s.²; and in 1730 Irvine stood twelfth (£1) and Ayr seventeenth (15s.).³

This change in the relative position of the two burghs is confirmed by the population figures. Dr. Webster's unofficial census of 1755 gives the parish of Ayr only 2,964 inhabitants, of whom, if we allow a reasonable deduction for the settled farmland of the Burrowfield and Alloway, not many more than 2,000 may be credited to the burgh itself; the comparable figure for Irvine parish was 4,025, and for Kilmarnock 4,403.⁴ By 1791, with trade recovering, Ayr, with 4,647 in the parish (including 3,871 in the burgh), was again just ahead of Irvine (4,500) though well behind Kilmarnock (6,776 in the parish and 5,670 in the town).⁵ The official census of 1801 showed 5,492 in Ayr parish, 4,584 in Irvine, and no fewer than 8,079 in Kilmarnock.

THE UNREFORMED BURGH

It was a strange new world into which the unreformed burgh survived—a world of fast coach-roads and coastal steamships, of mill-towns and weaving villages, of coal-mines and iron-works, and, finally, of the Kilmarnock-Troon railway, opened for horse-drawn traffic in 1810.

Amidst so much that was changing, the 'sett' of Ayr, comprising the election of five magistrates after the formality of the 'leets' and the co-option of four new merchant and two trades councillors, was unaltered: as it was in 1713,⁶ so it stood in 1793,⁷ and it was no different as late as 1833.⁸ Burgess right was the key to municipal office as well as to local trade, while the importation and sale of foreign merchandise was still a guild privilege.⁹ Moreover, though the exclusive principle in

¹ *Recs. Conv. Roy. Burghs*, iv, 371

² *ib.*, v, 196-7

³ *ib.*, 507

⁴ *Old Stat. Acct.*, xx, 591

⁵ *ib.*, i, 92; ii, 85, 597-8; vii, 169. There were 1,689 inhabitants of Newton-upon-Ayr in 1791: *ib.*, ii, 579.

⁶ By 1713 earlier practice had been modified to the extent that only five craftsmen participated in the election of magistrates: *Burgh Recs. Soc. Misc.*, 237-8

⁷ Murray, *Early Burgh Organisation*, ii, 494

⁸ *Munic. Corp. Comm. Local Reports*, i, 83

⁹ During the years 1793-1833 375 burgesses and 322 guild brethren had been entered: *ib.*, 89-90. The typical 'aedilic' jurisdiction of the modern dean of guild is found at Ayr from 1661: Murray, *op. cit.*, ii, 563-5.

commerce and industry was losing both efficacy and respect,¹ the nine trades or crafts of Ayr (squaremen, hammermen, tailors, skinners, coopers, weavers, shoemakers, dyers and fleshers) were still legal corporations. They sometimes declined to the absurdity of a membership of one,² and their function was now social and political rather than economic. Their revenues went to the relief of indigence, but, faced by the competition of the 'free' suburbs, craft monopoly was indefensible.

The 'auld Scots brugh', apart from its irresponsible government, was noted for wanton alienation of common lands and chronic financial insolvency,³ and here, too, Ayr conformed to the pattern. Gradually the burgh's lands slipped into private possession as feus, and in 1754 the barony of Alloway was sold for £7,190 sterling, to clear the town's debts.⁴ Between 1792 and 1833 a fresh debt of £18,800 was incurred, the interest on which helped to swell the annual expenditure to nearly £3,400, against a revenue from property, feu-duties and customs of just over £2,000.⁵

BURGH REFORM

The retention of political power in a community of 7,600 by a burgess body of some 220⁶ was ended at Ayr by the general Burgh Reform Act of 1833, which gave the vote to the £10 house-holders within the royalty and ordered municipal elections to be held annually on the first Tuesday in November.⁷ While the franchise was still narrow, it was at least open to subsequent extension; and, in fact, the parliamentary reforms of 1867, 1884, 1918 and 1928 each led to a lowering of the qualification for the municipal vote. Other links with the past were dissolved by the national legislation of 1846 and 1870, which abolished exclusive privilege and provided for the removal of petty customs.⁸

¹ The important linen industry was freed from craft restrictions by an Act of 1751 (24 Geo. II, cap. 31); cf. *Munic. Corp. Comm. Gen. Report*, 82

² Murray, *op. cit.*, 567-74. Membership in 1833 ranged between 3 for the Skinners and 51 for the Squaremen: *Munic. Corp. Comm. Local Reports*, i, 90-1.

³ See Mackenzie, *The Scottish Burghs*, ch. x

⁴ Lyon, *Ayr in the Olden Times*, 56

⁵ Cess, poor's money, bridge tolls and harbour dues were separately administered: *Munic. Corp. Comm. Local Reports*, i, 83-9. If the burgh lands had been retained, the revenue would now (1837) have been between £8,000 and £10,000: *New Stat. Acct., Ayr*, 20. (All sums in sterling.)

⁶ There were 218 burgesses in 1833 who were householders (£5 and upwards): *Munic. Corp. Comm. Local Reports*, i, 83

⁷ 3 and 4 Will. IV, cap. 76

⁸ cf. Mackenzie, *op. cit.*, i, 163

The change that was now required was geographical rather than constitutional. The first Reform Act of 1832 had greatly extended the bounds of the parliamentary burgh, by taking in most of Newton-upon-Ayr, to the north, and Wallacetown and Content, in St. Quivox parish.¹ This accorded well with local realities, for Newton, though a separate and ancient burgh, was becoming increasingly the northern portion of what was spoken and thought of as 'the town of Ayr'; and already in the 1830s the creation of an united municipality was being advocated as 'a most salutary measure for the whole community'.² Opposition arose, not only from traditional and vested interests, but also from shrewd calculations as to public debts and the burden of poor relief. At last, by the Ayr Burgh Act of 1873,³ the royal burgh's boundaries were carried up to those of the parliamentary burgh, and the old burgh of Newton disappeared, to become the fifth of the six wards into which the extended burgh was now divided. The new town council was to comprise 18 councillors (three from each ward), including the provost, four bailies and the treasurer. Advantage was taken of the 1870 Act to abolish the petty customs from 11th November 1873, and arrangements were made to transfer to the corporation the local gas and water undertakings. The royalty was further extended by the Ayr Burgh Act of 1885, to include the whole of the parish of Newton-upon-Ayr and certain other suburban areas.⁴

THE LARGE BURGH

Ayr, having been exceeded in point of population throughout the nineteenth century by the more heavily industrialised Kilmarnock, has recovered in the twentieth century, and, with 43,011 inhabitants according to the 1951 census, leads its rival by a margin of 891 for first place in the county and twelfth place in Scotland. Politically, the parliamentary burgh was the head burgh of its district (Ayr, Irvine, Campbeltown, Inveraray and Oban) from 1832 until 1918, and of a different

¹ 2 and 3 Will. IV, cap. 65. The population of the royal burgh in 1841 was 8,264, of the parliamentary burgh, 15,749; Newton parish had 4,027 inhabitants in 1831.

² *Munic. Corp. Comm. Local Reports*, i, 91-2; *New Stat. Acct.*, Ayr, 18

³ 36 and 37 Vict., cap. cc, § 6, 7, 11, 13, 32, 54, 55

⁴ 48 and 49 Vict. cap. lxxiii, § 6. cf. Murray, *Early Burgh Organisation*, ii, 281-2

district (Ayr, Irvine, Ardrossan, Prestwick, Saltcoats and Troon) from 1918 to 1948; since then it has formed the main element in the Ayr division of the counties of Ayr and Bute. Industrially, it relies largely on carpet-making, shipbuilding, engineering, fisheries and the coal trade, and it has benefited greatly from the nineteenth century harbour improvements, a network of railways, and the re-building (in 1879) of the 'new' bridge of 1788. In the social sense, it is an attractive residential, educational and shopping centre.

All earlier burgh legislation was consolidated in, or superseded by, the Local Government (Scotland) Act, 1929,¹ which committed various branches of administration, in descending order, to the four 'counties of cities', the twenty other large burghs, and 171 small burghs (the dividing line between these two classes being drawn roughly at the population mark of 20,000). The town council of Ayr, as one of the two large burghs in the county (Kilmarnock being the other), became or remained the police, valuation, public health, town planning and poor relief authority within its boundaries—these being the functions distinguishing it from a small burgh. The boundaries themselves were again extended by the Ayr Burgh Act, 1935, this time southward and eastward to take in Alloway and Whitletts²; curiously enough, the area of the extended burgh (4,650 acres) almost exactly equals that of the medieval burgh (the old parishes of Ayr and Alloway), although its centre of gravity has moved noticeably northward. Municipal legislation was again consolidated in a comprehensive statute, the Local Government (Scotland) Act, 1947³; but in one important respect this was modified by the Representation of the People Act, 1948,⁴ which transferred the date for the annual elections from the traditional time in November to the first Tuesday of May.

Despite the detailed changes of recent times (including the transfer of responsibility for education, public assistance, electricity, and, in large part, public health, to agencies larger than even a large burgh), Ayr in respect of its local government still retains many links with the past. The town council of 18 members now includes the provost, four bailies, the dean of

¹ 19 and 20 Geo. V, ch. 25

³ 10 and 11 Geo. VI, ch. 43

² 25 and 26 Geo. V, ch. lv

⁴ 11 and 12 Geo. VI, ch. 65

guild, the treasurer, three police judges and eight ordinary councillors. A large staff of officials and employees is headed by the town clerk, the chamberlain, the medical officer of health, the burgh surveyor, the sanitary inspector and the chief constable. At many points (as has been the case for seven and a half centuries) the activities of both elected members and salaried officers impinge on the life and work of the inhabitants of the ancient royal burgh.