

## The Gilbertine House at Dalmilling

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The Register of Paisley Abbey contains copies of seven documents directly relating to the short-lived Gilbertine house of Dalmilling near Ayr.<sup>1</sup> In the unprinted thirteenth-century register of the Gilbertine priory of Malton, in the East Riding of Yorkshire<sup>2</sup> there are copies of eight further documents relating to Dalmilling, which are printed here in full for the first time.

Both these small collections of documents were used by John Edwards as part of the material for his long and useful article on "The Order of Sempringham and its connexion with the West of Scotland."<sup>3</sup> That article contains probably as full an account as the evidence will permit of the unsuccessful attempt by Walter, Alan's son, Steward of Scotland, to found a priory for Gilbertine canons and nuns at Dalmilling, in his lordship of Kyle, at some time during the third decade of the thirteenth century. Edwards did not print the Malton Register documents in full. He published a photographic facsimile of folio 227, but the scale of reproduction is such that the lettering can hardly be read comfortably without a magnifying glass and some experience of thirteenth-century handwriting. Apart from Edwards' article, there is a brief mention of Dalmilling in Miss Rose Graham's study of the Order of Sempringham.<sup>4</sup>

The order, founded in 1131 by Master Gilbert, the rector of Sempringham in Lincolnshire, was designed to provide a monastic life for women, following the Benedictine Rule as observed by the Cistercians, fortified by the ministration of canons-regular following the Augustinian rule, "men that they might protect women, learned that they might rule over others, and demonstrate the way of salvation to men and women, in holy orders that they might serve the whole community as priests." In addition to nuns and canons, each house of the order had communities of lay sisters and lay brothers to carry out the menial and manual work. The Gilbertines formed an entirely English order not only in their origins but in their whole subsequent history: Dalmilling might have proved an exception, but in fact never took root.

1. *Registrum de Passelet*, Maitland Club, 1832, pp. 21-7. The local spelling is Dalmilling, though some O.S. maps have Dalmelling: Map Ref. 362224.
2. British Museum, MS. Cotton, Claudius D xi, folio 227.
3. *Transactions of the Glasgow Archaeological Society*, New Series, vol. v (1908), pp. 66-95, esp. pp. 72-90.
4. *St. Gilbert of Sempringham and the Gilbertines*, 1903, pp. 46-7.

Neither the motive which prompted the Steward to choose the Gilbertines for his proposed foundation, nor the date at which he attempted to carry out his project, is known for certain. The Order of Sempringham was especially popular in Lincolnshire and Yorkshire, but the Steward does not seem to have had any strong connexion with either county. The particular Gilbertine house from which he drew the first canons so that a start might be made at Dalmilling (and whence presumably the first nuns would have been taken) was evidently Sixhills Priory, near Market Rasen in the parts of Lindsey. Sixhills was perhaps chosen because of its relatively rich endowments and large numbers of nuns and lay-sisters (up to 120) and of canons and lay brothers (up to 55).

As for the date of the attempted foundation, Edwards argued for 1221, solely on the grounds that Anglo-Scottish relations were particularly amicable after the marriage in that year of Alexander II to Joan of England. This seems a somewhat insecure basis for any positive conclusion as to the particular year. It is true that the Steward was present at the royal wedding, which took place at York on 19 June, 1221. But (as the present writer has noted elsewhere<sup>5</sup>) the Steward paid a visit to England in the previous year, when he attended the solemn translation of the body of St. Thomas Becket at Canterbury Cathedral, and confirmed a benefaction made by his father to the cathedral priory. Anglo-Scottish relations were not so strained before 1221 as to make a Gilbertine migration north of the border improbable before that year; nor did they become so strained after 1238 as to provide the most likely motive for the abandonment of the settlement. We shall be on safer ground if we can establish the limiting dates of the "foundation charter" of Dalmilling, which is reprinted here for convenience from the Paisley Register [Document No. 2]. It should be noted, however, in passing that the foundation charter is not in itself evidence that the Gilbertines actually established the conventual life at Dalmilling. The charter is a purely formal legal document, whose issue was probably thought a necessary preliminary to the real work of the foundation; and it seems likely that the only Gilbertines who settled for any length of time in Kyle were an advance party of canons. However this may be, the foundation charter itself may be dated between 6 August, 1219, when one of its witnesses, Adam [of Harcarres], abbot of Melrose, succeeded Abbot Ralph,<sup>6</sup> and 28 May, 1230, when the charter was confirmed by King Alexander II.<sup>7</sup> Another witness, John, abbot of Kilwinning, is known to have been abbot in 1225 and 1226,<sup>8</sup> but he may have held office for some years earlier and later.

5. "Early Stewarts at Canterbury," *The Stewarts*, vol. ix, No. 3, Edinburgh, 1953, p. 231.
6. *Chronicle of Melrose*, Facsimile Edition, p. 71.
7. *Reg. de Passelet*, pp. 47-8.
8. *Registrum Episcopatus Glasguensis*, Bannatyne Club, Nos. 139, 140.



Again, in the foundation charter the Steward does not style himself Justiciar of Scotia, an office to which he was appointed apparently at some date in 1230.<sup>9</sup> He would certainly have used this title thereafter in all formal documents, but this does not help us to narrow the limit-dates of the Dalmilling charter beyond 1219 as the *terminus post quem* and 1230 as the *terminus ante quem*.

There is, however, one further piece of evidence which might suggest a lower limit-date of 1228. At some date in or before (if so, probably not long before) the year 1228, Walter the Steward made a grant of three marks a year to Sixhills Priory, to be paid out of land held by his vassal Adam of Nesse.<sup>10</sup> The grant must be connected with the negotiations between Walter and the Order of Sempringham, and may have been made during the visit to Scotland which was paid (as Document No. 1 below shews) by Nicholas, prior of Sixhills, for the purpose of discussing the proposed foundation in Ayrshire. The probability is that Walter's letter announcing his intention to found a Gilbertine house, and the subsequent attempt to put this intention into effect, belong to the period 1219-1228. Beyond this, on available evidence, we can hardly go. The settlement was given up by the Order of Sempringham in 1238,<sup>1</sup> so that its daughter-house in Ayrshire cannot have had a life of more than nineteen years at the most.

The documents from the Malton Register are printed here partly because of their place in the history of Ayrshire, partly because of their interest for the student of monasticism in medieval Scotland. They are complementary to the documents already in print in the Paisley Register, and it will be convenient to make the whole series accessible for study. The first document printed has a different and additional interest. The survival of letters of this kind is uncommon, and this particular letter is a well-written, fresh and remarkably human example of its kind. Normally, our starting point for the history of any medieval religious house is the statement in a chronicle that X founded the monastery of Y, and the text, in the original or in copy, of the formal legal document, the "Foundation Charter," by which X records the title which will be Y's warrant before posterity, declares both the pious intention behind his act and the specific return which he expects it to bring him and his family, and enumerates the lands and other property which will form the basic endowment. But beyond this a foundation charter will seldom venture: it is commonly a formal and (except to those who like charters for their own sake) a rather dull piece of literature. In

9. A. O. Anderson, *Early Sources of Scottish History*, ii, 527, n.l.

10. *Reg. de Passelet*, pp. 19, 401-2; confirmed by Alexander II, 6 November, 1228, *Ibid.*, pp. 402-3.

1. *Ibid.*, p. 26.

Walter the Steward's letter to the Master of the Order of Sempringham, we have something quite different from a foundation charter. Here is a personal letter, written by—or, to be accurate, written for—a prospective founder and patron, before any act of foundation has taken place. The writer of course declares his pious intentions, but he is obviously at more pains to point out the attractions of the proposed site for a new monastery in material terms. The stress laid on Walter's generosity is noteworthy: the phrase "at my own expense" occurs no fewer than three times. The particular charm of the letter lies in its disarmingly abrupt switch from the pious circumlocution of the preamble to the brass tacks of the body of the document. Only towards the end does the author of the letter recover his rhetoric, which culminates in an ornate and alliterative valediction.

Some further points deserve notice. The letter's date is about 1228, or a little earlier, and we see that the king's burgh of Ayr, formally founded some twenty-six years before, is still the "New Castle upon Ayr": the river's name has not yet been adopted as the sole name for the town. We see that *Scocia* can already mean "Scotland" in its modern sense, and not (as usually in the twelfth century) Scotland north of the Forth only. (In England, however, Scotia quickly came to denote simply the kingdom ruled by the king of Scots, which of course included Lothian, Cumbria and Galloway). Dalmilling itself, in Walter's foundation charter, is "Dalmulin super Are," just as Newton upon Ayr, in the same document, is "Nova Villa super Are." The name "Dalmulin" presumably means "mill haugh," but although the letter speaks of two mills, the foundation charter mentions only one, not at Dalmilling but at Prestwick. Yet it is highly probable that there was already a mill at Dalmilling, and in the fifteenth and sixteenth-century rentals of Paisley Abbey<sup>2</sup> the corn mill of Dalmilling figures prominently.

The balance of arable and pasture is worth noting. The lower-lying parts of Kyle Stewart were evidently not a preponderantly pastoral area even in the early thirteenth century. Along with pasture ready stocked with 300 cows and 2,000 sheep (and perhaps mares and foals, to judge from the third document in our series), Walter's letter promises some five ploughgates of arable—roughly 520 Scots acres (approximately 650 standard acres), if we take the ploughgate to represent 104 acres, as it seems most commonly to have done in southern Scotland. With this balance, we should compare the condition reported in 1951 of the landward parts of the parish of Ayr, which comprises the territory dealt with by Walter's letter. "The proportion of farmland under crops—nearly

2. J. Cameron Lees, *Abbey of Paisley*, 1878, Appendix M, pp. lvi-clxxviii, *passim*.



40%—is higher than any other Ayrshire parish except Monkton.”<sup>3</sup> The soil of most of St. Quivox parish is light, easily worked loam, the sort of soil most attractive to medieval agriculture. It is interesting to see the word *wannagium* (“wainage,” Fr. *gagnage*) used here in the sense of “tillage,” the ground that can be and normally is cultivated by the plough, with whatever capacity it may have, and in what ever state of cultivation it may be. The meaning of this term in *Magna Carta*, drawn up some fifteen years before this letter, has given rise to controversy. Its meaning in our letter entirely supports the view of the late Professor Tait, in his comment on Chapter 20 of the Great Charter<sup>4</sup>: it is “tillage” or “land under cultivation,” not (as some have thought) “implements of husbandry.”

The valuations of the churches of Dundonald and Sanquhar (St. Quivox) are among the earliest we have for parish churches in Scotland, and they are especially interesting because they are stated for the information of a prospective owner, and not, as is the case with most valuations, for the information of the tax-collector. Dundonald and Prestwick were the two chief places in the Steward's half of Kyle, held in demesne by the Stewards themselves. In Walter's foundation charter of Dalmilling, and its episcopal confirmation, we see Dundonald as a *matrix ecclesia* with two subordinate chapels, Crosbie and Riccarton. Naturally, therefore, Dundonald has a relatively high valuation, 100 merks. Since the church passed to Paisley Abbey soon after the date of the letter, we have no further assessments of the value of the whole church (i.e., the rectorial value) of Dundonald,<sup>5</sup> but only of the vicarage. The perpetual vicarage of Dundonald was instituted by Bishop William Bondington of Glasgow on or before Saturday, 10 September, 1239,<sup>6</sup> and its value established at 28 merks (£18 13 4). Subsequent valuations of Dundonald vicarage vary somewhat. We have documents suggesting an agreed valuation at £40 Scots, or “old sterling,” in the fifteenth and sixteenth centuries,<sup>7</sup> but we also have valuations at £20 sterling (1427)<sup>8</sup> and “not more than £13 sterling” (1470),<sup>9</sup> which may reflect the fluctuating relationship of Scots money to sterling in the later middle ages. We may take it as reasonably certain that our earliest, thirteenth-century valuation is given in terms of currency interchangeable at equal

rates between England and Scotland. The extract from “Bagimont's Roll” given in the Register of the Bishopric of Glasgow,<sup>10</sup> which purports to date from 1275, gives the value of Dundonald vicarage as £53 6s. 8d. The manuscript source dates from the late sixteenth century, and it is more than doubtful whether this figure really represents the value reported to the papal collector, Master Boiamund, in 1275.

We have much less information about the poorer, but evidently ancient, church of Sanquhar or St. Quivox. “Senekacher” (for which we should perhaps read “Senekather”) means “old fortification,” and was the older name for what appears in later record as the parish of St. Kevoca or St. Quivox. The name survives in certain farms in the parish called Sanquhar.<sup>1</sup> The church of St. Kevocuts (masculine) or St. Kevoca (feminine) is referred to in fifteenth-century record,<sup>2</sup> but its value is not stated, and although it too passed to Paisley Abbey, no vicarage seems to have been instituted in it, doubtless because it was too poor to support the permanent stipend of a perpetual vicar. While the foundation charter of Dalmilling states that this place was in the territory of “Mernes,”<sup>3</sup> i.e., the district between Newton upon Ayr and Auchincruive, Sanquhar itself seems to have been primarily the name for a forest or stretch of woodland, presumably filling the northern part of St. Quivox parish. Paisley Abbey (or priory, as it then was) was granted liberties in the “forest of Senecathir” in the twelfth century. Walter's letter to the Master of Sempringham promises “a certain piece of woodland in my Wood of Senekacher.”

The foundation charter is reprinted here from the Paisley Register, with a summary of its contents, so that a comparison can easily be made between what the Steward initially promised and the rather more extensive grants which he actually made. It should be added that in the Paisley Register the foundation charter is followed by two other charters issued by the Steward on the same occasion, the first recording his grant of the churches of Dundonald and Sanquhar, the second his grant (not promised in the letter) of lands and pasture: (1), at “Drumley” and “Swyneshales,” to be located near Drumgrain, on the borders of Neilston and Dunlop parishes; and (2), at “Petihaucingowin,” land near

3. *Third Statistical Account, Ayrshire*, 1951, p. 563.

4. *English Historical Review*, xxvii, 1912, pp. 720-5.

5. A Paisley Abbey rental of the sixteenth century (Lees, *Abbey of Paisley*, p. cxxvi) gives the “gersum” (premium or entry fine) for a nineteen year tack of Dundonald Church as “three hundred pounds at the least, or five hundred merks,” but this does not safely give us its annual value.

6. *Reg. de Passelet*, pp. 225-6.

7. *Calendar of Scottish Supplications*, Scot. Hist. Soc., i, 167 (1420); *Calendar of Papal Registers (Letters)*, xii, 741 (1470); *Accounts of Collectors of Thirds of Benefices*, Scot. Hist. Soc., 20 (1561-72).

8. *Cal. Scot. Supplications*, ii, 173.

9. *Cal. Papal Reg. (Letters)*, xii, 368.

10. *Registrum Episcopatus Glasguensis*, p. lix.

1. *Third Statistical Account, Ayrshire*, p. 565; Map Reference 362244.

2. *Cal. Papal Reg. (Letters)*, viii, 492; Lees, *Abbey of Paisley*, p. lxxiii, mentions “le Sanquhar (in text, Sauquhar), vi s. viij d.,” not necessarily referring to the church; *Ibid.*, pp. c, cl, and cxxxix, mention a payment of 7s 9d by the lord of Cathcart for one light to burn in the church of Saint Kevoca; the church of St. Kevoca, without value stated; and “Dalmilling land in Sanct Kevocis parochin,” respectively. (The printed text has been emended from *Kenote, Kenotis*.)

3. This name, which means “stewardship” or “stewartry,” seems to have become obsolete in the thirteenth century. It must not be confused with “Mernes,” now Mearns, in Renfrewshire, where Paisley Abbey also had property.



Lochwinnoch which was later known as "Achyingoun monachorum" (1361),<sup>4</sup> a name now represented by East, Mid and South Auchengowan, near Auchengrange in Lochwinnoch parish.

The documents given here suggest that no religious house, in the full sense, was ever established at Dalmilling by the Gilbertines. It is true that Walter's foundation charter and his other charters of donation speak of his having founded such a house and of his gifts to it; but these are essentially formal legal documents, drawn up to cover a situation which was intended to come into existence. By themselves, they do not prove that the house of Dalmilling was in fact founded. No. 3 in our series was issued by John and Walter, "canons established at Dalmilling"; but it seems probable that they formed an "advance party," sent to prepare the way for a proper convent of canons and nuns, who in fact never came. In No. 6, Walter the Stewart speaks of his grants made for the founding of a house of Gilbertines in such a way as to suggest that his plan was never fulfilled. Yet it is equally clear that some members of the Order of Sempringham did come to Scotland. No. 1 shews that Nicholas, head of the Gilbertine priory of Sixhills in Lincolnshire, probably inspected the proposed site of the monastery in Ayrshire.<sup>5</sup> In addition to the Prior of Sixhills and the canons John and Walter, the Master of the Order may have visited Scotland in person. A note at the foot of fo. 227 in the Malton register says "*Memorandum quod magister R. apportauit secum omnia scripta de Scocia et reposuit ea apud Sempingh.*" This may mean that Master Robert went to Scotland and brought back the documents copied at Malton; or it may mean merely that he himself took the originals from Malton to Sempringham. Copies were made at Malton clearly because the Prior of Malton, William, was not only one of his Order's appointed proctors in Scotland (the other being William, Prior of St. Andrew's, Fishergate, York), but was also proctor for Walter the Stewart for the purpose of distributing the annual payment of 40 merks which the Gilbertines received in exchange for giving up their property at Dalmilling. The Abbot of Paisley, for his part, evidently visited the Gilbertine proctors to receive the documents mentioned in No. 7 below, of which copies are given (apparently with one exception)<sup>6</sup> in the Paisley Register. But his meeting with them may have taken place at Dryburgh Abbey, and not necessarily in England.<sup>7</sup>

4. *Reg. de Passelet*, p. 69. In the earlier form we have an interesting example of the French word *petit*, "little," being prefixed—in the usage of French-speaking lords and their clerks—to a native Celtic place-name, presumably standing for Mid. Gaelic, *achad in gobann*, "smith's field."

5. This is additional confirmation that Sixhills was to have been the mother-house of Dalmilling.

6. See below, p. 66, n. 10.

7. A note in the margin of fol. 227 of the Malton Register says "*Memorandum quod reddidimus abbati de Passelet omnes cartas feudacionis cum saysina.*"

The section of the Malton Register in which these Dalmilling documents are copied was written in the thirteenth century, and the documents themselves provide a good example of the Latin of the period. Nos. 3 to 9 were doubtless composed by clerks with a training in drafting legal documents; No. 1 was perhaps composed by one of Walter the Stewart's domestic clerks or chaplains. In editing, I have modernized the punctuation and the use of capitals, but have left the spelling unaltered. The Malton Register uses many abbreviated forms, some of which are indicated here by the use of italics. The rubric for each item is printed once only; in the MS it appears twice, once immediately over the text, and once (in a slightly later hand) in the margin.



## Dalmilling Documents

(1)

LITERE DOMINI ALANI<sup>1</sup> SENESCALLI DE MONASTERIO CONSTRUCT'

Precordialissimo patri in Christo domino R[oberto],<sup>2</sup> Magistro Ordinis de Sempingham et eiusdem Ordinis uniuersitati, Walterus filius Alani domini Regis Scocie senescallus, de uirtute in uirtutem<sup>3</sup> proficere. Diuino statu inspiratus, quia percepi quod non est zelus contra zelum animarum, domum ordinis uestri, pro salute mea et omnium antecessorum et successorum meorum, ad religionis incrementum et animarum saluacionem, in partibus Scocie apud Nouum Castrum super Are, sumptibus meis, instanter fundare proposui. Set quia prolixum est ambagibus immorari, ea que ad religiose uiuencium sustentacionem dare et assignare proposui ea qua possum instancia uobis literatorie ad presens demonstro; scientes quod wannagium quinque carucarum in circuitu loci predicti, et pasturam ccc. uaccarum quam primo die sumptibus meis instaurabo, et pasturam mm. ouium quam similiter instaurabo, cum piscaria loco predicto congrua; cum ecclesia de Dundouenald, que ualet annuatim c. marcas, et ecclesiam de Senekacher, que ualet xx. marcas; et duo molendina, que ualent<sup>4</sup> xii. marcas; et quandam partem bosci de Boscho meo de Senekacher, cum edificio tam ecclesiarum quam domorum quod sumptibus meis ibidem religiose uiuentibus edificabo, dare et assignare sicut predictum est in ueritati proposui. Hec uobis ut potui litteratorie scripsi, sed super hec plenius et expressius Dominus N[icholas]<sup>5</sup>, prior de Syxle, lator presencium, ad maiorem efficaciam affatim poterit instruere. Supplico igitur sanctitati uestre, quatinus circa hoc, sano habito consilio, uestra uigere uelit discrecio ut propositum meum fine sperato secundum Deum terminetur; uelle uestrum super hoc et quocunque uobis placito per presencium latorem uel per quemcunque uolueritis ante Pascha sine defectu remandantes. Walete, nec waleant qui uos non ualuissse uelint.

(Translation)

LETTER OF WALTER, SON OF ALAN, THE STEWARD, ANENT THE BUILDING OF A MONASTERY

To his very dearest father in Christ, Sir Robert, Master of the Order of Sempingham, and to the whole congregation of the

1. Sic, for Walteri filii Alani.

2. *V.C.H., Lincs.*, ii, 186.3. *Ps.* 84, 7.4. *MS.*, ualeat.5. See F. M. Stenton, *Charters relating to Gilbertine Houses*, 1922, p. 18; *V.C.H., Lincs.*, ii, 195.

Order, Walter, son of Alan, Steward of the Lord King of Scotland : May you go from strength to strength.

Inspired by the divine instinct, since I realise that there is no zeal to compare with zeal for souls, I propose, for the souls' weal of myself and of all my ancestors and successors, to found immediately at my own expense a house of your Order in Scotland, at the New Castle upon Ayr, for the salvation of souls and as an addition to the religious life. And since circumlocution is tiresome, I set forth here as promptly as possible those things which I propose to grant and assign for the support of the religious: the wainage of five ploughs in the area of the place mentioned; pasture stocked at the outset at my own expense with 300 cows; pasture similarly stocked with 2,000 sheep; a convenient fishery; the church of Dundonald, which is worth 100 merks annually; the church of Sanquhar (St. Quivox), which is worth 20 merks; two mills worth 12 merks; a certain part of my wood of Sanquhar; and the ecclesiastical and domestic buildings which I shall erect there for the religious—these truly I propose to grant and assign, as I have said. I have written to you of these matters as best I could in this letter; but its bearer, Sir Nicholas, Prior of Sixhills, will be able to explain them more fully and clearly and in a sufficiently effective manner. I therefore beg of your saintliness that, when you have taken wise counsel on the matter, your decision may lead to my proposal being brought to its desired fulfilment according to God's will. Please reply before Easter without fail, either by the bearer of this letter or by whomsoever you will, telling me of your wishes in this matter and of whatever may please you. Farewell, and let them not fare well who do not wish the same for you.

o o o

(2)

THE FOUNDATION CHARTER<sup>6</sup>

Omnibus Christi fidelibus presentibus et futuris, Walterus filius Alani, domini Regis Scocie senescallus, salutem. Noveritis me divine caritatis intuitu fundasse quamdam domum canonicorum et monialium ordinis de Sempingham, in loco qui dicitur Dalmulin super Are in terra de Mernes, meque, conventui ibidem Deo et beate Marie seruianti et imperpetuum secundum formam ordinis prefati seruituro, concessisse, dedisse et hac carta mea confirmasse totam terram de Mernes, cum omnibus infra istas diuisas contentis, scilicet et sicut rivulus descendit in Are inter novam villam et

6. From *Reg. de Passelet*, pp. 21-2.



fundum capelle Sancte Marie, et sic ascendendo per eundem rivulum usque ad divisas de Hachenratheny, et sic per rectas divisas de Mernes et de Hachenratheny usque ad terram Ricardi Walensis de Hachencrw, et sic per divisas ipsius Ricardi de Hachencro usque in Are. Preterea liberam et plenam communiam in turbariis de Prestwic, et medietatem omnium piscariarum mearum que sunt inter castrum de Are et villam de Irwin, videlicet, et medietatem piscarie de Wohar, et medietatem piscarie de Spetelcrag, et medietatem piscarie de Selecrag, et medietatem piscarie versus Yrewyne, et molendinum de Prestwic cum sequela sua et omnibus pertinentiis suis, et toftum Edok in nova villa super Are, quod jacet inter toftum Matildis Gesting' et toftum Walteri filii ipsius Edok, cum libero servitio ipsius Edok. Hec omnia concessi, dedi et hac carta mea confirmavi Deo et conventui beate Marie ordinis de Simpringham apud Dalmulin super Are, tenenda et habenda cum omnibus pertinentiis suis, libertatibus et asiamentis sine aliquo retinemento, in puram et perpetuam elemosinam, liberam et quietam ab seculari servitio, consuetudine et exactione, sicut aliqua elemosina liberius et quietius datur et confirmatur pro Deo viris religiosis in regno Scotie. Ego vero Walterus et heredes mei warrantabimus, adquietabimus et defendemus imperpetuum, Deo et conventui beate Marie de Dalmulin super Are, universa supradicta cum omnibus pertinentiis suis, de omnibus servitiis, et exactionibus, occasionibus et consuetudinibus, et generaliter de omnibus rebus que aliquomodo accidere poterunt in posterum, contra omnes homines. Ut sibi hec mea donatio perpetuam obtineat stabilitatem, presenti scripto in testimonium, sigilli mei apposui impressionem. His testibus, domino Waltero Glasguensi episcopo, Adam abbate de Melros, Johanne abbate de Kilwinyn, Waltero Olifard justiciario Laudonie, David fratre suo, Reginaldo de Crawford vicecomite de Are, Macolmo<sup>7</sup> Loccard, Macolmo<sup>7</sup> filio suo, Hugone filio Reginaldi, Rogero filio Glay, Ricardo Walensi, Johanne de Mungumri, Hectore de Carric, magistro Hugone de Normavilla, magistro Nersso, Wilelmo, Luca, Odardo, capellanis, Wilelmo de Pertheyc, Roberto de Ellesam, clericis, et aliis multis.

(Translation)

Walter, Alan's son, Steward of the King of Scotland, announces that he has founded a house of canons and nuns of the Order of Sempringham at a place in the land of "Mernes" called Dalmilling upon Ayr. He has granted to the convent who now serve<sup>8</sup> and in the future shall serve God and Saint Mary in that place

7. Sic.

8. These words cannot be taken as proof that a monastery was ever properly established at Dalmilling; they were a necessary part of the foundation charter, but this was probably issued in advance of any full settlement.

according to the constitution of their Order the whole land of "Mernes" with everything contained within these marches, viz., as the burn falls into the River Ayr between Newton (upon Ayr) and the estate of Saint Mary's Chapel [? Ladykirk Chapel], thence ascending along that burn to the marches of "Hachenratheny,"<sup>9</sup> and thus by the true marches of "Mernes" and "Hachenratheny" as far as the land of Auchencruive<sup>10</sup> which belongs to Richard Wallace, and thus by the marches of the said Richard from Auchencruive to the River Ayr. He has granted in addition free and full common rights in the peataries of Prestwick; half of his fishings between the castle of Ayr [i.e., the royal burgh] and the town of Irvine, viz., half the fishing of "Wohar," half the fishing of "Spetelcrag,"<sup>1</sup> half the fishing of "Selecrag" (? Seal Rock near Troon), and half the fishing towards Irvine; the mill of Prestwick with its suit<sup>2</sup> and pertinents; the toft of Edok in Newton upon Ayr situated between the toft of Maud Gesting' and the toft of Edok's son Walter, together with the free service of Edok himself. Walter has granted all these things to God and the convent of Saint Mary of the Order of Sempringham at Dalmilling upon Ayr in pure and perpetual alms, free and quit of secular service and demands, as freely as any alms may be granted for God to the religious in the kingdom of Scotland. Finally, Walter and his heirs will warrant the aforesaid grants to the convent against all men. In witness of the deed, Walter has placed his seal to the document.

*Witnesses:* The lord Walter, bishop of Glasgow; Adam, abbot of Melrose; John, abbot of Kilwinning; Walter Olifard, Justiciar of Lothian; David his brother; Reginald Crawford, sheriff of Ayr; Malcolm Loccard and his son Malcolm; Hugh, Reginald's son (laird of Houston); Roger, Glay's son; Richard Wallace; John Montgomery; Hector of Carrick (the last seven were all prominent vassals of the Steward); Master Hugh de Normanville; Master Ness; the chaplains, William, Luke and Odard; the clerks, William of Partick and Robert of Eaglesham.

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(3)

LITERE DE .I. SIGNACIONE

Omnibus Christi fidelibus has litteras uisuris et audituris, Johannes et Walterus, Canonici Ordinis de Sempingh, salutem.

9. I have not identified this place, whose name means "Bracken Field."

10. Presumably "Tree Field," but the final element might perhaps be *crobb*, a claw, in the genitive case, *crobbh*.

1. Perhaps to be connected with King Case or St. Ninian's Hospital in Prestwick, though this is traditionally said to have been founded by Robert I.

2. Although the "sequels" of a mill came to have a narrower meaning in later Scots law, *sequela* probably meant simply "suit" or "thirlage" at the date of this charter.



Sciatis nos tradidisse abbati de Passel' in usus domus sue perpetuos saysinam terrarum, reddituum, pisciarum et omnium aliorum immobilium quecumque ordo noster habuit de dono nobilis uiri Walteri filii Alani, auctoritate litterarum quas de Maltona et Ebor' priores, ordinis nostri procuratores constituti in Scocia, nobis miserunt in hec uerba: De Malton' et Ebor' priores, Dilectis fratribus suis Johanni et Waltero canonicis apud Dalmunyn constitutis, salutem in Domino. Cum inter dominum abbatem et nos mutua fiat instrumentorum secundum formam conceptam tradicio, et securitas hinc in bona fide celebretur, mandamus uobis, tocius ordinis nostri auctoritate qua fungimur, quatinus ipsi domino Abbati de Passel' in usus domus sue perpetuos tradatis saysinam terrarum, reddituum, et omnium aliorum immobilium quecumque habuimus de dono nobilis uiri Walteri filii Alani, secundum quod in cartis suis continetur, cum quacumque uoluerit sollempnitate. Equas etiam cum pleno ipsarum numero et pullorum tradatis eidem, ut si post uenditionem defectus inueniatur, in solucione de pecunia residatur. De aliis omnibus que comparant<sup>3</sup> similiter faciatis, quibus omnibus ad uoluntatem domini abbatis rite peractis, in partes nostras sub qua poteritis celeritate redire curetis. Et in huius rei *testimonium*, etc.

(Summary)

John and Walter, canons of the Order of Sempringham appointed at Dalmilling, have given sasine to the Abbot of Paisley, for the perpetual use of his house, of the lands, rents, fisheries and all other real estate which the Order of Sempringham possessed by grant from Walter, son of Alan. They have done this by authority of a letter sent them by the priors of Malton and St. Andrew's, York, appointed proctors of the Order of Sempringham in Scotland, the gist of which is as follows: "In order to carry out for our part in good faith the exchange of documents arranged between us and the Abbot of Paisley, you are to give sasine, etc. (as stated above), with the necessary formality. You are also to hand over all the mares and foals, so that if there should be found to be anything missing after their sale, it can be subtracted from the money payment to us. When all these and other comparable matters have been disposed of according to the abbot's will, you are to return to these parts as quickly as possible."

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OBLIGACIO ABBATIS ET CONVENTUS DE PASSELET DE .XL. MARCIS ANNUIS

Cunctis Christi fidelibus *presentibus* et *futuris* Abbas et conventus de Passel' salutem in Domino. Noueritis nos et

3. MS. comparauit.

successores nostros obligatos esse in perpetuum Magistro et canonicis et monialibus ordinis de Sempingh' in quadraginta marcis annuis eisdem uel eorum procuratori soluendis ad pentecosten in domo de Driburg uel ibidem deponendis si presentes non fuerint uel eorum procurator, sub pena uiginti librarum argenti tociens committenda quocienscumque solucione terminum fuerimus transgressi, principali obligatione in suo statu manente. Et ne fraus uel dilacio interuenire possit impune, subicimus nos et nostra mobilia et immobilia tam ecclesiastica quam mundana iurisdictioni uenerabilis patris Glasguensis<sup>4</sup> episcopi qui pro tempore fuerit, et eiusdem ecclesie capituli cum sedes uacauerit, ut plenam habeant potestatem coercendi nos per censuram ecclesiasticam, tam ad penam si commissa fuerit soluendam, quam ad debitum principale absque omni retencione; et hoc sine strepitu iudiciali, uno solo casu excepto, si terra scilicet gwerriua sit quod pecunia predicta non possit tuto deferri. Predicti canonici et moniales non causabuntur termini transgressionem quoad pene commissionem dummodo quamecitius facultas se obtulerit principale debitum persoluamus. Si autem super fraudulenta detencione in hac parte possimus conuinci, uolumus omnino ad penam teneri, nulla nobis competente excepcione siue quacumque defensione. Ne igitur aliquo modo contra hanc spontaneam nostram obligationem quisquam uenire possit in posterum, renunciamus pro nobis et successoribus nostris omnibus impetratis et impetrandis omni exceptioni, contradictioni et appellacioni, et omni iuris remedio canonici et ciuilis, et omni priuilegio et consuetudini et omni quod statutum est et statuendum, et excepcioni de duabus dietis<sup>5</sup> si dicti canonici et moniales prefatum episcopum uel capitulum uoluerint habere compulsores. Ita tamen quod expensas quas dicti canonici et moniales occasione alicuius detencionis pene uel sortis fecerint, eisdem plenarie sine strepitu iudiciali persoluamus et hec sub prefata pena permittimus. Hec omnia per presens scriptum confitemur, nos eisdem legitime per solempnem stipulacionem promississe, uidelicet interrogacione illorum precedente et responsione nostra subsequente. In quorum omnium *testimonium* sigillum capituli nostri presenti scripto una cum sigillo domini Walteri filii Alani apposuius.

(Summary)

The Abbot and Convent of Paisley have bound themselves to pay to the Master, Canons and Nuns of the Order of Sempringham 40 merks yearly, at Whitsun, at Dryburgh Abbey. The penalty for default shall be £20 silver, payable as often as the term for

4. MS., Glasg'.

5. For the *excepcio de duabus dietis*, or objection of two days' journey, see *Corpus Juris Canonici*, Decret. Greg., I, tit. iii, c. 28 and II, tit. xxv, c. 7. By a decree of the Lateran Council of 1215, no party in a lawsuit need be summoned to a court over two days' journey from his diocese (except on appeal to the papal curia).



payment of the pension is exceeded. The abbot and convent place themselves and all their property under the jurisdiction of the Bishop of Glasgow (or of the Chapter when the See is vacant), who shall have full power to coerce them by ecclesiastical censure, both to pay the penalty, if incurred, and to pay the principal debt. The abbot, etc., will make no legal complaint about this, except when there is such war in the land that the money cannot be carried safely. The canons and nuns shall not bring a lawsuit for failure to pay on time, so long as the abbot, etc., pay the principal debt as soon as opportunity offers. If the abbot, etc., are convicted of fraudulently withholding the money, they agree to incur the penalty, renouncing in this event all possible legal exceptions and objections, every remedy of Canon and Civil Law, and all privileges and customs (including the "Two Days' Journey Objection").<sup>6</sup> The abbot, etc., shall be liable for expenses incurred by the canons and nuns as a result of failure to pay the penalty or the principal debt. The abbot, etc., have promised all these things after the canons and nuns had made enquiry on the various matters and the abbot, etc., had replied. The obligation is sealed with the seals of the chapter of Paisley Abbey and of Walter, son of Alan.

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#### ITEM ALIA OBLIGACIO DE PREDICTIS

Omnibus has literas usuris uel auditoris Abbas et conuentus de Passelet Salutem in Domino. Ad posteriorum noticiam memorie duximus commendandum quod cum semel occasione exactionis sedis apostolice Magistro et fratribus ordinis de Sempingh' de .xl. marcis annuis de bonis nostris ipsis perpetuo debitis .lx. solidos Sterlingorum, secundum taxationem reddituum Scocie, detineremus et ob illam postmodum detencionem auctoritate apostolica apud Dunolm' in camera per illos euocaremus, super eadem detencione ipsis ad uotum satisfacimus. Et ut in futurum omnis tollatur dissensionis materia et occasio litigii fuit<sup>7</sup> aut cuiuslibet controersie, priori nostre adicimus obligacioni, omni casui penitus renunciando, quicumque quavis ratione possit accidere, siue principum siue prelatorum exactione, ne quicquam in futurum de predicta pecunia annua impune detinere ualeamus, subiciendo nos et nostra iurisdictioni domini Glasguensis episcopi, uel uacante sede eiusdem capituli, siue quorumcumque aliorum quos habere ubicumque uoluerint contra nos iudices et compulsores, nullo nobis competente defensionis remedio, sub eadem pena qua in priori nostre

6. See above, p. 63\*, n. 5.

7. So in MS. Read, probably, *siue*, since the copyist added the next word, *aut*, as an afterthought.

obligacionis instrumento tenemur obligati, cassatis omnibus que nostre possint quomodolibet competere defensionis.

(Summary)

The Abbot and Convent of Paisley declare that once, because of a tax demand from the Papal See, they withheld from the 40 merks owed annually to the Master and Brethren of the Order of Sempringham the sum of 60s. sterling, according to the taxation of revenues in Scotland. They invoked papal authority for this detention in the chamber at Durham, but have now made satisfaction regarding it, according to the wishes of the Order of Sempringham. In future, tax demands are not to be made the ground for withholding any part of the annual pension, and the abbot, etc., place themselves under the same penalty regarding this as they previously did in regard to the pension itself. (? Circa 1246)<sup>8</sup>

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#### CARTA WALTERI FILII ALANI DE .XL. MARCIS ANNUIS

Omnibus Christi fidelibus *presentibus* et *futuris*, Walterus filius Alani Domini regis Scocie senescallus et Scocie iusticiarius, salutem in Domino. Noueritis me diuine pietatis intuitu et pro salute mea et pro animabus antecessorum meorum in commutationem terrarum, reddituum, piscariarum et aliorum bonorum que ad quandam domum canonicorum et monialium ordinis de Sempingh' fundandum ipsis contuleram, concessisse, dedisse, et hac carta mea confirmasse Dec et canonicis ac monialibus ordinis illius .xl. marcas annuas de bonis domus de Passel' perpetuis temporibus in pentecosten apud Driburg percipiendas, pro quarum solutione abbas et conuentus predicte domus de Passel' quibus satisfeci uberius se obligauerunt ut donacio mea robur obtineat perpetuum. Huius autem donacionis mee in communes usus ordinis predicti distribuende secundum Deum, Priorem Maltonensem qui pro tempore fuerit procuratorem meum constituti. In quorum testimonium presenti scripto sigilli mei impressionem apposui.

(Summary)

Walter, son of Alan, Steward of the Lord King of Scotland and Justiciar of Scotland,<sup>9</sup> grants to the canons and nuns of the Order of Sempringham an annual pension of 40 merks payable

8. If connected with *Reg. de Passelet*, pp. 24-5. The particular papal tax cannot be identified, and this document, which is not really in series, is not easy to date.

9. *Scocia* here has its older meaning of "Scotland north of Forth." Walter the Steward became Justiciar of *Scocia* in 1232, according to the *Scotchchronicon* (ed. Goodall, ii, 59), but in 1230 according to Dr. A. O. Anderson (*Early Sources of Scottish History*, ii, 527, n.l).



from the revenues of Paisley Abbey, in exchange for the lands, rents, fisheries and other estate which Walter had granted for the founding of a certain house for canons and nuns of the Order of Sempringham. The abbot and convent of Paisley (for whom Walter has provided more abundantly) have bound themselves to make this payment, which is intended for the common use of the Order. To this end Walter has appointed as his proctor the prior of Malton for the time being. (*Circa* 1238)

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#### LITERE PREDICTI WALTERI DE PREDICTIS

Valterus filius Alani domini regis Scocie Senescallus et Scocie iusticiarius, de Malton et Ebor' prioribus pro ordine de Sempingh' procuratoribus constitutis, salutem in Domino. Mandamus vobis quatinus dilecto et fideli nostro Domino Abbati de Passel' ad vos ex parte nostra tenenti instrumenta omnia quecumque de domino rege et Domino Glasguensi episcopo et nobis aliquando recepistis super possessionibus vobis collatis bona fide sicut nobis ipsis tradatis. Et in huius securitatis testimonium vobis literas nostras per ipsum abbatem mittimus patentes. Valete.

(Summary)

Walter, son of Alan, commands the priors of Malton and St. Andrew's, York, to hand over to the Abbot of Paisley, visiting them on Walter's behalf, all the deeds which they have received from the King (of Scots), the Bishop of Glasgow and himself<sup>10</sup> regarding possessions granted to them. Walter sends these letters patent by the hand of the abbot himself. (*Circa* 1238)

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#### LITERE GLASGUENSIS EPISCOPI TESTIFICANTES OBLIGACIONEM PREDICTORUM

Omnibus has literas uisuris uel auditoris W[illelmus]<sup>1</sup> Dei gratia Glasguensis ecclesie minister et illius ecclesie capitulum, salutem in Domino. Rogati testificamur quod Abbas et conuentus

10. *Reg. de Passelet*, pp. 21-24, 47-8, give Walter's and King Alexander II's deeds: none of the bishop of Glasgow appears to have survived.

1. William of Bondington, Bishop of Glasgow, 1233-58.

de Passel' subiecerunt se et successores suos in perpetuum nostre iurisdictioni auctoritate nostra si necesse fuerit compellendos ad annuam solucionem .xl. marcarum ordini de Sempingh' faciendam singulis annis ad Pentecosten in domo de Driburg', sub pena .xx. librarum argenti, tocies committenda quociens solucionis terminum fuerint transgressi, excepto solo casu Gwerre propter quam predicta pecunia sine manifesto periculo ad locum prenomiatum deportari non posset. Ne igitur contra nostram coercionem possint reniti in posterum, renunciauerunt dicti abbas que conuentus pro se et successoribus suis omnibus impetratis et impetrandis et omni priuilegio et omni iuris remedio canonici et civilis in quocumque foro et omni excepcioni de duabus dietis et aliis quecumque obici possent in suam defensionem. In quorum omnium testimonium, sigillorum nostrorum apposimus impressionem. Valete.

(Summary)

William of Bondington, Bishop of Glasgow, and the Chapter of Glasgow Cathedral, testify that the Abbot and Convent of Paisley have subjected themselves to the jurisdiction of the bishop and chapter, who may if necessary compel them to make the annual payment owed to the Order of Sempringham (as indicated in No. 4 above). (*Circa* 1238)

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#### LITERE ABBATIS ET CONVENTUS DE DRIBURG<sup>2</sup> TESTIMONIALES DE OBLIGACIONE QUAM HABENT IN CUSTODIA

Omnibus has literas uisuris uel auditoris J. abbas et conuentus de Dryburg, salutem in Domino. Noueritis nos ex tradicionem de Malton et de Sancto Andrea Ebor' priorum tale instrumentum in custodia habere. Omnibus Christi fidelibus presentibus et futuris Abbas et conuentus de Passel' salutem in Domino . . .<sup>3</sup> ut ante scribitur ex altera parte folii. Nos autem ex parte dictorum priorum rogati presenti scripto in testimonium sigilli nostri apposimus impressionem.

(Summary)

The abbot and convent of Dryburgh announce that they have received from the priors of Malton and St. Andrew's, York, a copy of the document printed as No. 4 above. (*Circa* 1238)

2. MS., Driburg.

3. As in No. 3, above. Here the scribe has copied as far as "sub pena .xx. librarum argenti."