

Three Ayrshire Charters

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Into my possession several years ago came a tattered volume of about 530 pages of handwriting. The covers had been torn off but the top part of the spine remained intact and had written on it, "Antiquities of Ar." The volume contained transcripts of charters, writs, registers, etc., all relating to our county.

Through the kindness of the staff of Register House and of Fr. W. J. Anderson of Columba House in Edinburgh it has been possible to identify the compilers. The collection had been made for Alexander Boswell, Lord Auchinleck, father of the diarist and biographer. Many of the transcripts had been written by Alexander Tait, a copyist who worked for Lord Auchinleck and also for Harry Maule of Kellie. Lord Auchinleck had added notes and annotations to the transcripts and had himself gone through registers such as the Great Seal searching for Ayrshire material.

The majority of the items in the collection have already appeared in print but there are a few that have not been made public, and of these three have been chosen here to add to our knowledge of the shire. Sincere thanks is due to the staff of Register House, to Professor Duncan of Glasgow University, and to Fr. W. J. Anderson for their invaluable assistance with the technicalities of the texts.

I.

Carta Johannis de Grahm de Torbolton confirmatoria alterius carte Nicholai de Grahm proavi sui de terris de Rahth in Kyle Senescalli, anno 1338.

Ex autographo apud Cunningham de Enterkin.

Omnibus hoc scriptum visuris vel audituris Johannes de Grahm dominus de Torbolton in Kyle Senescalli salutem in domino. Noveritis me dedisse concessisse et hac presenti carta mea confirmasse Alexandro de Rahth et heredibus suis de me et heredibus meis in perpetuum totam illam donationem terrarum de Rahth unacum le Rahthbanc et le Ryddinges cum omnibus justis et consuetis suis pertinentiis quam Dominus Nicholaus de Grahm proavus meus Alexandro de Rahth avo dicti Alexandri et heredibus suis dedit fecit et in hec verba concessit.

"Omnibus hanc cartam visuris vel audituris Nicholaus de Grahm dominus de Torbolton in Kyle Senescalli salutem in domino. Noveritis me dedisse concessisse et hac presenti carta mea confirmasse Alexandro de Rahth et heredibus suis de me et heredibus meis totam terram de Rahth cum omnibus justis suis pertinentiis metis et divisis in pratis pascuis moris marisiis aquis stagnis piscariis aucapationibus venationibus boscis planis communi infra totum commune de Torbolton et omnibus aliis commoditatibus et aysiammentis quibuscunque libere quiete bene et in pace pro uno denario argenti annuatim mihi et heredibus meis ad festum pentecostes nomine albe firme solvendo si petatur pro omni seculari servitio exactione seu demanda.

Ac dictus Alexander molet totum bladum suum et hominum suorum infra dictam terram del Rahth crescens ad molendina mea de Torbolton multerfre et rinnfre* proximius blado meo cum ad dicta molendina mea cum blado suo molendinare venerit exceptis hiis tam libere in feodatis et dictus Alexander liber erit de pomagio* porcorum et capietur pomagium porcorum de hominibus suis propriis. Et liber erit in silvis de Torbolton ad edificandum et comburendum sufficienter secundum visum ei fuerit.

Preterea dedi et concessi dicto Alexandro et heredibus suis de me et heredibus meis totam terram de Rahthbanc et de Riddinges cum omnibus illis commoditatibus et aysiammentis cum quibus de me et heredibus meis dictam terram de Rahth tenet et possidet ut supradictum est pro sex solidis et octe denariis mihi et heredibus meis annuatim nomine albe firme solvendo ad duas anni terminos videlicet medietatem ad festum pentecostes et aliam medietatem ad festum Sancti Martini in hieme pro omni servicio seculari et demanda. Et ego Nicholaus et heredes mei dicto Alexandro et heredibus suis totas dictas terras de Rahth Rahtbanks et Reddynges cum omnibus et singulis prescriptis pertinentiis suis contra omnes homines et feminas warrantizabimus et defendemus in perpetuum. In cuius rei testimonium sigillum meum huic carte est appensum. Datum apud Torbolton in festo nativitatis sancti Johannis Baptiste anno domini millesimo duocentesimo octuagesimo quarto."

Quamquidem donationem et concessionem cum singulis suis pertinentiis et libertatibus prenominatis ego Johannes de Grahm et heredes mei dicto Alexandro de Rahth et heredibus suis approbamus et hac presenti carta nostra ratificamus in perpetuum relaxantes insuper dicto Alexandro et heredibus suis pro me et heredibus meis illum annuum redditum sex solidorum et octo denariorum mihi et heredibus meis de terris de Rahthbanc et de

* Mistakes in transcription are indicated by asterisk; see Commentary after Translation.

Riddinges nomine albe firme annuatim debitum ut superius in carta proavi mei pleno continetur pro uno pari cerotecarum mihi et heredibus meis nomine albe firme per dictum Alexandrum et heredes suos annuatim solvendarum ad festum nativitatis sancti Johannis Baptiste si petantur. In quorum omnium testimonium hoc presens scriptum sigilli mei munimine roboravi.

Data apud Torbolton die mercurii xx post festum annuntiationis Beate Marie Virginis anno domini MCCC XXX octavo. Hiis testibus: Domino David de Lyndesay, domino de Crawford Johanne de Lyndesay, domino de Cragyne . . . militibus
Willielmo de Duglas,
Fratre Johanne, Ministro Domus de Fale
Johanne de Craufurd de Cumnock
et multis aliis.

TRANSLATION

Charter of John de Graham of Torbolton confirming another charter of Nicholas de Graham, his great-grandfather, of the lands of Rahth in Kyle Stewart in the year 1338.

From a charter in possession of Cunningham of Enterkin.

To all who shall see or hear this writ John de Graham, Lord of Torbolton in Kyle Stewart, gives greetings in the Lord. Know ye that I have given, granted and by this my present charter confirmed to Alexander of Rahth and his heirs from me and my heirs for ever the whole gift of the lands of Rahth with le Rahthbank and le Riddinges, with all rights and customs belonging to them which my great-grandfather, Sir Nicholas de Graham, gave made and granted to Alexander de Rahth, grandfather of the said Alexander, in these words . . .

"To all who shall see or hear this charter I, Nicholas de Graham, Lord of Torbolton in Kyle Stewart, give greetings in the Lord. Know ye that I have given, granted and by this my present charter confirmed to Alexander de Rahth and his heirs from me and my heirs the whole land of Rahth with all the rights belonging to it by its meaths and bounds, in meadows and pastures, in moors and marshes, in waters and stanks, in fishings, huntings and hawkings, in woods and fields, with common within the whole common of Torbolton, and with all other privileges and easements whatsoever, to be held freely, quietly, well and in peace, for payment of a silver penny annually to me and my heirs at the feast of Pentecost as a blench ferm if asked for, for all secular service, exaction or demand.

"And the said Alexander shall grind all his grain and that of his men, growing within the land of Rahth, at my mill of Torbolton multure-free and rinn-free (room-free), next in order to my grain when he comes with his grain to be ground, except for those in free infetment. And the said Alexander will be free of pannage for his pigs and he will receive pannage from his own vassals. And he shall be free to take for building and for burning as much wood as shall seem sufficient to him.

"Moreover I have given and granted to the said Alexander and his heirs from me and my heirs the whole land of Rathbank and Riddinges with all those privileges and easements with which he holds and possesses thd said land of Rahth of me and my heirs as is narrated above for six shillings and eight pence annually to me and my heirs in the name of blench ferm payable at two terms, namely one half at the feast of Pentecost and the other half at the feast of St. Martin in winter for all secular service or demand. And all the above lands of Rahth, Rathbank and Riddinges with all and sundry rights belonging to them I, Nicholas, and my heirs shall warrant and defend for ever to the said Alexander and his heirs against all men and women. In testimony of which my seal is appended to this charter. Given at Torbolton on the feast of the Nativity of St. John the Baptist (*June 24th*) in the year of our Lord 1284."

The which gift and grant with all its foresaid pertinents and liberties I, John de Graham, and my heirs approve to the said Alexander of Rahth and his heirs, and by this our present charter ratify for ever. Moreover as for me and my heirs we relieve the said Alexander and his heirs of that annual rent of 6/8d due to me and my heirs from the lands of Rathbank and Riddinges in name of blench ferm, as is contained above in the charter of my great-grandfather, on payment of one pair of gloves to me and my heirs in name of free ferm payable by the said Alexander and his heirs annually at the feast of the Nativity of St. John the Baptist if asked for. In testimony of all of which things I have fortified this present writ with my seal.

Given at Torbolton on Wednesday, the 20th day after the feast of the Annunciation of the Blessed Virgin Mary in the year of our Lord 1338, before these witnesses:

Sir David Lindsay, lord of Crawford
John Lindsay, lord of Craigie
knights,
William Douglas,
John, Minister of Fail,
John Crawford of Cumnock
and many others.

COMMENTARY

The above transcript is made up of two charters concerning Tarbolton. The first is dated 24th June 1284: Nicholas Graham gives to Alexander Raith the lands of Raith, Raithbank and Riddings. This grant is confirmed on 14th April, 1338, by John Graham, lord of Tarbolton, great-grandson of the above Nicholas Graham, to Alexander Raith, grandson of the above Alexander Raith.

These two charters should be fitted into the series of Tarbolton charters given in the *Archaeological and Historical Collections of Ayr and Wigton*, Volume II, page 142.

There are mistakes in the transcription and these have been shown by asterisks.

"Rinnfree" is probably an incorrect rendering of "roumfree". If this is so the grant can be compared with similar grants to the Dominicans of Perth (*The Blackfriars of Perth*, Milne, Edinburgh, 1893, pp. xxii, 15) and further explanation of the term may be found in *Scotch Legal Antiquities*, Innes, Edinburgh, 1872. Guidance may also be found in the Oxford Dictionary under "room-free". If "rinnfree" is not a transcriber's error then there might be a connection with a word that completely puzzled the late Dr. Pryde when he was compiling his thesis on the burghal accounts of Ayr. In the treasurer's compt for 1559 he found, 'Item, for bringing doun of the miln ryndis, iiiid' (*Ayr Burgh Accounts*, p.31).

"Pomagium porcorum" is definitely a scribal error and should read, "pannagium porcorum", a grant of mast feeding for pigs.

The text at these points is extremely difficult and admits of various interpretations.

II.

Carta Jacobi Senescalli Scotie

Habeo autographum

Terrarum de Hayleys Wardlaw et Drumchabir in Kile Stewart Willielmo del Schaw concessa.

Sciant presentes et futuri quod ego Jacobus Senescallus Scotie dedi concessi et hac presenti carta mea confirmavi Willielmo dicto del Schaw pro homagio et servicio suo totam terram del Hayleys del Wardlaw et de Drumchabir in tenemento de Dundovenald

per has divisas viz. incipiendo ad exitum ville de Dundovenald versus orientem et sic ascendendo per cavam viam versus Symondiston juxta duas acras arabiles de Porterlandis et par illas duas acras arabiles versus occidentem usque terram arabilem de Hesterhayley et sic inter duas acras illas Janitoris et terram de Hesterhayley usque le Castlehill. Et inde usque metam de Porterlandis circundo quatuor acras terrae de Hesterhayley et sic ascendendo inter illas quatuor acras et le Brimschaw usque viam que tendit versus Symondiston et sic inter terram arabilem et communem pasturam del Brimschaw descendendo usque metam del Porterland et juxta le Persongyll et sic per unum fossetum descendendo in rivulum qui est meta inter le Brimley et le Hayley et sic ascendendo per illum rivulum usque occidentalem metam del Brimley et sic per medium mariseum sub rupe usque quendam parvum rivulum descendente inter terram de Clathanis et le Wardlaw et sic per illum rivulum ascendendo usque terram arabilem ad caput del Wardlaw et sic inter terram arabilem et pasturam del Wardlaw versus aquilonem usque quoddam nigrum sychetum quod est inter le Hayleys et le Wardlaw et sic per illud sychetum descendendo inter duas virides hirstas et sic per medium Molmorholmbog usque illud sychetum quod est meta inter Drumchabir et le Hayleys et sic descendendo per illud sychetum usque in quoddam fossetum ad claustrum parci de Dundovenald et sic per illud fossetum versus orientem sicut claustrum predicti parci esse solebat usque in fossetum del Portereroft et sic per illud fossetum usque magnam viam tendente versus Ar et ex transverso illius viae usque in aliud fossetum tendendo usque ad terram Hospitalis Sancti Thomae de Aconia et sic ascendendo usque in rivulum de Drumchabir et sic per illum rivulum descendendo usque ad exitum ville de Dundovenald versus orientem.

Dedi etiam concessi et presenti carta mea confirmavi eidem Willielmo totam terram del Porterlandis in dicto tenemento de Dundovenald viz. Drumcur Gallohill Ysabelandis le Portercroft et omnes alias particulas terre ad dictam terram de Porterlandis pertinentes cum omnibus rectis divisis suis et pertinentys.

Tenendas et habendas predicto Willielmo et heredibus suis vel suis assignatis de me et heredibus meis in feodo et hereditate libere et quiete pacifice et honorifice in bosco in plano in pratis et pascuis in stagnis aquis et molendinis et cum communi pastura et aliis communibus aysiametis de Dundovenald et cum omnibus aliis pertinentis et libertatibus que ad dictas terras pertinent vel de jure pertinere debent sine aliquo retinemento.

Faciendo inde mihi et heredibus meis forinsecum servicium quantum pertinet ad dimidiam carucatam terre et sectam curie mee de Prestwyc ad tria placita capitalia per annum.

Reddendo mihi et heredibus meis annuatim duo calcaria deaurata vel sex denarios argenti ad Nativitatem Domini. Et predictus Willielmus et heredes sui vel sui assignati quieti erunt de multura ad molendina mea de Dundovenald et propinquius blado in trimodio invento excepto blado meo et heredum meorum.

Ego vero et heredes mei predictas terras cum pertinentiis predicto Willielmo et heredibus suis vel suis assignatis contra omnes homines et feminas warantizabimus acquietabimus et in perpetuum defendemus.

Et ut hac mea donatio perpetue firmitatis robur optineat hoc presens scriptum sigilli mei munimine roboravi.

Hiis testibus :	Johanne Senescalli	Waltero de Lyndesay
	Reginaldo de Crauford	Arthuro de Dunon
	Willielmo Flandrensi	Jacobo de Lyndesay,
	Johanne de Crauford	militibus
	et aliis.	Nicholas Walensi

TRANSLATION

Charter of James the Steward of Scotland . . . of the lands of Hayleys, Wardlaw and Drumchabir in Kyle Stewart, granted to William of the Shaw.

Know ye all men present and future that I, James the Steward of Scotland have given, granted and by this my present charter confirmed to William called of the Schaw, for his homage and service all the land of the Hayleys, Wardlaw and Drumchabir in the tenement of Dundonald by these bounds namely, beginning at the way out of the town of Dundonald eastwards and from there going upwards by the hollow way towards Symington next the two arable acres of Porterlands and by these two arable acres westwards as far as the arable land of Easter Hayley and so between these two acres of the janitor and the lands of Easter Hayley as far as the Castlehill. And from there as far as the boundary of Porterlands around the four acres of land of Easter Hayley and so going upwards between these four acres and the Brimshaw as far as the road leading to Symington and so between the arable land and the common pasture of the Brimshaw as far as the boundary of Porterlands next the Persongyll and so along a ditch downwards to the burn which is the boundary between Brimley and Hayley and so upwards by that burn towards the western boundary of the Brimley and so through the marsh below the rock as far as the little burn which goes down between the lands of Clathans and the Wardlaw and then going up the burn as far as the arable land at the top of

the Wardlaw and so northwards between the arable land and the pasture of the Wardlaw as far as that black sike which is between the Hayleys and the Wardlaw and then going down along that sike between the two green hirsts and so across Molmorholmbog as far as the sike which is the march between Drumchabir and the Hayleys and so down along that sike as far as the ditch before the walls of the park of Dundonald and so eastwards along that ditch as the enclosure of the foresaid park was wont to be as far as the ditch of the Portercroft and then along that ditch as far as the great way (*main road*) leading to Ayr and across the road as far as the ditch which leads to the lands of the hospital of St. Thomas of Aconia and so upwards to the burn of Drumchabir and so down along the burn as far as the way out of the town of Dundonald eastwards.

Also I have given, granted and by this my present charter confirmed to the said William all the land of Porterlands in the said tenement of Dundonald namely Drumcur, Gallohill, Isabel-lands and Portercroft and all the other portions of land belonging to the said lands of Porterlands with all its just bounds and pertinents.

Being held by the said William, his heirs and assignees, from me and my heirs in fee and heritage freely, quietly, in peace and honour, in woods, in fields, in meadows, and pastures, and in stanks, waters and mills and with common pasture and with all other common easements of Dundonald and with all other pertinents and liberties which belong to these lands or ought to belong to them by right, without any reservation.

They making to me and my heirs as much foreign service as pertains to half a carucate of land and the suit of my court at Prestwick at the three main headcourts each year.

Paying yearly to me and my heirs two gilt spurs or six silver pennies at Christmas. And the said William and his heirs or assignees shall be free from multures at my mill of Dundonald and shall be nearest to the grain found in the hopper except the grain of myself and my heirs.

And I and my heirs shall warrant, acquit and defend for ever the above lands with their pertinents to the said William and his heirs and assignees against all men and women.

And that my gift shall obtain the strength of perpetual firmness, I have fortified the present writing with my seal before these witnesses :

John Stewart, Walter de Lindsay, Reginald Crawford, Arthur of Dunon, William Fleming and James de Lindsay, knights.
John Crawford, Nicholas Wallace and others.

COMMENTARY

This is a very important charter for Dundonald. The donor is James the Steward who became Steward of Scotland in 1283 and who died on 16th July, 1309. John Stewart, who is one of the witnesses, was killed at Falkirk in 1298. Thus the charter can be dated as between 1283 and 1298.

If this dating is accepted then we have here the first reference to Dundonald Castle. Dr. Douglas Simpson could find no reference earlier than the later 14th century (*Ayrshire Collections*, Vol. I, p.43).

Mention of the Park of Dundonald is also important as it comes more than a century before the accounts for its repair in 1426 (*Exchequer Rolls*, iv, p.401).

Perhaps most intriguing of all is the listing of the lands of the hospital of St. Thomas of Aconia. Possession of lands by the friars of this order would account for the place name, Spittalhill, which has long been a minor mystery in the history of our shire.

The placenames are of great interest. Drumchabir, Drumeur and Molmorholmbog have disappeared but many of the others are still with us. Porterlands and Portercroft were obviously named after the janitor in the castle. The Hayleys and the Brimleys suggest areas cleared of trees so that hay and broom might be grown. Wardlaw suggests a cattle enclosure on top of a small hill which was void of vegetation. Gallowhill tells its own story. One peculiar name, Ysabel-lands, is not beyond explanation. There is a shield on the walls of Dundonald Castle showing the arms of Isabel, Countess of Fife, but the land cannot be named from her as she was the wife of a much later Steward. It is likely that the land was the terce of Isabel, daughter of Sir John de Graham, who was the second wife of the donor of this charter, James Stewart.

III.

Carta Roberti Senescalli Scotiae Roberto Walays terrarum de Riddinghys in tenemento de Barassy infra Kyle. Autographum habeo.

Sciant presentes et futuri quod nos Robertus Senescallus Scotiae dedimus concessimus et hac presenti carta nostra confirmavimus dilecto nostro Roberto Walays totam terram nostram del Riddinghys in tenemento de Barassy infra baroniam nostram de Kyle per metas et divisas subscriptas. Incipiendo viz, apud le longlus de les Clavynnys et sic descendendo per oreum qui des-

cendit usque le Dambboggghis et sic ascendendo per metas terre de Corsby quousque perveniat ad predictum locum de les Clavaynys. Tenendam et habendam eidem Roberto heredibus suis et suis assignatis de nobis et heredibus nostris in feodo et hereditate libere quiete plenarie et honorifice cum omnibus libertatibus commoditatibus aysiamensis et justis pertinentiis in omnibus et per omnia ad dictam terram spectantibus seu quocunque modo spectare valentibus in futurum. Reddendo inde nobis et heredibus nostris annuatim dictus Robertus heredes sui et sui assignati unam amplam sagittam apud manerium nostrum de Dundovenald ad festum Pentecostes si petatur tantummodo pro omni alio servitio consuetudine exactione seculari seu demanda que de predicta terra cum pertinentiis exigi potuerit a quocunque.

Et nos predictus Robertus et heredes nostri totam terram predictam cum pertinentiis eidem Roberto heredibus suis et suis assignatis contra omnes homines et feminas warrantizabimus acquietabimus et plenarie defendemus in perpetuum. In cujus rei testimonium presenti carte nostre sigillum nostrum apposuimus apud Donbr . . . Hiis testibus

nobili viro D. Malcolm Fleming,
Dugallo Cambell, filio D Colini Cambell
Thoma de Carnoto
Hugone de Blare
et multis alijs.

TRANSLATION

Charter of Robert the Steward of Scotland to Robert Walays giving the lands of Riddinghys in the tenement of Barassy in Kyle.

Know ye present and future that we, Robert the Steward of Scotland, have given, granted and by this present charter confirmed to our well-loved Robert Walays all our land of Riddinghys in the tenement of Barassy in our Barony of Kyle by the underwritten marches and bounds: beginning at the longlus of the Claynnys and so downwards along the "oreum" which goes down as far as the Damboggis and from there going up along the boundaries of the lands of Corsby, wheresoever they are met, as far as the afore-said place of the Clavynnys. The lands being held and had by the same Robert, his heirs and assignees from us and our heirs in feu and heritage freely, quietly, fully and honourably with all the liberties, commodities, easements and rights pertaining in any way to the said land or in whatsoever manner likely to belong in the future. The said Robert, his heirs and assignees, paying to us and our heirs a great arrow at our manor of Dundonald at the feast of

Pentecost only if asked for, for all other service, custom, secular exaction or demand which might be exacted by anyone from the said land and pertinents.

And we the foresaid Robert and our heirs shall warrant, acquit and fully defend for ever all the above land and its pertinents to the same Robert, his heirs and assignees, against all men and women. In testimony of which matter we have appended our seal to the present charter at Dumbarton before these witnesses,

Sir Malcolm Fleming,
Dugald Campbell, son of Sir Colin Campbell,
Thomas de Carnoto,
Hugh of Blare,
and many others.

COMMENTARY

This third charter is given by Robert Stewart who became Steward of Scotland in 1327 and King of Scotland (Robert II) in 1371. Malcolm Fleming, witness to the charter, became Earl of Wigtown in 1341. Thus we may safely date the charter to the period between the years 1327 and 1341.

The lands gifted in this charter are now unknown. The name, Riddinghys, has completely disappeared. The "longlus of the Clavynnys" might be a scribal error for "longhus of Clavynnys" and if so would suggest that Langholm (formerly known as Langhome) in the Cleavance hills is a modern version of the name.