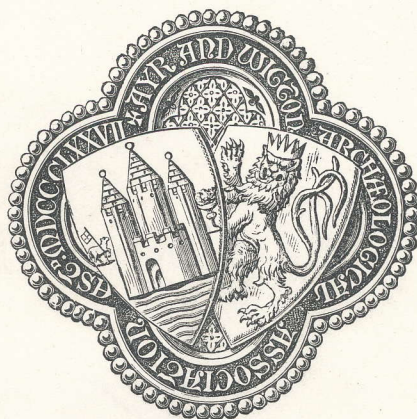


ARCHÆOLOGICAL  
AND  
HISTORICAL COLLECTIONS

RELATING TO THE COUNTIES OF

AYR AND WIGTON

VOL. I.



EDINBURGH

PRINTED FOR THE AYR AND WIGTON ARCHÆOLOGICAL ASSOCIATION

MDCCCLXXVIII

1878

## CONTENTS.

---

	PAGE
I. NOTES ON THE ANCIENT STONE IMPLEMENTS OF WIGTONSHIRE. By the Rev. G. Wilson, C.M.S.A. Scot., F. C. Manse, Glenluce . . . . .	1
II. NOTICES OF ANCIENT URNS FOUND IN THE CAIRNS AND BARROWS OF AYR- SHIRE. By James Macdonald, LL.D., M.A., F.S.A. Scot. . . . .	31
III. NOTE ON SOME EXPLORATIONS IN A TUMULUS CALLED THE "COURTHILL," IN THE PARISH OF DALRY AND COUNTY OF AYR. By R. W. Cochran-Patrick, LL.B. Cantab., B.A. Edin., F.S.A. Scot. . . . .	55
IV. ANTIQUITIES FOUND IN AYRSHIRE, AND PRESERVED AMONGST THE ARCHÆO- LOGICAL COLLECTIONS OF MISS BROWN OF WATERHAUGHS AND LANFINE. From Notes by the late Mr. Brown . . . . .	61
V. NOTE ON A BRONZE BUCKLER FOUND IN THE PARISH OF BEITH AND COUNTY OF AYR. By John Evans, D.C.L. Oxon., F.R.S., F.S.A. . . . .	66
VI. NOTE ON THE CAPRINGTON HORN. By R. W. Cochran-Patrick, LL.B. Cantab., B.A. Edin., F.S.A. Scot. . . . .	74
VII. THE HUNTERSTON BROOCH. By Professor Dr. George Stephens, F.S.A. London and Edinburgh . . . . .	76
VIII. NOTES ON SOME AYRSHIRE EXAMPLES OF POTTERY, SUPPOSED TO BE MEDIEVAL. By James Macdonald, LL.D., M.A., F.S.A. Scot. . . . .	80
IX. THE HERALDRY OF WIGTONSHIRE. By Sir Herbert Maxwell, Bart., of Mon- reith . . . . .	85
X. REMARKS ON THE EXISTING BUILDINGS AT KILWINNING ABBEY. By William Galloway, Architect, C.M.S.A. Scot. . . . .	89
XI. COLLECTIONS TOWARDS A HISTORY OF THE MONASTERY OF KILWINNING . . . . .	115
XII. PROCEEDINGS OF THE GILD COURT OF AYR. From the Ayr Manuscript. By Thomas Dickson, Curator of the Historical Department of H.M. General Register House, Edinburgh . . . . .	223



## XII.

### PROCEEDINGS OF THE GILD COURT OF AYR, FROM THE AYR MANUSCRIPT.

THE Ayr Manuscript is one of the oldest of those compilations which have preserved to our times the remaining fragments of our early legislation. It is a small volume, consisting of eighty-five leaves of vellum, eight inches by five and a half; and, with the exception of a few later additions, is written in fair handwriting of the early part of the fourteenth century, with rubricated titles of sections and initial letters.

Of its history little is known. But, from the circumstance that the kalendar, with which the volume closes, commemorates, on the 9th of July (vij<sup>o</sup> Id. Jul.), the dedication of the church of Jedburgh; and that two pages, originally left blank, have been filled by a contemporary hand with a copy of a treaty for the settlement of the Borders in 1346, we may be permitted to conjecture that it was written in Teviotdale, and remained for a time in the possession of some dweller on the East March. In the beginning of the fifteenth century it appears, from some jottings on other blank pages relative to the proceedings of the Gild Court of Ayr in 1428-31, also in handwriting of the time, to have passed into the hands probably of the town-clerk of that burgh. In the year 1824 it was purchased at a book-stall in Ayr by Mr. Ebenezer Thomson, one of the masters in the Academy there, and from that circumstance it took the name by which it has since been known. It was soon after acquired for the General Register House, and proved a valuable and opportune aid to the editors of the first volume of the Record edition of the *Acts of the Parliaments of Scotland*, in adjusting, with the help of other early collections of the same kind, the text of the more ancient capitulars there printed. It was then in its old oak boards, and in a somewhat dilapidated condition; but has since been repaired and suitably bound.



The following collation will show the nature of its contents :—

Fol. 1 a. A collection of laws without any general title, in handwriting of the early part of the fourteenth century, but obviously different from that in which the rest of the manuscript is written. This, together with the pages which contain the greater part of the two following items, forming the first gathering of the volume, was perhaps originally unconnected with what follows.

Fol. 7 b. Copy of Indenture of Agreement concluded at Roxburgh, 30th October 1346, for the submission and settlement of the Scottish Borders after the battle of Durham, in a handwriting apparently contemporary.<sup>1</sup>

Fol. 8 b. Notes of Proceedings of the Gild Court of Ayr, 1428-31, also in a hand of the time. Fol. 9 has originally been written on both sides by the same hand as foll. 1-7 ; but the writing, of which some words and occasional traces of rubricated letters are still visible, has been erased.

Fol. 10 b. Table of Contents of the remainder of the volume. Here apparently the manuscript proper begins, and it is throughout in one fair and uniform hand, written probably, as Mr. Innes has suggested,<sup>2</sup> between 1314 and 1329. This is inferred from the fact that, while the battle of Bannockburn is mentioned, King David I. and King Robert I. are spoken of simply as King David and King Robert, without distinctive epithet, as if no second king of either name had as yet ascended the throne.

Fol. 11 a. *Assisa regis David rex Scotorum facta apud Novum Castrum super Tynam.*

Fol. 15 b. *De articulis inquirendis in burgo in itinere Camerarii secundum usum Scocie.*

Fol. 18 b. *Capitula Capelle regis Scocie, tam de literis in curiis placitandis, quam de brevibus per regem de Cancellaria mittendis.* (This collection of styles of Chancery briefs, and other royal writs, is valuable as preserving the oldest remaining vestiges of Scottish civil process.)

Fol. 30 b. *Assise regis David facte apud Strivelyn.*

Fol. 42 b. [*Statuta regis Roberti.*]

Fol. 49 b. *Leges burgorum Scocie.*

<sup>1</sup> This treaty is printed *Act. Parl. Scot.*, i. p. 180, note.

<sup>2</sup> In his account of this MS., *Act. Parl. Scot.*, i. 179.



Fol. 68 a. Statuta Gilde apud Berwicum facta.<sup>1</sup>

Fol. 76 a. [Juramenta officiariorum, etc.]

Fol. 77 b. Notes of Proceedings of the Gild Court of Ayr, 1430-1.

Fol. 78 a-83 b, Kalendar. The only saints connected with Scotland commemorated in it, as originally written, are Kentigern and Columba. St. Kevoca is inserted at the 13th of March, in a hand of the fifteenth century, obviously after the book had passed into Ayrshire, where the saint was held in reverence. At the 5th of October appears this note, "anno, etc., m° cccc° xxvij fuit magnus ventus."

The only part of the contents of this Manuscript which possesses any local interest is the series of notes of minutes of the Gild Court of Ayr, accompanied with a list of the brethren of the gild. They are not in chronological order, and are somewhat carelessly written, as will appear from the grammatical errors they contain; but they are here reproduced without alteration, except re-arrangement in the order of their dates. Being only examples of the ordinary proceedings of a Scottish merchant gild of the period, they require but little illustration or comment.

Memorandum quod die Lune, ij die mensis Augusti, anno Domini m° cccc° xxvij°, concordatum est inter uxorem<sup>2</sup> Hugonis Buthman et uxorem Thome Carric, coram decano gilde et melioribus ville tunc ibidem, quod partes predictae decetero servabunt concordiam et amisi[ti]am inter eos ita quod, si discordia ex aliqua parte orta fuerit, pars conquerens veniat ad presentiam prepositi et ballivorum pro remedio habendo, et si qua pars culpabilis fuerit inventa, solvet fabrice ecclesie Sancti Johannis Baptiste de Arex nobilia; et ipsa culpabilis ducetur in camisia per villam super le cuke-stule, et jurabit quod, decetero per annum, villam non intrabit; et de hoc nulla erit venia: Plegii Thomas Hakate et Willelmus Diksone.

Curia gilde tenta coram preposito et decano gilde die Veneris, xvij° die Decembris, anno Domini m° cccc° xxvij°, omnibus confratribus gilde con-

<sup>1</sup> The Statutes of the Gild of Berwick, passed about 1250 (printed *Act. Parl. Scot.*, i. 431, and *Anc. Laws, etc., of Scot.*, p. 64, Burgh Records Society), may be held as representing generally the laws of merchant gilds in Scotland.

<sup>2</sup> Women were admitted to the freedom of

the gild. These were generally, however, the wives, daughters, or sisters of gild brethren; and while they participated in the benefits of the association they took no part in the management of its affairs.



gregatis : Statutum fuit cum consensu et assensu totius gilde electi fuerunt v personas pro utilitate gilde, viz. Thomas Carric, Johannes Bathcate, Patricius Hayre, Johannes Browne et Patricium M'Martyne, qui electi eodem die et jurati fuerunt ad emendum omnia mercimonia intrantia portus maris ad commodum gilde, et equaliter debent participare sine fraude ;<sup>1</sup> et si quis contrarium fecerit, et convictus fuerit, amittet principale et condempnetur in viijš.

Et si quis emat coria vel semilibus antequam intraverint le Blak Stane et le smedys in Carric Gate,<sup>2</sup> amittet principale et erit in octo solidis. Et si quis presumat emere coria, vel aliqua mercimonia, extra manum vicini sui, perdet principale et [erit] in viijš.

Curia gilde de Are tenta in ecclesia de Ar, coram aldermanno et decano gilde, xxvj die mensis Octobris, anno Domini m° cccc° xxx : curea confirmata, secta vocata et absentibus in amerciamentis :

Quo die Andreas Farchar factus fuit gildus, et finit xl<sup>ta</sup>š.

Curia gilde tenta in tollonio die Mercurii, xxiiij° die mensis Novembris,<sup>3</sup> anno Domini m° cccc° xxx° :

Quo die Johannes Broun et Johannes Boyman in amerciamento curie, quia ceperunt denarios alienorum ad negociandum ;<sup>4</sup> et super hoc convicti fuerunt per assisam.

Curia gilde tenta in tollonio die Veneris, xxij die mensis Novembris, anno Domini m° cccc° xxxj :

<sup>1</sup> The merchandise so purchased was distributed among the brethren, according to their wants, at the cost price. This was frequently done by the provosts and bailies of burghs, in behalf of the whole community, in the case of cargoes of corn and other provisions, in order to prevent the price of the necessities of life from being raised by the operations of speculators. —See *Extracts from Rec. of the Burgh of Edinb.* 1403-1528, pp. 4, 37 (Burgh Rec. Society).

<sup>2</sup> The site of the "Blak Stane" is now unknown ; but the mention of the smithies shows that the market was close to the Carrick Port. Mr. D. Murray Lyon, who has bestowed much attention on the antiquities of Ayr, informs me that there were smithies close to each of the gates of the burgh.

<sup>3</sup> Wednesday was the 22d of November in the year 1430.

<sup>4</sup> The offence here referred to was probably that of "colouring unfreemen's goods," as it was called ;—that is buying merchandise for unfreemen or strangers, as if for themselves, in breach of their oath, the penalty attached to which was usually loss of freedom. Or, it may have been a breach of the law thus expressed in the Berwick Statutes :—"Si quis confrater noster accipiat denarios alicuius mercatoris alienigene ad negociandum, et de hiis super forum certum lucrum capiat de sacco lane vel lasta coriorum, aut de pellibus vel aliis mercimoniis, condempnetur primo et secundo in xl solidis. Et si tercio super hoc convictus fuerit, amittet gildam in perpetuum, nisi aldermannus et confratres gilde sibi gratiam concedere voluerint."



Quo die decretum est, cum concenssu et assensu omnium confratrum gilde, quod nullus recipietur in libertatem gilde nisi manuatym<sup>1</sup> solvat propter libertatem.

Eodem die Johannes Senescalli factus fuit frater gilde, et juravit fidelitatem domino regi et communitati et confratribus gilde, et finit manuatym vñ.

Eodem die Fergusius Kennydy factus fuit gildus, et finit manuatym xlñ.

Et eodem modo Donaldus Glovar factus fuit gildus, virtute hereditaria uxoris sue,<sup>2</sup> et finit vñ.

Eodem die Rogerus Wischart factus fuit gildus, et finit xlñ.

Eodem die Johannes Wischard factus fuit gildus, et finit xlñ.

Eodem die Macolmus Quilqwen factus fuit gildus, et finit xlñ.

Curia gilde de Are tenta in tollonio eiusdem, coram aldermanno et decano gilde, xvij die mensis Februarij, anno Domini m° cccc° xxxj°: curea confirmata, sectis vocatis et absentibus in amerciamentis:

Quo die Henricus Bogwod in voluntate, quia iniuste foristallavit<sup>3</sup> gildam in empcone coriorum et aliorum mercimoniorum pertinencium ad libertatem gilde: Fergusio Kennydy plegio.

Eo die, et in eadem causa, Jacobus Cordonar in voluntate: Fergusio Kennydy plegio.

Quo die Johannes Sadlar factus fuit gildus pro introitu debito Roberto Mour, et juravit fidelitatem domino regi et communitati; set nichil finit.

Curea gilde de Ar tenta in tollonio eiusdem, coram aldermanno et decano gilde, xxj° die mensis Marcij, anno Domini m° cccc° xxxj°: curea confirmata, secta vocata et absentibus in amerciamentis:

Quo die Adam Lachlin factus fuit gildus, et juravit fidelitatem domino

<sup>1</sup> Pays down his entry-money; for which it had been customary to accept security.

<sup>2</sup> The Statutes of the Gild of Berwick ordained that "nane salbe ressavyt within our fraternitie of gild les than 40s., except they be gild sonnes and gild dochters." Sons included sons-in-law. The fees were sometimes remitted in recognition of special services, and sometimes discharged in work done for the burgh, or in such payments in kind as that mentioned above as made by Adam Lachlin.

<sup>3</sup> Forestalling, or buying merchandise before it was brought to market, or before the hour of market, was an offence against which burghal legislation was earnestly directed. It was ordained that "na man that wonnys in the kyngis burgh, na yit ututh, sal be sa hardy, on the mercate day, for to pas ututh the lymytis of the burgh for to by ony gudis, befor that it cum wythin the yhettis of the toune. And thai that dois the contrare, and tharapon is convyckit, sal pay amerciament of 8s. unforgyffyn."—*Leges Burgorum*, c. lxxii.



regi et confratribus gilde, et finit manuatym quatuor celdras calcis ad construccionem pretorii etc.

Quo die Patricius Hunter in amerciamento curie, quia non adfuit Duncanum Hunter ad istum diem.

Eodem die Johannes Red

Quo die Johannes Multerer factus fuit gildus, et juravit fidelitatem domino [regi] et confratribus gilde, et finit manuatym ij marcas, et alteram marcarn dabit inter nunc et festum Pentecostes.

Memorandum that it is concordit in the plane gyld, with consent and assent of the hail breder of the gyld, that na gyld breder sal for a tholmont<sup>1</sup> sell na fres hydys to na man, and naymly to the burg of Irwyn,<sup>2</sup> wnder the pan of xld. and the hydys chet<sup>3</sup> alsa; and this sal endour for a yer efter this wyrt. Wretyn the xxj day of March, the yher of our Lord m<sup>o</sup> cccc<sup>o</sup> and xxxj<sup>o</sup> yher: The fyrst vnlaw xld.; syn vñ.; and the tyrd tym viijs.

The following list of brethren of the gild, dwelling within burgh and without, comes after the minute of 17th December 1428; but, as it begins a page, its precise date is uncertain. It is obviously, however, of later date than 21st March 1431, inasmuch as it contains the names of the brethren admitted on that day:—

+ HOGS M <sup>c</sup> CHARRY yhounger.	JHON BELL.
a MORICE GLOVAR.	ANDRO WRYCHT.
+ THOM SOURLESOUN.	Maister RECARD.
a HUCHOUN BUTHMAN.	<del>SIR MICHEL MULTERER.</del>
a THOM OF CARRIK.	JHON BOYMAN.
a PATRIK M <sup>c</sup> MARTYN.	+ GIB OF ASKRIK.
a PATRIK AHAR.	JHON LISTAR.
GIB LANG.	+ JHON LORIMAR.
ab THOM CHEPMAN.	WILL DIXSON.
+ JHON BROUN.	+ THOM HACAT.
+ JHON NICHOLSOUN.	ab NICHOL OF FYNNYK.
NEVYN CHEPMAN.	+ JHON BARCHAR.

<sup>1</sup> Twelvemonth.

<sup>2</sup> Jealousy in regard to the exercise of their privileges of trade prevailed from an early period

between Ayr and Irvine, and gave rise to frequent disputes.

<sup>3</sup> Escheat.



- |  |                               |
|--|-------------------------------|
| ab GIB BARCHAR.                          | + ROLLAND PROCTOUR.           |
| + JHON WALKAR.                           | + JHON CAMBELL.               |
| THOM OF CRAUFURD.                        | WILLIAM CHERE.                |
| JHON VAZOUR. JAME CORDINAR. <sup>1</sup> | + NEIL NEILSOUN.              |
| ADAM MOUR. ALEX <sup>R</sup> . ASLOANE.  | JOHANNES STEWART.             |
| + PATOUN DUGALD. ALEX. MUR.              | ab JHON SADLAR.               |
| <del>WILL OF GLENCANOP.</del>            | + ADAM LACHLIN.               |
| + JHON PANTOUR.                          | JOHN MULTERER yhonger.        |
| JHON DAVISOUN.                           | PATRIK MOUR, gylð.            |
| JHON PETTIT.                             | EDWART M <sup>c</sup> CHARRY. |
| + JHON M <sup>c</sup> CHARRY.            | NEWYN M <sup>c</sup> MULLANE. |

*Confratres gilde extra manentes.*

- |                                   |                         |
|-----------------------------------|-------------------------|
| JOHANNES MOUR DE SANCHAR.         | + JHON MULTERER yelder. |
| JACOBUS DE CATHKERT.              |                         |
| ADAM DE CUNYGAM.                  |                         |
| + <del>RANKYN OF FOLARTOUN.</del> |                         |
| + JOHANNES CHAMER DE GADYARD.     |                         |
| RANKYN ALIN.                      |                         |
| FERGUSIUS KENNEDY.                |                         |
| + JOHANNES WISCHARD.              |                         |
| MACOLMUS QWILQWEN.                |                         |
| ROGERUS WISCHARD.                 |                         |
| DONALD GLOVAR.                    |                         |
| JHON MAKYSON.                     |                         |
- GILBERTUS ASKRIK, decanus  
anno xxxiiii.<sup>2</sup>
- |  |                                |
|--|--------------------------------|
|  | ADDAM M <sup>c</sup> KYLCRECH. |
|  | JHON LUTSTER.                  |
|  | Item PATOUN THOMSOUN, gylð.    |
|  | ANDRO FARCHAIR.                |
|  | ARTHUR OF GALLOWAY.            |
|  | ROBERTUS MOUR DE SCELDOWY.     |

On the last page of the volume (fol. 85 b), originally blank, the following note is written in a later hand than the foregoing:—

Isti fratres consentiunt ut habeantur le torches et . . . celebrari in die sepulture confratris<sup>3</sup> . . .

<sup>1</sup> This and the two following names are added in the margin in a different hand.

<sup>2</sup> This item is in a different hand from the rest of the list, and marked as if intended for a marginal note.

<sup>3</sup> As a friendly society, the Gild, besides assist-

ing brethren who were in difficulties, or who had suffered loss, or fallen into poverty or sickness, and caring for their orphan children, charged itself with securing that the last offices were rendered with becoming respect to every member of the brotherhood—to the poor as well as to the rich



JAMES OF BLARE.

Decanus gilde ADAM WISCHARD.

GEORGEUS QUHIT.

JOHANNES LANG.

MICHAEL MASON.

THOMAS MASON, aldermannus.

ALEXANDER RAITH } ballivi.  
WILLELMUS REDE }

JOHANNES AFEAN.

THOMAS RICHE.

PATRICIUS KER.

THOMAS DICKSON.