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Royal Burgh of Irvine

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INTRODUCTION

It is much to be regretted that the earlier records of Irvine have not been preserved. No original document of date prior to the reign of Robert I. is now extant in the archives of the Burgh. Regarding its more ancient history gleaned from other sources, there can be no question that as a town it was known at a very early period. Roger de Hoveden, who died about 1201, mentions "Irewin in Cuninghame," as a place of note in 1184, and the historian Chalmers states that the town, and the castle under the protection of which it arose, were in existence before the castle and town of Ayr were founded.¹ This statement, however, seems open to doubt, as the Charter of William the Lion erecting the town of Ayr into a royal burgh, and which is dated between the years 1202 and 1207, speaks of his "new castle at Ayr;" and that an old town and castle existed previous to 1197, is highly probable from the words in the *Chronicle of Melrose*,² "Factum est novum oppidum inter Don et Ar."

In the year 1205 an agreement is entered into at Irvine betwixt the burgesses and whole community thereof and Brice of Eglunstone, by which the burgesses granted certain lands to the said Brice, he paying therefor, in the parish church of Irvine, ten shillings of sterlings yearly in name of feuferme.³ In a dispute between the Abbacies of Dryburgh and Kilwinning regarding their rights to the church of Lauder, decree is pronounced by the judges appointed by Pope Honorius III. at Irvine in 1222.⁴ In the Chartulary of Paisley, the case of the Abbot against Gilbert the son of Samuel of Renfrew, for withholding and alienating the lands of Monachkeneran, belonging to the church of Kilpatrick, is very fully recorded.

¹ *Caledonia*, vol. iii. p. 545.

³ "Burgh Charters and Writs," No. 1.

² *Ayr and Wigton Arch. Assoc.* Vol. for 1883, Introduction; and *Chron. de Mailros*, p. 103.

⁴ *Ayr and Wigton Arch. Assoc.*, Vol. I. pp. 134-5.

The trial took place in the year 1233; the twentieth year of Alexander II., and the Papal commissioners sat in the parish church of Irvine.¹ In the year 1260, an agreement entered into between the burgesses and Sir Godfrey de Ross anent the occupation of the lands of Hormissok and others is dated at Irvine.² It may here be remarked that four members of the Balliol family (the name contracted to "Ball") appear to have been present at the arrangement. In July 1297, the English army under Percy advanced from Ayr towards Irvine, and on the 7th and 9th of that month a treaty was concluded, the original of which is to be found in the Public Record Office, London,³ by which certain of the Scottish leaders submitted to the English. The records of this treaty have been printed in full by Rymer and Stevenson.⁴

The town and castle of Irvine being within the lordship of Cuninghame, which, in the twelfth century, along with the lordships of Largs and Lauderdale, had been granted by David I. to Hugh de Morville, Great Constable of Scotland, probably arose under the ownership of that powerful family, or some of its only less potent vassals. In 1196 these territories passed from the de Morvilles through failure of heirs-male, and in the following century, descending through female succession, were held by various families, among whom were the Balliols. On the accession of Robert the Bruce to the throne the greater portion of these possessions fell by forfeiture to the Crown, and were granted by Bruce to sundry of his faithful adherents. The lordship of Largs was conferred by him upon his son-in-law, Walter, the Steward of Scotland.⁵ He also granted to his grandson, Robert Stewart, son and heir of Walter, the Steward of Scotland, for homage and service, all his lands of Cuninghame, as well within burgh as without, to have and hold the same without any reservation, in free barony, with all the privileges thereto belonging,—“Doing therefor to us and our heirs the service of three Knights in our common army, and suits of court at our court of Ayr when it shall happen.” This charter is undated.⁶ As there was no other burgh town in the district of Cuninghame at that period, the words, “as well within burgh as without,” could only apply to Irvine, the chief town and seat of the barony court. On 12th

¹ *Reg. Passelet*, p. 166; see also *Scotch Legal Antiquities*, by Cosmo Innes, pp. 214-221.

² “Burgh Charters and Writs,” No. 2.

³ *Hist. Doc. Scot.* (Record Ed., 1870), vol. ii. p. 192.

⁴ Rymer's *Fœdera* (Hague Ed.), vol. i. part ii. p. 182.

⁵ *Caledonia*, vol. iii. p. 562.

⁶ *Reg. Mag. Sig. Rot. I.*, No. 54. *Vide* Appendix, page 233, *infra*.

May 1322, Bruce granted a Charter in favour of the *burgesses of Irvine*, in which he refers to and confirms a charter granted by Alexander II., freeing and relieving the said burgesses from all toll and custom on their burgh goods throughout his whole kingdom, and that they by his present charter shall henceforth be altogether quit and for ever free from the toll they had been wont to pay in "*our burgh of Ayr*." The terms used relative to Ayr and Irvine seemed to infer that the latter had not been erected into a royal burgh when these charters were granted.

On the death of David II. without issue, the succession to the crown devolved upon Robert the Steward, who was crowned at Scoon, on 22d February 1371, as Robert II. On 8th April 1372, in the second year of his reign, he grants the charter in favour of the burgh of Irvine, in which, in the first place, and following upon an inquest made at his command by his bailie of Cuninghame, he settles in favour of Irvine the dispute pending between Irvine and Ayr as to their respective rights of traffic and merchandise within the baronies of Cuninghame and Largs. He then proceeds to bestow upon Irvine and burgesses thereof the privileges of a royal burgh, and that they should hold and possess the same as a free burgh, with all liberties and privileges, as freely, fully, and honourably as any burgh within his kingdom, exempting them from any toll or other servitude, and granting them every liberty of guild that other burgesses whatsoever of his kingdom hitherto have enjoyed. This charter will be found in the original, and translated, as No. 4 of the "Burgh Charters and Writs" of this volume, and a facsimile of the charter is also there inserted. The foregoing charter is followed on 14th February 1372-3 by a precept or letter of protection, addressed by the King to the chamberlain and other officers of the Crown, as well as provosts and bailies of burghs, and all whom it may concern, commanding them to respect and preserve the liberties and privileges which had been recognised as belonging to "*our burgh of Irvine*" by his previous charter or confirmation. This document appears *in extenso* and in facsimile as No. 5 of "Burgh Charters and Writs." It has been thought necessary to be thus particular, as the last-mentioned document, ever since the publication of Robertson's *Topographical Description of Cuninghame* in 1820, in which the contents of the charter chest of the burgh are enumerated, had been looked upon as a precept by Robert the Bruce, and it was only when submitted to the critical inspection of Dr. Dickson, the learned curator of the Historical Department of H.M.'s Register House,

that the suspected mistake was confirmed, and the document in question pronounced, without doubt or hesitation, to be the precept or letter of protection by Robert II.

The Seagate Castle, the ruins of which are fully described and depicted in the article by Mr. Galloway, would seem to have passed into the possession of Sir Hugh de Eglintoun, along with the office of bailie of the Barony of Cuninghame, granted to him by Robert the Steward in 1366.¹ Sir Hugh, who married the Steward's half-sister, Egidia, had an only child, Elizabeth, who married John Montgomerie of Egleshame, to whom the estates and possessions eventually passed, and whose descendants afterwards became Earls of Eglintoun. The Seagate Castle is the only remnant of the ancient civil and ecclesiastical buildings in the burgh which has survived the ruthless march of so-called modern improvement, all the others having been entirely cleared away.

The Town, or Council House, or Tolbuith, as it is variously designated, the site for which was granted by Robert II. in 1386, and on which the original building was no doubt soon afterwards erected, underwent many repairs and enlargements at various subsequent periods, and remained an interesting landmark of the history of the royal burgh, till, in the year 1861, it was completely removed. With the exception of the royal arms, which crumbled to pieces when being taken down, one of the supporters, the lion, only remaining entire, the sculptured stones formerly adorning the walls of the venerable building were preserved, and will be found inserted in the wall of the vestibule and over the door of the Council-room of the modern Town House. The one in the vestibule, bearing the sceptre and sword saltire-wise, surmounted by a crown, with the legend, rather illegible, and the first word all but obliterated, ". . . Lyra triplex cui diadema triplex," formerly occupied a position on the wall of the Court-room over the bench of Justice. The other, bearing on an ornamented shield the arms of the burgh, viz. a lion crowned sejant affronté, in his dexter paw a sword proper, and in his sinister a sceptre, the shield supported by nude figures resting on foliated scroll work, and holding the ends of an escroll inscribed with the motto, "Tandem bona causa triumphat,"—occupied a position over the street entrance to the old Council Chamber. Zincographs of these stones will be found as tail-pieces to "Burgh Muni-ments," section I. of this volume and section II. of volume Second.

¹ *Memorials of the Montgomeries*, vol. ii. p. 6.

The oldest Seal, and the only specimen in the archives of the burgh found entire, is that appended to the Letters of Bailliary to Stephen Tran and others, under date 6th October 1552, No. 4 of "Miscellaneous Muniments," Vol. II., where a woodcut of the seal will also be found. On one side is represented the Virgin and Child, with the legend—*Sigillum commune burghi de Erwyne*; on the other, a lion sejant guardant chained to a tree, and his extended dexter paw grasping it, another tree being placed behind him, the legend on which is unfortunately illegible. That this device of the lion represents the more ancient blazon of the burgh arms is corroborated by Timothy Pont in the beginning of the following century, who, writing of Irvine, ends his notice by saying, "the toun bears for its arms, argent, a lion chained gules." Turning to the Lyon office we find from a letter of Mr. Anderson, Lyon Clerk-Depute, in October 1850, that the burgh arms were probably entered in the old Register of all Armes, lost or destroyed by fire, circa 1672, but they do not appear in the new Register authorised to be made by Act of Parliament, 2 Charles II. In an old MS. volume in the office, however, Mr. Anderson adds, the following blazon occurs: "Irvine—Argent, a lyon sejant affronté gules, armed and langued azure, in his dexter paw a sword proper, hilted and pommelled or, in the sinister a sceptre of the last." This blazon coincides with the sculptured arms on the stone of the old Townhouse, the legend on which may refer to the restoration of King Charles II., while that on the other stone—"Threefold praise to him who wears the triple crown"—may allude to his title of King of Great Britain, France, and Ireland. The devices in both cases are similar to those on some of the coins of the period (vide *Coinage of Scotland*, by R. W. Cochran-Patrick, vol. ii. plates ix. x. xiv.), and seem to offer a clue to the time when these sculptured stones were executed. In Laing's *Catalogue of Scottish Seals* (vol. ii. p. 218), three seals of the burgh are described. The first and larger, bearing the device of the Virgin and Child, and, on the counter, the lion sejant affronté, is considered by him as probably not earlier than the seventeenth century. The other and smaller seals, bearing a lion sejant guardant, crowned, between two trees, are of very coarse workmanship and apparently modern. The matrices of those seals, the two first mentioned in silver, the latter of brass, are preserved in the repositories of the Town Council.

The Bell, formerly hung in the Town House or Tolbuith steeple, has also been preserved and hung in the tower of the modern edifice. It bears this

inscription : "Tolbuith bell of the burgh of Irvin 1637 ;" and is still rung to summon the magistrates to the Council meetings and the lieges to the Justice of Peace Courts.

Near to the south end of the Town House stood what has been described as a "magnificent cross." There is no record of the date of its erection, but it was taken down in 1694, and the materials composing it used in the construction of the buildings for the Meal Market in 1695.¹ The ports or gates of the burgh at the town head and town end were ordered to be taken down in 1756 ; and the Tron or ancient weighing-house, to the north of the Town House, was removed in 1866.

The Church of Irvine, which, before the Reformation, belonged to the monks of Kilwinning, is of very ancient date, probably coeval with the town. From Dempster we learn that St. Inan, a most holy confessor and celebrated doctor of Christianity, died at Irvine, of which place he was patron. He is said to have flourished in 839, his festival being the 18th of August O. S.² The cell of this holy man may therefore have been the origin of the church, but in later times his name as patron appears to have been superseded, and the church of Irvine was dedicated to the B. V. M. This is shown in the confirmation by James II., in 1451, of the grant by Lady Alicia Campbell, in which the church is called the "parish church of St. Mary the Virgin of Irvine."³ St. Inan has not even an altar dedicated to him in the church, unless under the name of St. Ninian, and Lady-day, or Mary-mass, has long been held as the festival day of the burgh.⁴

The church became enriched by various endowments, *vide* "Church Grants," the earliest of which, extant in the archives of the burgh, is dated in 1323-4. From these the church would appear gradually to have assumed an extent and importance very much superior to the ordinary run of parochial churches. Besides the chaplains for the ordinary service of the church it had endowments for chaplains and chaplainries at the altars of St. Katherine and St. Ninian ; the altar of St. Michael in the new aisle of the blessed Virgin Mary ; the altar of St. Peter the Apostle in the north aisle ; the altar of St. Conwal the Confessor, St. Stephen and St. Sebastian the martyrs in the south aisle ; the altar of the blessed Virgin Mary, the altar of St. Salvator and St. Thomas the Martyr in the aisle built on the

¹ *New Stat. Acc.*, vol. "Ayrshire," p. 625 ; and
Minute of Council, 14th Aug. 1694.

² *Hist. Eccles. Gent. Scot.*, p. 379.

³ "Church Grants," No. 7.

⁴ Act James VI. 1578.

north side of the nave; and the altar of St. John the Baptist, Christopher the Martyr, and Ninian the Pontiff.

Near to the church, but detached from it, stood a chapel also dedicated to the Virgin. In the grant by Lady Alicia Campbell of 2d January 1451 endowing the chaplain thereof, it is described as "situated on the bank of the Water of Irvine near the church of the burgh." In the same grant she endows another chaplain to serve at the altar of St. Michael in the parish church, of which chaplainries the bailies and community of Irvine are to be patrons after her decease—the chaplains to be continually resident and to minister personally. They were also to be of good moral character. In November 1506 a further endowment is made by Rankin Broun to the chaplain ministering at the chapel of the most blessed Virgin Mary "de Banko," or "Marie de Bank," as it is subsequently called in a confirmation of a presentation to the chaplainry by the bailies of Irvine.

In regard to these grants it is here thought worthy of notice that, in the grant of Thomas, called Baxter, in 1323-4, the names of the proprietors of lands bounding the lands granted, are for the most part designed by their christian names only, *e.g.*—William son of Henry son of the vicar, Isabella daughter of Roger son of Fergus, James of the Crag son and heir of John of the Crag, etc.,—and as the Baxters' seal is little known he borrows the seal of Adam, abbot of Kilwinning, and the common seal of the burgh, which are affixed to the document. While, in the grant in 1426 by William, canon of Glasgow and vicar of Dundonald, the names of the contiguous proprietors are given in modern fashion, both christian name and surname. In the instrument of sasine proceeding on the grant of Lady Alicia Campbell to the altar of St. Michael, a procession is described, in which St. Michael's image was led to the tenements granted, and invested with the symbols of heritable state and sasine. Some of the granters have thought it necessary to curb the evil tendencies of the clerics by the terrors of dismissal. While, on the other hand, it is pleasant to notice that a certain number of the older and feebler inhabitants are provided with bread, meat, and ale on the anniversary of the donor's decease.

The fabric of the church, probably a simple oblong originally, after the addition of the three aisles mentioned above, must have assumed a picturesque exterior, and the many altar-pieces have added much to the appearance and interest of its interior. It is much to be regretted that no drawings of the church or chapel of any kind, nor any description of either,

except of the most meagre character, are known to exist. Pont, writing in 1604-8, calls it "a fair church." Bishop Pococke, who made a tour through Scotland in 1760,¹ in one of his letters to his sister, thus describes his visit to Irvine as he proceeded from Kilwinning:—"I went two miles to Irvine, and having crossed the river, observed a tumulus and some works that were much like a Roman camp. Irvine is situated between two rivers, and a third falls in very near them. It is a pretty good harbour, and they have a great trade in fishing, and exporting coal to Ireland called Scotch coal. They make Scotch blue, and have a great manufactory of ropes for shipping. There is something singular in the doors and window-cases of the castle or old ruined mansion-house of the Earl of Eglinton, to whose ancestors the lands of Kilwinning Abbey were granted and erected into a lordship. They are adorned with a kind of twisted pilastre and other members, the ornaments of which are very delicate [two drawings of them are given by the Bishop]. Here was a monastery of Carmelites founded by the laird of Fullarton. The church, which now serves the parish, seems to be very old, with small windows, turned with two arches. I could get no information whether this was the church of the monastery."²

The steeple or tower of the church having become unsafe it was taken down in 1721, and the bell removed and hung in the Tolbuith steeple, where it continued to be rung for church services. It bore the inscription, "Blessed is they that hear the joyful sound," but no date or maker's name. During the rejoicing at the passing of the Reform Bill the bell was cracked, and having been recast was used for secular purposes till it met with a similar misfortune at the Queen's Jubilee, and was thereafter sold for old metal. The church itself was entirely taken down to make room for the present edifice, erected in 1774. James Gibb, the beadle of the church, who died in 1851, aged 77, had it from his father, the previous beadle, that the old church was built in the form of a cross, and had narrow lancet windows. An interesting relic of the interior decorations was found in taking down an old dwelling-house, 75 High Street, where it had been stowed away in a closet on the second floor. It consists of an oaken panelling, measuring (exclusive of the modern frame added for its protection) 3 ft. 8½ inches in length by 1 ft. 8 inches in height, and would seem to have formed part of a church pew, or front of a gallery. Along its upper rail an inscription in Greek extends in two lines, and being

¹ MSS. in British Museum.

² Article in *Glasgow Herald*, 3d November 1884.

translated, is as follows :—"Blessed are they who hear the word of God and keep it." The panelling is divided into three compartments; the central bearing on an escutcheon the arms of Blair, flanked by the initials I. B., the other divisions bearing respectively the date "January 2," and "Anno domino 1649." It is supposed to be commemorative of James Blair, provost of Irvine, whose name disappears from the records of the burgh about that date.¹ It is now carefully preserved by Mr. Paterson of Knowehead, who has kindly furnished the photograph from which is taken the illustration appended as a tail-piece to "Church Grants."

The Convent of the Carmelite Friars, said to have been founded by Fullarton of Fullarton in the fourteenth century, was situated on the southern side of the river, near to the end of the bridge;² but even the foundations of the conventual establishment have long since disappeared. As it was thus in the parish of Dundonald and district of Kyle, it was not included in the ancient liberties of the burgh. The confraternity had, however, acquired by endowment properties both in the town and parish of Irvine. These, along with the church property in the burgh, at the Reformation were confiscated, and granted in 1572 by James VI. for the Foundation of the King's School of Irvine (*vide* "Church Grants," Nos. 14 and 18). The King's School is pointed out on the right-hand side of the street leading to the church. It was rebuilt and enlarged in 1750, and now consists of an oblong building of one story, divided into two equal compartments by an entrance vestibule, over which is erected a bell turret. But teachers and scholars have long since deserted the King's School for the modern Academy opened in 1816.

The Bridge of Irvine is of ancient date, though nothing regarding its origin has been found in the archives of the burgh. It is mentioned by the Earl of Bothwell, Great Admiral of Scotland, in the document appointing Hugh Earl of Eglintoun his Depute-Admiral for Cuninghame, dated 18th August 1533;³ and in 1604-8 Pont describes it as "a fair stone bridge." In the "Miscellaneous Muniments" of the burgh, No. 51, we hear of it as being repaired and partly rebuilt in 1667, at a cost of £1000; and on 15th January 1748 a contract is entered into for building the bridge anew. The result was the bridge, widened in 1827, and further improved according to modern ideas and requirements in 1888.

¹ "Miscellaneous Muniments," Vol. II.

² Pont's *Cuninghame*, by Dobie, p. 215.

³ *Memorials of Montgomeries*, vol. ii. p. 120.

The Harbour, the principal source of the burgh's prosperity, has undergone various vicissitudes and changes. In ancient times the shipping came close up to the Seagate Castle. From the accumulation of sandbanks, brought up by high winds and heavy seas, the old arrangements underwent many and complete changes, affecting not only the position of the port and estuary of the rivers Irvine and Garnock, but, judging from old maps, even the whole line of coast between Irvine and Saltcoats. Notwithstanding that the Burgh had acquired part of the lands of Marres farther down the river, "for lowsing and laidnyng their schippis boittis and merchandice," so unsatisfactory did the burgesses consider their harbour accommodation that, in 1596, on their supplication, a royal commission was appointed to inquire into the fitness of a particular creek in the island of Little Cumbrae to be a new harbour for the burgh. Although, after inspection, the commissioners gave in a favourable report of the creek and an estimate of the amount which would be required to complete the same, viz. £4773:6:8, and the Privy Council had even granted to the provost, bailies, council, and community of Irvine a right to exact duties on goods passing up and down the Clyde for the space of five years in order to recoup themselves for their expenditure, the "commodious" creek in the Little Cumbrae seems to have been given up, and the next we hear of the harbour is about one hundred years afterwards, when, in 1695, the burgh had a grant from King and Parliament of an impost to repair their bridge and the harbour nearer home.