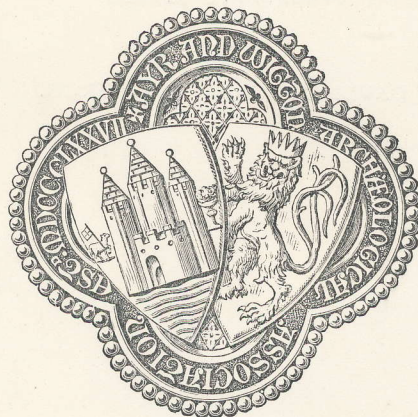


CHARTERS
OF THE
ROYAL BURGH OF AYR



EDINBURGH
PRINTED FOR THE AYR AND WIGTON ARCHÆOLOGICAL ASSOCIATION
MDCCCLXXXIII
1883

Printed by R. & R. Clark

FOR

DAVID DOUGLAS, EDINBURGH.

400 Copies printed,

Of which this is No. 400 9

INTRODUCTION.

IN 1197 A.D., a new town was built between the rivers Doon and Ayr (factum est novum opidum inter Don et Ar).¹ This new town was doubtless founded on the site of an old town or hamlet which had flourished from very ancient times under the protection of an old fortress. That there was an old town and an old castle is abundantly evident from the words of the *Chronicle of Melrose*, and from the charter of King William the Lion, erecting the town into a royal burgh, in which he speaks of "my new castle at Ayr" (novum castellum meum super Are).²

This charter is dated the 21st day of May, but the year is not given ; Chalmers, however, fixes it as between 1202 and 1207, from the fact that Florence,³ the Elect of Glasgow, is mentioned as one of the witnesses.

The lands granted to the burgh of Ayr by King William the Lion included the whole, or almost the whole, parish of

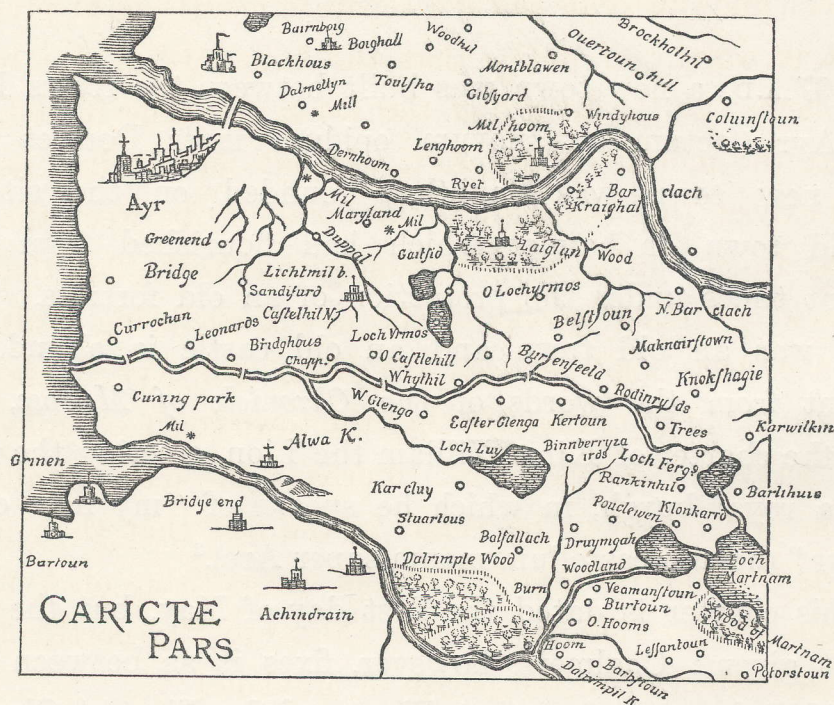
¹ *Chronica de Mailros.*

² Lord Hailes says this castle was probably intended for a barrier against the men of Galloway. Hailes' *Annals of Scotland*, vol. i. 162.

³ Florence, son of the Earl of Holland,

and by his mother a relation of the Scottish king, was elected the successor of Malvoisin in 1202. He seems never to have been consecrated, but settled quietly in his diocese, which he resigned in 1207 ; and, going to Rome in 1211, died there in 1212.—Chalmers' *Caledonia*, vol. iii. p. 616.

Ayr, known as the Burrowfield, and distinguished as such from the Barony and Parish of Alloway immediately to the south. In opposition to the usual practice of following the course of the sun, which is adopted afterwards in naming the places at which toll was to be taken, the description of the boundaries runs from west to east. The first four places mentioned are



From BLEAU'S Map of Kyle, 1654.

easily identified. The boundary runs "from Inverdon"—that is the mouth of the Doon, which in those days we assume to have entered the sea not far from the mouth of the Ayr, "as far as to Inverpolcurtecan," or the mouth of the Curtecan Burn, now known as the Belleisle or Slaphouse Burn, and which must then have been a tributary of the Doon, joining it at or about Belleisle bridge, on the road from Ayr to Low Bridge of Doon.

That the Doon has changed its original channel to the sea is highly probable, although it is a curious circumstance that there is no conclusive evidence on the point; and it is only fair to add that Mr. Murray Lyon, a well-known authority on "Auld Ayr," does not believe that any change took place. The charter we are considering makes it quite certain that the Doon and Curtecan had not separate mouths as at present; and it is worthy of notice that the boundary of the burgh lands begins at the mouth of the Doon, proceeds inland, and ends at the mouth of the Ayr, without mentioning, as one would expect, that the sea was the boundary between the Ayr and the Doon. Take, in connection with this, the fact that the *Chronicle of Melrose* speaks of the new town being built, not upon the Ayr, but "between the Doon and Ayr;" and the inference is not unreasonable that the town itself occupied the space between the two rivers. Perhaps the most significant piece of evidence is to be found in the fact that though the Doon is the natural march between the parishes of Ayr and Maybole, yet to this day certain lands to the north of the Doon are attached to the parish of Maybole.¹

Assuming that the channel of the Doon has changed; how or when this took place is not known, but it must have occurred after the division of the country into parishes, in the twelfth and thirteenth centuries,² and prior to 1610, about which time the survey of Ayrshire by Timothy Pont was made;³ as, in the map founded thereon, and published in Bleau's *Atlas* in

¹ To wit, the lands of Cunning Park. See also *New Statistical Account of Ayrshire*, p. 9.

² *Origines Parochiales Scotiae*, vol. i. Preface, p. xx. note.

³ Dobie's *Pont's Cuninghame*, Preface, p. xv.

1654, the Doon and Curtecan are shown falling into the sea as at present.

The boundary is then said to run "as far as to Crottun," which is, by a simple transposition of letters, the modern Corton. Then "by Curtecan to the head of Curtecan," that is to say, near to the point where the Ayr and Dalmellington road passes, on the line of the Roman road from Ayr to Kirkcudbright. It is then said to ascend "by Boghesken as far as to Monedamdereg." The former of these places is translated as a tract of rising ground with a bowlike bend, bearing some resemblance to a man's hough.¹ Just beyond Curtecanhead, the Ordnance Survey map shows the parish boundary making a bend such as that described, and the contour lines show a rise of seventy-nine feet. Monedamdereg, which signifies the moor of the red ox or hart, is possibly identical with Mosshill, the name of a farm at this point. Monemethonac, which next occurs, is translated as Middle-moor, and may be the same as Mossend, another farm on the route. The boundary proceeds "to Pollecleuan, and so by Pollecleuan to Lochfergus." Pollecleuan is no doubt the Pouclewen, which will be observed on Bleau's map of Kyle, and it is probable that the rivulet which falls into Lochfergus was so called. Lochfergus has retained its name unchanged to the present day. The boundary line goes "down to Dufhat," a place of which there is no record beyond what

¹ Dr. Donald Smith communicated an interesting article on the topography of this charter, with a glossary of the names mentioned, to the *Scots Magazine* for October 1807, to which the editor appended a note,

to the effect that Dr. Smith was the best Celtic scholar of his time. From this source the translations given are taken. See also *Scots Magazine* for 1808, p. 333.

may be gathered from the meaning, viz. a black mossy surface fit for cutting into divot or fire turf. It then goes "to the rivulet to the east of Drumnesauel," probably the same as Knocksoul, a farm which extends to the boundary of Ayr parish. "And so by Polleclonecrangali to Dufloch, and thence to Pollemulin." Polleclonecrangali is translated as the lake or pond of Reginald's grandchildren, and has no modern equivalent. Dufloch means the black loch, of which there is now no trace. Pollemulin is translated the mill pond; or, possibly, it might be the mill burn; certainly a burn does rise here, flowing in old days perhaps from Dufloch, and falls into the River Ayr not far above the Overmills. From this point the boundary is along the River Ayr to the sea, a distance of about two miles.

Having thus endeavoured to trace the boundaries of the lands granted by William the Lion, it now remains to consider the identity of the places at which toll was to be taken. These places were Mach, Karnebuth, Loudoun, Crosenecon, and Lachtalpin. It will be observed that while in the former case the enumeration of the places proceeds in the contrary direction to the course of the sun, in this instance the localities are named in the usual order following the sun's course. It will, however, be more convenient to consider them in the opposite order.

Lacht or Laicht Alpin, the stone or grave of Alpin,¹

¹ In 836 A.D., Alpin, king of the Scoto-Irish in Kintyre, landed in the Bay of Ayr and laid waste the country towards Dalmelington. He was defeated and slain near the site of Laicht Castle, which appears,

from the *Chronicle of Dumblane*, to have been at that time within the extensive boundaries of Galloway.—Chalmers' *Caledonia*, vol. iii. pp. 455-6. See also *Chronicles of the Picts and Scots*, Preface, p. clxxxv.

appears in Bleau's map as the Castle of Laicht, and is still to be seen in the maps of Ayrshire as the site of a ruined castle (though no ruins now remain), not far from the farm of Laight. Lachtalpin commanded the River Doon and the Roman road leading from Ayr to Kirkcudbright, being the principal and probably the only road from Ayrshire into Galloway.

Crosenecon is undoubtedly Corsencon, in the parish of New Cumnock. There is a hill at this point, which is on the borders of Ayrshire, marked in Bleau's map as Cossinkon Hill. Between this hill and the River Nith is also found the great Roman road leading from Carlisle and Dumfries up the valley of the Nith to Ayr.

Loudoun presents no difficulties; it must either have been Loudoun Hill, or a castle, fort, or village close to it. Such a situation on the Roman road from Carstairs to Loudoun Hill, a route which must always have been the chief, if not the only communication between Lanarkshire and Ayrshire, is just that which might be expected to have been chosen as a point for collecting duties.

Karnebuth is not so easily identified. Chalmers says:—"It appears that the privileged territory of the burgh of Ayr, for buying and selling, bounded with the limits of Rutherglen, at Carnbuth, on the eastern extremity of Kyle, and in the south-east bounds of Cunninghame."¹ As, however, the position assigned by Chalmers to Karnebuth would place it close to Loudoun, it seems unlikely that he should be right. We should expect to find the different

¹ *Caledonia*, vol. iii. p. 481.



Prospectus Civitatis AERÆ a Domo de Newtown. T.



vn. The Town of AIRE, from y^e House of Newtonne.

stations for payment of toll at a somewhat equal distance from each other. Now there is a place, bearing the name of Cairn, which fulfils this condition, on the borders of Ayrshire and Renfrewshire, where the great road from Ayr to Glasgow, by Stewarton and Mearns Moor, crosses. This may possibly be the sole remaining trace of Karnebuth, which signifies the cairn where fair stalls were erected.

The last place mentioned is Mach. Some writers, assuming that the liberties of Ayr extended only over Kyle, have supposed Mach to be the same as Mauchline.¹ This is evidently a mistake; Mach in the original has no sign of contraction, and Mauchline is never written Mach.² It is suggested that the place referred to may have been the Maich Burn, which forms the northern boundary of Ayrshire, and is crossed by the great road from Ardrossan, by Dalry and Kilbirnie, to Paisley and Glasgow. It may be added that, in former times, Maich was at least occasionally written Mach.³ This position would complete the chain of posts, on the assumption that these toll-places were fixed on the boundaries of Ayrshire, as nearly as possible equidistant from each other, and commanding the principal roads by which merchandise could be taken to and from Ayr.

It may be objected to the positions now assigned to Karnebuth and Mach that they are inconsistent with the liberties of Irvine, which are popularly supposed to have extended over the whole of Cunninghame. It is certain,

¹ Mach is translated Mauchline in the *Ayr and Wigton Col-
National Manuscripts of Scotland*, Part I. is written Mauhhelin.—*lections*, Vol. II. p. 142.
No. xl.

³ For an instance see *Origines Parochiales*

² In an early charter (1177), Mauchline *Scotiae*, vol. i. p. 95.

however, that at an early date Irvine was in the habit of paying toll to the burgh of Ayr. In a charter to the burgh of Irvine, by Robert I., in confirmation of a charter by Alexander II., not now extant, the burgesses of Irvine are freed from the toll which they were wont to pay in the burgh of Ayr (*a tolneo quodolvere solebant in burgo nostro de Are ante presentem concessionem nostram liberi sint omnino et in perpetuum quieti*).¹ This same charter, the date of which is 1322, declares that the burgesses of Irvine are to be free from payment of all toll and custom on their chattels carried through the whole kingdom. Again, in a charter granted by Robert II. in 1373, as is supposed, it is stated, in reference to a dispute as to the boundaries, limits, and liberties of the burghs of Ayr and Irvine, that the said burgesses of Irvine were from thirty, forty, fifty, and sixty years, and beyond the memory of man, in possession of the whole baronies of Cuninghame and Largs, annexed to the liberties of the said burgh of Irvine, for freely exercising their traffic and merchandise only.² On the whole, it seems probable that the liberties of the burgh of Ayr originally extended over Cuninghame, and that the charter of Alexander II. encroached upon these rights.

The possessions of the burgh of Ayr were largely increased in 1236, when Alexander II. granted a charter of the lands of Alloway, Corton, and Carcluie.³ It is worthy of remark that the condition is attached to this grant that the burgesses shall neither burn, nor give away, sell, nor in any way destroy the green wood on the said lands, but shall only

¹ Irvine Charters.

² Irvine Charters.

³ P. 9.

take what is necessary for their own buildings of Ayr, and for making their own boats of Ayr. By the charter of erection, each burgess had a right to clear six acres of wood which he held along with his toft for a small yearly payment, and, from the restriction now referred to, it may be conjectured that the work of clearing had been prosecuted with perhaps too great vigour.

In virtue of these grants the burgesses of Ayr were proprietors of all the land which is now represented by the parishes of Ayr and Alloway; and judging from the many valuable privileges which were from time to time conferred, it would appear that the burgh was specially favoured by the Kings of Scotland.

By a charter of Alexander II., dated 7th December 1236, there is a grant to the burgh of Ayr of the fishings in the rivers Ayr and Doon for the uphold of the bridge (*ad sustentationem pontis*), and for improving the harbour, and promoting other common affairs of the town.¹ This raises a rather interesting question as to whether the bridge existing in 1236 is the present old bridge. There is, unfortunately, no authentic information as to the date of the building of the bridge, but the architecture is similar to that of bridges known to have been built in the thirteenth century, and it is quite probable that its date is prior to 1236. Tradition has it that the bridge was built in the reign of Alexander III. by two ladies, the bas-reliefs of whose heads are still to be seen on a stone in the parapet, for the purpose of saving life in crossing the ford. As we know there was a bridge in

¹ P. 14.

existence in 1236, it is unlikely that loss of life occurred after that date ; the tradition, however, may very well refer to the reign of Alexander II. The first notice of the bridge in the Burgh Court Book is in 1440. We hear of it again, in 1491, when James IV. went on pilgrimage to St. Ninian's of Whitherne ; and, travelling by way of Ayr, was ferried across the river at St. John's Kirk, as the bridge was then under repair.¹

It is interesting to observe, that for centuries after the date of the grant of Alexander II., the fishings were disposed to parties undertaking to uphold the bridge ; and when the fishings of the Doon were granted to John Kennedy of Baltersane in 1593,² it was in consequence of the refusal of the then lessees to advance money on loan for the repair of the bridge.³ In the charter last referred to there is a reservation of the right of the inhabitants of the burgh of Ayr to wash their clothes at the water of Doon—a right which was exercised till about the close of last century.

In 1588 James VI. gifted certain imposts to the burgh for the maintenance of the “harbry hevin and brig,” which are stated to be “presentlie rwynous” and “decayit and fallin doun.”⁴ We find, however, from other sources, that “nochtwithstanding thair present povirtie,” the community were able to lend the king the sum of 1000 merks in 1587 ;⁵ and again, in 1588, they rendered a special service, insomuch as they “riggit furth and sett to the sey upoun thair awne expenssis

¹ *Accounts of the Lord High Treasurer of Scotland*, 1473-98, Preface ex. 183.

² P. 122.

³ Mr. Murray Lyon's unpublished notes.

⁴ P. 55.

⁵ *Register of the Privy Council*, vol. iv. p. 222.

(amounting to £1000), ane sufficient weirlyke ship, furnist with a sufficient nowmer of men, viveris, munition, pulder, bullattis, and all other necessaris, under the charge and command of Schir Williame Stewart, quha, within few dayis thaireftir, tuke, apprehendit, and brocht to his Hienes the personis for quhome the foirsaid ship wes thocht necessair to be sett furth.”¹ In 1687 James VII. grants certain duties on ale and wine, upon the narrative that the rents and customs of the community were insufficient for their debts; and that by the ruin of their seaport and the sandheaps arising in their river, and the great expense of removing the mud and refuse cast up by the sea, the burgh was reduced to great straits, and was rendered incapable, among other things, of maintaining the bridge, the church, the streets, and the harbour.² A somewhat curious light is thrown upon this grant by one of the muniments of the burgh, which informs us that “William Cunyngham, provest, had borrowed the soume of fyve hundreth pounds sterling money, upon his oune private credit for payment of the said gift, and which accordingly he hes payed for the said gift, and for defraying the necessar charges and expenss thereof.”³

A few years later, viz. in 1695, there is an Act of Parliament empowering the burgh to levy a tax for the repair of the harbour, “considering that the harbour of the toun of Aire is ruined and lyes in rubbish and that thereby the trade of the foresaid toun is quite decayed.”⁴

There is no doubt that from an early date Ayr was noted for its trade, particularly for its imports of French and

¹ *Register of the Privy Council*, vol. iv. pp. 309-10. ² P. 66. ³ P. 202. ⁴ P. 73.

Spanish wines, and it remained, probably for a long time, the principal seaport of the west of Scotland. In 1237 it appears that a ship and goods, the property of the burgesses of Ayr, was arrested at Drogheda on account of a robbery at sea;¹ and, in 1264, we find that ships were being built at Ayr.²

The town of Ayr suffered greatly from the blowing of the sand. In the reign of Robert II. this annoyance had reached such a height that the bones in the cemetery were uncovered and the burgh was like to be destroyed. In order to stimulate the invention of the ingenious, the king granted a charter, in 1380, whereby he gave the right of property in the reclaimed land to whoever should prevent the blowing of the sand.³ In 1425 there is a warrant by the Duke of Albany⁴ to the community of Ayr to straiten the Sandgate; which shows that the said Duke, with other nobles, at the request of the community, visited the Sandgate and carefully observed that the daily overflow of sand (*flatus arenae*) in the said street wholly destroyed it; the Duke, therefore, gave command to the inhabitants to make the street narrower, so as to exclude the blasts of sand, by building up to a certain stake, which he with his own hand fixed in the ground.⁵ The narrowing of the Sandgate does not seem to have cured the evil, for we find that on 19th September 1573 there is complaint made to the Privy Council by "the maist part" of the inhabitants, and specially by the "indwellaris of the

¹ *Calendar of Documents relating to Scotland*, vol. i. p. 249.

² *The Exchequer Rolls of Scotland*, vol. i. p. 6.

³ App. p. xxxv.

⁴ Who was then Regent.

⁵ P. 79.

Sand Gait," that "the said Sand Gait with the haill venallis of the said toun, except the brig," are "overblawin and almaist wrakit" with sand. They proceed to allege that "the speciall caus thairof is be the negligence and ovirsicht of the magistrattis of the said burgh, quha having respect to thair particular proffeitt hes takin na regard of the commonwelth thairof, bot speciallie be occasioun of ane civile dissention betuix thame thir diverse yeiris bigane, the samyn hes bene altogidder neglectit; quhairas the commoun gude of the said burgh, quhilk of auld in rentall extendit to the sowme of thre hundreth and vii markis and fyftie-fyve bollis of malt and meill yeirlie and utheris proffeittis . . . was sufficient to have stoppit the said inconvenient."¹

The burgesses of Ayr have always clung to their rights with singular tenacity, and have generally been successful in vindicating them. A long-continued struggle took place between the burgh and the Sheriff of Ayr in reference to the right of the latter to call the burgesses and their tenants in Alloway to his courts. In this dispute the sheriff was worsted at all points. In 1459 there is a charter by James II. exempting the tenants of the barony of Alloway from being called as witnesses in courts beyond the burgh of Ayr,² and this is confirmed, in 1471, by letters under the signet of James III.³ From letters of Queen Mary in 1547-8 to the Sheriff of Ayr it appears that the burgesses had not been wont to answer before any judge but the provost and bailies of Ayr; the sheriff is therefore discharged from citing any of the said burgesses to his court.⁴ In 1557 there is a

¹ *Register of the Privy Council*, vol. ii. p. 278. ² P. 32. ³ P. 36. ⁴ P. 40.

confirmation by Queen Mary of a bond by the Sheriff of Ayr and his son, in which they admit and agree to respect the jurisdiction of the magistrates of the burgh in cases of slaughter, mutilation, theft, etc.¹ We find in 1555 that the burgesses so far departed from their contention as to compear in Edinburgh to bear witness in a cause, but at the same time they guarded themselves by protesting that their said compearance should not prejudice their privilege in time coming.² There is another protest, in 1580, in respect "divers and sindrye of the burgessis and inhabitantis of the same burght ar summond to this day and place (Edinburgh) to pas upoun the assys."³ Seven years later it again became necessary for John Lockhart, "burgess and auld provest of the burgh of Air," to take another protest at Edinburgh for a similar reason.⁴

By the charter of erection King William appointed a weekly market to be held every Saturday,⁵ and this was confirmed by Alexander II.⁶ and David II.⁷ A yearly market was afterwards granted by Alexander III. at the feast of the Nativity of St. John the Baptist, to last for the fifteen following days.⁸ In 1458 James II. granted an additional yearly fair on the feast of St. Michael and four days immediately following, at the same time ordaining that the burgesses are to hold and possess their other public fair on the Nativity of St. John.⁹ The Sheriff of Ayr appears to have interfered with this new fair, and in 1459 he is charged by the king to desist.¹⁰ In 1701 there is an Act of Parliament

¹ P. 42.² P. 105.³ P. 111.⁴ P. 115.⁵ P. 1.⁶ P. 6.⁷ P. 8.⁸ P. 18.⁹ P. 29.¹⁰ P. 31.

appointing a public yearly fair to be held upon the first Tuesday of January and four next days.¹

Among the Miscellaneous Muniments of the town will be found a charter by the burgh to the convent of the Friars Preachers,² which, had it been discovered in time, would have found a place among the charters of the Friars Preachers in the volume presented to the Association by the Marquess of Bute.

There is also an interesting document containing the allotment of seats in the parish church, of date 10th March 1656.³

¹ P. 74.

² P. 102.

³ P. 195.

APPENDIX.

*Copy of Charter by King Robert (II.), granting the reclaimed lands to those who should preserve the burgh and church of Ayr from being destroyed with sand.—[10th December 1380.]*¹

ROBERTUS Dei gratia Rex Scotorum, omnibus probis hominibus totius terrae, seu clericis vel laicis salutem: Dum burgus noster de Air, per motionem et agitationem arenae sit quasi totaliter annihilatus et destructus, et . . . similiter per brevis processum temporis ad finalem destructionem redeגי videbitur, nisi citius per discretorum virorum solertia et diligentia remedium apponitur; nos igitur desiderantes de aliquo . . . competente in hac parte futuro providere, et precipue causa ecclesiae Johannis Baptisti quam in honore reverentia et devotione semper intendebam et intendam mantenere, protegere et fovere, cujus caemeterium per violentiam motionis arenae ut predicatur fere usque ad fundamentum ipsius ecclesiae adeo est denudata et destructa quod multorum ossa defunctorum ibidem humata videntur per ventorum violentiam de terra evulsa penitus et circa concessimus de gratia nostra speciali illis quicunque fuerint, qui in hac parte defensionem apposuerint, et ipsam villam, ecclesiam et caemeterium a destructione dicta arenae liberaverint, omnes pacatas vastas infra dictum burgum quas meditantibus illorum laboribus et impensis a destructione praefata arenosa liberaverint et fuerint habitabiles, tenendas et habendas eisdem dictarum pacatarum praenominatis conquestoribus et haeredibus suis de nobis et haeredibus nostris in feudo et hereditate in libero burgagio, libere et quiete plenarie integre et honorifice, reddendo inde annuatim de qualibet pacata predicta, postquam effecte fuerint habitabiles aut habitabilis, unum denarium

¹ This charter, which is printed by Grose, burgh. It has not, however, been found.— is said by him to be among the archives of the Grose's *Antiquities*, ii. 195.

sterlinense ad festum Pentecostis, tantum pro omni ferma inde exigenda aut solvenda. In cujus rei testimonium praesenti chartae nostrae, nostrum praecipimus apponi sigillum, testibus venerabilibus in Christo patribus Willelmo et Joanne cancellariis nostris St. Andree et Dunkeldensis ecclesiarum episcopis, Joanne primogenito nostro de Carrick senescallo Scotiae, Roberto de Fyffe et de Menteith, filio nostro dilecto, domino Willielmo de Douglas et de Marr consanguineo nostro, comitibus, Jacobo de Lindesay nepote nostro, Kentigerno et Alexandro de Lindesay consanguineis nostris, militibus: apud Edinburgum decimo die Decembris anno regni nostri anno decimo.