

### III.

#### SOME NOTES FROM THE RECORDS OF THE BURGH OF KILMAURS (1645-1715). By ALFRED CHARLES JONAS, F.S.A. Scot.

The ancient records of births, marriages and deaths, and local records generally, dealing with ecclesiastical and civil matters, are, in their bald state, hardly likely to arrest the attention of a casual reader of the twentieth century. Hidden, however, in many such records, facts are found, which bore very much on the history of our country, and are unrecorded anywhere else. Often in a corner of an old tattered page, a few words are found, full of interest to the antiquary, archæologist, and student of history. This is my experience, from the many transcriptions I have made from such records. For, after all, is not the history of our country, if properly written, made up, more or less, of local history?

The origin of Kilmaurs as a town, like many others, can be traced only to its church, and on this basis we go to the twelfth century, for in 1170 Kilmaurs Church was granted to the Monks of Kelso, this gift being several times confirmed, and was so by Ingelram, Bishop of Glasgow, who was made Chancellor by King David and continued in that office by Malcolm. Ingelram was consecrated Bishop in 1164.

In 1450 Sir Robert Cunninghame's son, Alexander, was created Lord Kilmaurs. In a military report of 1563-66 (the MS. of which is in the Cottonian Collection, British Museum), among those "able men, fote and horse," ready for immediate commands, there is found "Kylmawse, Earl of Glencairn."

Turning to the records from which my notes are taken, in 1645 we have the interesting fact that the local authority fixed the price at which straw and corn should be sold thus: "Suo die appoynts Jon Biggert for furneshing straw and corne, pryce of the corn 10ss ye pole, the battal of straw being 6ss, under ye pane of fyve lb ilk falyer." In October 1647 we catch a glimpse of the precautions taken by Kilmaurs authorities against the plague: "The qlk day James Smyth and Andro James are decerned in ane unlaw of ten pund for going out of the toune, without ane pas to the parochie of Larges, qr the plague is, and to be poyndit yr for." Elsewhere I find that Kilmaurs contributed 102 merks for the relief of those stricken by the plague in Largs.

We find that in 1648 the price at which "the cake of bread was ordered to be sold" was 3ss and "the pynt of ael 2ss." Proper accommodation for strangers was looked to, for in the following year, on the 13th of January, "The qlk day ilk oslar are ordaned to have stabling for four men and horse wt meat and drink, otherwyis to be discharged of brewing." This law was further augmented the next year: "The qlk day it is statuted that ilk oslar refusing of strangers entertainment in mans meat and drink and horse, shall pay ten pounds money ilk falizer, and in tyme cumming to be discharged of brewing."

So-called "free trade" does not seem to have been looked upon with favour in Kilmaurs two and a half centuries ago, whatever may be the feeling there now, for it was ordained that "no persone qt soever wt in the toune shall cary or transport Kail furth of the toune, in burdens or loads to Kilmarnok or Stewartun, for selling their of, under the pane of fyve pune."

It is well known, in certain quarters at least, that anciently Kilmaurs was celebrated for its cutlery, more so than Irvine or Kilmarnock, both

of which latter had their cutlers. The word cutlery embraces a weapon, equally with a knife for domestic and other purposes. If I am not wrong, the word has its origin in Sanscrit, and in Latin we have "culter." In the sixteenth century scholars used "theca cuttelaria" for a case of, or for knives. However, there is little doubt but that the cutler made daggers as well as knives.

In 1697 there is an entry in Sir John Foulis's account book, "for 6 Kilmares knyfes, a fork, and caise 3 : 0 : 0." *The New Statistical Account of Ayrshire*, under the parish of Kilmaurs, mentions that the town was famed for its cutlery, but does not mention glove-making. Paterson, quoting this authority, also appears ignorant that the latter trade was practised in Kilmaurs.

On the 6th June 1699 "Town court of Kilmares holden, le supra be William Watson and David Bigger. Suits called. Court laully affirmed. The qlk day Johne Lambrughtoun, Glover yr, persued Hugh Boyd, Maltman, for thirtie four shilling scots money, resting of three pound sixtine shilling more, as the pryce of gloves bought and received be him from the peñ at his wedding, dē for absent continues to the nixt court."

From an entry dated 23rd October 1661, we learn the name of the Earl of Glencairn's factor, to wit, Mr Walter Forsyth, and also the then parson's "teynd," which was a "boill of meal," and that was valued at "10 merks."

Not a few in this enlightened age think that many so-called new enactments, local and otherwise, of our day, are introduced for the first time in the history of this country. Very often this is an error, and the longer one lives, and dips into the local history of the past, the more we are inclined to cry out with a certain "wise" man, "There is nothing new under the sun."

When meal was sold, it was so in legalised "pokes," which had to be "sealed" as a guarantee that they were a legal measure: the same with respect of "stoupes" used for the sale of "drink." Further, the person served with drink from a "stoup" not sanctioned by the "Bailzies" was empowered to claim the drink free of payment, provided the drinker

gave information to the "Bailzie" as to the party who supplied the drink in an unauthorised measure.

The Arnots of Lochridge, Stewarton, figure frequently in the burgh records of Kilmaurs. This property was, it is said, in the possession of this family for at least four centuries. Possibly the first mention of this old family is found in the person of John de Arnot of Lochrig, in 1417, and it is supposed that the family came from the Arnots of that ilk, in Fifeshire.

On the 1st day of November 1671, there appeared in Kilmaurs Court "Jonet Arnot, spouse to Alexander Arnot, when she gave her oath," that she was not, in any way, influenced in her grant to her husband, with her own consent to Jon: Browne, Lainfoot, etc. It appears that John Browne was son of John Browne of Finnick, and that the payment of the money, borrowed by the former, was to be secured by "ye manshion house of Finnick," and the lands, etc.

The Alexander Arnot just mentioned, it appears, married the Janet Arnot of that ilk. This seems confirmatory of the supposition that the Ayrshire Arnots were originally a family of Fifeshire. Be this as it may, we learn from *The House of Rowallane*, p. 33, that "Sir Gilchrist Mure gave to Edward Arnott the two Finnickicks for yearlie payt of ane pair of Gloves at S. Lawrence Chapell, and of ane paire of spures at S. Michael's Chapell, Embleames of Reddie service." Apart from the "emblems," may not the "rent" have something to do with the trade of the neighbourhood? And, not improbable, the making of spurs was a branch of the trade of cutlers. It will be observed that Sir Gilchrist's gift must carry us back many years, prior to the date at which it is suggested the origin of the Ayrshire Arnots is traced. Sir Gilchrist died in or about the year 1280. If, therefore, the Ayrshire Arnots spring from Sir Gilchrist's beneficiary, then the Ayrshire family are of a much earlier date than assigned to it by Paterson. On the other hand, we know that a John de Arnot was in possession of Lochrig in 1417, and from a footnote to *The House of Rowallane*, p. 33, we are informed that in 1497 one of the Fenwickicks was acquired by "Robert Mur de Rouallan."

The first notice of "Stoks" that I found in the records is dated 25th March 1672, when one Hugh Crealman was fined for abusing and striking his father, and he was also to remain in the "Stoks" the space of two hours, "except his father limited him for a shorter tyme."

"Sighting" of the Marches was carried out, usually by three or four of the councillors: notices of this appears in 1658 and 1686. From these entries we learn some place-names, such as Brigstone, Southhook, Jocksthorne, Johnestane, etc., and also the name of a cutler, William Steill.

Quoits were a favourite game in Kilmaurs, but special laws were found necessary, even in that small place. On the 2nd of January 1673 the "Bailzies with the Council, having considered the great abuse comitted within the toune by playing at the Kytes by swearing and other abuses: in all tymes coming, thay discharge the sd pastem to be used within any part of the toune, after eight at night, or in any part of ye fyve pund land of Kilmaures, efter the sayd tyme, under the pane of fyve pund scots ilk breker, and ye parent to be ansherable for the chyld and the master for the servand."

In 1646 the game of "the Dog and Cat" called for the interference of authority, and "barnes" were prohibited from playing in the "streete."

Public sports and races were, however, not tabooed, so long as they were conducted with becoming decency. In 1674 the Court "aproves the running of ye race, on ye fair day, intimãone publick to be maid at ye fair and running of ye race."

It is not uncommon in our time to hear of complaints by householders of their neighbours' fowls. In 1678 the Court ordered that each "tenementer keepe two hens and a cock," and the officer, whose duty was to see the law carried out, had permission "to mak use of what is mor." There is, however, no information as to how the officer was to carry out the latter instruction.

In the year named, it appears the Cross had become dilapidated, and the Court agreed "the mending of ye tope of ye cross" was to proceed with all possible diligence.

The washing of "lint" in the stream seems to have been continued

contrary to the "Act of Parliament," so in 1685 the Court called the "hail inhabitants" before them; but they did not appear, so were "decerned in fyve pund scots each of them."

In 1695 "it was enacted that the money that is gotten for the quartering of Ardgyles souldiers. The samen is appropriat as follows, to wit, that each tenement qr gave in their accompts, to have fourtie shilling scots mony in full they can acclame." Needless to say that Paterson's *History of Ayr and Wigton* is a valuable one, but, like many such undertakings, of necessity has statements which require close investigation to demonstrate their absolute correctness. Cunningham, vol. iii., Part 2, is, I take it, somewhat doubtful with respect to the disposal of Arnot's lands, etc., in 1696. There is an entry in the Kilmaurs records, from which I quote; the date is 21st November 1695: "Jonet Arnot, Lady Lochrig, and Alex. her husband," produced "ane heirtle dispõne and charter following yr upon," etc., in favour of "Rot: and Daniel Wilsons lawll sones, to Robt. Wilson, in Wardhead of Lochrig, and Elizabeth Wallace yr Mother, in life rent, of all and hail the said two maillings, of Mossyd and Mosshead, with the house, yards and other pñinents lyaine wtin the parochen of finick," etc.

This document was signed by R. Allane, Not: publick and clerk to the Burgh, Janet Arnot, Hen: Boyd and John Andrew.

The disposal of "Lady Arnot's life rent, of seven hundred merks of the Manor place or Hail of Finnicktoun etc., granted to Ja: Brown and others," is duly recorded.

A rather curious case is recounted in 1695<sup>d</sup>, when Jean Campbell, "a vagrant pearson come laitly out of the Paroch of Paslay," and was brought before the Court "by Mr Thomson, Minister of the Gospel in Kilmaures, for carrying and producing of ane forged testimonial, as being subscribed by Mr Tho: Blackwell Miñr at Paslay, and Mr Ja: Wallace, Sess: clerk yr, and two elders." The woman confessed that she paid "John Pinkertoun, taylor in Heughhead, of Paslay, fyfteen shilling scots, for 'forginge' the signatures." This woman was put in the "joges" during the magistrates' pleasure, "afterwards to be put

out of the town, with tuck of drum," and that none of the inhabitants "recept her heirafter under penaltie."

We learn, in 1699, what was paid for weaving "nyne elnes of ane linin web, viz. 2ss per eln." The year 1701 informs us that one Jean Smith, spouse to John Listoun, tanner in Glasgow, granted a disposition in favour of John Smith, Mealmaker, "of the equal half of the two Coatlands in Kilmares."

William Baird of "Cudham" was, at least in the year 1702, Chamberlaine to "ye Earl of Dundonald." This William Baird is the first that I find as holding the small property of Coodam: he certainly had Sasin of several houses in Kilmarnock about this period, as well as elsewhere in Ayrshire.

James Thomsons, Bailie of Kilmarnock in 1704, sued John Gummell, Maltman in Kilmaurs, for "twentie punds, scotts money, for bear at whitsunday 1703."

The salary of Kilmaurs "toun tressaurer" was not what would be to-day called an extravagant one: viz. "fyve punds scotts." Previous to 1707 the pound scots was equal to 1s. 8d. of our coinage. On this basis 8s. 4d. was the salary. It is interesting to note that the total value of silver in circulation in Scotland at the Union was £411,117, 10s. 9d., and about one-third of this was foreign money.

Naturally one comes across some strange expressions in old records: at least they appear so to-day. I only quote one. In a case where a tenant failed to pay what was due to the minister, Mr Hugh Thomson of Kilmaurs, the Court ordered "John Gemill, Brewer and Maltman, to pay the rent," adding, "also in regard the defer is wholly *brocken* and *drowned* in debt," he was to "remove from the lands of ye sd tenement instantly," etc.

The Earl of Dundonald held considerable property in Kilmaurs. Neither the *New Statistical Account* nor Paterson's *History*, I think, refers to this fact; yet we have undoubted proof in the burgh records of Kilmaurs. In the minutes no less than fourteen persons were brought before the Court for the non-payment of "teynds." These fourteen

persons comprised tenants from various places, and of different trades. There was one William Broun, drummer in Kilmaurs: John Catherwood, in Stewartoune, a sailor, for John Catherwood, in Ireland: James Mure, in Rowallane, and Marione Tod his spouse: George Broun, tailzour in Kilmarnock: John Smith, cutler in Kilmaurs: James Smith, Merchd in Glasgow, and several more belonging to Kilmaurs and elsewhere.

It appears that the "Kirk" had undergone repairs, for each heritor and feuar in the town had to pay seventeen shillings scots, their proportion of the cost. This was in the year 1705.

There seems to have been a goodly proportion of beer-sellers not above overcharging for their beer. In 1706, six defaulters appeared at the Court to answer this charge, and we learn that beer was not to be charged more than "twentie pennies for the pinte" for the future, the malt "being at six pund per boll, and below it."

The action of the bailies was at times rather summary. For instance, "sitting in judgement—discerns yt in caise the sd Robert Gillies fail to gett, and give his bond, and cautioner for his honest behaviour for time coming, under the penaltie, ane hundred punds scots, yt the said Robert Gillies shall be expelled the sd toun of Kilmaurs at touck of drum, agst monday next four of ye clock in the afternoon," etc. This was in 1707.

What has been written represents, at least to a certain extent, the wealth of information obtainable from the study of such ancient records, which is rarely, if ever, found in the beaten track. Even the seeker after the curious, pathetic, and amusing, will find much to interest in these dusty records, and as an indication of the ordinary course of everyday life. Old burgh and church records are almost absolute guides on matters upon which they treat; for the antiquarian, they contain facts which are oft unattainable from the ordinary sources, and are thus of inestimable value. These records very often throw a hitherto unknown light upon historical subjects which otherwise would be a matter of doubt, and many a missing link in a broken chain of circumstances, which has never been completed in any published history, has been found in such records.