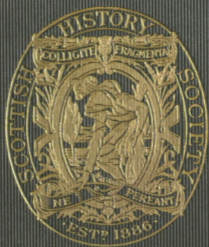

THE COURT BOOK
OF THE
BARONY OF CARNWATH

1523 - 1542

THIRD
SERIES

Scottish
History
Society



~~Ref. 54.~~

SCS. SHE. 110



Ref. 54

PUBLICATIONS
OF THE
SCOTTISH HISTORY SOCIETY

THIRD SERIES

VOLUME

XXIX



THE COURT BOOK OF
THE BARONY OF CARNWATH

1523-1542

THE COURT BOOK
OF THE
BARONY OF CARNWATH
1523-1542

Edited with an Introduction by
WILLIAM CROFT DICKINSON, D.Lit.



EDINBURGH

Printed at the University Press by T. and A. CONSTABLE LTD.
for the Scottish History Society

1937

De curia liquor et nescio, Deus scit, quid sit curia.

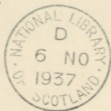
WALTER MAP.

Onlie suitis and actionis, or processus for annuellis, euil to be red, be resoun of the antiquitie of the writ, and forme of the letter or charecter, weray schortlie and compendiouslie wretin, quhilk is not now vsit; and skairslie gif ony man can reid the samyn.

Note by Mr. THOMAS MOLLISONE, Town Clerk of Aberdeen, 1591, on the early Baillie Court Buikis of Aberdene.

Le compte des plaisirs dont peut jouir un seigneur—chasser, pêcher, faire de l'escrime, jouter, jouer aux échecs, manger et boire, écouter les chants des *jongleurs*, regarder battre des ours, recevoir ses hôtes, causer avec les dames, tenir sa cour, se promener dans les prés, se chauffer, se faire *ventouser et saigneur*, regarder tomber la neige.

La Chevalerie.



PREFACE

ALTHOUGH we can find record of the holding of baron courts prior to the sixteenth century,¹ our earliest extant court book is that of the Barony of Alloway, covering the period 1492-1535. At Drummond Castle there are court books for the Baronies of Auchterarder, 1514-1520, of Drummond and Drymen, 1536-1540, and of Kincardine, also 1536-1540.² The Court Book of the Barony of Carnwath, 1523-1542, now published by the Society, is the earliest baron court book preserved in H.M. Register House, and the earliest to be printed in full.

As with the Sheriff Court Book of Fife, my purpose in editing the Baron Court Book of Carnwath has been to treat it solely as a document illustrating one aspect of Scottish constitutional history. No attempt has been made to cover the history of Carnwath or of its Lords, the Somervilles. The Introduction is largely devoted to the barony as a feudal administrative unit and to the nature and extent of baronial jurisdiction; though even here my ignorance of the pre-feudal (Celtic) economy and of the intricacies of peerage law has impelled me to avoid discussion of a number of interesting points which must be left for the attention of others more qualified for the task.

¹ For example, the record of five meetings of the baron court of Longforan, stated to have been held in 1385-6, though the dates given in the printed transcript appear to be wholly irreconcilable (*H.M.C.*, 3rd Rep., 410); a roll of a meeting of the baron court of Camnethan in 1390 (quoted by Andrew Stuart in *Genealogical History of the Stewarts*, 96); and 'The Court of the Barony of Harbertschire, haldin at Donypais on Friday the aucht and twenty day of the moneth of Maii, the 3eir of God ane thousand foure hundreth sixty and twa 3eris' (*Cambuskenneth*, No. 91).

² Note by C. A. Malcolm in *Sources and Literature of Scots Law* (Stair Soc.), 129.

An erection *in liberam baroniam* was undoubtedly well understood at the time. But what was once sufficiently clear to preclude any necessity for contemporary definition has since become obscure ; so that now we are compelled to draw our conclusions largely from charter evidence, often not knowing whether the terms of this charter or of that are to be taken as an exception or as the rule. What might be true of one barony might be untrue of another ; whilst undoubtedly certain variations can be written down as wholly *ultra vires* and attributable solely to some weakness of the central authority. When, accordingly, I have been bold enough to seek some clear interpretation, or to draw some broad general conclusion, often in the face of conflicting evidence, I have been by no means unaware of my temerity.

In citing evidence I have referred to the registers and chartularies of religious houses by the names in vernacular form : thus *Arbroath, Vetus*, stands for *Liber S. Thome de Aberbrothoc, Registrum Vetus* ; and *Aberdeen* for *Registrum Episcopatus Aberdonensis*. In a like way the three Court Books previously published by the Society—*The Court Book of the Barony of Urie, 1604-1747* ; *The Records of the Baron Court of Stitchhill, 1655-1807* ; and *The Forbes Baron Court Book, 1659-1678* (in the Society's *Miscellany*, vol. iii.)—have been referred to as *Urie, Stitchhill*, and *Forbes*, respectively ; the *Sheriff Court Book of Fife* (published by the Society in 1928) has been referred to as *Fife*. The following other abbreviations have been employed :—

<i>A.P.S.</i>	. Acts of the Parliaments of Scotland.
<i>B.P.</i>	. Balfour's <i>Practicks</i> .
<i>H.M.C.</i>	. Historical Manuscripts Commission [Reports].
<i>R.M.S.</i>	. <i>Registrum Magni Sigilli Regum Scotorum</i> .

In my editorial work I have received willing and abundant help from other workers in the same field. Especially would I record my indebtedness to Mr. C. T. McInnes, who laboured in checking the proofs of the text against the manuscript; to Mr. H. H. Donnelly, who undertook the task of preparing the indexes; and to Mr. William Angus, Keeper of the Registers and Records of Scotland, Professor R. K. Hannay, Mr. Thomas Innes of Learney, Albany Herald, and my colleague, Professor T. F. T. Plucknett, all of whom gave freely of their time in reading and in criticising different sections, or the whole, of my Introduction.

Above all would I acknowledge the unselfish co-operation of my wife, who endured countless hours of silence in order that an attempt might be made to elucidate yet another problem in Scottish constitutional history.

W. C. DICKINSON.

LONDON SCHOOL OF ECONOMICS
AND POLITICAL SCIENCE,
March 1937.

CONTENTS

	PAGE
PREFACE	v
INTRODUCTION	xi
APPENDICES—	
A. The Burlaw Men	cxiii
B. A Schedule of the Meetings of the Court	cxvii
COURT BOOK OF THE BARONY OF CARNWATH, 1523-1542	1
INDEX OF PERSONS	213
INDEX OF PLACES	228
SUBJECT-INDEX TO THE INTRODUCTION	232

INTRODUCTION

I

De commune ley chescun frank kome deit aver court de ses tenantz

IN feudal law if a lord had tenants he could hold a court for them to which they were bound to pay suit and service. Such a court had cognisance of disputes between the lord and his tenants, or between the tenants themselves, relating to their holdings, to the payment of rents, and to other matters necessarily arising from the occupancy and labouring of the lands.¹ *Districtus inest omni dispositione naturaliter*: the right of the lord to hold a court for the definition of holdings, or to pursue his tenants 'for the maillis fermis and dewteis auchtand to him,' was part and parcel of those rights and duties which were bound up with feudal tenure.²

In Scottish feudal law, however, and from an early time, the right to hold a court, even for the definition of holdings³ or for the exaction of rents, seems to have been dependent upon an infeftment *cum curiis*. Whether, within the feudal

¹ In a legal argument of 1382 authorities were cited to show that 'Quando controuersia vertitur inter dominum et vassallum super feodo vel tenemento quod in curia domini debet huiusmodi questio terminari' (*Aberdeen*, i. 149).

² 'In pleas of disputed titles to land, feudal theory gave sole jurisdiction to the lord of the fief. No principle was more absolutely established than this' (McKechnie, *Magna Carta*, 2nd ed., 346-355).

³ The five meetings of the baron court of Longforgan (*H.M.C.*, 3rd Rep., 410), our earliest record of the holding of baron courts in Scotland, were concerned with this question of 'schawin of haldingis,' though other cases also may have come before the same meetings of the court. See also, for example, *Aberdeen*, i. 135, 141 *et seq.*, 388-389.

period, the right had been always so dependent we cannot say. Certainly in charters of the beginning of the fourteenth century the right was always carefully defined, as though the *curia* were something that might be given or withheld¹; certainly also an insistence upon a jurisdictional clause was later the accepted legal view.² It may be that since the lord's court in Scotland took cognisance also of bloodwites, which were quasi-criminal in nature, and which bore no relation to the holding of lands and to the services arising therefrom, the limitation of a right, otherwise inherent in the land, could well be maintained without disparagement to feudal law. But if infeftment *cum curiis* included jurisdiction in bloodwites and in simple actions of 'strife and trublance,' it included nothing more. A court exercising any jurisdiction higher than this could be enjoyed only by virtue of some specific grant from the King.³

Our earliest recorded grant of such a higher jurisdiction is that of Alexander I conceding to the prior and brethren of Scone 'suam propriam curiam scilicet in duello in ferro in fossa et in omnibus aliis libertatibus ad curiam pertinentibus nec ulli respondeant nisi in sua curia

¹ Cf. the 'secundum formam suarum cartarum' of *Reg. Maj.*, i. ii. (A.P.S., i. 598). For early infeftments *cum curiis* given by a subject-superior, see *Arbroath, Vetus*, No. 339; *Arbroath, Nigrum*, No. 2. In this latter charter the court 'de hominibus infra dictam terram residentibus de innumeris actibus inter semetipsos tantummodo contingentibus' is called *Couthal*, though that might possibly be a place-name.

² Craig is definite that 'Quod ad Curias sive jus Curiaë pertinet, vassallus nunquam illud usurpare potest, nisi specialiter illi a domino sub fuerit concessum' (*Jus Feudale*, ii. viii. 30). Bisset speaks of 'the lord of the ground haifand power of courte' (*Rolment of Courtis*, Scot. Text Soc., i. 299), and a like definition was given in a case of 1569, cited *B.P.*, 40, c. x. See also Mackenzie, *Observations*, James III, Parliament 10, Act 80.

³ 'Qui feudum habet concessum cum curiis potestatem habet Judicandi de rebus levioribus inter se et suos tenentes aut inter ipsos tenentes, sed potestas gladii a nemine concedi potest nisi a rege' (*Law Dictionary*, Nat. Lib. Scot., MS. 934, s.v. *Curia*).

propria.'¹ This can be dated 1123×1124. A slightly later charter to Dunfermline (1128×1136) shows the abbot of Dunfermline already possessing his own court (*curia sua*) and a court which must have enjoyed rights of public justice in that the King reserved his own royal justice should the abbot prove negligent in his administration of the law.²

That the period was one of evolution, however, in which the new feudalism had as yet attained neither fixed forms nor even a fixed terminology, is clear from the charter to Holyrood in which the abbot was granted 'curiam suam ita libere et plenarie et honorifice sicut episcopus Sancti Andreae et abbas de Dunfermelin et abbas de Kelcov curias suas habent.'³

Later, when feudal rights and duties had become clear-cut and definite, Scone, Dunfermline, Holyrood, St. Andrews, and Kelso were all defined as baronies⁴; and in that age of definition the most common grant under which rights of public justice were conferred was that of an erection *in liberam baroniam*.

¹ [If genuine.] *Scone*, No. 4=Lawrie's *Charters*, No. XLIX. By a charter of 1122×1124 Alexander I granted to Scone 'insulam de Lochtei . . . cum omni dominio ad eandem insulam pertinenti' (*Scone*, No. 2=Lawrie's *Charters*, No. XLVII), and in a charter of the reign of William mention is made of the island in which 'solet fieri duellum de Scona' (*Scone*, No. 56). This is doubly interesting in that in Iceland the ordeal by battle was held on an island in the Öxará, and it may be that we have here yet another parallel between early Scottish and Scandinavian legal administration.

² *Dunfermline*, No. 1=Lawrie's *Charters*, No. LXXIV. 'Excepta justitia regali si abbas in curia sua aliqua negligentia de justitia deciderit.' (See also *Dunfermline*, Nos. 2, 35.) This clause clearly reserves a right of appeal to the King, or a right of intervention by the King, in cases arising out of the abbot's administration of his jurisdiction. We find an identical reservation in the charter to Arbroath (*Arbroath, Vetus*, No. 1), whilst in the charter to Cambuskenneth the reservation is 'si prelatus aliquo impulsu a iusticia exorbitaverit' (*Cambuskenneth*, No. 51).

³ *Holyrood*, No. 1=Lawrie's *Charters*, No. CLIII. (1128×1136).

⁴ Although certain of these erections were *in liberam regalitatem*, we shall see that *in liberam regalitatem* was still *in liberam baroniam* (*infra*, p. xl).

II

' *Quid sit, valde ambigo, et hic aliorum avide expecto iudicium* '

It is impossible to study any aspect of mediaeval constitutional history without coming across the word 'baron.' The baron was of the essence of feudalism; he was the *man* as opposed to the *lord* of whom he held.¹ Thus in England, in private charters of the Norman period, we find earls, bishops, and many lords of lesser rank constantly addressing their own tenants as *barones*²; and later, in the Angevin period, certain of the greater feudal lords were still using that term for their leading tenants.³ It is clear that in the early feudal period any considerable tenant might be called a 'baron' whether he held of the crown or not.⁴

With the development of feudal theory, however, the term *baro* gradually acquired a more restricted technical meaning. The 'baron' becomes the tenant-in-chief of the King, but he also becomes something more—he becomes the tenant-in-chief to whose holding certain rights and duties have become attached. The baron becomes the tenant-in-chief who holds of the King *in liberam baroniam*.

But we are moving too fast. It is comparatively late before the holding *in liberam baroniam* finds its way into Scottish charters; and even then it is never possible to say that in Scotland the term 'baron' is restricted to those who hold *in liberam baroniam* direct of the King.

¹ The late J. H. Round enumerated six different uses of the word *baro* (*Peerage and Pedigree*, ii. 338-342), but if we except the first meaning of *man*, as distinct from *woman* (the *baro et feme* of early legal French) five out of Round's six uses come back to the meaning of *man*, as distinct from the *lord* of whom he holds.

² Stenton, *First Century of English Feudalism*, 85.

³ *Ibid.*, 85 *et seq.* This use of the word did not escape Madox (*Baronia Anglica*, 133).

⁴ Tait, *Mediaeval Manchester and the Beginnings of Lancashire* (1904), 182 *et seq.*

The royal charters of the twelfth century granted lands to be held 'sicut aliquis ex baronibus meis tenet,'¹ or 'sicut alii barones mei tenent'²; but there is nothing to tell us whether these *barones* were anything more than important feudal tenants of the King. In 1147×1150, however, in the agreement between the bishop of St. Andrews and the abbot of Dunfermline regarding the church of Eccles and the chapel of the castle of Stirling, we find the 'barons of the King' associated with him in the administration of justice³; and in William's 'Justis mute' at Roxburgh an 'assise' was passed 'with common consent of all the baronis beand thar togidder gadderit.'⁴ Admittedly the King, as a feudal overlord, could invoke the counsel of his leading tenants-in-chief⁵; but we must note that that counsel is now becoming identified with some form of superior judicial tribunal⁶ and is now touching upon the government of the Kingdom.

At the close of the succeeding century we have a list of the 'barones regni Scocie' who were present at the assembly which acknowledged the Maid of Norway as heir to the Crown⁷; in 1290, forty-eight 'barons du Realme de Escoce' were present at the Council of Brigham⁸;

¹ *A.P.S.*, i. 93.

² *A.P.S.*, i. 94.

³ *Dunfermline*, No. 4=Lawrie's *Charters*, No. CLXXXII.

⁴ *A.P.S.*, i. 371.

⁵ Professor Stenton has shown that in England, in the early feudal period, the *barons* were essentially the counsellors of their lord, the *knights* the fighters (*First Century of English Feudalism*, 93-94 and note).

⁶ In England, in the (1164) Constitutions of Clarendon, all ecclesiastical persons who held in chief of the King and who enjoyed their possessions 'sicut baroniam' and were 'sicut barones ceteri,' were bound 'interesse iudicii curiæ domini regis cum baronibus'; tenure by barony being thus identified with a certain legal status and a definite duty to be performed in the King's court. For Scotland, however, there is nothing to indicate that even when the holding in *baroniam* had become an accepted feudal tenure that holding in any wise differentiated the baron from the freeholder in this service to the court of the King; though admittedly a late attempt at differentiation was made in the fifteenth century.

⁷ *A.P.S.*, i. 424 a.

⁸ *A.P.S.*, i. 441.

and in 1296 the seals of eleven 'barones' were appended to the ratification of the treaty with France.¹ The greater tenants-in-chief give counsel to the King, but now they also form a council for the kingdom even when there is no King. They are no longer *barones regis*, they are *barones regni Scocie*; and whilst we must be careful not to place too fine a distinction upon such words and phrases in mediaeval times, it is clear that as *barones* their position has begun to imply some definite service in the consideration of the weighty affairs of the realm.

But if we are to think of the baron as a tenant-in-chief of the King who attends the King's court and is a member of his council, who were those 'barones tocius Ergadie et Ynchegallye' who, in March 1309, in the Parliament at St. Andrews, concurred in the sending of a letter to the King of France? ² The parts of Argyll and the Isles had only recently been brought under the dominion of the King of Scots, and it is tempting to suggest that these *barones* were the King's new feudal tenants in those lands. There is evidence to show, however, that at this time, and later, there were barons of Argyll and of the Isles ³ just as there were barons of the Kingdom of Scotland.

We must remember that the Celtic earls were princes, if not kings, within their own territories; many of their tenants were certainly as great and important as the tenants of the King. The Lord of the Isles, in particular, long made claim to sovereign independence and even to the suzerainty of the North; with the advent of feudalism he granted charters to his own 'tenants' in the conventional form of the charters of the King; and in a charter to the Abbey of Saddell, Reginald, son of Somerled, even styled himself 'Rex Insularum dominus de Ergile et

¹ *A.P.S.*, i. 453*b*.

² *A.P.S.*, i. 459*a*.

³ Macphail, *Highland Papers* (Scot. Hist. Soc.), ii. 138, 155, 241.

Kyntyre.’¹ As late as the latter half of the fifteenth century we find John, Lord of the Isles, granting a charter ‘de consensu assensu et matura deliberacione tocius nostri Consilii,’ just as if he were a sovereign prince²; and in the account of the Council of the Isles given in the ‘History of the Macdonalds’ (attributed to Hugh Macdonald) it is stated that the Council, *inter alia*, heard appeals from the judges in each isle.³

It is here that we must look for an explanation of the ‘barons’ of Argyll and the Isles. Like the barons of the King they were the more important tenants of the Lord of the Isles, and like the barons of the King they attended the Council of the Isles and gave service in the consideration of the weighty affairs of that ‘Kingdom.’⁴ The Lord of the Isles undoubtedly regarded his more important tenants as his ‘barons’; the designation was enjoyed by them as being men sufficiently powerful and important to hold a title which was becoming indicative of a rank within the feudal society⁵; recognition of that designation was given in the Parliament of 1309 and elsewhere.

¹ *R.M.S.*, ii. 3170. As another example of the position taken up by the older Scottish earls, Mr. Innes of Learney has called my attention to a charter of Duncan, Earl of Fife, in which the Earl styles himself in regal fashion ‘Duncan, by the Grace of God Earl of Fife’ (*Scots Peerage*, iv. 6; *North Berwick*, 4).

² Macphail, *Highland Papers*, i. 96-99.

³ *Ibid.*, i. 24-25. Undoubtedly in the formative period of feudalism ‘every great lord probably had his barons who formed a sort of council’ (Tait, *Mediaeval Manchester and the Beginnings of Lancashire*, 187); but long after the formative period of feudalism the Lord of the Isles continued to have his barons and his council for the simple reason that for long thereafter he was something more than a ‘great lord.’

⁴ It is here, too, that we must look for the real explanation of the Celtic revolts. Those revolts were not against feudalism as such, for the Celtic earls were quick to adopt feudal forms; rather they were revolts against the attempts of successive Kings to introduce feudal tenure *de rege Scotie* in place of a feudal tenure of the Earl.

⁵ And, as we shall see later, these ‘barons’ also exercised judicial rights which were later identified with tenure *in baroniam*.

But there is nothing to show that these 'barons of Argyll and of the Isles' held their lands *in liberam baroniam*. When that tenure at last finds its way into Scottish charter terminology it is our true test not of the baron, but of the barony; and when that period of definition has been reached the barony becomes identifiable in other ways. It is a unity, or *unum quid*; it has a *caput* which is inseparable from it and impartible; it is indestructible; it forms a unit for administration and law; it possesses its own officers and its own baron-bailie. It is noticeable, too, that when lands are stated to be held *in liberam baroniam* the charters are at first particular to include a clause granting certain rights of public justice¹; more significant still, those charters whereby, in the fourteenth century, many thanages were converted into baronies, almost always included such a jurisdictional clause.²

It is clear that to hold *in baroniam* has become something more than to hold *ut baro*—as a tenant-in-chief.³

Finally, we must note that in the thirteenth century the

¹ That is, a clause granting 'furca et fossa' or 'sac et soc, toll et team, infangandthef [et utfangandthef].' (Cf. *Reg. Maj.*, i. ii.; *A.P.S.*, i. 598.)

² *R.M.S.*, i. 240, 253, 338, 403, 411, etc. It is possible, indeed, that in the formative period of feudalism a grant of these rights of public justice must form our first test of the 'barony.' In the charter of Alexander II to Gillascop MacGilcrist, (1240), of certain lands in Argyll, the lands are to be held 'in feodo et hereditate,' but they are also to be held 'cum sacco et Sacca cum furca et fossa cum Tol et Them et Infangandthef' with a service of 'medietas servicii unius militis in exercitu et in auxilio quantum pertinet ad plenum servicium unius militis Et faciendo servicium scoticorum sicut Barones et milites nostri ex aquilonali parte maris scocie pro terris suis faciunt' (*Highland Papers*, Scot. Hist. Soc., ii. 121-123). Here, although the formal phrase 'in liberam baroniam' is absent, there can be no doubt that at a later date such a holding would have been defined as *in baroniam*.

³ That this new feudally defined *baro* is something more than a tenant-in-chief is abundantly clear (*infra*, p. xxviii and note 3), though still in theory, and for long in practice, all who held in chief of the King continued to owe suit to Parliament as to the King's own baron-court. And in the sixteenth-century enactments we still find the term 'baron' used in the sense of a tenant-in-chief (*infra*, pp. xlviiii-xlix)

homines patrie who served on legal inquests were commonly defined not by their personal names but by their *baronie*. The *baronie* served the brieve 'de successione Symonis Janitoris de Monros'¹; the *baronie* served on the *inquisitio* into the lands of Polnegulan.² At this time, too, there was a definite legal process dependent upon the *sequela* (or *secta*) *trium baroniarum*.³ It would appear, indeed, as though the *baronia* was regarded as something clearly distinct in itself; and as the feudal system in Scotland attained a more positive precision, there is ample evidence that when lands were granted to be held *in liberam baroniam*, or when lands were united and annexed *in unam integram et liberam baroniam*, the *baronia* was a separate tenure or tenement, over and above the tenure of the lands comprised within the erection. In addition to any personal dignity conferred upon the baron by virtue of that tenure,⁴ in addition to any rights and duties which devolved upon him thereby, a holding *in baroniam* transformed the fief itself into a new and clearly defined unit within the legal and administrative system of the country as a whole.

¹ *A.P.S.*, i. 100.

² *A.P.S.*, i. 99. In 1256, in the dispute between David of Lochor, Sheriff of Perth, and the abbot and convent of Dunfermline, the King ordered enquiry to be made *per plures baronias* (*A.P.S.*, i. 426; *Dunfermline*, No. 85); and in 1286 a brieve of division was served by 'tresdecim sectatores *baroniarum* comitatus de Aneguz et alios fideles patrie' (*Arbroath, Vetus, Cartae Originales*, No. VII).

³ Cf. *A.P.S.*, i. 377, c. XXXI; 381, c. XXXII; 399, c. v. Similarly, for the payment of homage to John Balliol, 'mandatum est vicecomiti quod assumptis secum sex liberis hominibus de tribus baroniis propinquioribus summoniat eos quod sint coram Rege ad prefatum terminum ad faciendum homagium, etc.' (*A.P.S.*, i. 448 a).

⁴ And that the rank of baron in Scotland was at first higher than that of knight (*miles*) is clear from those early charters in which knights hold of barons. (See *A.P.S.*, i. 92; *H.M.C.*, 3rd Rep., 386, No. I.) The holding 'in feudo et hereditate adeo libere. . . sicut aliquis miles in regno scocie feudum suum de comite ut barone liberius. . . tenet et possidet faciendo servicium unius militis,' (*Scot. Hist. Rev.*, viii. 222), if correctly transcribed, is doubly interesting. (Cf. *infra*, p. li. note 3.)

III

Omnis definitio in jure periculosissima

According to a legal argument of 1382 'Baronia est nomen dignitatis et importat iudicaturam et potestatem iurisdictionalem ordinariam.'¹ A barony is a dignity² which carries an 'ordinary' jurisdiction.³ That jurisdiction was exercised over, and limited to, the lands

¹ *Aberdeen*, i. 152.

² I have purposely avoided the translation 'title of dignity' in view of the later use of *nomen dignitatis* in peerage law. There is clear evidence that in Scotland no baronies were 'dignified,' in the modern peerage sense, with a peerage *nomen dignitatis*, until the fifteenth century, though the barons were always part of the nobility, and certainly remained so until the end of the sixteenth century. In the record of Bruce's Parliament at Cambuskenneth, 1314, we find 'de consilio et assensu Episcoporum et ceterorum Prelatorum. Comitum. Baronum et Aliorum nobilium Regni Scocie nec non et tocius Communitatis Regni predicti' (*A.P.S.*, i. 464 b); and in the lists of *presentes* in later records of Parliament, it is noticeable that the 'barons' and 'lords' are grouped together as *Domini* as late as 1505/6 (*A.P.S.*, ii. 263 a). But see the note *infra*, p. xlv, note 2. We may say, too, that in the broader sense of 'nobility' barons are of that rank yet. (Cf. the article on 'Peerage Law' by Mr. Thomas Innes of Learney in *Sources and Literature of Scots Law* (Stair Soc.), 431-432.) Much depends upon the actual meaning we give to the term 'nobility.' Mr. Innes tells me that in Lyon Court those infeft *in baroniam* are still duly described as 'barons,' if they so desire, in registrations of arms and birthbrieves and genealogies, and that the title 'Baron of —' is inserted once the petitioner has satisfied the Court that he holds *in liberam baroniam*; further, that representation of an older barony enables armorial supporters to be obtained as of right.

³ In 1469 the judges ordinary included 'Justice schireff Stewart bailze barone provost or bailzis of burowis' (*A.P.S.*, ii. 94, c. 2), and in 1487 a similar enumeration likewise included the barons (*A.P.S.*, ii. 177, c. 10). The Act of 1425, referring bills of complaint that could not be determined in Parliament to the courts to which the bills pertained, specifies the courts of the Justiciar, the Chamberlain, sheriffs, bailies of burghs, barons, and spiritual judges (*A.P.S.*, ii. 8, c. 24). The Lords of Council constantly referred actions of 'fee and heritage' to the 'judges ordinary,' and such cases were referred by them to barons, as, for example, in 1490/91 to the Archbishop of St. Andrews as 'Judge ordinar and baroune of Sanctandros to be decidit before him as ane mater of fee according to our souerane lordis lawis' (*Acta Dom. Conc.*, i. 188 a). Spotiswoode cites a decret of the Laird of Lamington which was sustained on appeal on the ground that 'a Baron had no less power in his own Courts than a Sheriff' (*Practicks*, 25).

comprised within the erection *in liberam baroniam*. It contributed in no small way to the importance of the barony as a unit of government within the feudal system.

As a jurisdiction the barony was bound to have a legal *caput*,¹ and this *caput* was inseparable from the *baronia*. *Baronia* and *caput* formed an indivisible whole, and therewith attached the jurisdiction which was centred in the *caput*.

In early times, the *caput* would naturally be the strong-place, and since the barony was identified by its *caput*, this unity of *baronia* and *caput* may account for those instances in which the *baronia* is referred to as 'the barony of the castle of . . .'² With more settled government, however, the necessity for strong-places, as such, tended

¹ The necessity for a *caput* is evident in *R.M.S.*, i. 192. Moreover, the King must know the legal head to which he could look for the services due from the whole fief. For these reasons it was not unusual in charters and other evidents to define the *caput* or principal messuage of the barony.

² We find clear examples in such cases as 'castrum de Urcharde et baronia ejusdem' (*R.M.S.*, i. 389, 405=537, 525; *A.P.S.*, i. 560, No. 3); 'castrum de Crauforde cum baronia ejusdem' (*R.M.S.*, i. 763); 'the barony of the castle of Dounaverty' (*H.M.C.*, 4th Report, 474, No. 19); lands in Rosneath, 'una cum castro et ballia de Rosneth' (*Highland Papers*, iv. 11); 'the Redcastell with the lordschippis of Ross pertenying tharto' (*A.P.S.*, ii. 42*b*). Is there a like significance in the fact that David I's charter to Robert de Brus (1124×1129) granted him the lands of Annandale to be held with 'suum castellum'? (*Lawrie's Charters*, No. LIV). A similar feature has already been noted in the case of the early sheriffdoms (*Fife*, 371, notes 2 and 3; 378, note 7).

Craig states that 'Places of strength were originally built not so much for purposes of habitation as for the defence of the country against its enemies and the suppression of disturbers of the public peace; and accordingly they do not pass by disposition unless accompanied by a grant of jurisdiction of which they are the appanages. Thus the disposition of a lordship, earldom, or barony, carries a tower because these estates have a universal title to which both rank and jurisdiction attach' (*Jus Feudale*, Clyde's translation, II. viii. 3). We can hardly doubt that in early times the castle, the dignity and the jurisdiction would go together: the castle or fortalice was of the 'insignia of jurisdiction' (*ibid.*, I. xii. 16), and in early times it would probably be necessary for any exercise thereof. On the other hand, Mr. Mackay Mackenzie's examination of the right of battlement (*Mediaeval Castle in Scotland*, App. A) has taken from the castle much of the honour previously assigned to it.

to disappear. A grant of a barony might still run *cum castro, turre et fortalicio*, but many a barony had no castle.¹ The jurisdiction assumed the prime importance; but a *caput* therefor was still necessary and was thus still inseparable from, and still reserved with, the *baronia*.²

The inseparable unity of the *baronia* and its *caput* on the one hand, and on the other hand the separable nature of the lands, is abundantly clear. When Robert de Keith granted to his son, John de Keith, 'totas et integras terras nostras baronie de Troup' the return from the lands was laid down as service to the King pertaining to the lands, and to Robert de Keith and his heirs 'tres sectas curie ad tria placita nostra capitalia annuatim tenenda infra terras dicte baronie de Troup.'³ *All the lands* were given,⁴ but

¹ For a similar movement in the sheriffdoms see *Fife*, xi-xiii, xix-xx, 370 *et seq.*

² This accounts for the frequent reservations of 'motte-hills,' or castle-mounds, long after the castle itself had disappeared. Thus, in 1442, George Leslie of Fythkil in granting the lands of Foulismowate expressly reserved to himself 'summitas montis ex parte boreali messuagii dictarum terrarum pro curiis nostris tenendis' (cited in *Fife*, xiii, *note*). When John, Lord of the Isles, gave the lands of the barony of King Edward in feu-ferme to Alexander Leslie he still reserved to himself and to his heirs three marcates of the lands 'cum monte castri ejusdem ad faciendum servitium pro dictis terris et baronia de K. debitum et consuetum'; the lands were to be held of him as baron of King Edward, whilst he constituted the said Alexander Leslie his bailie for them (*R.M.S.*, ii. 1419). But the *caput* was not bound to be a castle or castle-mound. Alan of Kinnaird sold to his brother, Thomas of Kinnaird, the lands of his barony but still reserved 'quodam orto, *le Girse Yarde* nuncupato vulgariter, in quo curie dicti Alani tenentur' (*R.M.S.*, ii. 878); Adam Hepburn conceded to Jonet Ogistoun the lands within the barony of Craigs 'reservando sibi capitale messuagium dictarum terrarum vocatum *le Welltre*, una cum acra terre immediate dicte arbori adjacente, propter servitium per se regi fiendum' (*R.M.S.*, ii. 2870). So also we find 'Reservand. sibi unam acram de dictis terris, in occidentali parte earundem prope *le stane* de Drummillane, pro servitio faciendo regi' (*R.M.S.*, ii. 2944). These instances could easily be multiplied.

³ *R.M.S.*, i. 939 (1413).

⁴ Though in accord with our argument Robert de Keith reserved to himself and his heirs 'superioritas et servicium liberetenencium terrarum de Achorthi, de Curvi. ac de Hayninghil jacencium infra baroniam de Troup.'

the jurisdiction was retained ; and the holder of the lands was under the burden of suit to the court of the *barony*. Again, in August, 1475, Archibald, Earl of Angus, and lord of the barony of Cluny, sold *the lands* of the barony of Cluny to David Crichton of Cranston, excepting from the sale, however, 'one merk land of the said lands for his chief messuage, with the superiority of the said barony' ; and in the September immediately following, Archibald, Earl of Angus, and *still lord of the barony of Cluny*, resigned into the King's hands *his lands and barony of Cluny*.¹

In the words of the lawyers, the *barony* and the *lands* were separate tenures or tenements.² The lands might be alienated with the consent or confirmation of the King, but the *baronia* with its *caput*, that is the dignity and the jurisdiction, together with the *locus* of the jurisdiction,

¹ *H.M.C.*, 4th Report, 496, Nos. 34, 35.

² This is clear in the exact terminology *terras et baronia* generally observed in the retours. (See also, e.g., *R.M.S.*, ii. 1423.) From the territorial determination of the jurisdiction, however, *baronia* was often used to define the lands within the jurisdiction rather than the dignity and its accompanying jurisdictional rights (for example, the *baronia de Cadyou*, in *A.P.S.*, i. 532) ; and thus many a baron might hold only part of a 'barony.' In this connection, moreover, we must bear in mind that feudal law recognised a clear distinction between the fief (*feodum*) and the free-tenancy (*liberetenementum*) (cf. the service of Lundy in *Fife*, 100-101). A son might receive the *baronia* in his father's lifetime, but the free-tenancy of the lands might still be reserved to the father 'pro tempore vite sue' (*R.M.S.*, i. 861, 918). Again, a *baronia* might be granted 'exceptis liberetenentibus ejusdem baronie,' as in the case of the barony of Cambusnethan granted by Robert I to Robert de Barde (*R.M.S.*, i. 79). The son would receive the *baronia*, but the widow would still receive her terce of the *lands* (*R.M.S.*, i. 861 ; *H.M.C.*, 6th Rep., 691, No. 16.) There was likewise a rule that the principal messuage could not be given in dowry or terce. In England, the widow of a baron could not have 'Dower out of the *Caput Baronie* of her late husband' (Madox, *Baronia Anglica*, 10 ; *Bracton's Note Book* (ed. Maitland), Nos. 96, 1390 ; and see also a striking instance of the violation of the rule and its subsequent invocation, in 1218 and 1224, in G. E. C., *The Complete Peerage*, iv. App. H, 653, note b) ; for Scotland, Balfour cites the rule but gives no Scottish precedent (*B.P.*, 109, c. xvi).

could be resigned only into the hands of the King from whom they had been first derived.¹

The reason is not far to seek. By accepting the *baronia* the baron had accepted responsibility to the King for 'ordinary' justice within the lands included in the erection²; and it is evident from the cases already cited that

¹ This is undoubtedly the strict interpretation of feudal law, though in Scotland, as we shall see later, alienation and confirmation not infrequently took the place of resignation and regrant. The law naturally applied also to feudal earldoms, which, while enjoying a baronial jurisdiction, became essentially peerage dignities. When James Stewart, Duke of Ross and Marquis of Ormonde, having become Archbishop of St. Andrews and Commendator of Dunfermline, resigned his *lands* into the hands of his brother, James IV, he specifically reserved, for life, the *caput* of each separate erection, and therewith the *nomen dignitatis*. This is clear from the wording of the instrument (15 May 1503): 'Reservato tamen dicto Illustrissimo Principi, et Reverendissimo Patri, ad vitam, montem de Dingwall, juxta villam ejusdem, pro dicto nomine dignitatis dicti ducatus [Ross]; ac montem de Ormond, pro stilo et nomine marchionatus ejusdem; necnon Redcastle de Armanoch, pro stilo dignitatis ejusdem comitatus; et montem castri de Brechin, cum hortis ejusdem, pro nomine dignitatis dicti domini de Brechin et Naver' (Hailes, *Additional Sutherland Case*, chap. iv. p. 58). Such reservations undoubtedly explain the story of Malcolm II's retention of 'the Kingis dignitie' with the Moot Hill in Scone (*Fordun*, iv. 48; *A.P.S.*, i. 709).

Nevertheless in the case of the earldom of Wigton (*infra*, p. xxx) we still find alienation and subsequent confirmation, though it is not clear in that case that the dignity of 'Earl of Wigton' was ever assumed by Douglas.

² We have already seen that when the *caput*, and with it usually some small plot of land, was reserved, it was reserved 'ad faciendum servitium regi' or 'pro servitio faciendo regi' (*R.M.S.*, ii. 878, 1419, 2870, 2944). From the nature of the reservation this service must have included the administration of justice. The responsibility to the King in any enjoyment of baronial jurisdiction is abundantly clear. When David I granted that the men of Nithbren should answer only in the courts of the Abbot of Dunfermline, he added 'et precipio quod iudex meus illius prouincie cum hominibus qui illuc placitari uenerint intersit ut placita et iusticie iuste tractentur' (*Dunfermline*, No. 15). The early law decreed that no baron could hold a court of battle [duel] or of water or hot iron unless the sheriff or his sergeant were present 'to se gif iustice be truly kept thar as it aw to be' (*A.P.S.*, i. 374, c. XII). According to the latter section of this law, moreover, rights of public justice (i.e. courts of 'lyf and lym') would appear to be restricted to *barones*, who included the bishops, abbots and earls previously enumerated in the law. (This, as we shall see later, by virtue of their holding *in baroniam* or *in regalitatem*.) In the *Assise Regis*

provided the baron retained the superiority (and therewith the *caput*) he still retained the dignity and jurisdiction, even though the lands over which the jurisdiction was exercised might have been disposed of by him.¹ The new holder of the lands, if infest *cum curiis*, would have 'feudal justice' over the tenants (i.e. a right to hold his court and to summon the tenants thereto in actions relating to their holdings, to the payment of his rents, and so forth), but all rights of public justice would still be reserved to the baron. To cite one example only—when Sir James Douglas granted to his son, James Douglas, certain lands 'in baronia de Dalkethe' to be held 'cum curiis et earum exitibus' he expressly excluded from the grant all courts of life and limb.²

Willelmi the 'assisa domini Regis facta apud Perth' laid down that all barons had to swear to administer justice, to take no bribes, to assist in bringing criminals to justice, and to give true evidence, when required to do so by the King, concerning each other's courts; the assise also ending significantly 'Et dominus Rex curias suas in vadio posuit ut qui convictus fuerit et assisam hanc infregerit perpetuo curiam suam amittet' (*A.P.S.*, i. 377, c. xx).

In England there was also restraint by supervision (Stenton, *The First Century of English Feudalism*, 101, 101 note), and a similar understood responsibility in that all within the county who claimed franchise of any kind had to come before the justices in eyre and show cause. But, as Professor Stenton observes, in England a privilege which could only be exercised under the eye of a royal officer was obviously fast becoming a dead letter: 'it was not by any direct challenge, but by insisting on their right of supervision that the Angevin kings reduced the higher judicial powers of the baronage' (*loc. cit.*). In Scotland the development was the exact opposite, in that it was supervision by the King's officers that soon became a dead letter.

¹ Cf. the grant of 'superioritas baronie de Colly, ac iurisdicctio montis castri ejusdem . . . Tenend. in liberam baroniam' (*R.M.S.*, ii. 400).

² *R.M.S.*, i. 932 (1411). So also in the grant by Robert de Keith to John Fraser of the lands of Nova Foresta in 1426 (*Antiq. Abdn. and Banff*, iv. 33). We find a perfect exposition of this principle, a hundred years earlier, in *Scone*, Nos. 127, 144. There would thus be courts two-deep. The new holder of the lands might hold *cum curiis* but would himself have to pay suit to the courts of the baron (*R.M.S.*, i. 647, 932). In the present record, for example, Robert Chancellor of Quothquhan undoubtedly owed suit to the baron court of Carnwath, but in the case which he himself

Our earlier institutional writers were well aware of the nature of the barony as a jurisdiction with rights of public justice. Skene writes: 'In this Realme he is called ane Barronne quha haldis his landes immediatlie in chiefe of the King, and hes power of pit and gallous'¹; Mackenzie, that 'a Barron properly is he who is Infest with power of Pit and Gallows, *fossa et furca*'²; and Craig, sensing the connection between the *baronia* and the *caput*, that 'In our Scottish usage the title of Baron belongs to all those who possess the power of the sword, in other words that absolute form of jurisdiction which is implied in a grant *furcae et fossae*. . . . Besides the power of the sword, a baron usually has the right of market, and also of tower and battlement, which is one of the insignia of jurisdiction committed or delegated to him by the King.'³ All, we

brought against John Greg 'protestit . . . that the calling of Jhon greg . . . suld nocht hurt his prevelege nor court in tyme cumming' (*infra*, pp. 116, 117); and in the court of 19 February 1526/7 a case of 'blud and tribulans' was 'referit to the court of lebertoun' (*infra*, p. 56). 'A vassall infest *cum curiis* is nevertheless lyable to the superior's courts; and that clause gives him only right to hold courts upon his own lands amongst his own tenants' (Law Dictionary, Nat. Lib. Scot., MS. 934, s.v. *Curia*). All jurisdiction was cumulative. The baron, as baron, was still responsible to the Crown for the jurisdiction he had accepted and for the administration of law in the lands included within his erection. In those grants or alienations of lands by their then holders with the saving clause 'salva regalitate' or 'regalitate eiusdem nobis et heredibus nostris reseruata' there is likewise a reservation of judicial rights (*Arbroath, Vetus*, Nos. 340, 348; *H.M.C.*, 15th Rep., viii. 8).

¹ *De Verb. Sig.*, s.v. *Baro*.

² *Matters Criminal*, II. xiii. 1.

³ *Jus Feudale* (Clyde's translation), I. xii. 16. (But see *supra*, p. xxi, note 2, *in fin.*) For the economic aspect of the barony, including the grant of a burgh of barony, see *infra*, pp. lix-lxix.

Elsewhere Craig stresses that the mere inclusion in a crown charter of lands of the right of pit and gallows does not necessarily make the grantee a baron: 'id enim ipso jure non conceditur eis, sed ex speciali privilegio indulgetur' (*ibid.*, III. vii. 9). In Clyde's edition this is translated somewhat freely as 'For baronial rank is not the necessary consequence of the possession of that right, but depends on the conferment *on the lands* of the privileges of barony.' The barony was undoubtedly territorial; it conferred upon *the holder of the lands* a dignity, and rights in addition to

must note, stress the right of 'pit and gallows' or *fossa et furca*,¹ that is, the right of public justice in adjudging cases of life and limb.²

The early laws provide further evidence to the same end. In the undated collections it is laid down that life and limb and the escheats that follow therefrom may not be judged in any court lower than a baron court³; and that while courts of life and limb pertain to the barons, those below the rank of baron may not judge life and limb but only cases of 'iniur and unreson that is to say wrang and unlaw.'⁴ The *Assise Regis David* includes a chapter that all barons who have pit and gallows of theft shall have gallows of slaughter, but 'gif in thar court apon sic thingis thar be maid folowyng and ansueryng it is not lefful to thaim to mak concord wythoutin lef of the

those of jurisdiction. But with the penetration of feudalism into the Celtic administration we find *barons* who enjoyed jurisdictional rights without holding a *barony*; that is, they had *personal* rights rather than *territorial* rights. As we shall see later, *furca et fossa* might be enjoyed by 'barons' who did not hold in *liberam baroniam*.

¹ '*Furca* enim est quam *crucem* dicimus, et *fossa*, in qua homines submergi solent, quod facillimum et levissimum mortis genus est' (*Jus Feudale*, I. xii. 16). Mr. Mackay Mackenzie (*Mediaeval Castle in Scotland*, pp. 106-109) is of opinion that the 'pit' was simply the prison, and that it had no connection whatever with the drowning of malefactors. But the drowning-pit for the ordeal by water, was well known in England as the *juisa aque* (cf. the Assize of Clarendon, c. 2), and Madox, referring to the preparations for ordeals, duels, and executions, quotes examples of expenditure incurred 'pro fossa Juisij facienda' and 'pro fossa Juisiæ paranda' (*History of the Exchequer* (1769), i. 373 notes). In Scotland in the records of baron courts, those found guilty of theft were not infrequently drowned (*infra*, p. cviii, note 5). Is it not possible that in an earlier period they were drowned in some form of *fossa*, which, like the gallows, may have been outside the castle? Later, the *fossa* or 'pit' within the castle was certainly nothing more than the baron's dungeon or prison.

² See *supra*, p. xviii, note 2.

³ *Quoniam Attachiamenta*, c. 27 (*A.P.S.*, i. 652).

⁴ *Leges Malcolmi Makkenneth*, c. 9 (*A.P.S.*, i. 711). Although of much later date than the reign to which it is ascribed, this collection, with due caution, may still be taken as reasonably descriptive of the state of the law at the time it was composed.

Kyng'¹; the *Statutes of Alexander II* recognised the jurisdiction of barons in cases of slaughter and theft, and laid down that any who fell within baronial franchises and who were convicted before the Justiciar should be handed over to the barons, or their bailies, for justice to be done on them *in eorum liberis baroniis*.²

Lands could be held in chief of the King without the enjoyment of baronial dignity.³ An erection *in liberam baroniam* conferred upon the holder of the lands a new dignity⁴ which carried with it an 'ordinary' jurisdiction,⁵ exercisable at the *caput*, over the lands comprised within the erection.

NOTE

Despite the separate nature of the lands and the barony, however, the very fact that the jurisdiction was exercised over the lands comprised within the erection necessarily

¹ *A.P.S.*, i. 319, c. XIII. The jurisdiction was a summary one (cf. *A.P.S.*, i. 547-548), but 'concord' could not be made without licence of the King since justice was still the King's justice.

² *A.P.S.*, i. 403, c. XIV. Not merely in recognition of baronial jurisdiction, but also because thereby the escheats would accrue to the baron (cf. *A.P.S.*, i. 547-548; 711-712, cc. 9-13).

To this we might perhaps add that later, in 1481/2, and in an entirely different connection, a special committee of the Lords Auditors declared 'that na vassall nor subvassall na uthir tennand undir the barone has powere nor Jurisdictione to hald a Court or knaw one the questione of purprisioune' (*A.P.S.*, ii. 141 b).

³ Compare the innumerable grants of lands to be held in chief of the King 'in feodo et hereditate,' or such definitions as 'quilibet baro et alius tenens de rege' (*A.P.S.*, i. 575 b). The Act of 1457/8, relating to attendance at Parliaments, emphasises the distinction between freeholders and barons (*A.P.S.*, ii. 50, c. 21).

⁴ 'Such Feus as had a Jurisdiction annex to them, a Barony as we call it, do ennoble' (Mackenzie, *Works*, ii. 583).

⁵ We must still remember, however, that the jurisdiction reposed in the body of the court, and that the court was the court of the *baronia* (*infra*, pp. lxxx, xcii-xcv).

meant that in the event of forfeiture the forfeiture was bound to be twofold.

The King, as feudal superior, was always concerned to ensure that the services due to him from the lands were not endangered; and the principle had long been maintained that without his consent no tenant could give away, sell, or otherwise alienate so great an extent of his holding as to render that which was left incapable of performing the full service due from the fief.¹ Such an alienation without consent meant that the King could 'recognosce' the lands, that is take them back into his own hands.²

In Scottish record we find lands recognosced upon alienation of 'the greater part,'³ which may be taken to mean an extent greater than the one half, though there would appear to be no statutory authority defining the position.⁴ If the lands in question had been erected *in liberam baroniam* and forfeiture took place, the dignity and jurisdiction would of necessity also be forfeited with the lands.⁵

Those cases in which an alienation is later followed by a charter of confirmation may be regarded as an undesirable but frequently adopted form of 'short-circuiting.'⁶ Con-

¹ Cf. *Fragmenta Collecta*, c. 4 (*A.P.S.*, i. 731).

² Cf. *Fragmenta Collecta*, c. 22 (*A.P.S.*, i. 733); Skene, *De Verb. Sig.*, s.v. *Recognition*. We see both these principles in force in *A.P.S.*, i. 492 b.

³ *R.M.S.*, ii. 2644, 2839, 2982, etc. (All of the reign of James IV.)

⁴ The position appears to be recognised, however, in *B.P.*, 483.

⁵ *R.M.S.*, ii. 2831, 2848, 2859; *H.M.C.*, 4th Report, 503, No. 97. In feudal law the King is *Fons Justitiæ*. The rights of public justice accompanying an erection *in liberam baroniam* must therefore return to him with the lands of the erection. Later, if there were a *nomen dignitatis*, that also would return to the King and would be held by him (see *infra*, p. xxxvi, note 3).

⁶ The *Registrum Magni Sigilli* provides innumerable examples of resignation and regrant and of alienation followed by a charter of confirmation. The sale, resignation and regrant of the lands of the baronies of Cowie and Durris may be taken as a good example of a prevalent practice (*Antiq. Abdn. and Banff*, iii. 364; iv. 643-644).

firmation, moreover, might easily be withheld, and the alienated lands recognised.

Scottish practice clearly differed from that of England, since, in addition to the innumerable cases in which alienation of 'lands *and* barony' (i.e. the lands and the accompanying dignity and jurisdiction) receives subsequent royal confirmation, we find that the King might apparently even confirm the alienation of an 'earldom,' as, for example, the alienation of the Earldom of Wigton by Thomas Fleming in favour of Archibald Douglas, which was subsequently confirmed by Robert II.¹

On the other hand, it is not without significance that there are cases on record in which the alienation of a *baronia* was followed, as we should expect, by immediate escheat.²

IV

'The right of succession to the Kingdom of Scotland was to be decided as the right of succession to earldoms, baronies, and other impartible tenures was decided'

The barony was heritable and descended to heirs general.³ If there were a son or sons, the rule of primo-

¹ *R.M.S.*, i. 507. This charter of confirmation is doubly interesting since the designation 'alias comes de Wytone' given to Fleming clearly shows that a dignity was then territorial in that it accompanied the superiority (and therewith the *caput*) of the lands. Other documents relating to Fleming's alienation provide further evidence to the same end (*Scots Peerage*, viii. 523-524). But see *supra*, p. xxiv, note 1, *in fin.* The 'designation' (or nomination) of his peerage dignity by Lord Sinclair in the seventeenth century is a further case in point (Riddell, *Law and Practice in Scottish Peerages*, 54-55).

² *R.M.S.*, i. 189=232.

³ Descent to heirs male, however, or other special limitations, might still be imposed in the charter of erection. In 1369, for example, the barony of Dalkeith was granted to Sir James Douglas 'et heredibus suis masculis de corpore suo legitime procreandis, quibus forte deficientibus, propinquioribus semper heredibus masculis dicti Jacobi cognomen de Douglas habentibus. Sic quod dicta baronia et castrum cum pertinenciis

geniture obtained, and the eldest son succeeded to the *baronia* and to the lands included within the erection. If there were no son, but a sole daughter, she succeeded in a like way to the *baronia* and the lands, her husband being united with her therein should she be married or later marry.¹ If, however, there were no son but several daughters, we know that the *lands* were divided among the daughters as co-heiresses (or were held by them *pro indiviso*), and that the eldest daughter succeeded to the *caput*.² Did the eldest daughter succeed also to the *baronia* ?

ad heredem femellarum [*sic*] quantumcunque propinquam vel remotam non descendat aut pertineat ullo modo, nisi forte contigerit omnes hujusmodi heredes masculos prenotatos cognomen de Douglas habentes totaliter deficere. Et hoc forte, quod absit, contingente, volumus et concedimus quod veri et propinquiore heredes dicti Jacobi masculi seu femelle habeant teneant et possideant totam ipsam baroniam et castrum predictum, etc.' (*R.M.S.*, i. 335). Nearly two hundred years later, James, 3rd Earl of Morton, who had no son but three daughters, granted his lands and baronies to his *youngest daughter* Elizabeth and her husband James Douglas, the grant being subsequently confirmed by Mary and finally acknowledged and ratified in Parliament (*R.M.S.*, iii. 2901; *A.P.S.*, ii. 562, c. 19; *Scots Peerage*, vi. 360-362).

Moreover, the accepted principle of resignation and regrant (or resignation *in favorem*) might be used to divert or alter the succession to suit the wishes of the then holder with the approval of the King—a principle which was never recognised in England.

Later we find a tendency creeping in to limit succession to 'heirs male and of tailje'; but for reasons noted in the text this was undesirable. Tailjeis were included in the general Acts of Revocation of 1493 and 1540 (*A.P.S.*, ii. 236 *b*, c. 22; 357 *b*, c. 4), and in 1532/3 it was apparently 'not leasum to ony Baron, freehalder, or landit man . . . haldand landis immediatlie of the King in cheif, to mak ony chartour or infeftment of tailje of his landis, in all or in part, without expres consent, licence or confirmatioun of the King' (*B.P.*, 174, c. II.).

¹ Cf. Riddell, *Law and Practice in Scottish Peerages*, i. III. Mr. Innes of Learney tells me that the husband took not only the baronial title but also the arms and supporters *jure uxoris*.

² Mr. H. M. Paton has called my attention to the services of the heirs-portioners of Adam Rae of Pitsindie, where in the service of the eldest daughter the retour runs 'Et quod dicta Anna Rae est filia legitima natu maxima ac una trium heredum portionarium dicti Adami Rae de Pitsindie sui patris De omnibus et singulis terris baroniis, etc. Et quod per leges et praxin huius regni dicta Anna bonum et judicatum jus habet ad integra principalia messuagia, maneries, hortos pomarios terrarum et baroniarum

That the eldest co-heiress succeeded to the peerage dignity (if there were one) as well as to the *caput*, and that these were regarded as impartible, has been amply proved by Lord Hailes in his classic *Additional Case for the Countess of Sutherland*. The lands, on the other hand, being a separate tenement, could be divided among all the co-heiresses by brieves of division to which all parties would be summoned for their interest. But how did the younger daughters hold? Did they now hold direct of the King, or did they hold of their eldest sister? In the *Regiam Majestatem* it is laid down that in succession of heirs (a) the daughters shall divide the lands but the eldest daughter shall have the principal messuage; (b) the husband of the eldest daughter shall do homage for the whole fief; and (c) the younger daughters shall do their service through the eldest daughter or through her husband.¹ Skene has it that 'the eldest daughter suld have the principall messuage. . . . Togidder with the superioritie of the portiones pertaining to all her younger sisters, to quhome their husbandes suld make homage, acknowledging her to be their superiour.'² Was there then, in Scotland, a system of tenure by parage, so that the fief might be preserved entire?

It is clear that in Scottish law everything indivisible passes to the eldest heir portioner in default of tailzie; and since the superiority was indivisible the eldest heir

supramentionatarum respective cum integris tenentibus tenandriis et libere tenentium servitiis earundem ac etiam ad justam tertiam partem proprietatis integrarum earundem terrarum baroniarum, etc.' (1618) (Reg. Ho. Retours, vol. 7, f. 78).

Again we must remember, however, that special limitations might still be imposed by the charter of erection. It might be prescribed, for example, that the eldest daughter was to succeed to the dignity and *all* the lands, without any division (cf. *A.P.S.*, i. 537, No. 39).

¹ *Reg. Maj.*, II., cc. xxv, xxvi. (*A.P.S.*, i. 614). Similarly in Balfour (*B.P.*, 223, c. iv), though no Scottish precedent is cited.

² *De Verb. Sig.*, s.v. *Eneya* [*s.e. Esnecia*].

portioner would succeed thereto.¹ There is certainly evidence to show that the eldest daughter received with the dignity and the *caput* the superiority over the whole of the lands²; whilst there is the strong presumption that since she received the *caput* she received also the jurisdiction which was centred therein and which accompanied the dignity. It is well known that in 1292 Edward I was informed that the right of succession to the Kingdom of Scotland was to be decided 'sicut comitatibus baronibus et aliis tenuris impartibilibus,' and since the *lands* of a barony were clearly partible, this can only have meant that the *baronia* itself, as a tenure expressed in the *caput baronie*, and as a superiority, was incapable of division. If the *caput baronie* were split up, the barony would cease to exist; just as, if the *Kingdom of Scotland* had been divided among the claimants, there would have ceased to be a 'Kingdom of Scotland.'³

We might, in fact, reasonably ask ourselves how any division of the *baronia* among co-heiresses would have been possible. A division, similar to the division of the lands, would have meant *ipso facto* the creation of as many separate baronies as there were separate co-heiresses. If

¹ Again I am indebted to Mr. Innes of Learney for the further proof that where armorial supporters have been granted in respect of possession of a barony, such supporters have been held to devolve upon the heir of line, and necessarily as an indivisible right.

² This stands out in James III's letters under the Privy Seal granted to John Haldane of Rusky in relation to the Earldom of Lennox, and in the same King's charter to John Haldane 'as first and principal person of the Earldom' to 'possess and hold the Earldom' (*not* one quarter of the Earldom, although he was entitled through his wife to only one quarter of the *lands*), 'sicut quondam Duncanus ultimus Comes dicti Comitatus aut predecessores sui dictum Comitatum de predecessoribus nostris retroactis temporibus tenuit seu possedit, tenuerunt seu possiderunt' (J. Aymer L. Haldane, *Haldanes of Gleneagles*: chapter contributed by Rev. Thomas Miller, pp. 327, 331).

³ See the remarks in G. E. C., *The Complete Peerage*, iv. App. H, pp. 684-686. In the settlement upon the Maid of Norway it is interesting to observe that she received not merely the *regnum* but the *jus regnandi*.

the eldest daughter, however, by receiving the *caput*, also received therewith the superiority, she would likewise receive therewith the 'ordinary' jurisdiction of the barony, and the younger daughters would consequently receive no such jurisdiction over those portions of the lands to which they succeeded. If any conclusion can be drawn from the evidence of official terminology, we can certainly find instances in which, whilst the words 'lands *and* barony' are applied to the eldest daughter's portion, the portions of the younger daughters are referred to as 'lands' only.

On the other hand, there is record evidence to show that in certain cases the younger daughters held their portions of the lands direct of the Crown; and in such cases if the eldest daughter did not receive the superiority over the whole of the lands clearly she would have no jurisdiction over the lands of her younger sisters. The baronial jurisdiction would thus become limited to those lands to which the eldest daughter alone succeeded. The *baronia* with its *caput* would remain intact, but the lands over which the jurisdiction was exercised would be proportionately smaller in extent.

Finally, there is other evidence which we cannot disregard, and which seems to show that the co-heiresses might hold the *baronia* and the lands *conjunctim*. Thus, the three daughters of Adam Rae, having resigned the lands and barony of Pitsindie,¹ *together* received and held the lands and barony of Fynhevin, their husbands being later united with them therein.² Or again, in the claims for compensation for the loss of heritable jurisdictions, which followed the Act of 1747, and in which there was never any question of *lands*, but only of *jurisdiction*, we find Mary and Willielma Maxwell, the daughters of the deceased William Maxwell of Preston, claiming *jointly* the sum of £800 as compensa-

¹ R.M.S. (1620-1633), 53.

² *Ibid.*, 138, 1697.

tion for the loss of the privilege of regality over the barony of Preston.¹ A holding *conjunctim*² would not preclude the rules laid down in the *Regiam Majestatem*, though evidence of the seventeenth and eighteenth centuries is but poor authority for mediaeval practice.³ If such a holding obtained, the co-heiresses would simply jointly appoint a baron-bailie to exercise the jurisdiction on their behalf. The profits (and the charges) would be shared. There can be little doubt, however, that in law the eldest co-heiress, as the holder of the *caput*, would be held responsible to the King for the fulfilment of the obligations of the fief.

But whether the eldest sister exercised the jurisdiction over the whole of the original lands or over only that portion thereof which descended to her (and undoubtedly we should expect variations if only as the result of special limitations or as the result of royal intervention), there was never, as in England, any strict limitation of succession to heirs male.⁴ Descent to 'heirs male or female'⁵ pre-

¹ Abolition of Heritable Jurisdictions, Claims for Compensation, MS. (Reg. Ho.), Portfolio III. The two daughters had been jointly vest and seised in the lands and barony of Preston (Register of Seisins, Dumfries, 23 February 1742).

² Does this account for such definitions as 'quartam partem terrarum et baronie de M.' (*R.M.S.*, ii. 1499), and 'baro dimedietatis baronie de N.' (*R.M.S.*, ii. 1508) ?

³ Possibly such holdings *conjunctim* are rather to be compared with those modern instances in which a barony is vested in trustees. In such a case, of course, none of the individual trustees receives the title and dignity.

⁴ Though the reader is referred to an examination of the whole question of the limitation of English peerages to heirs male, and an analysis of the *historical evidence* as opposed to the *legal rulings*, in G. E. C., *The Complete Peerage*, iv., App. H, 662 *et seq.*

⁵ Cf. *A.P.S.*, i. 526, Nos. 27, 28. No examination of conjunct-ineftment has been made in the text. The charters clearly demonstrate that a 'barony' could be held in conjunct-fee—'et eorum alteri diucius viventi ac heredibus inter ipsos procreatis vel procreandis et suis assignatis ipsorum videlicet liberis masculis seu femellis' (*A.P.S.*, i. 526, No. 27), though we must remember that a holding by husband and wife is wholly different from any conjoint holding by heirs portioners. See also *B.P.*, 289, c. II.

vented the anomaly of 'abeyance' ¹ from finding its way into Scottish law.²

V

Semel baro semper baro

In addition to its character as an impartible incorporeal hereditament, the barony was also indestructible.

When a barony fell into the King's hands, by ward or otherwise, it still preserved its identity; the tenants upon the lands within the erection and subject to the baronial jurisdiction held of the King 'tanquam barone moderno' ³;

¹ The emergence of 'abeyance' in the seventeenth century through the false interpretation of a thirteenth-century dispute about the estate of an earldom, is examined in G.E.C., *The Complete Peerage*, iv., App. H, 675-676, 708 *et seq.* See also the article by Round in *Quarterly Review*, July 1915.

² In the resignation of a barony, however, the dignity and jurisdiction would naturally be in the Crown until such time as the Crown granted the barony to another (see note 3 below and the relevant text; for peerage dignities, see Riddell, *Law and Practice in Scottish Peerages*, i. 17, 70-72). But this is totally different from a peerage 'in abeyance.'

³ For example, King Edward (*Antiq. Abdn. and Banff*, iii. 537; iv. 36; *R.M.S.*, ii. 2755); Methven (*R.M.S.*, i. 613-707; ii. 910); Kilbride (*A.P.S.*, ii. 59, No. 9); Brechin (*R.M.S.*, ii. 2842). So, too, in the case of earldoms (which, in feudal theory, were held *in baroniam*)—Lennox (*R.M.S.*, ii. 159; 1671); Carrick (*R.M.S.*, ii. 162; 2879; 2899; 2931); Ross (*R.M.S.*, ii. 176; 3068; *A.P.S.*, ii. 113 b); Strathearn (*R.M.S.*, ii. 1287; 2845); Garioch (*R.M.S.*, ii. 2755); Mar (*Records of the Sheriff Court of Aberdeenshire*, i. 115). The reason is clear. The dignity and jurisdiction had been derived from the King; if the erection, upon return to the Crown, was not held 'distinct,' it would, under feudal law, be absorbed and automatically come to an end.

Similarly in England. Once a certain territory was recognised as an honour or barony it retained thereafter that identity. Some castle or manor was regarded as its head and might not be separated from it. Should the honour fall into the hands of the King it was not broken up but still continued to retain its own identity (Pollock and Maitland, *History of English Law*, 2nd edn., 280-282). Madox further observes that this was necessarily so in order to protect the tenants whose services might otherwise become more burdensome if they held *ut de corona* instead of holding *de rege tanquam barone* (*Baronia Anglica*, 12-13; 170-171); and this is the expressed intention in certain of the Scottish charters under the Great Seal (*e.g.* *R.M.S.*, ii. 2755), though such intention should still

the barony rested in the Crown 'distinct' and unmerged; its rents and issues were accounted for in the Exchequer by an officer specially appointed for its administration and usually called a *ballivus ad extra*.¹

A baron might hold two (or more) baronies at one and the same time,² but the two (or more) baronies still retained their separate identities and were held 'in integras et distinctas baronias,'³ each with its separate *caput* and its separate court, unless formally united 'in unam et integram baroniam' with one *caput* for the whole.⁴ The unity of the barony was expressed in its court which was centred at the *caput*; the jurisdiction was derived from the King; only a charter from the King could unite two or more baronies into one.⁵

This aspect of the barony led to considerable 'tenurial heterogeneity.' Lands scattered throughout several sheriffdoms might form part of one erection and be subject to

be read in conjunction with what would appear to be two burdensome Acts in 1450 and 1490 (*A.P.S.*, ii. 36, c. 13; 221, c. 17). The tenants of an escheated barony still held *ut de baronia* (Magna Carta, c. 43), and McKechnie observes that 'the same rule applied to subtenants of baronies in wardship (which was analogous to temporary escheat),' and to the subtenants of ecclesiastical fiefs during a vacancy (Magna Carta, 412, note; see also Madox, *Baronia Anglica*, 189).

¹ Cf. *Exchequer Rolls*, v. 108-109, 200, 414. Other designations might be used, as 'steward,' 'chamberlain,' 'receiver of the fermes,' and so forth. In 1434, for example, we find Thomas de Cranstoun *receptor generalis* for lands in the King's hands south of the Forth (*ibid.*, iv. 597).

² *H.M.C.*, 4th Rep., 485, Nos. 238, 241, 243.

³ *R.M.S.*, i. 460, 464, 465, 562, 919, etc.

⁴ This may possibly account for such an apparently anomalous definition of lands as 'totam et integram terciam partem baroniarum de Balcaly et de Kyngerrok cum pertinenciis jacentem in baronia de Seres' (*R.M.S.*, i. 927).

⁵ Where two or more baronies were united they might be united 'in unum verum liberum et integrum Dominium' with a *nomen dignitatis* (cf. *A.P.S.*, ii. 59, No. 9), and thus the baron would become a lord (*infra*, p. xlv). We must note, however, that *dominium* was an ambiguous term. Apparently it could be given to (i) the appanage of a peerage dignity; (ii) a union of two or more baronies; (iii) a union of one or more baronies with a freehold or more than one freehold, each of the units still retaining its own identity within the *dominium*.

one baronial jurisdiction.¹ But our lawyers were quick to recognise that the 'barony' was a *unum quid*, and one sasine taken at the *caput* was accepted as sufficient for all the lands of an erection wheresoever those lands might be situate.²

At first lands erected into a barony were probably held by military service.³ Later, however, we find baronial erections held in free alms,⁴ or for a return of blench duties,⁵ or for a money rent.⁶

There was no uniformity in the geographical extent of lands erected *in liberam baroniam*,⁷ and no uniformity in the services to be rendered.

¹ The barony of Balinbreich, for example, embraced lands in Fife, Perthshire, Angus, Aberdeenshire, and Elginshire (*H.M.C.*, 4th Rep., 503, No. 97).

² One sasine at the *caput* was sufficient for all lands erected into a barony even though the lands did not lie *contigue*. (Cf. *Exchequer Rolls*, xv. 31-33, *note*.)

³ In Scotland military service was always understood to be implied if no other service was stated. In England Magna Carta (c. 2) seems to regard the barony as a tenure by military service. David I granted lands to Walter Riddell 'ad tenendum de me et heredibus meis in feudo et hereditate libere per servitium unius militis sicut unus baronum meorum vicinorum suorum tenet' (Lawrie's *Charters*, No. ccxxii). When we find lands held of the baron for knight service it is not improbable that the baron was sub-ifeudating part of his lands for a military service sufficient to cover the service which he himself had to render to the King. Alan, son of Walter, the Steward, granted lands to Adam, son of Gilbert, and his heirs, to be held for the service of one knight (*miles*) to be rendered therefrom, as freely as any knight held land of any baron in Scotland (*H.M.C.*, 3rd Rep. 386, No. 1). See also *infra*, pp. lxxix-lxxxiv; lxx, *note* 2.

⁴ *R.M.S.*, i. 485, 807, 809.

⁵ For example, a pair of gilt spurs (*R.M.S.*, i. 828); a red rose (*R.M.S.*, ii. 1356); a penny (*H.M.C.*, 4th Rep., 476, No. 42; 498, No. 57); a pair of gloves (*ibid.*, 494, No. 10); a pound of ginger (*H.M.C.*, 5th Rep., 623 a). The barony of Newtyle and Kynpurny, originally held for the fourth part of one knight (1317), was, in 1364, changed to blenche for a pair of silver spurs and three suits to the Sheriff Court of Forfar (*H.M.C.*, 5th Rep., 622 a).

⁶ *H.M.C.*, 4th Rep., 483, Nos. 177, 178; 5th Rep., 626 b.

⁷ Thus 4-merk land or 160-merk land might be erected into a barony. (*H.M.C.*, 4th Rep., 478, No. 71; 476, No. 42.)

VI

' BARONY *est quoddam Dominium regale ubi breve Domini Regis non currit, et tentum de Domino Rege* '

The essence of the barony was its possession of an 'ordinary' jurisdiction; it enjoyed a slice of the King's rights of public justice. Accordingly the barony could be held only in *capite* of the King,¹ since with the barony the baron had received something which the King alone could give. The King was lord of all the land, but he was also the fountain of all justice. Rights of public justice could be enjoyed only by virtue of a specific grant from him. The erection of a barony necessitated a royal charter conferring the dignity and the jurisdiction.

By virtue of the jurisdiction which accompanied it, any grant of a barony excluded to that extent the officers of the King. Soon, however, the royal charters began to grant more and more of the King's rights of public justice; soon more and more the King's officers and the King's writ were excluded.² At last, instead of a slice of the King's

¹ ' In this Realme he is called ane Barronne quha haldis his landes immediatlie in chiefe of the King, and hes power of pit and gallous ' (Skene, *De Verb. Sig.*, s.v. *Baro*). ' *Baro autem is solus est, qui de Rege in capite tenet* ' (*Jus Feudale*, i. xii. 16). In Normandy the Dukes insisted that the higher jurisdictional rights held by the barons arose only from the special grants made by the Dukes themselves (Powicke, *Loss of Normandy*, 81; Haskins, *Norman Institutions*, 27 et seq.). In England this public justice would have been termed 'franchisal'; a private court was 'franchisal' when it administered public law; a franchise court administered 'the law of the state' (G. B. Adams, in *American Hist. Rev.* xxiii. 600). The Scottish baron court was 'franchisal' by virtue of 'that absolute form of jurisdiction which is implied in a grant *furcae et fossae* ' (*Jus Feudale*, i. xii. 16).

² Cf. ' Item quod nullus serjandus noster neque coronator debet officium suum facere infra dictam baroniam nisi primo veniat ad chymys domini dicte baronie, et ibi presentabit attachiamenta sua constabulario vel ballivo dicte baronie super certas personas, et si ballivus concesserit quod sint homines domini sui infra dictam baroniam habitantes, ipse ballivus erit plegius ad intrandum eos coram justiciario ' (*R.M.S.*, i. 192).

rights of public justice, certain barons had received it all, even including the four pleas of the crown and other *regalia*. They had become no longer holders *in baroniam* but holders *in regalitatem*.

The regality was still a barony, but a barony with fuller jurisdictional and administrative rights. This is clear from such holdings as 'tenendam . . . in meram puram et liberam regalitatem seu regaliam ac unam baroniam'¹; or 'in unam integram et liberam baroniam et in liberam regalitatem'²; or 'in adeo libera regalitate sicut aliquis comes sive baro in regno nostro Scocie aliquam baroniam in liberam regalitatem . . . tenet.'³ In 1440, in a charter of the barony of Morton, we even find the clause 'Concessit etiam rex quod dictus Jacobus haberet dictam baroniam in regalitate etc. pro toto tempore vite ejus, et post ejus mortem dicta Joneta et heredes, etc., eandem haberent sed tantum in liberam baroniam.'⁴

The fuller jurisdictional rights enjoyed by a barony which was held *in regalitatem*, or *in regalitatem seu regaliam*,⁵ depended upon its charter of erection. They might include, however, the four pleas of the Crown,⁶ (which were denied

¹ *Glasgow*, ii. No. 410.

² *R.M.S.*, i. 414. Cf. also, *ibid.*, i. 847.

³ *R.M.S.*, i. 590. In the retours to the barony of Campsie we find that in 1627 the baronia was held *cum jure liberæ regalitatis*; in 1634, *cum jure et privilegio liberæ regalitatis*; and in 1647, *cum jurisdictione liberæ regalitatis infra bondas baronie de Campsie* (*Retours*, Dumbartonshire, Nos. 27, 30, 46).

⁴ *R.M.S.*, ii. 224.

⁵ That these fuller jurisdictional rights were *regalia* may account for the use of the phrase *in regalitatem seu regaliam*. William's charter to Robert de Brus gave him Annandale to be held 'exceptis *regalibus* que ad *regalitatem* meam spectant' (*Nat. MSS. Scotland*, i. No. xxxix). There are occasional instances of a holding *in liberam regaliam* (*Moray*, *Carte Originales*, No. 21; assuming the transcript to be correct).

⁶ In a dated chapter (1180) of the *Assise Regis Willelmi* (repeated in *Regiam Majestatem*, IV. 11), a distinct reservation of the four pleas was made (*A.P.S.*, i. 374, c. XII; 634 a), but the 'regality' of the bishop of St. Andrews would appear to have possessed the right before 1309 (*St.*

to the royal sheriffs),¹ and the right to hold justice ayres and chamberlain ayres within the bounds of the erection.² The King's officers, moreover, were often excluded in their administrative as well as in their judicial functions. The lord of regality might possess his own chancery for the

Andrews, p. xxxii). For grants including the right, see *R.M.S.*, i. 399, 400, 843. Many other instances could be quoted. Since Bellenden denies the privilege (*Discours Particulier*, 17), it may be that it had fallen into desuetude before 1560. In a grant of lands made by Dunfermline 'omnia amerciamenta et escaetas in dicta terra contingentia' were given with the lands 'preter illa amerciamenta et escaetas que de iure pertinent ad coronam. Que quidem dicta amerciamenta et escaetas nobis iure nostro regali percipienda reseruamus' (*Dunfermline*, No. 307; cf. *supra*, p. xxv, note 2, in fin.).

A grant of jurisdiction *cum placitis et loquelis ad coronam nostram spectantibus* (*Arbroath, Vetus*, No. 101) might be taken to include the four pleas of the Crown, but David II's grant to Melrose, which was 'cum loquelis corone,' nevertheless expressly excluded 'quatuor punctis precipuis ad coronam nostram spectantibus' (*A.P.S.*, i. 523, No. 21).

¹ Similarly in Normandy, the larger seignorial jurisdictions, ecclesiastical and lay, could try the pleas of the sword (equivalent to the *placita corone*) which were denied to the sheriffs and could otherwise be tried only by the itinerant justices (Haskins, *Norman Institutions*, 28 et seq., 187, and Appendix D).

² Cf. *R.M.S.*, i. 920; ii. 522, 575. Many other instances could be quoted. Like all other jurisdictional rights, the privilege was valued as a source of revenue (cf. *Moray*, No. 186). There are charters demanding the payment of suit to the ayres (cf. *Dunfermline*, Nos. 411, 412). In 1440 Parliament ordered the lords of regalities to hold their justice ayres within their 'regalis' twice a year (*A.P.S.*, ii. 32, c. 2). This was similar to the enactment for the King's justice ayres which were to be held twice a year, 'on the grass and on the corn.' In 1535 John Beaton of Creich, 'iusticiarius generalis regalitatis Sanctiandree,' sat 'in itinere iusticiarie regalitatis predicte tento in pretorio ciuitatis Sanctiandree' (Fraser's *Wemyss*, ii. No. 100). Because of the right to its own ayres, the regality could repledge from the King's justice ayres (cf. *Arbroath, Vetus*, No. 231). Later the privilege of repledging was restricted, and the baillie of the regality was merely allowed to sit with the King's justices and to share the profits (*Fife*, App. C, and authorities there cited; and see *Justiciary Records*, Scot. Hist. Soc., i. 4). This restriction of the privilege was similar to a practice which had been long maintained in England. There the tenants in the larger franchises could not be held to answer at ayres outwith the franchises, but the justices in ayre were required to send one of their number within the franchise who, together with the steward of the franchise, would there hear and determine all pleas touching the ayre that had arisen within the franchise (*Eyre of Kent*, Selden Soc., i. 9).

issue of brieves, which were served in his own name and not in the name of the King¹; his own mint²; his own rights of admiralty,³ and so forth.⁴ In addition, this higher barony not only excluded the King's writ⁵ but, by its privilege of repledging, could call before its own courts any who dwelt within the bounds of the erection, or who were subject in any way thereto, if they were arraigned before other courts.⁶ The only right which a full regality did not possess was the right to try treason⁷;

¹ For an example of a brieve purchased from the chapel of the regality, referred to an inquest in the regality court, and the heir finally served, see Dunfermline Regality Court Book, 1513-1537, MS., Reg. Ho., folio 39 verso. See also *Jus Feudale*, II. xvii. 26; *Moray*, No. 174; *Aberdeen*, i. 167. Many other examples could be cited. In Edinburgh the Canongate was a regality with its own chapel but, as indicative of what often ensued, the services were so often expedite on insufficient proofs that 'a service in the Canongate became a mere standing joke' (*Report on Municipal Corporations*, British Parliamentary Papers, 1835, vol. xxix. 327).

² Cf. *A.P.S.*, ii. 74 a; 194, No. 13 (St. Andrews). This contradicts the position taken up by Mackenzie, *Matters Criminal*, II. xi. 1.

³ Cf. *Scot. Hist. Rev.*, xx. 126-128.

⁴ The nearest parallel in England was the Palatinate. The bishop of Durham, for example, in the palatinate of Durham, had his own justices, his own chancellor, his own writs, and tried all the pleas of the crown (*Placita de Quo Warranto*, 604). In the county palatine of Chester the 'writs ran, not in the name of the King, but in that of the earl, and were issued by the palatine authorities out of the local Chancery at Chester and under its seal' (R. Stewart-Brown, *Calendar of County Court, City Court and Eyre Rolls of Chester, 1259-1297*, Chetham Soc., p. xviii).

⁵ When Alexander Stewart of Badenoch was given his commission for the northern parts, the grant was 'excepta regalitate comitatus Moravie' (*R.M.S.*, i. 556). Not infrequently we find letters issued by the King inhibiting all justiciars, sheriffs, coroners, and other officers of the King from any intromission or administration or entrance in lands forming part of the erection of a regality (*A.P.S.*, i. 525, No. 24; *Arbroath, Vetus*, No. 290). For England again the only parallel is to be found in the counties palatine. In Chester, for example, we find 'Brevis Domini Regis non currit in predicto comitatu' and 'Comitatus Cestrie ubi brevia Dom. Regis non currunt' (*Bracton's Note Book*, Nos. 1127, 1213; and see note 4 above).

⁶ See *Fife*, Appendix C.

⁷ Nevertheless, in 1594, the regality court of Spynie had repledged from the Lieutenant's court certain men who had been accused of 'transporting, careing, and away taking, in boite be sea, of George, sumtyme

but treason, by its very nature, was outwith public justice.

To such an extent was the regality a petty kingdom within itself that the lands of the realm were divided into *royalty* and *regality*¹—almost one might say into those lands in which the King's writ ran and those in which it did not.² Nowhere is this more clearly defined than in the reply of a Roxburgh jury, in 1320, that the Lord de Vesey had held Spruceton *regaliter*; that he had held it regally by the same liberties as King Alexander had held his lands when he reigned; and that he had had the right to his own Justiciary, his own Chamberlain, his Chancellor, his Coroner, his Sergeants, and also his standard measures, in the manner of the said King Alexander.³

'A Lord of Regality is *Regulus*, a little King, and takes

Erle of Huntlie, and certane his freindis declarit traitouris and unnaturale subiectis to his maiestie' (*Spalding Club Misc.*, ii. 126-127), and it is clear that 'the resetting any who hath committed Treason, or that supplies them in *redde*, help or counsel' is in itself treason (Mackenzie, *Matters Criminal*, i. vi. 6). On the other hand, in the same record, the court's jurisdiction was denied in a case of slaughter on the plea 'that the alledgit deid forsaid is ane foule murthour, committit vnder clud of nycht, and consequente ane caus of tressone' (*Spalding Club Misc.*, ii. 121), which, although merely a legal 'objection,' is indicative of this one limitation of the jurisdiction of a regality.

A commission of justiciary granted by James V to Colin, Earl of Argyle, in 1525, gave the Earl power to hold courts for all crimes committed within the bounds, except treason (*H.M.C.*, 4th Rep., 487, No. 276).

¹ *A.P.S.*, ii. 32 a; 36, c. 13; 43, c. 4. Mackenzie, *Observations*, James II, Parliament 5, Act 10.

² The lands of a barony which had not received *regalia* were within the royalty. Thus baronies paid suit to the sheriff court, but regalities did not (see *Fife*, Intro., xxv, lxxxiii-lxxxiv). In one case, in 1320, we even find a barony described as held 'de vicec. de roxburgh' (*Reg. Hon. de Morton*, ii. Nos. 25, 26; Fraser's *Douglas Book*, iii. No. 12). 'Regulariter those who dwell in Regalities are not subject to the Sheriff. And Erections of Regalities do ordinarily bear a power to Repledge' (Mackenzie, *op. cit.*, James II, Parliament 6, Act 25).

³ *Trans. Dumfriesshire and Galloway Nat. Hist. and Antiq. Soc.*, 1904-5, p. 401. Robert I granted the Isle of Man to Randolph *in liberam regalitatem* and 'unacum regali administratione et justicia' (*R.M.S.*, i. App. i. 32).

off the People from an immediat dependence upon the King.'¹ Small wonder that Parliament upon occasion decreed that no further erections of regalities were to be made without its consent, and that regalities which had fallen into the King's hands were to be annexed to the royalty²; small wonder that grants of regality were included in the Acts of Revocation made by successive Scottish Kings.³

VII

Multa quae ab initio recte constituta sunt, ex post facto cadunt

An examination of the *Register of the Great Seal* reveals a steady increase in the number of baronial erections. Lands held in chief of the King tend more and more to be granted *in liberam baroniam*. Inevitably this multiplication of erections emphasised the distinction between the greater baronies and the less. The greater baronies were erected into regalities; they retained the original rights of public justice of the early barony, and, in a period when the central authority was weak or complaisant, obtained further rights, varying only as each baron was able to secure for himself, by royal charter, this or that further franchise. As a simple corollary the smaller baronies, in the face of more powerful neighbouring jurisdictions, tended to lose (or rather to abandon) the rights they once enjoyed.

Distinction between the greater barons and the less was further encouraged by the development of peerage theory.

¹ Mackenzie, *Observations*, James II, Parliament 11, Act 43.

² *A.P.S.*, ii. 43, c. 4. Grants of regality, however, continued to be made and even to be confirmed by Parliament (see Mackenzie, *Observations*, James II, Parliament 11, Act 43).

³ *A.P.S.*, ii. 236, c. 22; 357 b; 501 a; iii. 441 a. Cf. also *A.P.S.*, xii., Supplement, 15, No. 28.

The representation Act of 1427/8 had attempted a distinction between the 'smaller barons' and those who were dukes, earls, 'lords of Parliament and banrents.'¹ As time went on those who were *domini*,² and were summoned to Parliament by special writ, came to be recognised as possessing something more than the mere dignity conferred by a holding *in baroniam*. Soon importance was attached to a title (in our modern peerage sense); a baron might receive a title and so become a lord. Thus though all were still barons in that their holdings were *in baroniam*, a distinction arose not merely between the barony and the regality, but also between the 'peerage' and the 'baronage'³; between the 'lord,' who had received a title⁴ or whose lands had been erected into a lordship, and the baron who, as a tenant-in-chief of the King, was now to become a 'laird.'⁵ And that distinction was

¹ *A.P.S.*, ii. 15, c. 2.

² We must be careful, however, not to lay too much stress on the designation *dominus*, or to accept any rigid definition of the term. In mediaeval Scotland the appellation *dominus* was frequently given as a term of respect to men who were definitely not 'lords'; and in the lists of absent suitors in the sheriff court of Aberdeenshire in the sixteenth and seventeenth centuries all landholders owing suit were apparently designated *Dominus de . . .* whether they held as lords, barons, or freeholders (Littlejohn, *Records of the Sheriff Court of Aberdeenshire*, i. 188-189, 291-292, 367-369; *Collections for a History of the Shires of Aberdeen and Banff*, 111-113). In a list for 1616 the earls are separately designated *Comites*, but all the other absent landholders, of whatever rank, are grouped together as *Domini* (Littlejohn, *op. cit.*, ii. 10-11). Similarly in England a *dominus* was not necessarily a 'lord,' and sometimes not even a baron (See G. E. C., *The Complete Peerage*, iv. App. H, 686-688).

³ Sir James Ogilvie held the barony of Airlie in 1491; in that year the title of Lord Ogilvie of Airlie was conferred upon him and his heirs (*A.P.S.*, ii. 228 a).

⁴ And we must remember that the creation of a 'lord' by the mere grant of a title represents the first and the greatest deviation from the feudal and territorial aspect of dignities.

⁵ The 'laird' might be either a baron or a freeholder; he was simply a tenant-in-chief of the King. Thus, in 1518, in the record of the Easter head court of the sheriff court of Fife, those landholders who were fined for lack of suit, were all designated '[laird] of . . .,' both barons and

made clear-cut and definite by the representation Act of 1587.¹

The growth of the central authority, and the development of the Court of Session, likewise played a part in limiting the franchises of the smaller barons. The Court of Session, by extending the process of *Advocation*, soon began to withdraw cases from the inferior courts not merely upon grounds of incompetency, but also upon grounds of intricacy or importance; so that, as Stair puts it, 'there being nothing more important than the life of man, they [the Court of Session] would easily advocate such process, wherein barons should not proceed summarily to execution.'²

Multiplicity of erections, the emergence of a limited number of more powerful barons, the rise of a peerage, and the development of a strong central court, all contributed to the decline of the *baronia* as a dignity and a jurisdiction. The decline was governed by no statutory limitations.³ Barons were still infest with rights of public justice, but, save in the larger erections, their rights were falling into desuetude, or had been abandoned, long before the Act of

freeholders (*Fife*, 93). Mackenzie writes that 'such as did hold their Lands of the Prince, were called *Lairds*; but such as held their Lands of a Subject, though they were large, and their Superior very noble, were only called *Good-men*' (*Works*, ii. 583).

¹ *A.P.S.*, iii. 509, c. 120. Thus in 1689 'Mr. Charles Hume . . . being a Peer by the Death of his brother James Earle of Hume . . . It is the opinion of the Committee that *he is in the rank of noblemen and not of the Barons*, and Therfor that he is uncapable to be a Commissioner for that shyre [Berwick]' (*A.P.S.*, ix. 7 a). This use of the term 'baron' in relation to the county franchise is examined below. (See the Note at the end of this Section.)

² *Institutions*, II. iii. 63.

³ It is possible, however, that Cromwell's Ordinance for erecting Baron Courts in Scotland (1654) gave the *coup de grace* to a dying jurisdiction. By that ordinance the jurisdiction of the Scottish baron was limited to civil actions not exceeding forty shillings (sterling) in amount, whilst the court was required to take cognisance of matters affecting 'the publique weal, rule, and government' of the barony (*A.P.S.*, vi. pt. ii. 816).

1747. The larger erections, regalities or earldoms, might still retain their courts of life and limb and might still exact the supreme penalty,¹ but, by the seventeenth century (and in some cases even from an earlier period), the records of baron courts are generally devoid of actions involving life and limb. The court of the barony became an instrument mainly concerned with directing the economic and domestic life of the community on the lands.² Admittedly it still had jurisdiction in 'blood-wites'; but cognisance of bloodwites was not public justice, it was not 'liberty or franchise.' Only if a member of the body were maimed or lost so that, to go back to origins, the King, as supreme lord, lost the

¹ The larger erections would naturally be the better able to re-assert themselves after the Cromwellian régime. Their continued exercise of public justice may be seen, for example, in the court of the regality of Grant where, as late as September 1697, three men who confessed to the theft of certain cattle were sentenced 'to be carried prisoners from the Court to the pit of Castle Grant and ther to remaine till Twesday nixt the seavinth day of this instant September and wpon the said Twesday morneing to be brought from the forsaid prisone under gward to the Gallowhill of Bellintomb at ten hours in the morneing and wpon the forsaid day to be all thrie hanged wpon the gallowes at Belintomb betuixt tuo and four hours in the eftirnoone till they be dead' (Regality of Grant, Court Book, 1690-1702, MS. Reg. Ho.); or in the Breadalbane Baron Court Book where as late as May 1701 in a court of the 'Balziarie of Desher and Tuare' (see *infra*, p. li, note 2) held at Finlarig by John, Earl of Breadalbane, 'heritabell balzie of the said Balziarie,' and Charles Campbell his depute, a man found guilty of the theft of three wedders and a horse was condemned 'to be hanged on the gallows of Killinn till he be dead betuixt thrie and four a clock this afternoon and his bodie to be buried in the place of buriall of common malefactors. And his moveable goods and gear to be escheat according to law' (Breadalbane Baron Court Book, MS. Reg. Ho.). (Both references kindly supplied by Mr. William Angus.)

² Readers of *Waverley* will recollect that the baron of Bradwardine, though still infest with *furca et fossa*, was 'more pleased in talking about prerogative than in exercising it': and that the highest exercise of his jurisdiction was to imprison 'two poachers in the dungeon of the old tower of Tully-Veolan, where they were sorely frightened by ghosts, and almost eaten by rats'; or to put an old woman in the jousgs for saying 'there were mair fules in the laird's ha' house than Davie Gellatley' (chapter x.).

fighting services of a man, only then did actions for 'blood' come within public justice.

The decline of private jurisdictions soon became general. By 1700 the clause 'cum curiis earumque exitibus' could be referred to as 'not much regarded being only an extension of stile'¹; and it is significant that in the Abolition of Heritable Jurisdictions Act itself we find the admission that 'the jurisdiction in capital cases that was heretofore granted to many heritors . . . whose lands were erected by the crown into baronies or granted cum fossa et furca, or with pit and gallows . . . hath been long discontinued.'

The barons had ceased to exercise their franchises even before they were taken away; and the Act of 1747, by granting to 'such barons who are infeofft cum curiis' a jurisdiction in assaults and in civil cases up to a maximum of forty shillings, merely confirmed that feudal justice which in Scotland had always accompanied such a holding of lands.

It may well be, indeed, that most of the smaller baronies, despite their charters of erection, had never exercised any higher jurisdiction. In the fourteenth and early fifteenth centuries, whilst every holder *in liberam baroniam* undoubtedly possessed the franchise of an 'ordinary' jurisdiction, clearly each baron could exercise in his baron court only that jurisdiction which he was strong enough to enforce.

NOTE

The decline of the *baronia* undoubtedly encouraged a more general use of the term 'baron,' which becomes noticeable in the latter half of the sixteenth century, and particularly in the enactments relating to Parliamentary

¹ Morison's *Dictionary*, 8245-6.

representation.¹ There 'baron' is used to designate those county freeholders who had votes at the elections, and also those who were the representatives of the shires in Parliament, irrespective of the nature of their holdings whether *in liberam baroniam* or as freeholders of the King. There 'baron' is used to designate a tenant-in-chief of the King; a reversion to its earlier meaning before feudal law had invested the *baronia* with a dignity and certain rights of public justice.²

VIII

'Contrariwise,' continued Tweedledee, 'if it was so, it might be; and if it were so, it would be: but as it isn't, it ain't. That's logic'

The evidence to be derived from charters and other documents has enabled us to provide an interpretation of the mediaeval Scottish barony. Yet if, as a result of that interpretation, we have found that the barony, by its very

¹ No mention need be made of the earlier enactments relating to the attendance of the barons in Parliament. All who held in chief of the King, whether as barons or as freeholders, were at first bound to render suit to Parliament as to the King's baron court, an obligation which can be seen in the extant writs of summons and in various enactments of the fifteenth and sixteenth centuries (*A.P.S.*, i. 103-104; ii. 9, 15, 36, 50, 221, 244, 252; see also Rait, *Parliaments of Scotland*, 195-237).

² In a like way the so-called 'barons of Bute' were simply the King's tenants. In August 1506, James IV, exercising his power of feuing the crown lands, granted a general charter, as Steward of Scotland, to all his tenants in Bute to hold their lands of him in feu for certain stated rents (*R.M.S.*, ii. 2987). The charter does not refer to the tenants as *barones*, and there was no tenure *in baroniam*; the lands were to be held 'pre-nominatis personis et heredibus suis masculis de nobis tanquam Senescallo Scotie . . . in feodi firma et hereditate' (*Reg. Mag. Sig.*, xiv. 300). Nevertheless the tenants under it became known as the 'barons of Bute'; in the Kirk-session minutes of the seventeenth century the heritors are called 'barons'; and Reid, writing in 1864, remarks that 'the descendants of several of them are so called to this day' (Reid, *History of the County of Bute*, 66; Hewison, *Bute in the Olden Time*, ii. 134-136).

1 COURT BOOK OF BARONY OF CARNWATH

nature, was bound to be held in chief of the King, how can we account for baronies which were within regalities,¹ or baronies which were held of earls²?

Undoubtedly both the regality and the earldom, like the 'honour' in England, might at times be a 'bundle' of jurisdictions³; and if baronies were included therein, each would, being indestructible, retain its own identity,⁴

¹ A document of 1309 clearly indicates that the *baronia domini episcopi S. Andree*, the *baronia domini prioris S. Andree*, and the *baronia Kalediorum* were all within the regality of St. Andrews and subject to the jurisdiction of the bishop as lord of the regality (*St. Andrews*, pp. xxxi-xxxii). So, too, 'in the barony of Muckart and regality of St. Andrews' (*H.M.C.*, 4th Rep., 484, Nos. 212, 213, 214); and 'barony of Leslie within the regality of St. Andrews' (*ibid.*, p. 494, No. 7). Many similar cases are to be found.

² Thus David II confirmed grants *in liberam baroniam*, with a clause of jurisdiction, made by the Earl of Mar and Garioch in favour of Sir Robert Erskine (*A.P.S.*, i. 524, No. 22), and by William, Earl of Sutherland, in favour of Nicholas de Sutherland (*R.M.S.*, i. 132). The barony of Kilravock was at one time held of the Lord of the Isles, Earl of Ross (*Family of Rose of Kilravock*, Spalding Club, 129-132). The barony of Newdosk paid suit to the Earl of Crawford's court at Glenesk (*R.M.S.*, i. 881). The barony of Cowie was held of Lord Errol (*R.M.S.*, ii. 400). And again, bearing in mind the indestructible nature of the barony, we find 'Tenend. . . de rege tanquam comite Marchie in liberam baroniam de Hwm' (*R.M.S.*, ii. 388).

³ A *dominium* in Scotland might be either a 'lordship' or a 'bundle' of baronies (cf. *A.P.S.*, ii. 59, No. 9; and see *supra*, p. xxxvii, note 5). James 'the Gross,' seventh Earl of Douglas, granted in excambium to Euphame, Countess of Douglas, 'omnes et singulas terras nostras baronie de Drum-sagart jacentes infra dominium et regalitatem nostram de Lawederdale' (*H.M.C.*, 11th Rep., vi. 212-213).

All jurisdiction, however, was cumulative, and if a lord who possessed rights of regality held a barony within his lordship, then, owing to the rule of cumulative jurisdiction, his higher jurisdictional rights would apply to the lands included within the barony. This possibly explains the service of a brieve of inquest by the baron court of the barony of Herbertshire in 1462. The barony was at that time held by William, Earl of Orkney and Caithness, who had full regality rights; the court was held by the Earl's baillie, and the brieve had been issued from the Earl's chapel (*Cambuskenneth*, No. 91). The rule of cumulative jurisdiction is noticeable in our present record in that the court which is called 'Curia medie baronie de stanhou' hears cases continued from, and itself continues cases to, the courts of the barony of Carnwath (*infra*, p. 28).

⁴ This would appear to be the case of the baronies within the regality of St. Andrews.

whilst it might even retain its own separate court.¹ It is not uncommon to find one lord holding many different courts for the different parts of his lands²; and where the lands were contiguous, and where a barony was included therein (and was held by the lord of regality or by the earl as part of his erection), the court of the barony might be held at the *caput* of the regality or of the earldom,³ and,

¹ The grant, by James IV, of the lands and barony of Preston to James Douglas, son of John, Earl of Morton, contains the clause 'et voluit rex quod dicta baronia remaneret et incorporaretur baronie et regalitati de Dalkeith, cum privilegiis, etc., eidem prius concessis,—reservata jurisdictione dicte baronie dicto comiti [de Mortoun] et ejus heredibus'—which seems to indicate a separate court (*R.M.S.*, ii. 3160).

² Thus in the present record, in addition to the courts of the barony of Carnwath, we find two courts of the barony of Linton (*infra*, pp. 168-170, 185-189) and one court of the half barony of Stenhouse (*infra*, p. 28). The lands of Carnwath and Linton had been held by the Somervilles since the thirteenth century (*Scots Peerage*, viii. 4-5); the one-half of Stenhouse came to the Somervilles through the marriage of William, first Lord Somerville, with Janet, daughter of Sir John Mowat of Stenhouse (*ibid.*, viii. 10; and see *R.M.S.*, ii. 1291), the other half of Stenhouse being held by the Hamiltons (*R.M.S.*, ii. 3803). Hugh, Lord Somerville, had sasine of the barony of Carnwath and of the one-half of Stenhouse in 1522 and 1523; and sasine of Linton in 1525 (*Scots Peerage*, viii. 16). Similarly, in the court book of Glenorchy, we find a large number of different courts of Campbell of Glenorchy—Curia ballivatus de Descheor et Toyer; Curia Justiciarie ballivatus domini de Descheor et Toyer; Curia ballivatus Domus Carthusiensis; Curia ballivatus domini de Buchquhedir; Curia ballivatus proprietatis de Buchquhedir; Curia domini de Glenurquhy; Curia proprietatis domini de Glenurquhy; Curia terrarum de Lochow; Curia proprietatis de Lochow; Courtt haldin at Auchinryer; The court of our soverane lordis Justice haldin at Kandmoir; Curia Justiciarie ballivatus de Glenlyon—the records of all these courts being entered in the same volume (MS. Breadalbane Collection, Reg. Ho.).

³ The feudal earldom was a 'barony.' It enjoyed a baronial jurisdiction and was only an earldom in that the King had conferred that dignity upon it. Usually, however, though not necessarily, an earldom was granted the higher jurisdictional rights of a regality (cf. the pleading in Morison's *Dictionary*, 2266-2269, and see *R.M.S.*, i. 292, 390, 399, 400, 405, 590). When David II restored and confirmed the earldom of Wigton to Thomas Fleming he expressly suspended 'regalitas aut jus regalitatis' (*R.M.S.*, i. 250); and Crawford suggests that this omission of regality rights was probably due to the influence of Archibald Douglas (*Peerage*,

save in the formal fencing of the court, might be indistinguishable from the principal erection.¹

Where baronies were included within earldoms, however, instances can be found in which the earl grants a barony, together with its rights of public justice, to be held directly of him.² In such cases the baron was definitely *not* a tenant-in-chief of the King.

We have already seen that the Celtic earls regarded themselves as princes within their own territories, and that the Lord of the Isles had his barons in a manner similar to the barons of the King of Scotland.³ It is clear that in certain cases the earls granted lands to be held of them with rights of public justice, and that their 'barons' regarded these rights as being derived directly from the earl who, to them, was *regulus* if not *rex*. In this way a number of the baronies within earldoms undoubtedly arose. It is also clear that the earls regarded their own rights of public justice as theirs to delegate or give away as they pleased,⁴

494 b). In England the earldom was recognised to be a 'barony.' (See Henry I's Charter of Liberties (1100), c. 2; Magna Carta, c. 2.)

We must remember, however, that in Scotland the older earldoms were pre-feudal and only later became defined in feudal terms.

¹ Thus in the court book of Glenorchy a *Curia proprietatis domini de Glenurquhey* and a *Curia proprietatis de Lochow* were both held at Killin on the same day and with the same assize, being distinguishable only by a new fencing of the court. At Killin, too, we find a court of Discheor and Toyer followed the next day by a court of *Domus Carthusiensis* (see *infra*, p. xcv, note 4). Similarly where a burgh had received the privilege of 'sheriffship within the burgh' the formal fencing of the court might form the only distinction between a sitting of the burgh court and a sitting of the sheriff court. (See also *Sources and Literature of Scots Law*, Stair Soc., pp. 99-100.) On the other hand, in Orkney, in 1574, we find 'the sheriff court of Orknay and court of regaltie of the sammyn respective, haldin . . . be ane nobill and potent lord, Lord Robert Stevart, fevar of the landis and lordschippis of Orknay and Zetland, sherif principall and bailje iusticiar of the regaltie of the samyne' (*Records of the Earldom of Orkney*, Scot. Hist. Soc., pp. 135-136), which clearly illustrates the cumulative principle.

² For example, *A.P.S.*, i. 524, No. 22; *R.M.S.*, i. 881; *H.M.C.*, 15th Rep., viii. 8.

³ *Supra*, pp. xvi-xvii.

⁴ *Infra*, pp. lv *et seq.*

and that in certain cases there was definite alienation of jurisdiction by the earl. If an earl held 'lands and barony' he undoubtedly regarded both as being his to give away and to be held of him.

Nevertheless the growth of the principle that all justice was ultimately derived from the King of Scotland can be seen in the fact that royal confirmation of such baronial grants began to be sought and given.¹ Here also can be seen the steady growth of the central authority; and the Act of 1400, decreeing that baronies in earldoms or lordships which fell into the King's hands were in future to be held only of the King, even if the earldom or lordship were later granted to a subject,² was clearly an attempt to rectify the whole position and to bring all baronial holdings into their proper relationship to the Crown.

Later, when baronies are erected within lands which once formed part of a lordship, we find the Crown taking due precautions to ensure that, should the lordship be re-erected, the baronies may continue to be held in chief of the King. The earldom of March, for example, fell into the hands of the King by reason of the forfeiture of George of Dunbar, Earl of March; the King erected certain lands within the earldom into baronies in favour of, among others, the Humes and the Hepburns; but to each charter

¹ It is to be noted, moreover, that although the barony might be held of the earl a direct service to the King might still be specified (*R.M.S.*, i. 881; App. i. 155). In the case of the alienation of the barony of Wester Calder David II clearly regarded the barony as still being held of him (*A.P.S.*, xii. Supplement, 8, No. 16).

Later, when such grants are confirmed the barony is stated to be held *a dicto comite de vege* (*R.M.S.*, ii. 400, 814, 2254)—an attempt to provide a royal safeguard which approaches very close to the statute of *Quia Emptores* in England.

² *A.P.S.*, i. 576 a. (Compare this enactment with *Reg. Maj.*, ii. 39, in *A.P.S.*, i. 616.) The barony of Kilravock, at one time held of the Lord of the Isles, Earl of Ross, was, after the forfeiture of Ross, held direct of the Crown (*Family of Rose of Kilravock*, Spalding Club, 129-132, 135, 138; *R.M.S.*, ii. 1232).

of erection a clause was added—‘Voluit etiam quod quamvis contingeret regem vel aliquos successorum suorum, comitatum Marchie aut superioritatem dictarum terrarum alicui persone de rege et heredibus suis tenendum in feodo concedere, quod dictus A. de H. pater vel heredes ejus, quamvis ad hoc vellet seu vellent consentire, non valeret nec valerent de aliquo alio quam de rege, predictas terras in capite quovismodo tenere.’¹ The provisions relating to baronies which were later included in successive Acts of Revocation were probably likewise directed towards the same end.²

On the other hand, the erection of the earldom of Moray in favour of Randolph, to be held *in libero comitatu ac in libera regalitate*, is wholly different in character, and really represents an attempt by the Crown to strengthen its hold over the north by the establishment of a powerful feudal authority.³ There one would expect a greater measure of independence, greater responsibilities and greater powers, to be given to, and required of, the King’s representative entrusted with the administration and defence of a dangerous district. There the earl was interposed between the King and his immediate vassals; but it is noticeable that even in that erection, while all the barons and free tenants who had previously held of the King were ordained to hold in future of the earl, *the rights and liberties of their courts as hitherto enjoyed were still expressly reserved to them and to their heirs.*⁴ Such a reservation in such a case could

¹ *R.M.S.*, ii. 512, 513, 514, 585, 588, 596, etc. Similarly compare the reservation in *R.M.S.*, ii. 529.

² *A.P.S.*, ii. 236 b, 358 a, 501 a.

³ It might be likened to the English palatinates which were erected as powerful feudal authorities to hold in check the difficult borders facing Scotland and Wales.

⁴ *Moray*, No. 264; *R.M.S.*, i. App. i. 31. Similarly in the grant of Nairn to Hugo de Ross and his wife, to be held in free barony of Randolph, Earl of Moray (*R.M.S.*, i. App. i. 8). In this latter case *jus regalitatis* was reserved to Randolph and suit for the lands of the barony was to be

hardly be excluded, for if the King could erect feudal earldoms and regalities as he wished, could include baronies within those erections, and could thereby deny to the baronies the franchises previously granted and hitherto enjoyed, so gross an alienation of rights, contrary to all feudal law, would not have been long tolerated.

NOTE

Those cases in which an earl grants lands to be held of him with rights of public justice still remain to be examined. At first, such grants by earls probably fell wholly outside the new feudal administration. The older Scottish earls had practically sovereign rights within their own territories, and they undoubtedly granted judicial powers as they pleased.¹ Later, under a feudal administration, although it might be easy to change *earldom* into *comitatus*, it would

paid to the earl's court at Elgin (cf. *R.M.S.*, i. 881). It is thus difficult to determine whether the barons within the earldom of Moray were answerable to the King or to the earl for the due exercise of their franchises. On the face of it one would say that they would be answerable to the earl, who had been interposed between them and the King. In England, in the county palatine of Chester, the earl's 'barons' could repledge cases from the earl's court to their own baronial courts (R. Stewart-Brown, *Calendar of County Court, City Court and Eyre Rolls of Chester, 1259-1297*, Chetham Soc., pp. xviii-xix), which offers the strong presumption that conversely appeal would lie from the baronial court to the court of the earl. On the other hand, in 1225×1226, in a controversy between the bishop and chapter of Moray and Robert Hode and his wife about the manor of Lamanbrid, we find 'illustri Rege Scotorum Alexandro prohibente et afferente predictum manerium suam esse baroniam et ideo de ipso in Curia Regia et non ecclesiastica debere litigari' (*Moray*, *Carte Originales*, No. 6).

¹ We have said that rights of public justice could be derived only from the King. But under the Celtic régime who was the 'King'? The older earls were *reguli* or *righ*; and the *Ri Moreb*, for example, would undoubtedly consider that he could grant rights of justice just as freely as the *Ard Righ*. Professor Stenton has shown that even in feudal England, in the middle of the twelfth century, the greater lords obviously considered that their rights of public justice were theirs to delegate or give away as they pleased (*First Century of English Feudalism*, 103-105).

not be easy to deprive the earls of their pre-feudal rights¹; neither was it the policy of Scottish kings in the twelfth and thirteenth centuries to *force* feudalism upon the country but rather to *introduce* it.²

It is to be noted, however, that where an earl grants lands to be held of him with those rights of justice which were to become feudally defined as *furca et fossa*, the grant is not one *in liberam baroniam*. Generally there is simply an inclusion of the clause *cum curiis tam de vita et membris*, as in a charter by George of Dunbar, Earl of March, of certain lands in Berwickshire³; or there may be fuller definition, as in a charter by Malcolm, Earl of Lennox, granting the right 'carcerem faciendi in omnibus terris suis quas de nobis tenet vel de aliis in comitatu de Levenax, et curiam tenendi de latrocinio et de occisione hominis in dictis terris suis de Levenax quotiens necesse fuerit, cum eschaetis et emolumentis de dictis querelis evenientibus.'⁴

¹ Or to deny the exercise of alienation to the new and powerful feudal earls who later arose in a period of weak government. We must admit, however, that grants of lands with rights of public justice were not made solely by earls, and that we find other grants of judicial rights, particularly in those outlying parts of the realm where the administration of justice was probably still personal rather than territorial and therefore somewhat apt to deviate from the pure feudal model. Thus about the middle of the fourteenth century we find a grant by Alexander Menzies of certain lands in the barony of Glendochar in favour of Ywar Campbell, 'cum curiis vite et membrorum tenendis et habendis ad voluntatem . . . exitibus et eschaetis in dictis curiis emergentibus ad . . . levand. Ita tamen [si aliquis] fuerit calumpniatus de querela vite et membrorum quod iudicetur ad curiam dicti Ywari et ponatur ad mortem ad furcas meas et heredum meorum in baronia de Glendochar' (*Highland Papers*, Scot. Hist. Soc., iv. 13. See also *ibid.*, 14-15).

² Moray may be cited as an example of Celtic revolt against feudalism—*i.e.* against the new centralising power; against tenure of, and homage and fealty to, the King of Scotland instead of the Celtic earl. Successive kings were compelled to lead armies to the North to crush revolts which threatened the central authority of the throne. Only for that reason was a new *feudal* earldom erected there (*supra*, p. liv). It is to be noted that *no* purely feudal earldoms were erected in the twelfth and thirteenth centuries.

³ *R.M.S.*, i. 521.

⁴ *Chartulary of Lennox* (Maitland Club), p. 28 (1272 × 1292).

At the same time, in almost all these grants there is a saving clause which would seem to retain the ultimate exercise of *haute justice* in the hands of the earl. In the grant by Malcolm, Earl of Lennox, which we have just cited, the jurisdiction is enjoyed ‘*Salvo nobis et heredibus nostris, quod cum aliquis latro in curia dicti Arthuri vel heredum suorum fuerit condempnatus, quod corpus ad furcas nostras suspendatur; et si duellum in curia dicti Arthuri fuerit indicatum, in curia nostra et heredum nostrorum fieri volumus*’¹; and similar clauses are to be found in other grants of the same nature.²

It might be thought that here was some perquisite which the earl was anxious to retain for himself: perhaps some escheat of the chattels which would fall to him if the condemned man was executed on the earl’s gallows or if the ordeal was carried out in the earl’s court. Yet the grant by Malcolm, Earl of Lennox, was definitely ‘*cum eschaetis et emolumentis de dictis querelis evenientibus*,’³ and in a grant made by Robert, Earl of Fife, to William Spens and his wife, the right was expressed—‘*licentiam et potestatem tenendi curiam vite et membrorum in predictis terris quotiens et quum eis de jure videretur expedire:—ita tamen quod—si quis causa latrocinii fuerit calumpniatus et condempnatus in eadem curia, latro hujusmodi ad furcas comitatus de Fyf suspenderetur;—Salvis dictis Wil. et Isab. etc. prelibatis eschaetis in eorum curia contingentibus:—et cum licentia et potestate habendi prisonam in dictis terris et malefactores incarcerandi ac etiam scrutandi et inveniendi—prout dicitur Scotice*

¹ *Chartulary of Lennox* (Maitland Club), p. 28. For a like clause in other Lennox grants, see Fraser’s *Lennox Book*, ii. App., No. 202; *H.M.C.*, 3rd Rep., 387, No. 28 (also in *R.M.S.*, i. 371).

² *E.g.* Fraser’s *Menteith*, ii. No. 26 (1353); *Highland Papers*, iv. 205 (1440). And see the grant to Ywar Campbell cited *supra*, p. lvi, note 1.

³ *Chartulary of Lennox*, p. 28.

*Ranscauth*¹; clearly showing that the earl had no financial interest in the arrangement.²

We are here strongly reminded both of the rule that if there were to be ordeal or trial of life and limb in the baron's court then the King's sheriff must be there,³ and of those early charters which stipulated the attendance of the King's *judex* in private courts 'ut placita et justicie juste tractentur.'⁴ Public justice was the King's justice. Are we to deduce that the earl was similarly retaining within his own hands the ultimate exercise of a sovereign right—his gallows offering the condemned a last desperate hope of appeal? Or are we to accept the simpler explanation that a corpse hanging on the gallows hill of the earl would bring into greater prominence the fate that awaited evil-doers⁵?

¹ *R.M.S.*, ii. 187; cf. also *R.M.S.*, i. 371. *Ranscauth* is the equivalent of *ranciare* (in *R.M.S.*, i. 192), and is the later *rancel*, that is the right of search for, for example, stolen goods (see *infra*, p. cvii, note 4).

² An early grant to Inchaffray by Gilbert, Earl of Strathearn, contains the clause that if any man from the lands which the earl has given to Inchaffray be delated of theft in the earl's court, the earl shall have right to the body (*i.e.* shall execute the hanging), but the monks shall have right to the chattels (*Inchaffray*, Scot. Hist. Soc., No. xxv). Similarly, *ibid.*, Nos. XLIII, XLIV; *Melrose*, i. No. 325.

³ *A.P.S.*, i. 374, c. 12.

⁴ Cf. *Dunfermline*, No. 15. In later charters granted to Inchaffray by the Earls of Strathearn we find that while Inchaffray is given free right to hold its own courts, the earl requests his bailies and his dempster to assist the abbot in the holding of them (*Inchaffray*, Scot. Hist. Soc., Nos. XLIII, XLIV; and see also *Melrose*, i. No. 325).

⁵ When he read this section of my typescript, however, Mr. Innes of Learney offered a third, and I must admit more probable, explanation—'Since both barony and nobility seem to have been closely associated with the degree of justice, the possession of a gallows was a social asset. In France the importance of the Lord could be gauged from his gallows; whether his jurisdiction entitled him to have a one-arm, two-arm, or three-arm gallows. All this emphasised the social importance of jurisdiction, and the rights of High Justice. I am afraid the object was rather to have the social importance derived from a lavish display of hanged criminals.' But even this explanation still emphasises that the justice was the justice of the earl.

Finally, in considering these grants of rights of public justice it is clear that the tenant received them from his lord 'because his social position entitled him to them, because, in fact, he was already a "baron" as the word was understood in feudal society.'¹ He might not hold of the King; he might not hold *in liberam baroniam*. Nevertheless his jurisdiction was baronial,² and while still bearing Craig's *caveat*³ in mind, we are bound to conclude that those tenants who held of an earl or lord and who had a right of *furca et fossa* were 'barons.'⁴ The jurisdiction must be our test, irrespective of whether that jurisdiction was derived from earl or king.⁵

The 'baron' of Scotland was not necessarily the holder of a 'barony,' not necessarily the tenant-in-chief who held direct *in liberam baroniam*. We must always be careful, however, to distinguish between the 'baron' and the 'barony,' between personal rights and territorial rights; and we must remember that a holding *in liberam baroniam* meant more than the possession of certain jurisdictional powers.⁶

IX

'Each feudal group strives to be a little state; its ruler and his subjects alike have an interest in all that concerns its territory'

A full grant *in liberam baroniam* usually ran 'Tenendam et habendam . . . in unam integram et liberam baroniam, per omnes rectas metas et divisas suas, in boscis et planis

¹ So Professor Stenton, writing of the 'Honorial Baronage' in England (*First Century of English Feudalism*, 102-103, note).

² *Supra*, p. xviii, note 2.

³ *Supra*, p. xxvi, note 3, *in fin.*

⁴ As Macphail tentatively suggested in *Highland Papers*, Scot. Hist. Soc., ii. pp. 241-242.

⁵ 'The title of Baron belongs to all those who possess . . . that absolute form of jurisdiction which is implied in a grant *furcae et fossae*' (*Jus Feudale*, i. xii. 16).

⁶ *Supra*, p. xviii.

in pratis et pascuis in moris et marresiis in viis et semitis in aquis et stangnis in fabrilibus et bracinis in molendinis multuris et eorum sequelis, cum aucupationibus venacionibus et piscariis, cum bondis bondagiis nativis et eorum sequelis, et cum serviciis liberetenencium et tenendiis dicte baronie, cum advocationibus ecclesiarum si que sint in eadem¹; whilst we also find 'cum petariis, turbariis, carbonariis, lapicidiis, lapide et calce . . . genistis . . . columbis et columbariis.'²

The lands within the barony formed a self-contained unit³; the barony had its own court for the administration of justice, but it had also its own mill, its own brewhouse, its common smith.⁴ The court might possess certain rights of public justice, but much of its work also lay in administering the day-to-day affairs of the community, in deciding petty disputes with or between neighbours and tenants, and in enforcing the economic dictates of the baron. All those who lived on the lands within the *baronia* were subject to the 'ordinary' jurisdiction of the baron; but they were also subject to an economic 'good neighbourhood,' and were bound together in certain common rights and duties which made the barony a *unum quid* in more than the strict legal sense.

Naturally, as its jurisdiction declined, this aspect of the court's work came into greater prominence.⁵ We must not

¹ *R.M.S.*, i. 192.

² *Moray*, No. 193.

³ The survival of the barony as an economic unit can be traced in later times. For example, the editor of the *Survey of Lochtayside, 1769*, has noted that 'for purposes of management the estate was divided into officiaris, which often corresponded with earlier baronial divisions' (*Survey of Lochtayside*, Scot. Hist. Soc., 26, note 2).

⁴ When the thanage of Balhelvy was erected in *liberam baroniam* it was 'una cum multuris earundem terrarum, bracina et officio fabri earundem et officio serjandi' (*R.M.S.*, i. App. i. 7); and the brieve in the *Ordo Justiciarie* directs the sheriff to summon the serjeant, the smith, the miller, the brewer, and the suitor, from each *baronia* (*A.P.S.*, i. 705 b).

⁵ *Supra*, pp. xlvi-xlviii.

forget, however, that our records become full only when they become late, and that the constant attention given to 'estate regulations' in the court books of the seventeenth century by no means indicates that less attention was given to similar matters in earlier times. The records of baron courts are always invaluable sources for the economic historian; and it is necessary for us to examine, however briefly, the more important aspects of the economic organisation which they reveal.

In contradistinction to the English manor, the comparable feudal unit, the seigniorial demesne played little, if any, part in the Scottish baronial economy.¹ Admittedly the lands of the barony were divided into *proprietas* and *tenandria*, into those parts held and cultivated by the baron himself and those parts which he had let out to tenants²; but from a very early period the tenants usually held upon a payment of rent in money or in kind, whilst in certain instances as early as the close of the thirteenth century we find that 'services' were already in process of being commuted for similar payments.³ Nevertheless there always had been and there always was an economic subjection to the baron as *dominus superior*. All those living within the barony were tied or 'thirled' to the mill of the barony and to the barony smith; they had to conform to the baron's will in matters affecting the welfare of the

¹ It would be an interesting piece of research to compare the Scottish economy with that of the Northumbrian tenures examined by Mr. J. E. A. Jolliffe (*Eng. Hist. Rev.*, xli. 1-42). Scottish charters and records provide parallels for many of the more outstanding features stressed by Mr. Jolliffe. Reference might be made, for example, to *Chartulary of Lennox*, Maitland Club, 19-21; Fraser's *Lennox*, ii. No. 18; Fraser's *Chiefs of Colquhoun*, ii. 272-274, Nos. 4, 5; and *Spalding Club Misc.*, v. 210.

² Cf. *R.M.S.*, ii. 2869.

³ Cf. Innes, *Scotch Legal Antiquities*, pp. 241 *et seq.* Only 'carriage' tended to linger as a service long after other services had disappeared. 'The quhilk day my lord ourdanis that ilk tennand sall pay thair carage syklik as the laif of the cuntray dois' (*infra*, p. 189).

barony as a whole ¹; they might have to perform certain 'works' when demanded; and where commutation had not taken place, they had to render definite 'services' at stated seasons.²

In most cases 'works' and 'services' were reckoned by the *husbandland* or by the *ploughgate*,³ but often the bond was a personal one between lord and man with no relationship to the extent of land-holding.⁴ Each husbandland might be accounted 'lyable . . . to furnishe and put furthe ane able workeman for helpeing to cast a ditche about the eister Louche proportionally,'⁵ or 'quilibet cottarius habens vaccam' might be held to build or cause to be built 'unam rudam de le fauld pro qualibet vacca' ⁶; but

¹ A number of interesting economic regulations made and approved by a baron court in the West Highlands as late as the latter half of the eighteenth century have been listed by Canon MacLeod in an article in *Scot. Hist. Rev.*, xxii. 165-166.

² Even in 1774 we find that 'from every merkland of 33 merks the tenants of the thirteen farms had to provide in spring two horses and a man for two days to harrow, and two horses and a man for two days to lead out dung; in summer, five horses and two men for one day to lead peats from the hill; in autumn, two shearers for two days to harvest' (*Survey of Lochtayside*, Scot. Hist. Soc., xxxiv).

³ Thus in Urie 'ilk plugh' might be required 'to send tuo sufficient men and tuo horse for home-draweing off the milne stones,' or 'ilk plughe' might be required to send 'tuo men for helpeing wp the milne dame' (*Urie*, 90). In January 1549, when the Privy Council decreed the building of a fort at Inveresk they ordained 'that every pleugh of aucht oxen betwix Lithgow and Hadington, in the sherifdome of Lithgow and Lowthian, furnisch ane man boddin as said is, fore the space foresaid [*i.e.* "with pick, mattock, schule, spade, to work thairat be the space of sax dayis"], and ilk fotch-pleuch furnisch twa men' (Keith, *Affairs of Church and State in Scotland*, Spottiswoode Soc., i. 431).

⁴ Admittedly we may find that certain duties become attached to certain holdings. The holder of one piece of land may be bound to do the baron's suit to the sheriff court; the holder of another some defined military service; and so forth (cf. *Moray*, No. 263). Land and duty frequently go together. Even in the burghs we find the holder of one piece of land bound to give his services as cook and baker, another as smith (cf. *Annals of Banff*, New Spalding Club, i. 19, 26). Here, however, we are referring to general works in the general economy of the lands of the barony.

⁵ *Stitchill*, 50.

⁶ *Fetterneir*, in *Aberdeen*, i. 364.

the division of the labour of thatching the 'laich bigging' of Fiddes¹ provides a totally different picture of communal economy and reminds us of nothing so much as of Nehemiah's account of 'The names and order of them that builded the wall.'²

Mill-works, and the enforcement of thirlage, figure large in the court books of baronies. All the tenants (tenent, cotter, girsman, or crofter)³ were bound to bring their corn to the baron's mill and to pay certain dues for the grinding. In legal parlance, the lands of the barony were 'thirled' to the mill and paid 'multures.' Naturally, while the lord was anxious to collect his multure dues, the tenants were equally anxious to avoid payment. 'The hand-mill of the tenant strove against the water-mill of the lord'; and the lord relied upon the authority of his court.⁴ The whole barony, moreover, was generally held responsible for the repair and upkeep of the mill,⁵ including the maintenance of the mill-race in good order and free

¹ *Forbes*, 218-219.

² *Nehemiah*, chapter 3.

³ Skene, in *Spalding Club Misc.*, v. 220.

⁴ Cf. *infra*, pp. 2, 6, etc. And see the interesting entry on p. 211.

⁵ See the 'set of the mylne of Newburgh,' 1512—'And forthir I the said Lord . . . sall caus the sukkyne of the said barony . . . till wphald the hoppar to draw stane and tre and to big the mylne hous and dur tharof and red the dame as it nedis And thir thingis abone writtin the said men of the barony sall do that all sukkyne gif it be the use of the cuntre and thar det till do of lawe' (*Antiq. Abdn. and Banff*, iii. 109-110). In *Forbes* the 'haill suckin' were ordered to 'mack ane sufficient mill dore with lock and key againe the tuentie day of December nixt, wnder the failje of fourtie lib.' (*Forbes*, 288). In a like way the inhabitants within the barony might be held 'to work the work of repairing of the Kirk . . . conform to use and wont' (*Stitchill*, 107); and in Colstoun, in 1638, all the tenants had to contribute proportionally towards the 'reparatioun of the saitt in the Kirk' ('Records of the Barony Court of Colstoun,' s.a. 1638, in *Trans. East Lothian Antiq. and Field Naturalists' Soc.*, vol. II. pt. II.). In the *Rental Book of Cupar-Angus*, however, it was 'the old custom' as early as 1447 for the tenant of the mill to be himself responsible for its upkeep and repair; and certainly in the 'walk-mill,' or fulling-mill, of Carnwath the outgoing tenant was bound to leave the mill and its gear as he found them (*infra*, p. 7).

from weeds,¹ the mending of the dam,² the transporting of the 'stones,'³ and the execution of structural alterations and repairs.⁴ In these matters the baron sought the authority of his court, and where the mill had been farmed out by the baron the miller might likewise pursue the tenants for not upholding the mill or paying their right dues.⁵

Similarly the tenants of the barony were bound to support the barony smith,⁶ who was appointed 'for the comwne weill & profet' of the barony⁷ and who had to undertake all iron work necessary 'to susteyn the wark of the grund.'⁸ In the barony of Urie the smith received 'ane boll of aittis to be payit zeirlie of euerie plucht'⁹; in Stitchill it was 'statute and ordained that ilke husbandland within this Barony shall pay a sufficient Stouke of outfield aits yeirly proportionally in tym cumeing for shairpeing corne to Robert Lillie smythe'¹⁰; in Leys the tenants were ordered 'to wirk thair irne wark with James Smyth in Hairstaine, and to pay to him thair smydie boll

¹ *Urie*, 38.

² *Ibid.*, 35-36, 54, 89, 90; *Forbes*, 266.

³ *Urie*, 90. Also *Stitchill*, 88, 112; *Spalding Club Misc.*, v. 217; *Forbes*, 230.

⁴ *Urie*, 94-95; *Forbes*, 288.

⁵ Cf. Extracts from the Court Records of the Barony of Kerse and Ogilface. MS., Register House, Misc. No. 38 (1527).

⁶ In Colstoun, in 1627, the baron, his son, and the 'hail persoues of the baronie,' all agreed to contribute towards the purchase of a horse for the barony smith ('Records of the Barony Court of Colstoun,' *s.a.* 1627, in *Trans. East Lothian Antiq. and Field Naturalists' Soc.*, vol. 11. pt. ii.). That it was customary for the barony to have a common smith who was usually given a 'yard,' or some small plot of land, with the smithy, is clear from the complaint of the abbot and convent of Arbroath in *Arbroath, Nigrum*, No. 123 (also in *A.P.S.*, xii. Supplement, 26, No. 48). In a like way the men of Torbrax would appear to have promised 'ane hous & calzaird' to their common herdsman (*infra*, p. 6).

⁷ *Infra*, p. 188. There were apparently two smiths in the barony of Carnwath—one for the lands of Carnwath and one for the lands of Newbigging (*infra*, p. 50).

⁸ *Urie*, 8.

⁹ *Op. cit.*, 12.

¹⁰ *Op. cit.*, 41. That is, 'sharpening corn' for the sharpening of the sickles and the ploughshares.

zeirlic.'¹ The 'smydie boll' had to be fully paid each year whether the tenant had employed the smith or not.² The tenants ('als weill husbandmen, cotters, as greasmen') were 'thirled' to the smith just as they were 'thirled' to the mill; work brought to the smithy and corn brought to the mill were both taken in in due order.³

For the brewer there is less evidence, though it was recognised that the baron was empowered both to regulate the brewing of ale within the barony and to prohibit the importation of ale brewed outside.⁴ The baron court of Leys appears to have imposed a fixed payment of 'a stone of brew talloue or four pounds' for the brewing of 'ane firlot of malt to sell from the ane zeirs end to the other,'⁵ apparently a payment for licence to brew, whilst in Urie, in 1617, two tenants were each fined ten pounds 'for brewing but tollerans of the Laird.'⁶ In the light of our preceding argument it is probably not without significance that the *Constitutiones Nove pro Burgensibus* decreed that none should have a brew-house outside a burgh unless he enjoyed rights of *furca et fossa*.⁷

Here also we might note that it was the duty of the baron to see that the prices of bread and ale and of all

¹ *Spalding Club Misc.*, v. 221. The phrase 'smeddie boll' is also used in Urie (*op. cit.*, 8, 12, etc.).

² *Urie*, 46.

³ 'Lykas, the said James obleidges him to wirk to ewerie of the saids tennantis dilligentlie and sufficient, ilk ane in thair awin rowmes, as he salbe employit' (*Spalding Club Misc.*, v. 221; similarly *Urie*, 46).

⁴ Cf. Morison's *Dictionary*, 1936. In Colstoun the court ordained 'that in all tyme cuming na aill be tappit or sauld be ony persone or persones withtin the said baronie browein outwith the said baronie under the paine of 5 lib. money *toties quoties*' ('Records of the Barony Court of Colstoun,' s.a. 1640, in *Trans. East Lothian Antiq. and Field Naturalists' Soc.*, vol. II. pt. II.).

⁵ *Spalding Club Misc.*, v. 224, 229. Similar payments were fixed in the baron court of Forbes (*Forbes*, 238, 245, 266, etc.), and in that of Urie (*Urie*, 17-18).

⁶ *Op. cit.*, 21.

⁷ *A.P.S.*, i. 666. Is this a clear example of the jurisdiction being the test of baronial privilege? (Cf. *supra*, pp. xviii, note 2; lix.)

'other necessary things' were fixed and safeguarded.¹ In 1524 'my l[ord] folois in court the hostlaris for the brekin of the stilis of his vitsonday for the takin mair for the aill nor the heid browch & attowr his command the inqueist puttis thaim in my l[ordis] vill & ordanis thaim to sell for xvj d the gallon & to keip the use of the heid browch baith of met & mesour of breid & aill in tyme to cum.'²

If the baron were powerful, or could secure the favour of the King, he might receive a charter erecting the principal town within the barony into a burgh of barony.³ The lands of the barony then became a 'trade-precinct' for the burgh of barony,⁴ which meant that none might 'hant nor excers the office of brewing, selling, bakin, wyne selling, or any vther merchandis doying'⁵ within the precinct and outside the burgh, whilst the burgh also received the rights of 'cross and market,' in other words the privileges of burghal jurisdiction⁶ and trade.

'Good-neighbourhood' might be ensured either through the authority of the baron court or through the 'burlaw men.'⁷ In moral matters the baron might ordain that 'non within the Barrouny and Jurisdiction drink excessively nor be sensibly drunke nor known to be drunk nor use filthy nor scurlus speiches and that non mock at piety'⁸; in matters of public health the court might

¹ *A.P.S.*, ii. 238, c. 5.

² *Infra*, p. 25. In 1527 Mores Fischar, Robert Cowan, and Jane Crab were brought before the inquest 'for sellin of their aill atour the price of carnwith' (*infra*, p. 59).

³ Carnwath was erected into a burgh of barony in 1451 (*R.M.S.*, ii. 448).

⁴ See *Fife*, 383-385.

⁵ *Rental Book of Cupar-Angus*, i. 246.

⁶ Though the jurisdiction of the bailies of the burgh was still cumulative with and not privative of the baron's own jurisdiction.

⁷ *Infra*, App. A.

⁸ *Stitchill*, 4. In Leys, three men were appointed as 'haiffand power of the laird to tak ordour with all flytters and bakbytters as they find the fault, and to be put in the stoiks quhill payment be maid of fourtie sh.' (*Spalding Club Misc.*, v. 224.)

decree 'witht consent of the haill tennents that at all tyme cuming they sall convey quhatsumevir deid persone within the said baronie to the buriall place and quhatsumevir being wairnit the nycht befor and not comperand and convoyed the saids corpes sall pay 13s. 4d. for ilk falt'¹; and in general the baron might use his court to give notice of, and to register, his orders relating to practical affairs and to the economic life of the community.² Any breach of his decrees covering such matters as the cutting of peats or wood,³ the pulling of heather for thatching,⁴ restrictions

¹ 'Records of the Barony Court of Colstoun' (*loc. cit.*), s.a. 1631. In Carnwath, in 1530, it was 'statut & ordanit be the inqueist of the haill barronry of carnwith that delegece & keping be maid for perrall of pestilence that now apperis that browstaris nor nane uther folkis vithin the barrunry of carnwith resais na trawaloris at cumis fra suspect placis undir the pane of xltys for the first falt & gyf it happynis ony personis to haif seiknes in thair placis that thai keip thairself quiet & varne nychtburis to keip thaim thairfra quhill the varite be sein undir the pane of the tynsall of his maling & banissyn of him owt of the barrunry' (*infra*, pp. 115, 117; and see Maitland Thomson, *Public Records of Scotland*, 153).

It would also appear as though the jury at the head courts had to report any cases of wandering lepers or of persons suffering from the itch known to them within the barony (*infra*, pp. 73, 76, 186)—i.e. if we are so to interpret the words 'to the inqueist scabvaith lepper.' I have found no statutory authority for this, though the Chamberlain in his ayre was required to ascertain whether the bailies of the burghs had made visitations thrice a year for the purpose of turning out lepers (*A.P.S.*, i. 680 a). It may be, however, that 'scabvaith' was an ignorant corruption of 'skaith, wite.' Thus in one entry we have 'skaith vith & uther pykre & greinwod' (*infra*, p. 39), though another entry discounts such an interpretation with the form 'skap lypyr and waith' (*infra*, p. 186).

² Thus in Carnwath, in 1529, it was 'statut & ordanit in plane court that na swyn be haldin vithin this barony undir the pane of cheitting of all the swyn,' etc. (*infra*, p. 100; and cf. Hume Brown, *Scotland in the Time of Queen Mary*, 91-92).

³ The cutting of 'greenwood' was, of course, strictly forbidden and always punishable (cf. *infra*, pp. 31, 122, 153; *Spalding Club Misc.*, v. 222; 'Records of the Barony Court of Colstoun' (in *Trans. East Lothian Antiq. and Field Naturalists' Soc.*), s.a. 1631; *Forbes*, 226, 240). In the court of Glenorchy the tenants were required to 'quit' themselves 'with twa famous personis unsuspect quhen thai salbe requirit of all and sindrie the woddis' or else to undergo the pains of law (MS. Court Book of Glenorchy, s.a. 1576; Breadalbane Collections, Reg. Ho.).

⁴ Cf. *infra*, p. 126; *Forbes*, 243, 265.

upon fishing, or upon the use of the common,¹ meant that the offender was promptly haled before the court and fined. In disputes between tenants the court was called upon to decide such matters as the responsibility for the repair of ditches and hedges,² the assessment of damages caused by cattle found upon another's grass,³ and even cases of neighbours using 'unreasonable language' or 'miscalling' one another.⁴

The central government, moreover, was not slow to use the barony as a unit in its own economic legislation—the baron must enforce upon his husbandmen the laws regulating the sowing of corn⁵; he must see that his tenants sow a certain quota of wheat, pease and beans,⁶ and that they plant woods and trees⁷; he must set a price upon craftsmen's work within his barony.⁸

¹ *Infra*, pp. 187, 188, 189, 210. Building on the common was forbidden, though apparently the smith could have a house there 'for the comwne weill & profet' (*infra*, p. 188).

² *Infra*, pp. 54-55; *Stitchill*, 95.

³ And, presumably upon such an occasion, of one tenant hitting another's cattle 'indiscreittlie with gryt treis, and felling of tham with staineis' (*Spalding Club Misc.*, v. 230-231); or of 'the vrangus dryvin of his meire & dingin of hir in ane myre' (*infra*, p. 17).

⁴ *Infra*, p. 31; *Forbes*, 309-310; *supra*, p. lxvi, note 8. Similarly in England the manorial courts took cognisance of pleas touching the diversion of ancient ways or watercourses; failure to maintain sufficient fences or dykes 'whereby his Neighbour's Cattle may the more easily trespass on his Ground, and he impounds them; this occasions Suits and Controversies and tends to the breach of the Peace'; unlicensed alehouses; non-observance of the game-laws; bloodshed; the receiving of strangers, or the harbouring of evil-doers; bridges and causeways broken, etc. (see Scroggs, *The Practice of Courts-Leet and Courts-Baron* (1701), 4-7; Maitland and Baildon, *Court Baron* (Selden Soc.), 71-72).

⁵ *A.P.S.*, ii. 13, c. 6.

⁶ *Ibid.*; also *A.P.S.*, ii. 51, c. 28. For an example of a baron court enforcing the sowing of 'the quantitie and qualite of the said corne as fourmerlie usit,' decreeing the manuring of the ground, and prescribing that the lands should lie fallow every fourth year in rotation, see *Stitchill*, 110.

⁷ *A.P.S.*, ii. 51, c. 27. The court books abound with attempts to enforce the long series of enactments enjoining the planting of trees (cf. *Stitchill*, 49-50, 56, 113, etc.; *Urie*, 96; *Forbes*, 231, 233, 234, etc.).

⁸ *A.P.S.*, ii. 15, c. 3.

Administratively, too, the baron had to hunt the wolves and whelps in his barony and to ensure that his tenants helped in the hunt¹; he had to take cognisance in his courts of sorners, overliers, and masterful beggars²; he had to answer for the appearance at the Justice Ayr of those dwelling within his barony³; and he was responsible for seeing that his tenants were made acquainted with the laws passed by Parliament.⁴ In the general administration of the sheriffdom the barony owed suit to the sheriff court,⁵ whilst as a tenant-in-chief of the King the baron owed suit to Parliament as to the King's own baron court.⁶

X

'*Quhilk oist wald with his conduct gang*'

Not unnaturally the baronial erection by its very nature provided an admirable military unit within the feudal system. The baron led the men of the barony in time of war⁷; and to fight with the men of the barony was under-

¹ *A.P.S.*, ii. 15, c. 5; 51, c. 35. The late occurrence of wolves in Sutherland is to be noted from an entry in one of Sir Robert Gordon's account books for 1621—'Item, six poundis threttein shillings four pennies given this year to Thomas Gordoune for the killing of ane wolff and that according to the Acts of the countrey' (*H.M.C.*, 2nd Rep., 179 a).

² *A.P.S.*, ii. 36, c. 9; cf. also *A.P.S.*, ii. 7, c. 14.

³ *A.P.S.*, ii. 332, c. 2.

⁴ Robert I decreed that the statutes of the Parliament held at Scone in 1318 were to be read out at baron courts 'and in othir placis quhar maist hapis congregacioun of the pepill' so that the tenants might have 'na mater thaim to excuse of the ignorans of thaim' (*A.P.S.*, i. 466); and one of the last Acts of the last Parliament of James II requested the King to command his barons and freeholders to procure copies of the statutes and to exhibit them to their tenants at the Whitsunday makings or in their courts (*A.P.S.*, ii. 52, c. 39).

⁵ *A.P.S.*, ii. 358, c. 6. See *Fife*, lxxii *et seq.*

⁶ Rait, *Parliaments of Scotland*, 176, 195 *et seq.*

⁷ *Arbroath, Nigrum*, No. 208.

stood to imply an acceptance of the baron's overlordship and jurisdiction.¹

It is necessary, however, to distinguish between ordinary military service and the *communis exercitus*, that is the assembly of the whole nation in arms. The barony was usually held by military service, and it was not uncommon for the baron to grant lands to one or more tenants in return for the performance of the military service due from the barony.² As early as the beginning of the thirteenth century we find the Earls of Lennox granting lands to certain tenants for a return of the service of part of one knight³; more specifically, a charter by John Melville of that Ilk granting the lands of Grantoun and Stanehouse to John Melville, younger, of Carnebie, in 1379, contains the clause 'Et predictus Johannes et heredes sui facient mihi, et ego regi, seruicium duorum seruientium, videlicet, vnus cum equo et haubergello, et alterius cum equo solummodo sine haubergello.'⁴ Service, moreover, was not bound to be personal service; and in our present record we find 'the gud vyf of mossat' in trouble 'for the non furnissin of ane cariage in to the kingis veris.'⁵

But with any convocation of the lieges *all* 'fencible'

¹ *Arbroath, Vetus*, No. 250. Possibly the baron had his own banner only if he was a 'baron-banrent.' (See *Encyclopædia of the Laws of Scotland*, xi. para. 394; Riddell, *Inquiry into the Law and Practice in Scottish Peerages*, ii. 572 note.)

² It has been suggested that the 'my knight' of certain charters may be the tenant who has undertaken the military service in this way (cf. *Lindores*, Scot. Hist. Soc., Nos. xxvi, lv, and Intro., lxxv-lxxvi, citing *Melrose*, Intro., xi, note.).

³ *Chartulary of Lennox* (Maitland Club), *passim*. Similarly lands within the barony of Sprouston were held 'de capitali domino predicte baronie . . . Faciendo inde capitali domino baronie predicte quintam partem seruitii unius militis' (*R.M.S.*, i. App. i. No. 54). We find instances of a return as small as 1/32 part of the service of one knight (e.g. *Chartulary of Lennox*, p. 27). Does this of itself mean that the service had already been commuted for a money payment?

⁴ Fraser's *Scotts of Buccleuch*, ii. No. 11.

⁵ *Infra*, p. 2.

men of the barony had to serve with their lord, a distinction which is clearly made in a charter of 1509—‘inveniendo et sustentando unam suffultam lanceam, viz., 3 sufficientes equestres, pro quibuslibet 10 libratis terrarum, tempore guerre extra regnum; una cum omnibus defensalibus personis dictas terras inhabitantibus ad regis mandatum tempore convocationis ligeorum.’¹ With the convocation of the lieges each baron was responsible for assembling and leading the men of his barony, and in a Whitsun court of Carnwath (probably that of 1528)² it was ‘styllit and statut that all tennandis & tennandre be redy to the kingis weiris for the debaitting of the rewme and for the debaitting of my lord thair selffis and the baronie geif ony oursetis cumis one thaim as theif tratour or ony uthiris ill disposit personis and at tha be weil horsit and gerit thairto accordand to thair mallingis and substance as tha may gudlie beir. Secunlie it is statut that quhen ony of thaime ar warnit be officar or ony send of my lordis to cum to debait my lord thair selffis and the barony ay as tha ar warnit thairto cum to quhat place that tha ar warnit to & with hors or ony way that Tha ar warnit the first tyme the aucht that tha haif the secun fawt all thair geir escheit to my lord thairsselffis to be put fortht of the baronie without ony faouris.’³

¹ *R.M.S.*, ii. 3390. For other interesting charters bearing upon this point, reference should be made to *R.M.S.*, i. App. i. 108; *Spalding Club Misc.*, iv. 47. Service, when performed, was ‘at the cost of the lord of the fee’ (cf. *Laing Charters*, No. 18), and, as in England, the King or the lord, respectively, undertook the charge of replacing horses lost or killed in service (cf. *Glasgow*, i. Nos. 85, 86, 87; and see *Bain’s Calendar*, i. 2027 and *note*).

² *Infra*, App. B, p. cxvii.

³ *Infra*, pp. 164-165. James V charged the tenants of the barony of Menzies, when required by Robert Menzies of that Ilk, to make themselves ‘reddy bodin in feir of weir’ and to pass forth with him in defence of the realm (*H.M.C.*, 6th Rep., 692, No. 32).

Of a like nature is the entry under date 1528: ‘The quhilk day my l[ord] ordanis vith consent of the consent of the hail baronry for the resistin of theiffis that all man sall rys & cum to the fray quhen thai ar

It was accordingly the duty of the baron to see that the men of the barony were well 'bodyn' for war and armed according to the statutes.¹ To that end 'wappinschaws' were to be held at regular intervals by all lords and barons; football and golf were to be 'utterly criyt doune'; and bow marks were to be set up for the practice of archery, with the further encouragement that the fines imposed upon those who did not attend the shoot were to be spent in providing drinks for those who did.² Varying weapons and armour were prescribed for the different ranks,³ whilst within the barony we find the fines for absence from the wappinschaws graded according to the ranks of 'husbandmen, cottars and girsmen, and hyermen.'⁴

An interesting sidelight on this aspect of the barony as a military unit is revealed in an entry in the Baron Court Records of Stitchill under the year 1655, when the stentmasters of the barony assessed 'the hail tenants' for the payment of a sum of ten pounds (Scots) to Thomas Quhyte 'for his relieffe . . . of his wounds received be him at Dunbar Battell,' he having been 'putt furthe for the hail Barrony' in fulfilment of its military service.⁵

Finally, military precautions might be necessary within the various quarters of the kingdom itself, and we find the

varnit or gettis vit thairof under the pane of xxs for the first falt the secund xxxs the thrid xls to be tane to my l[ord] forowtin fawor & ilk person sall cum vith thair best geir & thair best hors or meir & sal keip the vacht siclyk as thai [ar]ordanit ondir the pane abone writing' (*infra*, p. 75; also see pp. 113, 114), which is a restatement of the position following a recent defalcation on the part of the 'town' of Carnwath (see the immediately preceding entry at the foot of p. 74). This might be compared with the entries in the Court Book of the Barony of Leys, in 1639, relating to the defence of the barony and 'haldin out the heilandmen' (*Spalding Club Misc.*, v. 227).

¹ *A.P.S.*, ii. 18, c. 13; 34, c. 7.

² *A.P.S.*, ii. 48, c. 6. See also *A.P.S.*, ii. 6, c. 19.

³ *A.P.S.*, ii. 18, cc. 11, 12. For a later date, see the weapons prescribed in Forbes after the Militia Act of 1669 (*Forbes*, 313, 315).

⁴ *Spalding Club Misc.*, v. 223.

⁵ *Stitchill*, 2-3.

central government relying upon the barony as a unit in the work of maintaining law and order within the country as a whole. The baronial castle was not merely a strong-point in the locality, a protection against thieves and marauders, it was also an outward sign of the march of government. This is particularly evident in the more outlying districts. In 1509, when James IV handed over the lands and barony of Urquhart to John Grant of Freuchie 'in unam liberam baroniam et feodifirmam de Urquhart,' the grant was expressly stated to be made 'pro poletia ac edificatione ac bono regimine inter inhabitantes habend., ac ad faciend. ipsos legibus obedientes qui prius indomiti et inobedientes eisdem fuerunt' ¹; and in 1507/8 when the lands of Saddell were erected *in unam liberam baroniam*, the royal charter closed with the words 'cum potestate edificandi castra turre et fortalicia infra dictas terras pro custodia earundem.' ²

That the baron's castle was a recognised unit of local government has been clearly demonstrated by Mr. Mackay Mackenzie ³ who cites James I's Act of 1426, under which all lords having lands beyond the Mounth were ordered to build repair and reconstruct 'thar castellis and maneris and duell in thaim be thaim self or be ane of thare frendis for the gracious gouernall of thair landis be gude polising and to expende the froyte [revenues] of thai landis in the cuntre quhare the landis lyes.' ⁴ The maintenance of the local castle was regarded as essential for the economic, military, and governmental welfare of the kingdom. The Act of 1426 shows that King and parliament did not regard the baronial castle as a robbers' stronghold from which the baron and his retainers might sally forth to harass and

¹ *R.M.S.*, ii. 3390.

² *R.M.S.*, ii. 3170.

³ *The Mediaeval Castle in Scotland* (1927), 138-141.

⁴ *A.P.S.*, ii. 13, c. 7.

oppress the poor men upon the land, or in which the baron might put to defiance the officers of the King. Exceptions there might be, but in general the barony with its castle was 'the proper residence of a landed gentleman, a centre of local government, a precaution against thieves and pirates, a place to hold local disturbance in check.'¹

XI²*Modus Tenendi Curias Baronum*

§ 1

The baron usually held his court at the *caput baronie*³ which, in early times, was the castle.⁴ It was recognised, however, that a lord could hold his court wherever he might wish within his lands⁵; and in the present record by far the greater number of courts were held at Carnwath,⁶ with possibly only one court held at the castle of Cowthally.⁷ The court held at Wodend,⁸ and which appears

¹ Mackay Mackenzie, *op. cit.*, 141.

² Many points already examined in the Introduction to *The Sheriff Court Book of Fife* are here omitted altogether or accorded at most a passing reference.

³ *The Forme and Maner of Baron Courts* assumes that the court is held at the chemys (c. 1).

⁴ *Supra*, pp. xxi-xxii. We have already noticed that in later times, when the castle tended to disappear, the *caput* was still fixed at some well-defined place. This would be necessary, among other reasons, to ensure the attendance of those summoned to the court.

⁵ Craig, *Jus Feudale*, III, vii. 19.

⁶ In later charters there are references to '*lie Moit de Carnewath*' (*R.M.S.* (1593-1608), No. 960; (1609-1620), No. 1612), but there is nothing in our record to indicate that the courts held at Carnwath or *apud villam de carnwyth* were held at a 'moot-hill.'

⁷ *Infra*, p. 13. This court, moreover, was probably held solely for the appointment of the baron-officer. At the same time we should note the sitting of two Whitsun courts *apud silvam de couthelle* (pp. 67, 101, 165, and p. 155), and one court which held part of its sitting *apud villam de carnwyth* and part *ad silvam de cuthely* (pp. 173, 152).

⁸ *Infra*, p. 44.

to have heard only local cases, may have been at or near Cowthally, since the castle was 'edificatum super solo de wodend'¹; the court held at 'the lang gait heid'² was undoubtedly *super fundum*; the court which is given as 'Curia medie baronie de stanhouis tenta apud eandem'³ heard cases continued from, and itself continued cases to, the courts of the barony of Carnwath.⁴

So far as can be ascertained, the court followed no rule of frequency in its sittings.⁵ We find courts held at intervals of fourteen days or several months⁶; the court could apparently meet on any day in the week⁷; and even the head courts and the Whitsun courts followed no rule.⁸

¹ *R.M.S.* (1593-1608), No. 960.

² *Infra*, p. 67. The court continued its sitting on the following day at Carnwath (p. 84).

³ *Infra*, p. 28.

⁴ *Supra*, p. li, note 2. It is possible, however, that in some baronies the courts were held in different parts of the jurisdiction not merely for local cases but according to some scheme of itinerant justice. Thus the sixteenth-century court book of the Barony of Greenock and Blackhall 'shows that the courts were occasionally held at the "Brigend of Ardgowan," at "the Place of Blackhall," and at the "Mill House of Dunrod"' (*H.M.C.*, 4th Rep., 528). See also *Fife*, xvi-xix and supporting notes.

⁵ Cf. *Fife*, xiv-xv.

⁶ This is at complete variance with the English Honour Court, which as a rule met 'from three weeks to three weeks.'

⁷ Even on a Sunday, 23 February 1527/8 (pp. 65, 81), and, possibly, 3 May 1523 (p. 164. See App. B). In England, also, the manorial court sometimes met on a Sunday (Ault, *Private Jurisdiction in England*, 141).

⁸ Though the Whitsun courts always preceded Whitsunday by at least a fortnight. This would be necessary in view of removings (see *Fife*, 327-328).

There is sufficient evidence to show that no rule of frequency was observed, even though it is a matter of extreme difficulty to place the courts in their correct sequence. For example, there would appear to be no record of the court of 15 November 1529 (or possibly 1528 or 1530), referred to on p. 98, though it is more than likely that a rubric for a court of 15 November 1530 has been omitted at the head of folio 55 verso (p. 126). In tracing the case of William Inglis in Newmains it would appear that the courts dated 14 October 1527 and 29 October 1529 were both held

The necessary attendance of the baron, and possibly also of some of the more important tenants, at the head courts of the sheriffdom¹ and at the justice ayres,² would naturally affect the meetings of the baron court, and it was undoubtedly with such attendance in mind that one of the early legal collections forbade the baron to hold his court *ante tria placita capitalia vicecomitis*.³ Apart from these considerations, however, and apart from such legal vacancies as the sitting of the High Court of Parlia-

in 1528. But if that be so, was the court of 22 November (referred to on p. 128) the court of 22 November 1531; or were there two separate cases of breach of arrestment against Inglis? The trusting reader is warned that the clerk was not always careful in his calendar years; that for some peculiar reason he preferred to keep his record in an order other than that of straightforward chronological sequence; and that he was wont at times to enter the record of a single court in three different parts of the book. (For example, the Whitsun court of 20 May 1527 (or 1528) is found on pages 67, 101 and 165. Double entry is common.) An attempt has been made to reconcile these idiosyncrasies by drawing up a schedule of the meetings of the court (Appendix B), but, owing to the many difficulties involved, even that schedule can be used only with the utmost caution.

¹ *Fife*, lxxii *et seq.*

² *A.P.S.*, ii. 36, c. 13. In William's 'Justis mute' at Roxburgh we find 'with common consent of all the baronis beand thar togidder gadderit' (*A.P.S.*, i. 371), whilst the *Assise Regis Willelmi* demanded attendance of all who held in chief of the King at the two head mutes of the Justiciar, held at Edinburgh or Peebles (*A.P.S.*, i. 379, c. 25). For later times, see, for example, *Antiq. Abdn. and Banff*, iv. p. 418. Similarly in England no court baron could be held in the county during the continuance of the Eyre therein (cf. *Eyre of Kent*, Selden Soc., i. 25).

³ *Quoniam Attachiamenta*, c. 5 (*A.P.S.*, i. 648). Out of twenty-two head courts in the present record, only three were held on dates which would precede the meetings of the head courts of the sheriffdom, provided the latter head courts were held in accordance with the rules derived in *Fife*, Intro., p. xv. The court of 14 March 1525 (p. 31) would precede the head court of the sheriffdom by exactly six weeks; the court of 20 April 1528 (pp. 71, 89) would meet on the day preceding the sheriff's head court; and the court of 15 March 1529 (p. 75) would precede the sheriff's head court by twenty-two days. We may take it, however, that the meaning of the ordinance was 'immediately before,' and that it would in consequence be infringed only in the case of the court of 20 April 1528.

ment,¹ all the evidence of our record clearly indicates that in Carnwath, at any rate, the baron held his courts at his own pleasure and as the need arose.²

How then were the tenants of the baron to know when the next court would be held, in order that they might render their court service and thus avoid being unlauded for absence? If the next meeting of the court was to be held in the near future, then the date was apparently decided and announced in open court,³ but if there was no immediate need for a meeting, and if we can take it that there was no rule even for the head courts, then recourse must have been made to a special summons by the baron-officers, similar to that which we find recorded for the court of 31 January 1536/7.⁴

Although the Act of 1429⁵ refers to the sheriff court as being 'set apone xv dais warning,' we have found no authoritative statement as to the *induciae* of the baron court. A demand for 'ane lauchfull court upone xv dais' is made by the procurators in a case in 1536,⁶ and when-

¹ Parliament was the King's baron court, to which, by theory, all barons and freeholders were obliged to give suit and presence. (*Supra*, p. xlix, note 1.) The 'harvest vacance' appears to have been kept in Carnwath in that no courts were held after the end of July until the sitting of the Michaelmas head court.

Mackenzie has it that a baron may proceed to judge crimes in time of vacance (*Matters Criminal*, II. xiii. 1), presumably in the interests of public policy; and in 1624 it was agreed that a baron might pursue his tenants for their rents in his own courts in time of vacation, even though he had obtained no dispensation (*Morison's Dictionary*, 7496). On the other hand, in 1544, James, Earl of Arran, acting as Tutor to the Queen, issued letters of dispensation to John Wemyss of that ilk to hold courts in the feriate time of harvest (*Fraser's Wemyss*, II. 166, No. 104).

² Compare, for example, the courts of 7 February 1527/8 (pp. 64, 79), 23 February 1527/8 (pp. 65, 81), 10 March 1527/8 (pp. 66, 83), 27 March 1528 (p. 84). The *induciae* of fifteen days is here clearly discernible (but see *infra*, p. lxxviii). ³ Cf. *infra*, pp. 81, 83, 84, 95, 98, 128.

⁴ *Infra*, pp. 191-192. And see *Morison's Dictionary*, 15005.

⁵ *A.P.S.*, II. 19, c. 21.

⁶ *Infra*, p. 196. The 'new court' was granted and 'affixit' for exactly a fortnight later, 25 October 1536—8 November 1536 (pp. 195, 196). Undoubtedly 'fifteen days' simply meant a fortnight.

ever the date of the next court is announced the interval between courts is never less than a fortnight.¹ In a like way it is to be noted that the precept entered in the record and dated 10 December 1536, charged the officers to summon the free tenants to a court to be held on 31 January 1537,² thus allowing ample warning. On the other hand, it was openly enacted in a court probably held in May 1523,³ and probably the first to be held by Hugh, Lord Somerville, 'that my lordis court salbe of als greit strenght thocht it be wairnit at eyne to hald one the morne as it war of xv dayis wairning for ony maner of actione that he has ado.'⁴

§ 2

The court might be presided over by the baron himself, or by his bailie; or the baron might sit *with* his bailie; or two or more bailies might sit together.⁵ The bailie was

¹ *Infra*, pp. 79-81 (7 February—23 February 1527/8); 81-83 (23 February—10 March 1527/8); 83-84 (10 March 1527/8—27 March 1528); 93-95 (14 October—29 October 1528), in this case the date of the next court was changed from 25 to 29 October, the court of 14 October was apparently dated erroneously as 1527 and the court of 29 October erroneously as 1529 (see *supra*, p. lxxv, note 8, and App. B); 96-98 (29 October—15 November 1528).

² *Infra*, pp. 191-192.

³ See *infra*, App. B, p. cxvii.

⁴ *Infra*, p. 165. In the barony of Forbes the concluding entry for each sitting of the court is usually 'Continues this court vpon 24 horis varneing' (*Forbes*, pp. 229, 231, 233, etc.).

⁵ In the present record we find 49 courts presided over by the baron himself; 1 court presided over by the baron *and* his bailie (*i.e.* if the two entries, pp. 141 and 149, for the court of 16 April 1532 can be so read); 21 courts presided over by one bailie; and 5 courts presided over by two bailies. Similar variations for a later period can be found, for example, in the court of the barony of Colstoun ('Records of the Barony Court of Colstoun' in *Trans. East Lothian Antiq. and Field Naturalists' Soc.*, vol. II. pt. ii.).

The court book of the barony of Carnwath, as here printed, and covering the period 1523-1542, is the court book of Hugh, fourth Lord Somerville, who was served heir to his brother John, third Lord Somerville, in October 1522, taken prisoner at Solway Moss in 1542, released in 1543, and died in 1549 (*Scots Peerage*, viii. 15-18). Probably the earliest meeting

appointed by the baron and, upon appointment, took the oath *de fidei administratione*.¹ There is an early legal opinion that *in criminalibus* the baron alone could be judge, 'nam potestas gladii est meri imperii quæ nullo modo delegari potest'²; yet although this undoubtedly supports the arguments we have already advanced with regard to

of the court under Hugh, Lord Somerville, recorded in the volume, is the Whitsun court dated 'thre die mensis mayis anno domini millesimo quingentissimo tercio' (*infra*, p. 164). Here the entry that 'my lord confermes and ordanis all stillis & statudis maid [and] usit in the wetsonday courttis be sir Jhone somerwell and Jhone somerwell baillie for the tyme to Jhone lord somerwell to be keipit and admitit in this present wetsonday with syk addiccione as he thinkis expsedient to be input' seems to indicate that it is the first Whitsun court to be held after Hugh's accession to the barony, and that accordingly it must be dated 1523. The court of 'tres die mensis mayis' (*infra*, p. 159) is probably the same court.

It is noticeable that Hugh, Lord Somerville, presides over all courts (with the exception of the Whitsun court of 1527 (or more probably 1528), and the court of 7 March 1525/6) until the end of 1530, and that thereafter he presides over three courts only, the remaining courts being presided over by a bailie or bailies. In November 1530 the inquest 'thocht it necessar & expedient to my lord . . . to mak ane baillie' (p. 128), and it may well be that the suggestion was made, not with the particular case in mind, but because of Somerville's regular attendance at court after James V had thrown off the Douglas dominion in 1528 (*Scots Peerage*, viii. 16-17). Certain later entries, however (*e.g.* on pp. 136, 145), seem to indicate that he was still occasionally present in court although not sitting on the bench.

¹ *Infra*, p. 128. He had to have 'sufficient power, be letter and seale of the Baron' to hold the court (*Forme and Maner of Baron Courts*, c. 1). For fuller details of the appointment and powers of a baron-bailie, see, for example, *R.M.S.*, ii. 369; *Antiq. Abdn. and Banff*, iii. 248-249. There is little evidence as to his remuneration. In 1574 the bailie of the barony of Strathila had £10 yearly for his fee (*Antiq. Abdn. and Banff*, ii. 239); in 1366 the bailie and chamberlain of the barony of Cunningham received for his labours in office 'terciam partem omnium finium et exituum balliui ac camerarii curiarum contingencium' (Fraser's *Montgomerys of Eglinton*, ii. 5-10, No. 8 (2); though we must remember the somewhat different status of the barony of Cunningham); and in 1527 the bailies of the barony of Torry received for themselves, in addition to other perquisites, half the profits of the jurisdiction (*Antiq. Abdn. and Banff*, iii. 248-249). There is no need to stress the undesirability of any system under which the officers of a court are remunerated by a direct portion of the issues of the court which it is their duty to serve.

² Mackenzie, *Matters Criminal*, II. xiii. 1.

the original status of the barony and baronial jurisdiction, we have found no court evidence in support of the contention. It is important to stress, however, that the presiding officer was *not* a judge. His sole task was to ensure that the court observed the correct procedure and the proper rules of law. *Curia domini debet facere iudicium et non dominus*. The judges of the court were the suitors.¹

Thus, during the period covered by our record, the baron was technically in the same position as any other litigant. He might at times preside over the deliberations of the court, but all cases affecting his interest were judged, as were all other cases, by the whole body of the court or by that representative section of the court which was called the jury. Only for the period subsequent to our record, when the jury had disappeared from the local courts² and when the baron (or his bailie) had become the sole judge, could John Crab's argument be sustained and could the baron be held to be *iudex et pars etiam*.³ At

¹ Or, later, as in Carnwath, a representative section of the suitors acting as a jury. But see *infra*, pp. xci-xcvii. There is no necessity to repeat the observations already made in *Fife*, lxxxv-xci.

² Save in the criminal actions of theft and slaughter, and the semi-criminal actions of bloodwite and deforcement.

³ *Aberdeen*, i. 146. Nevertheless, even in 1382, John Crab's protest that the 'baron' was acting as judge in his own cause was certainly not without weight in view of the influence that an unscrupulous baron might bring to bear upon the suitors of his court. Instances of oppressive justice are not lacking in the records of the Scottish baronage, and are bemoaned by contemporary writers. But their very oppressions naturally brought the unscrupulous barons into greater evidence, and while not minimising the wrongs and hardships frequently (and in certain districts, daily) endured by the poor, we should note that in our present record there are several entries which go to show that at any rate in Carnwath, under Hugh, Lord Somerville, the jury were by no means 'under the baron's thumb.' In the case of Willie Thomson they 'can nocht find at he hes brokin ony fens' (p. 8); in the case of James Marshall and the rest of the tenants of the Easter Gledstanis they find 'the officiar in the vit for caus he maid [the fens] unordully & nocht the men' (p. 48); and in the case of Archibald Somerville they find 'na fence brekin nor forsmment & quittis the said archeballd thair of' (p. 128).

all times, moreover, the avenue of appeal to the sheriff court or to the Lords of Council was there to provide protection against partial justice, but it is hard to say how effective that protection was, or to what extent it was possible for an oppressed tenant to take advantage of it.¹

§ 3

In the court of 15 May 1527 'vilzgem somerwell vas sworn to vrit trewly in the office of clerkschip in the court of carnwith'²; later we find 'Hugo Craufurd capellanus ac scriba curie pro tempore'³; and 'sir william clerkson clerk of the curt,'⁴ also in holy orders⁵ and in addition a notary public.⁶ It is clear from the record that only notes were taken in court, possibly on sheets of paper similar to that inserted between folios 65 and 66,⁷ and that the

¹ See the remarks by Neilson in *Acta Dom. Conc.*, ii., Intro., xlvi. The case of William Fenton in 1385 (*A.P.S.*, i. 552 b) provides a good example of the vicissitudes of appeal from baron court to sheriff court and to the Council. For a later case of appeal to the Lords of Council see *Acta Dom. Conc.*, i. 74. See also the note printed in *Fife*, 307 (note to p. 273), and *Records of the Sheriff Court of Aberdeenshire*, i. 117-118. In the present record a macer appears before the court of 6 February 1531/2 and presents 'our souerane lordis lettres requirand my lord for til lowss al restmentis maid apone the tennendis gudis dwelland one the landis of quodquene & kerswell,' etc. (p. 136); and John of Twodell's quitclame (p. 145) would appear to have arisen out of an appeal to 'the lordis of our souerane consael' as a result of which the Lords decreed the return of an escheat, possibly the escheat given against him in the action relating to Thomas Cheisle's land (pp. 68-70, 102-105, 140).

² *Infra*, p. 59.

³ *Infra*, p. 176.

⁴ *Infra*, p. 198.

⁵ *Infra*, p. 145 (*inserted leaf*).

⁶ *Infra*, p. 191. Our record provides no clear evidence as to whether the clerk of the baron court was bound to be a notary. (See *Sources and Literature of Scots Law*, Stair Soc., 293, note 4.)

⁷ *Infra*, p. 150. After giving the 'Style' of the English baron court, Scroggs says—'Let the Steward write this on a Sheet of Paper, which he is afterwards to Enter into a Book, with all the Presentments, Amercements, Admittances, Surrenders, etc., which shall occur at any Court he keeps; that he may have recourse to his said Book to make up his Court-Rolls in Parchment, and to make out copies of any thing contained in such Rolls that the Tenants shall (at any time) have occasion to make use of' (Scroggs, *Practice of Courts-Leet and Courts-Baron* (1701), p. 10).

full account was written up afterwards.¹ It is noticeable, too, that in the later courts the record has become much fuller with a greater wealth of detail for each case.

We must remember that the record of the court was important not merely as a legal document which the clerk might be required to produce as evidence in any appeal to a higher court,² or from which he might be required to supply upon demand a copy or 'rolment' of any decided case,³ but that it was important also as an economic and financial record affording evidence as to lands and rents,⁴ fines due to the baron,⁵ escheats to be

¹ Thus the record for the court of 5 May 1530 cannot have been entered in the book until after the court of 19 May 1530, since the clerk begins an entry under the court for 5 May which he deletes and which eventually appears in full under the court for 19 May (*infra*, pp. 111, *note*, and 112). If the full account of a court was only written up some considerable time afterwards, and if the clerk left the record of two, or even three, courts to be entered up later at one and the same time, certain of his idiosyncrasies in chronology and arrangement can be understood.

² Cf. *A.P.S.*, ii. 177, c. 10; *Acta Dom. Conc.*, i. pp. 55-56 (1480); *Fife*, pp. 273-274 (1521).

³ Thus 'the inqueist findis he maid na forsmet of the quhilk he askit the rolment the quhilk vas grantit in Jugement' (*infra*, p. 97); and similarly, pp. 103, 147-148, 151-152. The 'rolment' of the case on pp. 147-148 has been entered on folio 78 *verso* (pp. 175-176). The record also served for the 'registration' of agreements (*infra*, pp. 149, 164), as to which see *Fife*, pp. 331-332.

⁴ Cf. the 'set' of the lands of Linton (*infra*, p. 170), though the preceding entry shows that a 'renttail' was also kept (*infra*, p. 169).

⁵ The present record is strangely silent as to the amount of the ameracements imposed. Duncan Campbell of Glenorchy was much more careful; at the conclusion of most of his courts the court books have entries, duly audited and receipted by Campbell himself, giving the total of the unlaws and the total amount paid—*e.g.* 'Summa off the unlawis of the foirsaid court according to the roll gifin furth thairupone four scoir aucht tib xiiij s iiij d' (10 May 1592); or, at the conclusion of the court of 15 May 1592, 'Restis of the unlawis of this court aucht pündis—Quhilk rest is payit to the laird the xxv of februar 1592 [1593. N.S.]' (Court Book of Glenorchy, MS., Breadalbane Collections, Reg. Ho.). This might be compared with Ault's statement that in England 'the fines, ameracements, and other proceeds were entered on the margin [of the court rolls] where they could be readily noted and the final entry at the close of the day's business is the sum total of the profits of the session' (*Private Jurisdiction in England*, 143).

ingathered¹ and so forth.² *Justitia magnum emolumentum*; the court was a definite source of income to the baron since all its issues went into his privy purse.³

For this reason, if for no other, the baron was concerned to see that cases arising within his jurisdiction were not brought before courts other than his own.⁴ In 1542 we read that 'It was spascelle statudis In my lord court of be beffor be all his predessouris & be him self this lang tyme bygane tha[t] na tanandis sould call uthir to the con[si]sterre *to spend thair geir* and spascelle for the thyngis that consarwes his barowne court & aucht to be dessydet in It' under pain of forty shillings for the first offence and finally under pain of forfeiture.⁵ At the same time the court still recognised the special functions of the spiritual courts. In 1524 'the haill court' found that a certain cow was 'testit gere' and that the defendant 'awcht nocht to tholl law in this temperell court' but should 'ansuer in the spirituall court quhair rycht

¹ Escheats went to the baron 'secundum consuetudinem regni et ordinem quos [feuditarii] regni habent de tenentibus suis' (Fraser's *Scotts of Buccleuch*, ii. No. 11).

² In 1546 when the Lords of Council ordered the court book of the barony of Bothwell to be restored to Sir James Ra, the clerk of the court, it was stated that 'in the quhilke buke thar was lyand lous syndry billis of complaint . . . to the nomer of xxxvi billis, quhilkis had thar decretis and rolmentis of courtis upoun the bakis and the copyis tharof nocht deliverit to the partiis; and als thar wes in the said buik certane ragmentis and billis of compt' relating to annual dues (about 500 marks) from the mains during three years, as yet undischarged to the officer, and certain writs pertaining to persons in the barony, deposited with the clerk (*Acta Dom. Conc.*, 1501-1554, p. 550).

³ For the early law see *A.P.S.*, i. 374, c. 12; 634, c. 11. In Forbes, Maitland Thomson observed that in bloodwites, although the injured party was sometimes awarded a sum of money as compensation, that sum was always smaller than the amount of the fine which went to the baron; and that in consequence 'it is not surprising to find that sometimes the assaulted party prefers to make common cause with the assailant, and deny that the "blood" was shed at all' (*Forbes*, 214).

⁴ Cf. *Quon. Attach.*, c. XLIV. (*A.P.S.*, i. 656).

⁵ *Infra*, p. 210. (The italics are mine.) See also p. 211

var'¹; and in 1530 there is the interesting entry—'The quhilk day thomas ur & Jhon dychtmunt gaif into the inqueist ane bill of complaynt apon thom vatson sayand that the said thomas sclanderit thaim & said that thai left thair awin daner in edenburgh & passit & dynit vith Jhon somerwell of cambusnethane & come furth of edenburgh vith the said Jhon contra my lord & at he said thai had skaithit the barony of carnwith ij hundreth lið & he suld preif thaim fals traitouris & common theiffis & suld preif thaim theifis the inqueist findis that this [is] ane mater of sclander & aw to the kyrk law.'²

In other records, too, we find the same jealousy of jurisdiction coupled with an admission of the proper sphere of the church courts.³

¹ *Infra*, p. 19. Similarly in 1536 the inquest found that a horse 'aw to be followit in the con[si]stry' (*infra*, p. 187).

² *Infra*, p. 124. The reference is apparently to an incident in the feud between Hugh, Lord Somerville, and John Somerville of Cambusnethan.

Sir John Somerville of Quothquhan, first baron of Cambusnethan, had been guardian to his nephews (John, third Lord Somerville, and Hugh, later fourth Lord Somerville) during their minority, and had had the custody and administration of the imbecile John, third Lord Somerville, after he came of age. After Quothquhan's death at Flodden, his widow and his son (John Somerville, second baron of Cambusnethan) continued to act as administrators of the imbecile John. To that administration Hugh Somerville was in constant opposition, and he apparently succeeded in obtaining the management of the lordship in 1516, when he is said to have commemorated the occasion by erecting the Cross of Carnwath with his own and his wife's arms and names thereon. But the friction between Hugh Somerville and John Somerville of Cambusnethan (second baron, called *Red Bag*) still continued, and did not cease even after Hugh's succession as fourth Lord Somerville in 1522; being further intensified by Hugh's attachment to the Hamilton faction and John's attachment to the Douglases (see *Scots Peerage*, viii. 13-16; *Memorie of the Somervilles* (1815), i. 290 *et seq.*, 329-354; *Origines Parochiales*, i. 127). Our entry suggests a raid by *Red Bag* on the lands of Carnwath; but it also suggests a tactful escape by the jury in a difficult issue.

³ Duncan Campbell of Glenorchy forbade his tenants to take any actions to the spiritual courts, save cases of 'testat geir,' teinds, 'or uther spirituall actionis quhilkis ar nocht leasum to temporall Jugis to sit on,' under pain of forty shillings (Court Book of Glenorchy, *s.a.* 1576, MS., Breadalbane Collections, Reg. Ho.). For other examples, see *Urie*, 9-10, 18; *Stitchill*, 108; *Rental Book of Cupar-Angus*, ii. 298-299; *Fife*, p. xxvi, note 5.

It is impossible to say when the baron courts began to keep record of their proceedings. The court of the regality of Aberdeen was certainly keeping record as early as 1382 since in that year we find a reference 'ex inrotulatione curie clare patet,'¹ and there has been preserved a roll of five meetings of the baron court of Longforgan held possibly in 1385-1386.² For the larger erections, and particularly those held by the church, record was probably kept from a much earlier time³ since record was in every way of interest to the lord.

§ 4

The baron-officer or sergeand, like the mair of the sheriffdom,⁴ was the orderly officer of the court. It was his duty to 'summand warne attache & arrest all the fre tanandis . . . and all uthir substanchus zemen men' to the meeting of the court in fulfilment of their court-service⁵; to summon or attach the parties whose cases were to come before the court—doing this in the presence of witnesses,⁶ and subsequently proving his summons 'be his precep Indorsat be him thairapon'⁷; and to summon the necessary witnesses. When the court met it was fenced by him⁸; he called the suitors⁹; he called the parties¹⁰; he called the witnesses for the various cases.¹¹

¹ *Aberdeen*, i. 149.

² *H.M.C.*, 3rd Rep., 410.

³ In England 'about the middle of the thirteenth century not a few of the great religious houses, the most prudent and methodical of landlords, were beginning to keep written record of what was done in their courts' (Maitland, *Select Pleas in Manorial Courts*, Selden Soc., Intro., xii-xiii).

⁴ Cf. *Fife*, pp. lxii-lxvi.

⁵ Cf. *infra*, pp. 191-192. Similarly in cases where suit was owed only upon prior summons such summons would be carried out by the sergeand (cf. *Antiq. Abdn. and Banff*, iii. 582-583).

⁶ *Infra*, p. 70. *Forme and Maner of Baron Courts*, c. 2.

⁷ *Infra*, pp. 82, 92.

⁸ *Forme and Maner*, c. 1. See *infra*, pp. xcvi-xcix.

⁹ *Forme and Maner*, c. 1. See *infra*, pp. lxxxviii-xci.

¹⁰ *Infra*, pp. 80, 137-138.

¹¹ *Forme and Maner*, c. 1.

After the meeting of the court he was responsible for seeing that its decisions were carried out¹—he executed all poindings² and arrestments³; he ensured that all ‘borghs’ were observed. His insignia of office included a horn and a white wand ‘ane eln lang.’⁴ If opposed in the execution of his duty he broke his wand as an indication that he had been ‘deforced.’⁵

In our record there are three appointments, or re-appointments, of Thomas Cheisle as sergeand. It is noticeable in the first, that the baron made the appointment ‘vith consent of the inqueist’⁶; in the second, that the appointment was made by the baron ‘in plane court,’ was to be held by the officer ‘ay & quhill he be dischargit thairof,’ and that the officer gave ‘in Jugement his bodely aith’⁷; in the third, that ‘my lord creat & maid thome chesly barrone offisar and gart hyme swere to be leill & trew in the said offace and gaf hyme his full powere thairto.’⁸ The appointment was clearly a personal one;

¹ ‘The seriand sal fulfill the rolment of the court’ (*infra*, p. 123).

² Cf. the interesting entry on pp. 138-139.

³ He might, of course, carry out an arrestment solely upon the precept of the baron, doing so before witnesses and endorsing his precept (cf. *infra*, p. 69).

⁴ *A.P.S.*, ii. 22, c. 11. For details of the special wand of the sergeand of the regality of Glasgow, and for reference to its official use, see *A.P.S.*, ii. 190, No. 8. See also the reference to the sergeand’s wand in *St. Andrews*, pp. 418-419.

⁵ Again see the interesting entry on pp. 138-139.

⁶ *Infra*, p. 14 (1524).

⁷ *Infra*, p. 124 (1530).

⁸ *Infra*, p. 145 (1532). Similarly see the appointment of John Paterson (*infra*, pp. 139-140). In the *Forme and Maner* (c. 2) the sergeand must swear ‘to doe his office lawfully, after his learning and knowlege, attachments to make, gudes and men to arreist, rebellars to gar abide that are not law sufferand.’ There is an interesting appointment of a baron-officer and the registration thereof in the Fife Michaelmas head court of 1566, this being doubtless done in the sheriff court for ‘mair sikkernes’: ‘The quhilk day comperit george ramsay of Clatty and maid and constitut Thomas craig his seriand and officer in his courtis quha being present acceptit the samyn office upoun him and maid fayth tharto quharupoun the said george askit act and instrument’ (MS. Sheriff Court Records of Fife, Cupar-Fife, 1 Oct. 1566).

it would be made 'in plane court' for obvious reasons and in accord with the customary law¹; that we find it made 'with consent of the inquest' is indicative of the relationship which existed between the baron and the court.²

In the larger baronies there might be several officers, or, perhaps, one sergeand and several officers³; whilst in this record, and elsewhere, it would appear as though separate officers might be appointed for the different lands of the barony,⁴ and might have economic as well as legal functions to perform.⁵ There is evidence that in early times the

¹ Cf. *Fife*, Appendix I.

² To what extent the officers of the court were above suspicion in the execution of their duties naturally depended upon individual example, but the following entry from a Glenorchy court may not be without significance—'It is statute be the Larde that quhatsumeuir officar or officaris that takis or reteanis fra ony tenentis within the bondis of ony of thair offices silver butter kiddis lambis veillis or ony tother gratificatioune for quhatsumeuir caus eftir the dait heirof The same being sufficientlie previn The said officar or officaris contrauenand salbe in the Lardis will and thair hail gudis and geir to be confiscat to the Lardis use And quhateuir officiar that thinkis nocht this ordance sufficient to gif up and renunce his office' (19 November 1596. MS., Breadalbane Collections, Reg. Ho.).

³ In Carnwath the baron addresses a precept 'to my louettes william elder and symond fleming serandis and officiaris of the said barony coniunttliche and seuerallie' (*infra*, p. 191).

⁴ Cf. *infra*, pp. 139-140. This might be compared with the appointment of mairs for the different 'quarters' of a sheriffdom (see *Fife*, lxiii-lxiv).

⁵ In the baronies of Forbes and of Stitchill there were officers called 'ground officers,' and 'pundlars.' In the barony of Leys John Campbell was 'creat pundlar for keiping of the new wards and 3oung woods in Leyis; and it is statutit and ordeanit that the said Jon sall poynd for ewere man, womane, hors or nolt that is apprehendit within the said dyks, iij sh. iiij d.; and for ilk scheip aucht penneis'; whilst in the following year Alexander Cowper was 'maid, creat, and ordeanit pundlar within the hainings off the lairds hail young woods about Crathes' (*Spalding Club Misc.*, v. 222).

In the court books of Glenorchy we find the foresters of the various woods within the bounds of Campbell's lands reporting to the court—*e.g.*

Curia de buchqueder tenta die precedenti [22 November 1597]

Patrik m^c comle forester of the woddis of derrin: findis the wodis weill as the officiar declaris

Laurent m^c rarie forester of Esbeyich: weill as the officiar declaris (MS., Breadalbane Collections, Reg. Ho.).

remuneration of the sergeand was paid in kind,¹ whilst the many references to 'serjeantlands' indicate some small plot of land attached to the office.² Later, in 1574, we find the officer of the barony of Strathila receiving forty shillings yearly for his fee.³

§ 5

To complete the court it was necessary to have a dempster and the requisite number of suitors.⁴ Of the dempster there is little to be said,⁵ save that he was one of the suitors of the court⁶ and that it was his duty to pronounce its 'doom.'⁷

§ 6

The baron owed suit to the King's court of the sheriffdom in which the lands of his barony lay⁸; those who held lands of the baron and within the baronial erection owed suit to the court of the barony. Usually, when this latter suit is specified, it is given as 'tres sectas in anno ad tria placita capitalia infra baroniam,' that is, suit to each of the three head courts held in the year⁹; and in our

¹ Cf. *Scot. Hist. Soc. Miscellany*, v. 42.

² *Laing Charters*, No. 393; *Retours*, Edinburgh, Nos. 106, 113, 296; 'una acra terre vocatur le Serjand aker' (*Exchequer Rolls*, xv. 621).

³ *Antiq. Abdn. and Banff*, ii. 239.

⁴ See *Fife*, Appendix H.

⁵ The office has already been examined in *Fife*, lxvi-lxix.

⁶ Thus John Watson, who appears regularly as the dempster, was entered as suitor for the lands of Cormiston (*infra*, p. 141).

⁷ For example, ' & dome gyffin thairon be the mawcht of James Scot ' (*infra*, p. 28); 'off the quhillk delyuerans the ballies gart giff doum be the mouth of Jhone watson dompstar ' (*infra*, p. 184).

⁸ We must remember that the *lands* and not the *barony* owed this suit. Thus, for example, separate lands united into a barony still continued to owe separate suits (*B.P.*, 277, cc. xxvii, xxviii; and cf. *Antiq. Abdn. and Banff*, iv. 464).

⁹ Cf. *R.M.S.*, i. 213, 647, 932; i. App. i. 54. Occasionally we find suit to the three head courts and to the intermediate courts when specially summoned thereto (cf. *Fraser's Scotts of Buccleuch*, ii. No. 11), whilst sometimes even suit to the head courts is made dependent upon due summons (cf. *Antiq. Abdn. and Banff*, iii. 582-583). See also *Chartulary of Lennox* (Maitland Club), pp. 28-29, 43.

present record it is noticeable that although the formal phrase 'absentes patent per rotulum' is used for every court, detailed entries for lack of court service are given only for the head courts.¹

Some suit to the intermediate courts, however, must have been paid. A jury sat at each court, undoubtedly chosen from the body of the court; and at an intermediate court (21 June 1524) a question was put 'to ane interlocitur of the haill court.'² Admittedly certain of the suitors may have been specially summoned to that court,³ whilst it is clear that a number of the tenants were in regular attendance at the meetings of the court, possibly irrespective of the burdens imposed by their holdings.⁴ Both explanations might account for the presence of certain of the more influential tenants; but neither explanation could account for the attendance of the main body of the court at the intermediate sessions.⁵

A charter of 1312 (O.S.), however, clearly stipulates that while the tenants themselves are burdened with suit to the three head courts, 'husbandi eorum facient sectam ad omnia placita . . . tenenda infra Baroniam,'⁶ and there is other charter evidence to show that *communis secta* was

¹ *Infra*, pp. 3, 10, 23, 31-32, 38-39, etc.

² *Infra*, p. 19.

³ *Supra*, p. lxxxviii, note 9.

⁴ Thus an analysis of the juries listed in the record reveals that jury-service was largely performed by a limited number of the tenants (cf. *Fife*, Appendix E).

⁵ Unfortunately we have no means of ascertaining how large was 'the body of the court.' That it included other members in addition to the inquest is clear. David Somerville's question was referred to the 'haill court' (*infra*, p. 13), whilst actions coming before the same court were referred to the 'inqueist.' Of the suitors who are 'admitted,' moreover, Andrew Lam (p. 119) and Archibald Wallace (p. 185) do not appear to have sat on any jury. The distinction lies between *die Urtheilfinder* and *die Umstand*. Is any distinction intended when some order 'is statut be my lord & his frehaldaris' ? (*infra*, pp. 58, 81). At the same time the exceptionally large jury of twenty-nine (*infra*, pp. 209-210) suggests the impanelling of all, or almost all, the attendant suitors.

⁶ *Scone*, No. 144.

a burden commonly imposed upon *husbandi*.¹ For baron courts, as for sheriff courts, there seems no reason to doubt that the suit paid by small holders (usually *communis secta*) was exacted to make up the body of the court, and that accordingly such small holders were burdened with the additional service of suit to the intermediate courts.² There would thus be a sufficient attendance at each court, still leaving it possible to appoint a jury mainly from those more responsible men who had been specially summoned, or who were present because of their interest or pleasure.

In support of conclusions already reached elsewhere,³ our record shows that the suits were called three times⁴; that in a service of *suit and presence* two fines might be incurred,⁵ whilst in such a service if only suit *or* presence were paid a fine would be imposed for the other part of the service that was still due⁶; that a tenant holding several infeftments was due to give so many several suits⁷; and

¹ Thus, 'ab omnibus husbandorum oneribus relaxamus . . . excepta nostre regalitatis iurisdictione In omnibus curiis querelis et placitis nostris tenendis ibidem compareant et sectam communem forma debita et solita faciant' (*Arbroath, Nigrum*, No. 360. See also *ibid.*, Nos. 219, 270, 405).

² See *Fife*, lxxiv-lxxvi.

³ *Fife*, lxxii-lxxxvi.

⁴ *Infra*, pp. 160-161. Only if the suitor was not in attendance when the third call was made was he deemed to be absent. In some records we find the letters *ab* (=absent) or *p* (=present) written against the names of the lands owing the suit; and in such cases it is not unusual to find *ab* written twice and then *p*, thus indicating that the whole roll was gone through three times. Later, at the calling of the suits the holder of the lands might be put on oath as to whether he had kept the penal statutes (in the cutting of green wood, the shooting of deer or muirfowl, and so forth), and sometimes we find fines of five pounds for breach of the statutes entered against particular names in the suit-roll.

⁵ Thus Robert, Lord Maxwell, is fined for lack of *suit* and for lack of *presence* for his lands of Libberton (*infra*, pp. 31-32, 38, 45-46, 51, etc.).

⁶ As in the case of David Somerville (*infra*, p. 185).

⁷ Thus the laird of Erdhouse was fined for lack of court service for his lands of Erdhouse and was 'in ane uder mersement for his landis of henschellwod' (*infra*, pp. 23, 38). Cf. *B.P.*, 277, cc. xxvii, xxviii.

that one suitor might be entered for lands held by more than one person.¹ It is also to be noted that the suitors who were entered were 'received and admitted by my lord' and were 'sworn to office.'²

Our record gives no indication of the amount of the fine incurred for lack of suit,³ and no example of payment or of distraint therefor.⁴ In certain cases it may well be doubted to what extent enforcement of a fine would have been possible.

§ 7

When we come to consider the functions of the jury,⁵ one exceedingly interesting fact emerges from the procedure followed in the baron court of Carnwath. After both parties had stated their respective cases, 'the baillze causit the Inqueist to pas fortht of curt quhilk Inqueist gart call diuers vetnes & nychtburis and gart thame be suorne in Jugement & thaireftir come befor thame for to werese quhome to this land pertenit the quhilk vetnes & nychtburis declarit befor the said Inqueist that the said reg of croftland and but of hauce land pertenit to the said thomas schesle & was of his maillzard be the quhilk preifis & uthir diuers ressonis the said Inqueist beand ryply awysit come in curt agane and deliuerit All in ane wose be the mouth of Jhone browne schancellor of the Inqueist that the said

¹ *Infra*, p. 141.

² *Infra*, pp. 56, 119, 141.

³ The precept of 1536 simply commands attendance at the court 'ondir the pane of ane unlaw' (*infra*, p. 192). We find fines of 6/8 in 'Records of the Barony Court of Colstoun' (in *Trans. East Lothian Antiq. and Field Naturalists' Soc.*, II. pt. ii.) s.a. 1627, 1629; and as much as £40 for absence from the head courts of the regality of Spynie (*Spalding Club Misc.*, II. 135). At the beginning of the seventeenth century £10 was fixed as a maximum by the Court of Session (Mackenzie, *Observations*, James I, Parliament 9, Act 130; Morison's *Dictionary*, 7491-7493).

⁴ Cf. *Acta Dom. Conc.*, I. 57a.

⁵ It is noticeable in the latter part of the record that for actions of bloodwite the 'inquisicio' becomes an 'assisa' (cf. *infra*, pp. 194-201; and see *Fife*, ci, note 2).

Jhone of tuodell had brokin the reistment becaus that he had lauburit the said land & it unlousit of the quhilk deliuerance the baillze gart geif dome be the mouth of Jhone vatsone domstar of the curt that etc.'¹ That is to say, the jury passed out of the court, heard by themselves the evidence of the witnesses or considered any other proof that might be brought before them, deliberated the case, and made up their minds; then, returning to the court, gave in their 'deliverance' which was accepted as the finding of the whole court. The 'free tenants suitors of the court'² have been replaced, in Carnwath, by that select body of the suitors known as the jury. Moreover we have no record of any instance in which the finding, or the doom, of the whole court differs from the 'deliverance' of the inquest, whilst the 'deliverance' seems at times to include not merely the decision of the inquest but also the penalty to be paid, so that 'deliverance' and 'judgement' become one.³

In all essentials, including the consideration of evidence led and adduced, the jury forms, as it were, a separate court sitting by itself in a place apart. Only the formalities—the fencing of the court, the calling of the parties, the hearing of the preliminary statements from both parties in the case, the taking of the oaths of the witnesses before they give their evidence before the jury,⁴ and the pronuncia-

¹ *Infra*, pp. 104-105. Similarly, pp. 69, 88, 103, 137, 140, 172, 204.

² *A.P.S.*, i. 317, c. 4.

³ *Infra*, pp. 69-70, 140. See also *Fife*, Intro., p. lxxxviii.

⁴ Thus the witnesses are 'suorne in Jugement' but 'preif be thair greit aith' before the jury (*infra*, p. 103); or, 'the syis gart call diuers wetnes and caussit thame to be sowne in Jugement & broycht agane befor thame' (*infra*, p. 204); or, 'And thaireftyre gart call diuers witnes the quhilkis thai causit to be sworne in Jugement quhilk witnes was brocht agane to the inqueist and thair deponit before thaim be thair greit aithis' (*infra*, p. 172). It is to be observed, however, that the gist of the evidence of the witnesses sometimes finds its way into the record (*infra*, pp. 172, 204); possibly the most reasonable explanation is that some such summary was included in the 'deliverance.'

tion of the 'doom,' or the announcement of the award of the court—only these are left to the full court itself.¹

There is evidence, however, that the 'body of the court' still had its part to play. A question as to the appointment of arbitrators was 'put on ane interloquitur of the haille court,' when 'the haille court deliuerit & ordanit'²; a question as to the competency of the court was put 'to ane interloquitur of the haille court & put furth the parteis & the haille court fand, etc.'³; certain witnesses 'vas fund of nane vaill be interloquitur of the court.'⁴ More important than these is the entry in which 'the laird of Jarisvod dosyrit at my lord to proced considerand at it was stowth & reif & my lord put forth the party put it one ane interloquitour of the haille court the haille court ordanit to be tane sykhar souerte that thair suld samekill [be] furthcumand to the nixt court & thane to ansuer.'⁵

In two or three cases, in courts where an inquest had been impanelled and had already acted, we find what appears to be an entirely opposite procedure, in which the bailie 'beand avisit with the deposiciones of witnes & assessoures of the curt for the tyme decretit & deliuerit.'⁶ Probably the 'assessoures of the curt' were still the jury; possibly they were the suitors, or, perhaps, a limited number of those in the body of the court who were of some standing; certainly in such cases the action was heard before the whole court. This latter procedure, which in

¹ Have we here a different clue to the meaning of the phrase 'in plena curia' or 'in face of court'? (cf. e.g. *infra*, p. 14).

² *Infra*, p. 13.

³ *Infra*, p. 19.

⁴ *Infra*, p. 111.

⁵ *Infra*, p. 4.

⁶ *Infra*, p. 144. Similarly pp. 130-131, 134-135, 139. In one case, that of the action against the tenants of Quothquhan and Carsewell, proof is led 'befor the face of court & the saidis inqueist,' and only thereafter do the inquest pass 'furth of curt' to consider their 'deliverance' (*infra*, pp. 86-87). This is in full accord with the procedure described in *Fife*, Intro., p. xc and note 4.

Carnwath is the exception rather than the rule, is the more common procedure in the legal records of the time.

The number of the jury varied between wide limits.¹ In the early part of our record thirteen was the usual number; later, fifteen becomes more common. But there are also juries of eleven,² twenty-one,³ twenty-three,⁴ and even of twenty-nine⁵; whilst juries of fourteen,⁶ sixteen,⁷ eighteen,⁸ and of twenty⁹ indicate that no rule was followed as to uneven numbers,¹⁰ and that there was probably no necessity to rely upon majority verdicts.¹¹

The composition of the larger juries seems to suggest that most of the suitors then in court were pressed into service; but be that as it may, the procedure we have described clearly indicates that the jury in the baron court of Carnwath, acting shall we say as a committee of the suitors,¹²

¹ A check of the lists given for those courts which are entered in two places in the court-book revealed a number of discrepancies which it is quite impossible to explain. Thus for the court of 10 March 1527/28 (entered on pp. 66-67 and 83-84) a jury of thirteen is given in the first entry, whilst the same thirteen *plus* two additional members are listed in the second entry; for the court of 20 April 1528 (entered on pp. 71-73 and (erroneously dated 1527) on pp. 89-90) a jury of thirteen is given in the first entry, and a jury of fifteen in the second entry, the second list omitting two members of the first list and adding four others. Yet in both these cases of double entry the actions coming before the court were identical.

² *Infra*, pp. 148, 152.

³ *Infra*, pp. 61 (for a criminal action of theft); 185.

⁴ *Infra*, p. 133.

⁵ *Infra*, pp. 209-210.

⁶ *Infra*, pp. 2, 23.

⁷ *Infra*, p. 171.

⁸ *Infra*, p. 143.

⁹ *Infra*, p. 135.

¹⁰ Cf. *Acta Dom. Conc.* (1501-1554), p. 482; *Antiq. Abdn. and Banff*, iv. pp. 231-232.

¹¹ The usual formula 'all in ane wose' suggests, but does not necessarily mean, unanimity in verdict. (See *Fife*, Intro., pp. xcvi-xcviii.) In one action for bloodwite it is noticeable that the assise deliver 'all thair awys' (*infra*, p. 204).

¹² Thus the baron's precept of December 1536 charges his officers to 'summand warne attache & arrest all the fre tanandis haldand land of me within the barony of Carnewyth and all uthir substanchus 3emen men withtin the boundis of 3our office To compeir . . . to pas upone the Inqueist or to bar leill & suthfast wetnesing insafer as thae knaw or sall be sepirit at thame' (*infra*, p. 192).

were in no wise witnesses to the fact.¹ They were the judges of the court. 'The inqueist fyndis the ox testit gud'²; 'the inqueist ordanis hir to deliuer the pot agane & gyf scho aw him owcht to caw hir to the law.'³

It is thus easy to understand why all cases coming before a sitting of the court were referred to one and the same jury.⁴ In a like way if a case were continued from court to court, or followed the normal procedure of 'four courts,'⁵ the jury might well differ at each court, even though they might act only in the final court. In one case we find a jury delaying a 'mater quhil thai be ferder avyssit & speir the maner'⁶; in another case 'the inqueist ordanis ma vitnes to be restit' and the action is continued to the next court.⁷ In both these cases, however, there is no further record of the actions, and if the actions did come before the court again, we have no means of telling whether they were heard by identical juries. In the action between Thomas Ure and John of Twodell, which was continued, possibly for further evidence, it is stated ' & the

¹ Thus, in questions relating to the occupancy of land the inquest was dependent upon the evidence of 'all the ald nychtburis' (*infra*, p. 169). On the other hand, in a case before the baron court of Wamphray as late as 1596, five members of the jury all gave evidence as witnesses (MS. Reg. Ho. Misc., No. 56). That is to say, the jury in Carnwath has passed through that stage in which, as in the Latin Kingdom of Jerusalem, jury and witnesses were often apparently the same (Dodu, *Institutions Monarchiques dans le Royaume Latin de Jérusalem*, 285). See also Maitland, *Constitutional History of England*, pp. 131, 211; and *Fife*, Intro., pp. xci-xcii.

² *Infra*, p. 2.

³ *Infra*, p. 24.

⁴ In the court book of Glenorchy a court of Discheor and Toyer held at Killin on 18 November 1596 was followed on 19 November 1596 at the same place by a court of 'Domus Carthusiensis,' and for the latter court there is the rubric 'The assise of the court preceding standis for this court.' Similarly on 3 May 1597, again at Killin, the same assise served for a 'Curia proprietatis domini de Glenurquhey' and a 'Curia proprietatis de Lochow' (MS. Court Book of Glenorchy, Breadalbane Collections, Reg. Ho.).

⁵ *Infra*, p. xcix.

⁶ *Infra*, p. 3.

⁷ *Infra*, p. 128.

inqueist sall compeir at the nixt court & desyd thairintyll,'¹ but the action was apparently settled by arbitration,² and again we are disappointed. In the court of 17 October 1527, however, eleven cases came before the one jury, and then apparently a special jury (containing among its twenty-one members only two men³ who had sat upon the ordinary jury) was impanelled to try a case of theft.⁴ This would appear to be the only instance in our record in which a jury was appointed *ad hoc*.⁵

A common jury for all cases, however, did not preclude either party from raising exceptions to the service of particular individuals in his own case.⁶ In the action of bloodwite brought against William Anderson the bailies 'causit the Inqueist to be reid befor the sayd william andersone and his forspeikaris of new and sperit at hym and thaim gyf thai had ony excepcione releuant aganis ony of thai personis apone the Inqueist and bad thaim schaw thaim and thai suld be admittyt'⁷; whilst in the action brought against James Haistie 'the ballie gart red the Inquhist to bayth the partyis & speirit at thame gef tha wald haif ony of thame set & schaw ane lawchfull caus & tha sould be set & bayth the said party amettit all the Inquhist exsep the 3ong lard of gershous James heste

¹ *Infra*, p. 56.

² *Infra*, p. 161.

³ Or possibly three, if the David Somerville is David Somerville in Greenfield.

⁴ *Infra*, p. 61.

⁵ In the latter half of the seventeenth century in Stitchill we find a common jury of fifteen 'to pass voyce upon Inquest or Jury in all matters questionable within the said Barrony,' and other special juries appointed *ad hoc* to sit upon particular cases (*Stitchill*, pp. 1-2, 11, 30, etc.). In England, in the middle of the fourteenth century, the Year Books show that a special jury, apart from the original jury, might be called to decide upon some particular question of fact that had arisen in the case (cf. *Year Books*, 12 and 13 Edward III, Intro., pp. xlvi-lxx).

⁶ For a list of possible exceptions see *Frag. Coll.*, c. 18 (*A.P.S.*, i. 744).

⁷ *Infra.*, pp. 183, 198.

susspeikit for parsche[l] consell & desyre him to be purgeit thairof quhilk he did & than was amettit be bayth the partyis.' ¹

§ 8

The record of the court of 23 January 1523/4 includes an entry: 'The quhilk day the inqueist ordanis that my l[ord] caus his seriand to caus to charge ij gud men of ilk quartar of carnvith muir & ij or iij men of ilk towne to gyf him up be thair gret athis all the presentis of the heid-court and as for grenevod thai ordan ilk man to quit hymself or ellis to tak vith the falt' ²; and in one later court (January 1526/7) there is the bare entry: 'To the inqueist the presentis of the heid court.' ³ Have we here a survival of a jury of presentment? ⁴ The wording of the

¹ *Infra*, p. 204. It is to be noted, however, that in both these actions no other cases came before the court at the same time. In the jury-lists in the court book of Glenorchy we sometimes find a man's name crossed out and 'repellis' written against it; sometimes we find 'ad' (i.e. admittit) written against each name (e.g. the courts of 8 May 1598 and 13 August 1599, in MS. Court Book of Glenorchy, Breadalbane Collections, Reg. Ho.).

An Act of 1425/6 decreed that in indictments no officer of the court and no pursuer could sit on the assize (*A.P.S.*, ii, 9, c. 6), but there are several cases in our record in which in civil actions a private pursuer is listed in the jury for the same court. For example, Robert Chancellor of Quothquhan pursued John Greg and his wife in a court in which Robert Chancellor served on the inquest (*infra*, pp. 116, 117), and a jury on which John Pumfra sat decided a complaint in John Pumfra's favour (*infra*, pp. 120, 123). In these cases there is no record of any exception being made nor is there any evidence that the private pursuers withdrew from the jury when their own actions were under consideration. On the other hand, it is to be observed that in one court John Graham and John Pumfra, both appearing on the jury-list, are the parties to an action before the court, and, presumably arising out of that action, are both found guilty by the jury for 'trubylin of the court' (*infra*, pp. 10-13).

² *Infra*, p. 6.

³ *Infra*, p. 55. See also *infra*, p. 39, where the entry runs 'to the inqueist all the he [? read all the] presentis skaith vith & uther pykre & greinwod'; and *infra*, p. 73, where the entry runs 'To the inqueist scabvayth & leipare for pykre & the presentis of heid court'; (and see *supra*, p. lxvii, note 1, in *fin.*).

⁴ Cf. Maitland, *Constitutional History of England*, 47, 71-72, 127-128.

fuller entry is strongly suggestive of two statutes of Alexander II which were undoubtedly based upon the English model.¹

§ 9

The court was 'fensit on the kingis name of scotland James & on my lordis name.'² A court once 'fenced' was an assembly competent to proceed to justice; but the fencing, from its very connection with a proclamation of the court peace,³ also implied thereafter the observance of certain rules of conduct within the court.⁴

The style of fencing given in the *Forme and Maner of Baron Courts* runs: 'I defend, and biddis, in our liege Lord the king's behalfe of Scotland, and in the behalfe of the Lord that this Court aucht, and his Baillie, that here is, that na man distrouble this Court unlawfullie, under the paine that may follow; or make him to speik for any, but leave asked and obtained.'⁵ Thus John the Graham and certain others were brought before the inquest for 'tribulans of my lordis court in vordis & in unleiffull langage'⁶; James Ramsay was 'in ane mersement of this court for his spekin vithout leif askit or gyffin'⁷; Patrick

¹ *A.P.S.*, i. 399, c. 5 (1230); 403, c. xiv. (1244/5). We should note, too, that in 1450 an Act relating to sorners and masterful beggars decreed that barons were to take 'inquisicione' at their courts as to whether there were any such persons on their lands (*A.P.S.*, ii. 36, c. 9; and see also *A.P.S.*, ii. 3, c. 7).

² *Infra*, p. 12.

³ See 'Fencing the Court,' by Hamilton-Grierson, in *Scot. Hist. Rev.*, xxi. 54-62.

⁴ Cf. Burchard, *Die Hegung der deutschen Gerichte*, pp. 155-190.

⁵ *Forme and Maner*, c. 1. In Balfour we find 'The affirmatioun and fence of the court, that na man tak speach upon hand without leave askit and obtenit, except the persewar and defendar' (*B.P.*, 273, c. viii).

⁶ *Infra*, pp. 12-13. Cf. 'unlawes George Mairtein in 40s for contemptuous words gevin in this fensit court' ('Records of the Barony Court of Colstoun,' s.a. 1627, in *Trans. East Lothian Antiq. and Field Naturalists' Society*, vol. II pt. ii.); and see *Spalding Club Misc.*, v. 15 (1400).

⁷ *Infra*, p. III.

Dennom was found to have 'faillzeit to my lord' in the 'tribulin of his court'¹; and Pat Mason and three others were 'ilk ane of thaim in ane mersement of this court for thair passing owt of the court befor the deliuering of the inqueist.'²

Once it had been fenced and the suits called, the court followed rules of procedure closely parallel to those outlined in the legal treatises of the sixteenth century.³ Thus, in the action against the tenants of Quothquhan and Carsewell⁴ we have a good example of the 'forme of procese of foure courtis' which 'as zit may be used in baron courtis'⁵; and whilst the doom is sometimes pronounced at the fourth court, sometimes, as in Bisset's *Rolment of Courtis*, a fifth court is assigned 'for the dome giffin.'⁶

The details of procedure are also sufficiently regular to demand only brief references to particular points.⁷ We find actions initiated by a precept of summons,⁸ executed

¹ *Infra*, pp. 105, 106.

² *Infra*, p. 42.

³ For example, *The Forme and Maner of Baron Courts* and Bisset's *Rolment of Courtis*.

⁴ *Infra*, pp. 80-88.

⁵ Bisset's *Rolment of Courtis* (Scot. Text Soc.), i. 300-310. See also *B.P.*, 479 *et seq.* The 'processe of foure courtis' is to be found as early as 1385-6 (*H.M.C.*, 3rd Rep., 410); Professor Hannay has printed a summary of the process in 1471-72 (*Scot. Hist. Rev.*, xxii. 193-198); we find it still in use in 1570 (*Morison's Dictionary*, 15313).

⁶ Cf. the actions against William Inglis in Newmains (*infra*, pp. 92, 95, 98, 128, 134), and against James Brown, John Thomson, and John Girdwood (*infra*, pp. 91, 95, 97, 127).

⁷ On minor points we find reference to the *arles-penny* as 'ane plak of erllis' (*infra*, p. 12); goods in dispute are brought into court (*infra*, p. 108; cf. *Fife*, Intro., p. xx and notes 2 and 3); a private pursuer who had found a pledge to pursue in a case of 'pykre,' and then refused to pursue, 'come in my lordis vill for the unlaw sic Is he aucht to tyne apon law for brocht findin for the following of the said pykre' (*infra*, p. 126; cf. *B.P.*, 311, c. xxxviii, *in fin.*, and *A.P.S.*, ii. 227, c. 18); whilst the record becomes somewhat more human in the case in which 'the said vil;em [somerwell] tuk on hand to preif at James [Proudfut] held thair viij schein quhil thair deit & he [James Proudfut] said he suld gyf him xvj quhen he preffit it' (*infra*, p. 53).

⁸ *Infra*, pp. 191-192.

by the sergeand or officer before witnesses and duly endorsed¹; we find private actions pursued by way of 'bill of complaint.'² A defender who fails to appear after having been lawfully summoned is 'in mersement for falt of comperans,'³ whilst the fourth court is 'court peremptour' at which 'quhidder he compeir or nocht . . . my lord vill proced in the said mater accordand to Justis.'⁴ All parties are called three times before being denounced as absent.⁵

Witnesses were 'arrestit,' that is, were summoned to appear under pain of unlaw.⁶ They took their 'great oath'⁷

¹ See *Fife*, p. 311 and note 3.

² *Infra*, pp. 124, 161. In 1527/8 it was 'statut be my lord & his re haldaris that all plantis In tyme to cum salbe gyffin in vrit or ellis it salbe on na waill' (*infra*, p. 81). Similarly 'all composicionis salbe gyffin in vrit falzeing thair of the complane salbe of na vaill nor haif audiens in court' (*infra*, p. 58). In Colstoun in 1642, we find a like rule that 'in all tyme cuming that any of the Lairds tennents that hes any complaint againes utheries that they give in the samen in court be ane written bill or complaint utherway not to be hard' ('Records of the Barony Court of Colstoun' in *Trans. East Lothian Antiq. and Field Naturalists' Soc.*, vol. II. pt. ii.). Apparently it was customary to enter the 'decret and rolment' of the court upon the back of the bill of complaint and to return it, or a copy of it, to the party complainer (see *supra*, p. lxxxiii, note 2).

³ If the defender had been summoned for several separate actions coming before the court on the same day, and failed to appear, then he was in so many several unlaws of the court. Thus William Watson, elder, was 'in iij mersementis of my l[ordis] court for falt of entres till haif ansuerit to thre syndry parteis' (*infra*, p. 4). Fines for failure to appear were frequently levied by distraint. In the record of the baron courts of Longforgan (? 1385-86) the sergeant was ordered to levy a distraint of the value of six cows upon each of the absent tenants (*H.M.C.*, 3rd Rep., 410; and see *infra*, pp. cx-cxi).

⁴ *Infra*, p. 98.

⁵ *Infra*, pp. 131, 132, 174-176.

⁶ 'Jhon bell vitnes in mersement' (*infra*, p. 20). The last entry in our record, relating to contumacious absence, was probably directed against absent witnesses, and decreed that they should 'pay the parte the expensis ay one quhill thai compeir' (*infra*, p. 212; and cf. *Acta Dom. Conc.*, i. 50 a).

⁷ See the note by Hamilton-Grierson in Bisset, *Rolment of Courtis*, iii. 161. To the examples there cited may be added 'the grete bodely athis the Haly Ewangell tuichite' (*Antiq. Abdn. and Banff*, iv. 403); and

before the court, and were then called singly before the jury to give their evidence.¹ If it came to the knowledge of the jury, or of the court, that further witnesses were available the action might be continued for such further witnesses to be summoned and heard.² In one case we find a litigant ordered to bring her witnesses to the next court, and, at the next court, 'in mersement . . . for falt of entres of hir preiffis'³; in another case we find certain witnesses pronounced to be 'of nane vaill . . . becaus thai com untechit or summond lawfully.'⁴ Witnesses could be challenged for partiality and their admission or otherwise decided by interloquitour of the court.⁵

Sometimes a case is continued 'to the nixt court in hop of concordans'⁶; sometimes it is referred to arbitration.⁷ In arbitrations there had to be a like number of arbitrators for each side⁸ together with an 'oursman' (or 'odd-man') to meet the contingency of equal division.⁹ If a case were

'per fidem meam necnon tactis sacrosanctis per sacramentum meum corporale me obligavi' (*Inchaffray*, No. xcii).

The form of oath with uplifted hand occurs frequently in our record in personal obligations—'meg veir held up hi hir hand to entir to the nixt court' (*infra*, p. 15); John Gray 'oblist [himself] In Jugement his rycht hand haldin up to entir and pay . . .' (*infra*, p. 40); James Brown 'fand his hand & his gud to entir to the nixt court' (*infra*, p. 77). See also *Fife*, 289, note to p. 24.

¹ 'Ilkane be thameself' (*infra*, p. 179); and see *supra*, pp. xci-xciii.

² Thus 'the said assys has contenuit the blud betuix Williame andersone & thomas purdy creilman to the nixt curt becaus thai war informit at thair was uthir preiffis that kennit the tulje & ordanis to arrest thaim to the nixt curt' (*infra*, p. 200).

³ *Infra*, pp. 22, 24.

⁴ *Infra*, p. 111. 'Untechit' should not be taken too literally. It probably meant little more than that the witnesses were unaware that they were to be called upon to give evidence.

⁵ A good example can be seen in a case before the baron court of Wamphray, 1596 (MS. Reg. Ho. Misc., No. 56).

⁶ *Infra*, pp. 74, 112. Akin to the English 'love-day' or 'dies amoris' (see *Fife*, p. 314 and note 6).

⁷ In one instance 'the Inqueist fyndis that thai haiff tane men to gre thame' (*infra*, p. 189).

⁸ *Infra*, p. 13.

⁹ *Infra*, pp. 15, 50.

submitted to arbitration both parties bound themselves to 'abyd [at] & abay the decret deliuerance & sentens' of the arbitrators.¹

Instead of formal proof we may find a question referred to the oath of the pursuer or of the defender. This was the oath of verity or *decisorium litis*² which had the full force of proof,³ and was frequently employed in cases of debt.⁴ Mychell Leisman was apparently so taken aback at the oath given by Alan Car that he 'callit the said alan mensuorne' and came 'in mersement of this court for his unracionabill langage.'⁵

Either party could be represented by a procurator. If the litigant were present in court he could then and there desire his procurator (or 'forspeaker') to speak and answer for him, when, unless there were obvious reasons to the contrary, the procurator would be 'admittit be the saidis ballies and the party.'⁶ If the litigant were not present

¹ *Infra*, pp. 15, 53.

² We find it taken as the 'gret aith' (*infra*, pp. 20, 108). Similarly in *Fife*, p. 70.

³ In one case we find 'the inqueist ordanis Jame mowtra oder to preif or suere quhat he is onepait' (*infra*, p. 8).

⁴ For reference to the pursuer's oath, see *infra*, p. 16; for reference to the defender's oath, see *infra*, p. 159. In the case of Elizabeth Livingston and James Graham, the defender referred the question to the pursuer's oath, but when she had sworn the oath the defender still 'dosyrit ane day to caw his band the quhilk he was grantit' (*infra*, p. 20). What does this mean? Does it mean a day to call his compurgators? Unfortunately there is no further reference in the record, and so we can give no answer. In 1633 and 1643, in the baron court of Colstoun, we find bloodwites referred to the oath of the pursuer and of the defender respectively, which, to say the least of it, is unusual ('Records of the Barony Court of Colstoun,' in *Trans. East Lothian Antiq. and Field Naturalists' Soc.*, vol. II. pt. ii.).

⁵ *Infra*, p. 108.

⁶ *Infra*, pp. 171, 182, 183. In the baron court of Glenluce there was apparently a court rule that procurators had to be men of the barony and not outsiders. It was 'contrair the actis and statutis of the barony that ony owt tounis man suld procure for ane Intounis man,' and in one case the bailie 'repellit the saidis archiebald & maister Johne [as procurators] becaus thai ar na barony men' (MS. Baron Court Book of Glenluce, Reg. Ho., fo. 1 *recto*).

in court, however, then the procurator had to produce his 'letters of procuratory' or mandate authorising him to represent the party. This was a salutary ruling since it prevented any odd individual claiming to be a procurator when the party had failed to appear, whilst it also prevented any subsequent dispute as to the procurator's authority. Thus 'my lord vas contentit to gyf sir vilzem somerwell lezens to speik for James brown John thomson [and] vilzem Inglis in newmanis sa beand at he vald produce ane sufficient procu[ra]tour or zit find sufficient cawcione to entir his procu[ra]tour for thaim becaus he desyrit to speik for thaim he haiffand na power becaus he vald nocht find caucione nor produce ane procu[ra]tour my lord commandit to him sylence.'¹

In the criminal actions coming before the court the entries are so brief that they afford no clue as to the procedure which was followed. The longest entry merely runs: 'Thom scot ze are indytit for thiftus stelin & consalin of vij ky & oxson owt of glencarn fra mongo fargeson ze ar indytit for common thyft & common pykre baith of ald & new quhilk he may nocht deny.'²

The reason was twofold. In the first place the penalty was death. If the accused were found guilty he was hanged and that was the end of it; whereas in civil actions, or in quasi-criminal actions such as bloodwite and deforcement, there were still fines to be recovered for the purse of the lord. Moreover the accused was generally a man of no substance, and even if there were escheats to fall to the baron, the bare entry was still sufficient. In the second place the procedure itself was so summary that no fuller entry could be given.³ Suspicious characters received but short shrift.

¹ *Infra*, p. 127. All three parties were absent; and all three were fined 'for falt of thair comperans.'

² *Infra*, p. 61.

³ Cf. *Fife*, pp. 322-324.

§ 10

In its civil jurisdiction the court was concerned principally with actions for petty debt,¹ possessory actions,² lawburrows,³ and the quasi-criminal⁴ actions of breach of arrestment, bloodwite, and deforcement. By far the greater number of actions coming before the court of Carnwath fell within the latter group, being actions brought by my lord 'for the brekin of his fens' (breach of arrestment), or 'for fylin of his grund with violent blud' (bloodwite), or 'for forssin of his offesar' (deforcement).

In the phrase 'brekin of my lordis fens' the word 'fens' is used in much the same sense as in the 'fencing' of a court. The baron, we may say, has put an imaginary fence round certain lands or subjects and has decreed that none may interfere with them, just as, at first, a fence was put round the assembly of the court, both to define it and to ensure the observance of the rules against interference. The fenced lands or subjects are within the baron's 'peace,' just as there was a 'peace' of the fenced court. In more usual legal parlance the baron has placed the lands or

¹ 'The quhilck day Jhon copland folloit katerin of denome for the vrangus haldin fra him vj s the inqueist ordanis to pay iij s & vj d' (*infra*, p. 12).

² 'The quhilck day Jhon france contrar stene purde for ane meir' (*infra*, p. 33).

³ See *Fife*, pp. 330-331. For examples, see *infra*, pp. 16, 41-42, 190-191. In one instance, following a case of bloodwite, the party who had been found 'in the blud & bludwyt' refused to find lawburrows, 'thairfor my lord gart breng him hame & hald him quhill he fand borrowis' (*infra*, p. 205), an indirect way of saying 'put hym in fyrmans quhill he gat borows' (*infra*, p. 185). In this latter case it is to be noted that my lord 'askit instrumentis of the clerk of the court that he couthe get na lawborowis' (*ibid.*), whilst from a later entry relating to the same case we can deduce that 'hame' and 'fyrmans' was at Cowthally (*infra*, p. 190).

⁴ Quasi-criminal in that the judgement was a 'doom' pronounced by the dempster.

subjects 'under arrestment'¹; any intromission with them is a 'breach of arrestment' until such time as the arrestment has been 'loosed.'² Arrestment might be placed on almost anything³; and for breach of arrestment the penalty might extend to forfeiture of tacks and steadings, escheat of movables, and personal imprisonment for a year,⁴ though it may be questioned how far such penalties were exacted.

Obviously an unscrupulous baron might easily abuse his powers of arrestment and by making privy arrestments derive no small profit from subsequent actions for the breach thereof. Although we have no evidence of such malpractice in Carnwath it is not surprising to find an entry under 1526/7 that 'the inqueist ordanis that quhen ony fens or restment Is maid apoun ony land catell corn or gudis that intimacione & varnyng be maid thair of that the party that the saidis landis catell corn or uder gudis belangis till mair of the perell that cummis thaireftir gyf thai intromet thair with eftir quhill the said fens or restment be lowssit.'⁵

The term 'bloodwite' is a compound of 'blood' and

¹ Following a perambulation by the sheriff of Orkney in 1583/4 the sheriff 'arested' the march-stones—i.e. took them under his 'peace,' thereby automatically subjecting to the penalties of his jurisdiction any persons who might interfere with them (Clouston, *Records of the Earldom of Orkney*, Scot. Hist. Soc., 160).

² Thus we find 'my l[ord] foloit in court robert levinston for the brekin of his fens that Is for the takin away of xix scheip that vas preiffit restit & the said robert alegit that my l[ord] leit him the restment lows & my l[ord] deniit at he leit him na mare lous bot als mekill as com to xvj s & viij d the inqueist can nocht quhit the said robert of the fens brekin bot puttis him in ane fens brekin etc' (*infra*, pp. 34-35).

³ When we find arrestment placed on the 'treis [roof timbers] of ane hous' (*infra*, p. 122) we must remember that the timbers were practically the only permanent part of the house (see the remarks in [Burt], *Letters from a Gentleman in the North of Scotland*, 5th edn. (1822), i. 26 and note).

⁴ *Infra*, pp. 69-70, 87-88, 105, 131, 153-154. And see Morison's *Dictionary*, 785.

⁵ *Infra*, p. 57.

'wite' (i.e. fine). Thus a party might confess the 'blood,' but deny the 'wite'—i.e. he might admit that blood had been shed, but at the same time deny that he was in any way to blame and that therefore he ought not to be fined.¹ In the baron court the fine for bloodwite could not exceed £50; though both parties might be fined in that amount. Where the case was one in which the guilt lay clearly on one side only, the guilty party, in addition to the fine, might be ordered to pay an 'assythement' to the injured party for the 'skaith' sustained.²

In Carnwath the women were apparently as pugnacious as the men.³

Deforcement was simply the forcible prevention of an officer of the law in the execution of his duty. In baron courts, as in sheriff courts, actions for deforcement usually arose from some obstruction of the mair or sergeand in the execution of poindings. The punishment might be a simple fine,⁴ or, in more serious cases, it might extend to forfeiture of tacks and steadings, escheat of movables, and imprisonment for a year.⁵

¹ Cf. *infra*, pp. 92-93, 97. The old law laid down that 'he that is mayd blaa and blody sal fyrst be herde' (*A.P.S.*, i. 349, c. 82), and we have a late case in which the pursuer produced in proof 'ane bloodie cloth and woundis vpon hir bodey' (*Forbes*, 268). Nevertheless we should be careful to avoid laying too much stress on the 'blood,' since an action for 'bloodwite' still lay even if there were only bruises, or, indeed, if there had been any breach of the peace of the most minor kind.

² But see *supra*, p. lxxxiii, note 3.

³ There are many entries in which women are involved. In one instance two of them 'grantit the blud but na violence becaus it vas in play & nocht in ernyst' (*infra*, p. 108). In the case of Andrew Mitchell and William Anderson, Andrew Mitchell's wife would appear to have been a better fighter than her husband (*infra*, p. 199).

⁴ *Infra*, p. 186.

⁵ This was the penalty in the action against the tenants of Quothquhan (*infra*, pp. 138-139), where it is stated that as the officer was 'drifand the poynd' the tenants came upon him 'with bow & speir . . . & violently & masterfully reft hyme the sammyng & strak diuerss of his witnes & proferit hyme self strakis violently etc.' In the barony of

These three actions were all profitable to the baron. There might be forfeiture of tacks and escheat of movables ; there would certainly be fines. In one case of deforcement ' my lord declarit his will in plane curt that he wald haif x powndis for the forsmet,'¹ and probably the baron's attitude was generally as terse as that, and as practical.

§ 11

The criminal jurisdiction of the court was restricted to theft and slaughter. By the early law all barons who had pit and gallows for theft, had also gallows for slaughter²; and in Robert II's statutes of 1371/2 for the suppression of slaughter, the officers of regalities and baronies were enjoined to carry out the new measures equally with the officers of the King.³ Certain restrictions, however, such as the taking of the slayer ' red-hand,' soon limited the baron's jurisdiction, and there can be little doubt that, save in the larger erections, cognisance of slaughter gradually passed to the royal courts. In the present record we find no case of slaughter coming before the court of Carnwath.

In theft the thief had likewise to be taken ' red-hand ' or ' with the fang,' that is with the stolen goods in his personal possession or at his dwelling-place⁴; otherwise

Leys, in 1623, James Paterson, who had deforced the officer in the pointing of a horse, was fined a sum of forty pounds, was placed in the stocks for twenty-four hours, and ' his haill guids and geir to be escheit to the laird, conforme to the act of parliament ' (*Spalding Club Misc.*, v. 222). Similarly see *Records of the Sheriff Court of Aberdeenshire* (New Spalding Club), i. 66 ; Morison's *Dictionary*, 3425.

¹ *Infra*, p. 186.

² *A.P.S.*, i. 319, c. 13. The distinctions made in this Act were probably between those who enjoyed a baronial jurisdiction (*furca et fossa*) and those who held merely as tenants-in-chief.

³ *A.P.S.*, i. 547-548.

⁴ Cf. *infra*, pp. 154-155. The officers of the court had a right of search known as ' dakering ' or ' rancelling ' for theft (cf. *Spalding Club Misc.*, ii. 129-130, 133, 137).

he could be tried only by the justiciar. All the enactments bespeak summary justice,¹ and the meagre entries in the court books tell the same tale.² Margaret Anderson³ and Thom Scot⁴ are dealt with in four or five lines; indicted for 'thiftus stelin,' for 'common thyft & common pykre,' their fate is not hard to guess.⁵

Some distinction appears to have been made between theft or 'common theft'⁶ and 'pykre'; possibly the latter was not a capital charge, but our record is too scanty for us to draw any definite conclusion.⁷

§ 12

Actions relating to 'the weill of the tenandis and keiping of gude nyctburheid,'⁸ or 'for the cownownd weyll of his tenandis & for gud rowll & neborhed to be keipit amangis thame and for the inbrenying of his maillis dewitis & dusarwes'⁹ usually came before the baron's Whitsun courts.¹⁰ At those courts the lands were 'set'

¹ Cf. *A.P.S.*, i. 320, c. 17; 371, c. 2; 373, c. 6; 652, c. 27.

² Cf. *Fife*, p. 323.

³ *Infra*, p. 37.

⁴ *Infra*, p. 61.

⁵ Justice might take the form of hanging or drowning, the latter method being usually, but not always, employed in the case of women (cf. *Spalding Club Misc.*, ii. 129-130, 134). In the court book of Glenorchy men were hanged 'with ane widdie' on the gallows of Killin; women were 'put in the watter and drownit tharin.' Sometimes, however, a man would be drowned instead of hanged, as in the record of 8 May 1598 (MS. Breadalbane Collections, Reg. Ho.).

⁶ 'Common theft' must be taken to mean a thief by common repute, or known to be a thief in cases other than that then coming before the court. It is possibly a later development of the three thefts, or the three charges of theft, referred to in *Frag. Coll.*, c. 1 (*A.P.S.*, i. 737). Cf. 'baith of ald & new' (*infra*, p. 61); and see *Fife*, p. 336 and note 8.

⁷ The entries relating to 'pykre' seem to have a less brutal appearance (cf. *infra*, pp. 13, 23, 25, 63), though we have a contemporary definition 'de communi furto seu latrocinio viz. lie pykrye' (*Exchequer Rolls*, xv. 614).

⁸ *Infra*, p. 156.

⁹ *Infra*, p. 211.

¹⁰ Though simple matters of 'gude nyctburheid' might be referred to, or brought before, the burlaw-men (see *infra*, App. A).

for the ensuing year¹; the baron ordained 'all stilis & statutis maid be hym in his last witsunday curt & uther witsunday curtis or befor to be keptit . . . with sic addicionis as he thinkis expedient to be eikit'²; rights to pasture on the common were decided³; cases of 'oursowmes,' or the pasturing of more cattle than had been permitted, were heard⁴; and complaints as to the 'insufficiency' of dykes, and the consequent damage done by cattle, or otherwise, were investigated.⁵ To this class of actions belong also the many cases which arose out of the thirlage of the tenants to the barony mill,⁶ and the actions brought by the baron himself for non-observance of his economic decrees⁷ or for non-payment of his 'fermes and maillis.'⁸

¹ *Infra*, pp. 169-170. See the Act of 1469 (*A.P.S.*, ii. 95, c. 10). It should be noted in this connection that our record contains a number of important and interesting entries relating to 'kindly tenancy' (cf. *infra*, pp. 169, 187, 188, 189).

² *Infra*, pp. 67, 101, 155-156, 164. Certain of the 'styles and statutes' for the barony of Linton are given in the court of 1535 (*infra*, pp. 168-169) and a considerable number for the barony of Carnwath in the court of 1542 (*infra*, pp. 210-212).

³ *Infra*, p. 210. The decision in this case was to be made by 'ane sartane of the eldest & of best ondirstandis'; the number of beasts put on the common by each tenant was to be 'as efferis to his mallyng'; and it was laid down that in case of 'ouresowmes' a single warning only would be given 'into the Kyrk' when, if the extra cattle had not been removed within four days, they would be escheated to my lord.

⁴ 'Oursowmes' might, of course, come before other courts (cf. *infra*, p. 60); though in two instances we find the cases continued to the Whitsun court (*infra*, pp. 50, 54). In the former of these two cases it is to be noted that 'gyllis gibson . . . alegit that the nychtbouris set hir thaim quhilk thai deniit' and that 'the inqueist ordanis the nychtbouris to varand the vyf & gyf thair be owrsowmis thai salbe foloit in the vitsonday court' (*infra*, p. 50). And see the preceding note above.

⁵ *Infra*, pp. 68, 102, 156, 158. Although not coming before a Whitsun court, the action 'in nychtburhed betuix mossat & grenfeld & volfroddis' (*infra*, pp. 54-55) provides a clear picture of the rules for good neighbourhood drawn up in an agrarian community.

⁶ *Supra*, pp. lxiii-lxiv.

⁷ *Supra*, pp. lxvii-lxviii.

⁸ For example, *infra*, pp. 176-177. And see *B.P.*, 40-41, cc. x, xi.

XII

Cetera alia

Although we find various sums such as £10,¹ £20,² £40,³ and 100 marks,⁴ entered as pledges for the appearance of a defender before the court, and although a penalty of forty shillings for a first offence is sometimes decreed,⁵ it is probably not without significance that in the one solitary reference in our record to the actual amount claimed by the baron as 'skaith' for bloodwite committed on his lands the damages are assessed in kind. In July 1524 'my l[ord] foloit in court Jhon veir & symond brown for the fylin of his grund vith violent blud he sowmis the skaith on ilk ane of thaim v ky ane codo the inqueist findis symond brown in the blud & in my l[ordis] vill & quhitts Jhon veir of ony blud.'⁶ Significantly, too, for failure in matters affecting the welfare of the barony as a whole a fine is sometimes decreed, not in terms of money, but as 'the best awcht,' or the best eight of oxen held by the defaulter.⁷

It may be taken for granted that actual money was scarce, and that the exactment of fines and penalties was usually by distraint. We find the baron's officer deforced when he was 'drifand the poynd,'⁸ obviously cattle; John of Twodell acknowledges the receipt of 'ix zowis ane hog ane gray meir twa ky and ane stot,'⁹ almost certainly the return of a distraint; for non-payment of the fermes

¹ *Infra*, pp. 18, 155.

² *Infra*, p. 193.

³ *Infra*, pp. 117, 210, 212.

⁴ *Infra*, p. 22. 'Codo'—a young ox or heifer (*Craigie*, s.v. *Coddoch*).

⁵ *Infra*, pp. 100, 165. In 1531 we have an interesting entry illustrating the borrowing of plough-cattle and the payment of so many firlots of meal for 'oxin hiris' (*infra*, p. 132).

⁶ *Infra*, p. 138.

⁷ *Infra*, p. 196.

⁸ *Infra*, p. 22.

⁹ *Infra*, p. 145.

of the Nether Milrig 'ij oxin iiij ky and iij 3ounger bestis' were apprised¹; whilst the registration of a security for the payment of a 'releiff & ane termys maill' amounting to £20 concludes that if 'this pame[n]t happin to faillie at the termis as said is my lord sall price gudis that is to say the kow for xx s & the ox for ij merkis.'²

In his own cases, such as the 'fylin of his grund vith violent blod' or the 'brekin of his fens,' the baron was probably quick to exact the penalties which were decreed; but in actions between the tenants themselves justice would seem to have moved more slowly. A candle faultily 'stykit one ane post be Jhon of twodell' resulted in an action brought against him by Thomas Ure 'for the bwrnyng of his housis.' Ure's complaint first appears on record in February 1526/7; subsequently the case was submitted to arbitration when Ure was awarded a sum of £25; but in February 1534/5—almost exactly eight years later—Ure is still claiming that he has not yet been paid.³

The *Sagas* reveal that in Iceland the meetings of the local courts were occasions for festivity as well as for the execution of the law. There were jugglers and drinking booths, and the people 'came in great numbers . . . palavering and merry-making.'⁴ In Scotland the baron courts were probably more prosaic assemblies. But at

¹ *Infra*, p. 192.

² *Infra*, p. 149. The ox was originally entered at 30s. and then changed to two marks.

³ *Infra*, pp. 57, 161. There is an echo here of the entry in the *Chronicle of Melrose*, under the year 1215, recording the burning of one of the best granges of Cupar [-Angus] 'et grangiarius conversus in ea, per negligentiam unius candele male defixe.'

It would be interesting to have more information about this John of Twodell. He appears before the court far more frequently than any other tenant. That he was either a 'substanchus' man or a somewhat plausible fellow is clear from the group of actions, thirteen in number, brought against him in the court of 1 February 1534/5, when all his creditors appear to have sought payment at once (*infra*, pp. 161-163).

⁴ *Grettir*, c. 72.

their best, and under an upright baron,¹ they were valuable instruments for the maintenance of law and order. They played their part in administering the barony as a unit in the government of the country as a whole; and by enforcing the economic dictates of the baron and the 'styles' of his Whitsun courts they ensured 'good neighbourhood' among the tenants on the lands. In the barony as a self-contained and, to a great extent, self-governing agricultural community, the authority of the court could be invoked for the benefit of all. In the last resort the tenant unwilling to co-operate for the common good could be met with 'tynsall of his maling & banissyn of him owt of the barrunry.'²

¹ Hugh, Lord Somerville, would appear to have been such a 'father to his people'; though unfortunately it is only too evident in contemporary record that there were barons who oppressed their tenants and used their courts as a means to their oppression.

² *Infra*, pp. 117, 165.

APPENDIX A

THE BURLAW MEN

It is significant that in our present record references to the burlaw men occur only at the Whitsun courts.¹ The Whitsun courts, as we have seen, were primarily concerned with the economic life of the community and with the keeping of 'good neighbourhood'; it was the duty of the burlaw men to see that the tenants duly observed the 'styles'² of the court, though they might also issue their own decrees or act as arbitrators in any questions of 'neighbourhood' that might arise.

Skene writes that 'Lawes of Burlaw are maid and determined be consent of nichtbors, elected and chosen be common consent, in the courts called the *Byrlaw* courts. In the quhilk, cognition is taken of complaints betuixt nichtbour and nichtbour'³; and the *Regiam Majestatem* closes with a reference to *Burlaws* 'que per consensum vicinorum concurrunt.'⁴ According to the best authorities the word is probably derived from the Old Norse *býjar-lög*, that is, a 'law community' or 'law district,' and so came to mean the local law governing small townships or villages.⁵

Thus the 'burlaws' might be the decrees of the burlaw men themselves, or they might be the 'styles' which were confirmed year by year in the Whitsun courts. Similarly a tenant might bring an action in the baron court against his neighbours, and the dispute be referred to the burlaw men,⁶ or the burlaw men

¹ *Birlawmen* (p. 68); *berla men* (p. 102); *barle men* (p. 210).

² *Supra*, p. cix, note 2.

³ *De Verb. Sig.*, s.v. *Burlaw*.

⁴ iv. c. 58 (*A.P.S.*, i. 641).

⁵ *Oxford New English Dictionary*, s.v. *Byrlaw*.

⁶ In Will Simpson's complaint 'my lord ordanis iiij men to be suorn that the men of the stowbwod sall mak thair dyk & keip gud nychtburheid and at tha mak thair dyk within x dayis wnder the pane of forfytting of thair malling' (*infra*, p. 158); and though the 'iiij men' are not designated burlaw men they were undoubtedly acting as such.

might hold their own court and issue their own decrees 'for the profet of the towne.'¹

In 1479 when the Abbot of Cupar-Angus set certain lands in feu-ferme to Alexander Sandris, the letter of tack contained the clause 'and he sal kepe gud nychtburhede bath for himself his wyf and barnys and seruandis vnder payn of tynsail of his tak and he be funding fautur : And owkly he and his nychtburis sal halde a byrlay courte amang thame self, for commown profit of the town and correccioun of al fautis.'² Elsewhere in the same record we find letters of tack containing the clause that the tenants shall 'obei to the ourman quhilk the Abbot assignis for kepyn of gud and suet nichtburhed and thar common profit'³; and in one case, where the children of a widow are to live with her and to be obedient to her, it is laid down that 'Quentin and Andrew Baxter shall be their referees and advisers in any matter of controversy.'⁴

At a much later date (1655), in the baron court of Stitchill,⁵ we find nine burlaw men appointed, who, with the Factor of the barony, are 'to desyde all matters questionable and debaitable among neyboris and to impose Stent and publick Impositions and to desyde the samyn equally and proportionally without partiality conforme ilke anes severall possessioun'⁶; and about the same time (1668), in the baron court of Forbes 'the hail tennentis within the said lordship with thair owin consentis hes inactit themselff that they sall keip gud nightbourheid in all conditiones, and sall not mack any truble either

¹ Cf. 'Waestoris & ill hanis men that well nocht keip the command and ourdenans of the barle men for the profet of the towne' (*infra*, p. 210). 'Ill hanis men' are those who have not ensured that their fields are properly hedged or ditched—haining=enclosing.

² *Rental Book of Cupar-Angus* (Grampian Club), i. 230.

³ *Ibid.*, i. 177, 178, 180, etc.

⁴ *Ibid.*, i. 223.

⁵ In 1713, in Stitchill, 'it is statute and ordained that the Burlaemen meit twice in the yeare viz. the first Saturday of March and the first Saturday of October' (*Stitchill*, 170). This reminds us of the early enactment relating to courts meeting 'on the grass and on the corn.' Elsewhere in the Stitchill records, however, we find that a Burlaw Court could be held there upon eight days' warning (*ibid.*, 149).

⁶ *Stitchill*, 2. On the immediately following page they are called 'stent maisters.'

be striking vyer or skoldin vyer in all tym comyng, bot incais of any difference they sall goe to ye birly men.'¹

The system was an ideal one for preserving the peace of the community and for ensuring that each tenant paid a proper regard to the welfare of his neighbours.² Almost all references to the work of the burlaw courts or of the burlaw men relate to 'good neighbourhood.' The 'matters of controversy' that came before them included such questions as the proper maintenance of hedges and ditches to ensure that cattle did not stray and 'eit up the [neighbour's] corne,'³ and if cattle did stray, the assessment of the damages caused thereby⁴; disputes relating to pasturage,⁵ to boundaries,⁶ and to joint tenancies⁷; and the 'taicking inspectione off any prejudice done cyther to the maister and tennand.'⁸

There were no hard and fast rules as to the meetings of the burlaw courts or as to the appointment of the burlaw men. In the barony of Forbes there were burlaw men for each parish,⁹ just as, in the burgh of Peebles, there were burlaw men for each 'quarter' of the town.¹⁰ Undoubtedly burlaw courts

¹ *Forbes*, 275.

² In 1715 certain occupiers of lands 'lyeing near to the cite of Edinburgh and toun of Leith' obtained permission from the Edinburgh Town Council to have a Burlaw Court and Burlaw Bailies. The proceedings of this Burlaw Court of Leith for the period 1724-1750 have been preserved and form the basis of an interesting and instructive article by Mr. David Robertson in *The Book of the Old Edinburgh Club*, vol. xv.

³ *Infra*, pp. 158, 210. In Stitchill the herds appointed by 'the hail tenants within the Barrony' for 'keiping of their Bestiall and saveing of their corne in tyme cumeing' had to be presented at the first Bourlaw Court in each year to be approved as good and sufficient men (*Stitchill*, 15). In Carnwath we find Willie Simpson acting as a common herdsman for the men of Torbrax (*infra*, p. 6), but there is no record of his appointment.

⁴ *Stitchill*, 46.

⁵ *Forbes*, 298.

⁶ *Forbes*, 230; *Spalding Club Misc.*, v. 226.

⁷ *Spalding Club Misc.*, v. 226.

⁸ *Forbes*, 237. In Skene, the 'barla court' decreed that 'quhatsumeuer maister he be in the ground that dingis his servand, that he sall pey tene pound to the laird; and giwe that ony servand gif his maister ony iniwrious langage, the laird sall tak vp thair fie; and siklyk, euerye servand that dingis ane vther, four pound' (*Spalding Club Misc.*, v. 218).

⁹ *Forbes*, 237-238, 245, 254, 275, 288.

¹⁰ *Extracts from the Records of the Burgh of Peebles* (Burgh Records Soc.), 39 (1656).

were at first held by and among the tenants themselves,¹ but before long we find the baron or his bailie choosing the burlaw men,² whilst in the barony of Skene, in 1615, the burlaw courts were presided over by the laird and the bailie.³

Like the officers of the baron court, the burlaw men took the oath *de fidei administratione*.⁴ Their decrees, or the decrees of their court, were upheld by the baron court which interposed its authority in their enforcement.⁵

¹ Cf. *Rental Book of Cupar-Angus*, i. 230.

² *Rental Book of Cupar-Angus*, i. 177, 178, 180, etc.; *Forbes*, 245; 237. And thus naturally ensuring that the lord's will in the general economy of the barony (as in ditching, hedging, and so forth) is duly observed.

³ *Spalding Club Misc.*, v. 218.

⁴ *Stitchill*, 2; *Forbes*, 238; *Urie*, 78.

⁵ In the baron court of Stitchill it was ordained that all tenants were to 'obey the Sentences and Decreits to be pronounced be the Bourlawmen in tym cumeing and that non oppose them neither be word nor deid nor scold, raille, nor outcry against ther proceedings in tym cumeing utherwyas nor be order of Law and justice under the paine of fyve pund and personall punishment at the Lairds pleasure the nixt Barroun Court nixt efter their dissobedienc' (*Stitchill*, 24). Elsewhere in the same record it is laid down that deforcement of the baron-officer or of the burlaw man or the burlaw officer is to be punished 'under the lyke paine of fyve pund Scots without modificatioun for ilke Deforcement' (*ibid.*, 35). In *Forbes*, any who did 'skold or cros any of the birly men quhill they goe about disyding controversies' were to pay a fine of five pounds under pain of pointing (*Forbes*, 253), and refusal to help or to obey the burlaw men was to be met with a like penalty (*ibid.*, 231).

APPENDIX B

A SCHEDULE OF THE MEETINGS OF THE COURT

THIS schedule has been prepared in an endeavour to make the use of the text more uniform. The baron's clerks were by no means careful in their chronology; they apparently thought it reasonable to enter the record of the same court meeting in two, or even three, different places in the court book; and they had an awkward habit of keeping record in any order other than that of straightforward chronological sequence. Although the schedule has been prepared by tracing the progress of the different cases coming before the Court, the lack of direct evidence for a number of courts, and the impossibility of assigning to their appropriate courts a number of cases entered apparently haphazardly in any free space, has meant that accuracy cannot be claimed for the order and dating of the schedule, and that it can be used only with the utmost caution.

Date.	Day.	Place.	Presiding Officer.	Page of Text.	Remarks.
{ 3 May 15[2]3	Sunday	Carnwath	Hugh, Lord Somerville	164	Whitsun court. Dated 15[2]3 in view of the reference to the styles 'maid [and] usit in the wetsonday courttis be sir Jhone somerwell and Jhone somerwell baill;e for the tyme to Jhone lord somerwell.' (See <i>supra</i> , p. lxxviii, note 5.)
{ 3 May 15[2]3	Sunday	Carnwath	—	159	—
—	—	—	—	1	Concluding entries only, but prior to January 1523/4. (Cf. the failure of William Graham to enter his brother Robert Graham, p. 5.)

cxviii COURT BOOK OF BARONY OF CARNWATH

Date.	Day.	Place.	Presiding Officer.	Page of Text.	Remarks.
13 Nov. 1523	Friday	Carnwath	Hugh, Lord Somerville	1	
23 Jan. 1523/4	Saturday	Carnwath	Hugh, Lord Somerville	3	Head Court. ¹
24 Feb. 1523/4	Wednesday	Carnwath	Hugh, Lord Somerville	7	
12 April 1524	Tuesday	Carnwath	Hugh, Lord Somerville	9	Head Court. Erroneously dated 1503.
25 May 1524	Wednesday	' apud codele '	Hugh, Lord Somerville	13	Court probably held for the appointment of the baron-officer.
7 June 1524	Tuesday	Carnwath	Hugh, Lord Somerville	14	
21 June 1524	Tuesday	Carnwath	Hugh, Lord Somerville	17	
13 July 1524	Wednesday	Carnwath	Hugh, Lord Somerville	19	
27 July 1524	Wednesday	Carnwath	Hugh, Lord Somerville	21	Erroneously dated 1523.
11 Oct. 1524	Tuesday	Carnwath	Hugh, Lord Somerville	23	Head Court.
12 Nov. 1524	Saturday	Carnwath	Hugh, Lord Somerville	25	
28 Nov. 1524	Monday	[Not stated]	Hugh, Lord Somerville	26	
19 Dec. 1524	Monday	Carnwath	Hugh, Lord Somerville	29	

¹ In this column 'Head Court' indicates that there is definite evidence that the court *was* a head court (e.g. 'in merchandise of my lordis court for falt of presens as for the heid court'). For courts for which no such definite evidence is available, some phrase such as 'Called *curia capitais*' is used. The clerk was not very exact. Courts which were definitely head courts are often not so designated; and courts which were clearly intermediate courts are sometimes referred to as head courts.

14 March 1524/5	Tuesday	Carnwath	Hugh, Lord Somerville	31	Head Court.
28 March 1525	Tuesday	Stenhouse	Hugh, Lord Somerville	23	Called 'curia medie baronie de Stanhous,' but hears cases continued from, and itself continues cases to, the court of the barony of Carnwath.
27 July 1525	Thursday	Carnwath	Hugh, Lord Somerville	33	Erroneously called 'curia capitalis.'
7 March [1525/6]	Wednesday	Carnwath	Henry Kirkpatrick	35	
15 March [1525/6]	Thursday	Carnwath	Hugh, Lord Somerville	36	
13 April 1526	Friday	Carnwath	Hugh, Lord Somerville	38	Head Court.
15 May 1526	Tuesday	Carnwath	Hugh, Lord Somerville	40	
26 May 1526	Saturday	Carnwath	Hugh, Lord Somerville	43	
13 Oct. 1526	Saturday	'apud vodend'	Hugh, Lord Somerville	44	Local cases.
23 Oct. 1526	Tuesday	Carnwath	Hugh, Lord Somerville	45	Head Court.
8 Nov. 1526	Thursday	Carnwath	Hugh, Lord Somerville	49	
{ 22 Jan. 1526/7 22 Jan. 1526/7	Tuesday	Carnwath	Hugh, Lord Somerville	51	Head Court.
	Tuesday	Carnwath	Hugh, Lord Somerville	52	Undoubtedly the same court. To be dated 22 Jan. instead of 21 Jan.
19 Feb. 1526/7	Tuesday	Carnwath	Hugh, Lord Somerville	55	
15 May 1527	Wednesday	Carnwath	Hugh, Lord Somerville	57	Head Court.
17 Oct. 1527	Thursday	Carnwath	Hugh, Lord Somerville	59	Called 'curia capitalis.'
20 Jan. 1527/8	Monday	Carnwath	Hugh, Lord Somerville	61	Head Court.

cxv COURT BOOK OF BARONY OF CARNWATH

Date.	Day.	Place.	Presiding Officer.	Page of Text.	Remarks.
{ 7 Feb. 1527/8	Friday	Carnwath	Hugh, Lord Somerville	64	
{ 7 Feb. 1527/8	Friday	Carnwath	Hugh, Lord Somerville	79	
{ 23 Feb. 1527/8	Sunday	Carnwath	Hugh, Lord Somerville	65	
{ 23 Feb. 1527/8	Sunday	Carnwath	Hugh, Lord Somerville	81	
{ 10 March 1527/8	Tuesday	Carnwath	Hugh, Lord Somerville	66	
{ 10 March 1527/8	Tuesday	Carnwath	Hugh, Lord Somerville	83	
{ 26 March 1528	Thursday	' apud the lang gait heid '	Hugh, Lord Somerville	67	Erroneously dated 1527 and called ' curia capitalis, ' Erroneously dated 1527.
{ 27 March 1528	Friday	Carnwath	Hugh, Lord Somerville	84	
{ 20 April 1528	Monday	Carnwath	Hugh, Lord Somerville	71	Head Court.
{ 20 April 1528	Monday	Carnwath	Hugh, Lord Somerville	89	Head Court. Erroneously dated 1527.
{ 20 May 1528	Wednesday	' apud silvam de cutheily,	Simon Dennom of West-	67	Erroneously dated 1527. Whitsun Court.
{ 20 May 1528	Wednesday	' apud silvam de couthelle,	Simon Dennom of West-	101	Erroneously dated 1527. Whitsun Court.
{ 20 May 1528	Wednesday	' apud silvam de couthelle,	Simon Dennom of West-	165	Erroneously dated 1527. Whitsun Court.
{ 27 July 1528	Monday	Carnwath	Hugh, Lord Somerville	76	
{ 28 July 1528	Tuesday	Carnwath	Hugh, Lord Somerville	90	
{ 13 Oct. 1528	Tuesday	Carnwath	Hugh, Lord Somerville	73	Head Court.
{ 14 Oct. 1528	Wednesday	Carnwath	Hugh, Lord Somerville	93	Head Court. Erroneously dated 1527.
29 Oct. 1528	Thursday	Carnwath	Hugh, Lord Somerville	96	Erroneously dated 1529.

15 March 1528/9	Monday	Carnwath	Hugh, Lord Somerville	75	Head Court.
7 Oct. 1529	Thursday	Carnwath	Hugh, Lord Somerville	78	Head Court.
26 Jan. 1529/30	Wednesday	Carnwath	Hugh, Lord Somerville	106	Head Court.
5 May 1530	Thursday	Carnwath	Hugh, Lord Somerville	109	Head Court.
19 May 1530	Thursday	Carnwath	Hugh, Lord Somerville	112	
— May 1530	—	Carnwath	Hugh, Lord Somerville	114	
16 July 1530	Saturday	Carnwath	Hugh, Lord Somerville	118	
{ 13 Oct. 1530	Thursday	Carnwath	Hugh, Lord Somerville	115	Head Court.
{ 13 Oct. 1530	Thursday	Carnwath	Hugh, Lord Somerville	119	Head Court.
12 Nov. 1530	Saturday	Carnwath	Hugh, Lord Somerville	124	
{ 11 Feb. 1530/31	Saturday	' apud villam de carnwyth,	William Inglis	147	
{ 11 Feb. 1530/31	Saturday	' apud villam de carnwyth,	William Inglis of East- shiel	175	
27 June 1531	Tuesday	' apud villam de carnwyth.	Hugh, Lord Somerville	148	
28 July 1531	Friday	' apud villam de carnwyth,	Hugh, Lord Somerville	129	
10 Oct. 1531	Tuesday	' apud villam de carnwyth,	William Baillie of Cor- miston	129	
7 Nov. 1531	Tuesday	' apud villam de carnwyth,	William Baillie of Cor- miston	131	
22 Nov. 1531	Wednesday	' apud villam de carnwyth,	William Baillie of Cor- miston	133	

Date.	Day.	Place.	Presiding Officer.	Page of Text.	Remarks.
9 Dec. 1531	Saturday	' apud villam de carnwyth,	William Baillie of Cor- miston	135	
6 Feb. 1531/2	Tuesday	' apud villam de carnwyth,	William Baillie of Little- gill	136	Called ' curia capitalis.'
{ 16 April 1532	Tuesday	' apud villam de carnwyth,	Hugh, Lord Somerville	141	
{ 16 April 1532	Tuesday	' apud villam de carnwyth,	William Baillie of Ald- stoune	149	
20 July 1532	Saturday	' apud villam de carnwyth,	Hugh, Lord Somerville	141	
8 Oct. 1532	Tuesday	' apud villam de carnwyth,	William Chancellor	142	Head Court.
29 Oct. 1532	Tuesday	' apud villam de carnwyth,	William Inglis of East- shiel	146	
3 April 1533	Thursday	' apud villam de carnwyth,	Hugh Maitland	152	
{ 14 June 1533	Saturday	' apud villam de carnwyth,	Robert Chancellor	173	
{ 17 June 1533	Tuesday	' ad silvam de cuthely,	Robert Chancellor	152	
17 Jan. 1533/4	Saturday	' apud villam de carnwyth,	Robert Chancellor	150	
23 April 1534	Thursday	' apud silvam de couthelle,	James Somerville	155	Whitsun Court. Called ' curia capitalis.'

1 Feb. 1534/5	Monday	' apud villam de carnwyth,	Thomas Hamilton	159 176- 177 (folio 79r)	Head Court.
25 Feb. 1534/5	Thursday	' apud villam de carnwyth,	William Graham	177	
2 June [1535]	Wednesday	' apud villam de carnwyth,	William Chancellor of Quothquban [William Inglis] of East- shiel	170	
10 Oct. 1536	Tuesday	' apud villam de carnwyth,	William Baillie of Cor- miston	193	Head Court.
25 Oct. 1536	Wednesday	' apud villam de carnewyth,	William Chancellor of Quothquban William Inglis of East- shiel	195	
[8] Nov. 1536	Wednesday	' apud villam de carnewyth,	William Chancellor of Quothquban William Inglis	181	
	Wednesday	' apud villam de carnewyth,	William Chancellor of Quothquban William Inglis of East- shiel	196	
2 Dec. 1536	Saturday	' apud villam de carnewyth,	William Chancellor of Quothquban William Inglis of East- shiel	200	

cxxiv COURT BOOK OF BARONY OF CARNWATH

Date.	Day.	Place.	Presiding Officer.	Page of Text.	Remarks.
16 Feb. 1536/7	Friday	' apud villam de carnewyth,	William Somerville of Newbiggin	203	
24 April 1537	Tuesday	' apud villam de carnewyth,	Robert Livingston	205	Head Court.
9 Oct. 1537	Tuesday	' apud villam de carnewyth,	William Bailie of Cormiston	206	Head Court.
22 Jan. 1537/8	Tuesday	' apud villam de carnewyth,	James Livingston of Jerviswood	207	Head Court.
13 May 1542	Saturday	Carnwath	James Somerville John Carmichael	209	Whitsun Court.
BARONY OF LINTON					
30 April 1535	Friday	' on the landis and barony of lentton,	—	168	Whitsun Court.
9 June 1536	Friday	' in the towne of lenttone,	Hugh, Lord Somerville	185	Head Court.

REGISTRATIONS, ETC.

Registrations, etc., will be found on pp. 145, 149, 154, 163, 164, 189, 190, 191, 192, 193.

COURT BOOK
OF THE
BARONY OF CARNWATH
1523-1542

THE quhilk day Jame gray callit & nocht comperit in
mersement of my l[ordis] court for falt of entres 17

Pate vilsoun & myldowr howeson dolait¹ the quhilk day
Jhon copland callit & nocht comperit in mersement of my
l[ordis] court for falt of entres as to the secund court

The quhilk day al the tennandis in newbiggin callit &
nocht comperit in mersement of my l[ordis] court for falt
of entres as to the nixt court

Ville vilsoun & his vyf² dolait to the nixt court

Wille grame borecht for rob grame dolait to the nixt
cowrt

Twa sowmis set to my lord gangand In the grenis & my
l[ord] vill tak thaim & gyf he vil nocht the men that thai
distrew vald haif []³ to slay thaim as the stilis of
the vitsonday court

the inqueist findis the vij men In the vrang

CURIA baronie de carnwith tenta apud eandem xiiij die
mensis nouembris anno domini millesimo quingentissimo
vicissimo tercio per nobilem dominum hugonem dominum
somerwell baronem dicte baronie sectis vocatis curia
firmata [absentes] patent per rotulum

¹ Here, and in succeeding entries, the MS. clearly has *dolait for delait*.

² *in* deleted here.

³ Blank in MS.

INQUISICIO

Robert grame of the vesthall	petir howeson
Jhon grame his son	vil howeson
Jhon pumfra	James howeson
henry kyrkpatrik	andro fairle
the laird of greinschelis	James prowdfut
robert of kyrkpatrik	Jhon somerwell
	James kello
	James girdvod

The quhilk day my lord folloit in court all the tennandis of quodquen for the gangin vith thair corn fra his mill the quhilk day thai haif brokin the stilis of my lordis vitsonday court |

1v The quhilk day besse elder the spous of Jhon baxstar oft tymis callit & nocht comperit Is in mersement of my lordis court for falt of entres as to the first court

The quhilk day my l[ord] folloit in court the gud vyf of mossat for the non furnissin of ane cariage in to the kingis veris for the quhilk he gart reist the guddis on the grownd & Is unlowsit zit for the quhilk he hes folloit hyr for the brekin dolait to the nixt court

of the said fence the inqueist ordanit the gud vyf to put hir in my lordis vil

The quhilk day my l[ord] folloit in court Jhon farle oft tymis callit & nocht comperit for the brekin of his fens the inqueist can nocht quit him of the brekin of the fens

The quhilk day Jhon pumfra folloit in court andro Jhonston oft tymis callit & nocht comperit for the vrangus takin fra him of ane ox

The inqueist fyndis the ox testit gud

The quhilk day Jhon of twodell & Jhon of dychtmunt folloit the laird of the newk for to¹ releif thaim of the

¹ *rekhyn* deleted here, and *releif* added above the line.

borrowis that thai war for Jhon somerwell to katerin the spous of vil somerwell

the inqueist dolais this mater quhil thai be ferder avyssit & speir the maner

CURIA baronie de carnwith tenta apud eandem xxiiij die mensis Januarii anno domini millesimo quingentyssimo vicissimo tercio per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

The quhilk day robert l[ord] maxwell oft tymis callit & nocht comperit in mersement of my lordis court for falt of presens as for the heid court for his landis of leberton

The quhilk day the laird of innergranane oft tymis callit & nocht comperit Is in mersement of my l[ordis] court for falt of entres as to the heid court |

The quhilk day vil Inglis of henschelwod oft tymis callit & nocht comperit Is in mersement of my lordis court for falt of entres as he at held up his hand thairto as for the first court

2r

The quhilk day elesabeth hammyltoune oft tymis callit & nocht comperit Is in mersement of my l[ordis] court for falt of entres as scho that fand borrowis thairto & this Is for the first court

INQUESICIO

the laird of Jarisvod elder	Dauid somerwel of the gren-
the laird of Jariswod	feild
3ounger	andro huntar thair
robert chanslar of quodquen	Jame kello in quodquen
robert of kirkpatrik	Jhone brown in forth
henry of kyrkpatrik	vil Inglis in est scheill
	mychel thomson
	gilbert brown
	Jhone somerwell

The quhilk day thom Justis oft tymis callit & nocht comperit in mersement of my lordis court for falt of entres of syme brown as for the first court mychell thomson borecht for Jhon veir dolait

The quhilk day Jhone of snaip folloit in court thom vintnare for the brekin of ane hous of his & takin away of the tymmeris thairof dolait to nixt [court] & ordanis Jhon of snaip to bring his preiffis to the nixt court dolait

The quhilk day symond snaip oft tymis callit & nocht comperit Is in mersement of my lordis court for falt of entres as to the first court til he haif ansuerit to thom vintnare

The quhilk day vil vatson elder in cersvell oft callit & nocht comperit Is in iij mersementis of my l[ordis] court for falt of entres till haif ansuerit to thre syndry parteis ane vas til the laird of Jarisvod ane uder to the ij valkaris the thrid to ansuer to dave makcarmund as to the first court |

2v

The quhilk day the laird of Jarisvod folloit in court vil vatsoun & he enterit nocht & the laird of Jarisvod dosyrit¹ at my lord to proced considerand at it was stowth & reif & my lord put forth the party put it one ane interloquitour of the haill court the haill court ordanit to be tane sykar souerte that thair suld samekill [be] furthcumand to the nixt court & thane to ansuer² the quhilk day the inqueist ordanit²

The quhilk day the inqueist ordanit vill vatsoune to pay iij s to valkaris for the skaith vas fundin donne to the hous

The quhilk day lowre vawcht folloit co[n]stantyn thomsone xxj s for iij firlottis of ber as malt zeid derest & uder iij firlottis of bere ix s and that he grantis and he grantis ij s for iiij zowis mylk & xiiij d of siluer grantit & the inqueist ordanis the said co[n]stantyne to gyf the

¹ *dosyrit* for *desyrit*; see page 1, footnote 1.

²⁻² Deleted.

said lowre baith iij firloittis of bere as it gangis now & thai ordand lowre of law ij s to co[n]stantyne for his sowm

The quhilk day Jame kello folloit in court thom somerwell & []¹ for the ij geis dolait & ordanis thom somerwell to bring the ij preiffis to the kyrk of quodquen befor robert chanslar or quhame my l[ord] vil ordan

The quhilk day my lord folloit helin chanslar for the brekin of his fens & scho absentit hir & Is in mersement of my l[ordis] court for falt of entres as the first court

The quhilk day helin chanslar oft tymis callit & nocht comperit Is in mersement of my l[ordis] court for falt of entres as to the first court to haif ansuerit to robert chanslar

The quhilk day my lord folloit thome vatson

the inqueist can nocht fynd the offesar vas forset ²

The quhilk day ville grame oft tymis callit & nocht comperit Is in mersement of my l[ordis] court for falt of entres of robe grame his bruder & Is borth to the nixt court to entir hym |

The quhilk day dauid vilson folloit Jamis Calderheid & Jhone Scot for xvij heid of ky & oxin & vas fundin in his corn

3r

The quhilk day thai deniit & he tuk to preif quhat his iij prysaris & thai say that thai sall preif that his dyk vas na vorth & nocht sufficient

The quhilk day katerin of dennum oft callit & nocht comperit Is in mersement of my l[ordis] court for falt of entres as to the thrid court

The quhilk day Jhon somerwell dosyrit to be admittit to ansuere for katerin dennum & Jhon copland vas content to byd fym & stabill to ansuere til hym as till hir

¹ Blank in MS.

² Written *forset*.

The quhilk day the men of torbrax folloit ville symson for caus he varnit nocht thaim in tyme quhen thair gud was away dolait to the nixt court the inqueist ordanis that the said vilgem Is quit of the varning of this gud & he folloit thaim that thai fand hym nocht ane hous & calzaird as uder thingis that thai promittit hym

The quhilk day besse hiltson of[t] callit & nocht comperit Is in mersement of my l[ordis] court for falt of entres to ansuer to ville logane as the first court

The quhilk day Jhone penny folloit daue vilson for the vant of iiij s of his fe & he alegit that he brocht syknes one hym & he alegit that he gat the sciknes in his hous [and he] brocht na seiknes on hym the inqueist ordanis the said daue to pay the schild sa ferc that he can preif that he vas in his serves

The quhilk day ville logane folloit ville vilson for the vrangus haldin fra hym of half ane stane of vown 3arne the inqueist ordanis him to gyf him oder his 3arne in claith & him to pay hir for the veifin of it

The quhilk day the inqueist ordanis that my l[ord] caus his seriand to caus to charge ij gud men of ilk quartar of carnvith muir & ij or iij men of ilk towne to gyf him up be thair gret athis all the presentis of the heid court and as for grenevod thai ordan ilk man to quit hymself or ellis to tak vith the falt |

30 The quhilk day the inqueist ordanis that thai sall byd and bruk thair awin possesseounis of the millaw at vas in possesseoun of befor

The quhilk day that the inqueist seis that the vecare hes the commonis lateris & summondis one this same materis & na deliuerans thairone & thairfor thaj can nocht desyd one this mater at this tyme

The quhilk day my lord folloit in court thom henschaw & thom symson for the vrangus passing fra his mill vith ony corn that grew vithin the vofrodis

CURIA baronie de carnvith tenta apud eandem xxiiij die mensis februarij anno domini millissimo quingentissimo vicissimo tercio per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

INQUISICIO

James levinstone of Jarisvod	James girdvod
robert kirkpatrik	Jhon brown
patrik dalzell	Jhon huntar
Jhon pumfra	Jhon the gram
george dowglas	James dowglas
	Jhon somerwell in cruk-
	vandis
	david somerwell in gren-
	feild
	andro huntar

The quhilk day robe gray & Jhone valkar folloit in court vill vatson elder for the vrangus haldin fra thaim of certan gere at suld uphald thair valkmyll the inqueist ordanis vil vatson to pay to the valkaris ijs for the skaith the hous vas vor at his esche mare nor the entra

The quhilk day my lord folloit Elin chanslare for the brekin of his fens & scho Is in mersement thairof as for the secund court

The quhilk day Jhon haste folloit the valkaris of the valk myll for the vrangus haldin fra him of ane vob of xij ellis of claith & thaj grantit & alegit that thaj had it rady & and he said it vas nocht his claith the inqueist | ordanis the said valkaris to deliuer him his vob agane

4r

The quhilk day bartilmo clerkson oft tymis callit & nocht comperit Is in mersement of my lordis court for falt of entres to ansuer to robe levinston as to the first court

The quhilk day robert levinston folloit in court Jhon gyrdvod and ville thomson for the scherin of gers & therdring of hors & telin of his land & takin away of the corn & etin of his corn he puttis it to Jhone gyrdvodis aith & ville thomsonis

The quhilk day my lord folloit in court ville thomson for the brekin of his fens the quhilk he deniit the inqueist can nocht find at he hes brokin ony fens

The quhilk day dauid zettis comperit in court & askit presens of gilbert brown & he absentit himself & comperit nocht as he promittit quharfor the said dauid askit remeid & ane mendis to be maid to him accordand to law & Justis the inqueist findis daue zettis quit & the said gilbert Is in mersement of my l[ordis] court and vrang

The quhilk day my lord folloit thome henschaw & thom symson the inqueist ordanis & findis the men quit & ¹ ordanis nane to turs his corn in tyme to cum fra my l[ordis] myll quhil the multer of 3our awin myll be pait to the lordis myllare

The quhilk day thom 3oung folloit in court margaret veire for the vrangus haldin fra him of ane kow & the said margaret folloit him for the vrangus takin of the kow fra hir our the fens making the inqueist ordanis Jame mowtra to deliuer the kow to Jame ramsay & Jame ramsay to deliuer the kow to the pur voman & Jame ramsay Is in to my lordis vill of the fens brekin

The [quhilk] day thom 3oung folloit in court Jame mowtra for the vrangus haldin fra him of vij stowkis of bere & he grantis the haiffin of thaim & alegis that he laborit syndry laboris the inqueist ordanis Jame mowtra oder to preif or suere quhat he Is onepait for the labor he maid & the relec to deliuer to the said thom 3oung |

The quhilk day Jhon huntar folloit in court Jhon gardner for the haldin fra him of uder half sowmis pament the quhilk he grantis at he tuk the sowmis

¹ *my lord* deleted here.

The quhilk day thom somerwell folloit in court dauid somerwell for the vrangus haldin fra him of ane hors the quhilk the inqueist ordanis dauid somerwell to gyf the said thomas xx s for kyndnes and concord in tyme to cum

The quhilk day James calderheid foloit ville vilson for the vrangus haldin fra him of half ane stane of 3arne the quhilk he grantit the haiffin of it & alegit that it vas stown the inqueist ordanis the said vilzem to deliuer the 3arne to James or the verk

The quhilk day vill prudfut folloit robe symson for the vrangus haldin fra him of iij s for ane stane cheis the inqueist ordanis him to pay the iij s & craif vill Inglis gyf he aw him

The quhilk day James dennis foloit robe symson for the vrangus haldin fra him of ane sek the quhilk he grantit the inqueist ordanis him to pay him his sek

The quhilk day dauid somerwell dosyrit to haif his part of all the landis that Is vithin ¹ the dykis of the grenfeild & daill thairof that Is to say met and ourlay baith corn & medo

The quhilk day symone flemin folloit Jhon cuk for the haldin fra him of vj pekis corn the inqueist ordanis him to pay the vj pekis of atis to the said symone

The quhilk day the vedo of grenscheilhou desyrit to haif of the intak of the caldlaw the inqueist ordanis the vedo to haif hir daill afferand to hir xv s and as ony of thaim hes to thair xx s land

CURIA baronie de carnvith tenta apud eandem xij die mensis aprilis anno domini millessimo quingentissimo tercio [*sic*] quarto per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

¹ *his* deleted here.

The quhilk day robert lord maxwell of[t] tymis callit & nocht comperit Is in mersement of my lordis court for falt of entres of his sut & syklyk for his presens as to the heid court |

5r

The quhilk day ville somerwell oft tymis callit & nocht comperit Is in mersement of my lordis court for falt of entres for his landis in newbigin to his presens to the heid court

The quhilk day vilzem of lowdean oft tymis callit & nocht comperit Is in mersement of my lordis court for falt of entres of his presens to this court as to the heid court

The quhilk day the laird of herdhous oft tymis callit & nocht comperit [is in mersement] to my lordis court for falt of his presens to this court as to the heid court & siclyk for henshelvod ane uder mersement

INQUISICIO

Henry kilpatrik	Jhone somerwell in cruk-
robert grame of the vesthall	vindis
James levinstoune 3ounger	patrik dalzell
laird of Jarisvod	david somerwell in gren-
Jhone the grame the 3oung	feild
laird of the vesthall	thom somerwell in blak-
Jhon pumfra	castell
	petir somerwell in leberton
	Jhon somerwell in mossat
	James kello in quodquen
	Jhon kello thair

The quhilk day Elin chanslar oft tymis callit & nocht comperit Is in mersement of my l[ordis] court for falt of entres as to the thrid court

The quhilk day Elin chanslar oft [tymis] callit & nocht comperit Is in mersement of my l[ordis] court for the brekin of my lordis fens as to the thrid court

The quhilk day mychell thomson oft [tymis] callit & nocht comperit Is in mersement of my l[ordis] court for falt of entres of Jhon veire as to the first¹ court

The quhilk day Jhon grame² 3oung laird of vesthall Is brocht for symond brown to the nixt court

The quhilk day Jhon rychardson folloit in court maron vatson for vrangus haldin fra him xxxvj [s]

The quhilk day thom 3oung folloit in court Margaret veire for the vrangus haldin fra him of ane kow & ane stot my l[ord] ordanit the said Margret to deliver the kow to the said thom 3oung & the said Margaret to ansuer to the nixt court for the | stot & symon of denoune borth for thom 3oung that he sall ansuer to the said Margret for ane uder kow that scho allegis his syster vas awand hir & nocht pait for delait

5v

The quhilk day Jhon rowe folloit berte clerkson for the vrangus haldin fra him of ane clok the said bartilmo alegit that andro thomson Is vitnes in that mater delait

The quhilk day Jhon Justis folloit in court ville vilson for the vrangus haldin fra him ane ox hyr ane boll of meill & the samin ox gers & half ane boll of atis the inqueist ordanis ville vilsoun to pay to Jhon Justis half ane boll of meill & all pleis dischargit & put away in tyme to cum the said ville vilson follois him of ij pekis of meill & ane fowrt part & ane pek of meill & vjd of siluer and the teynd of ij akaris of land & ij nowttis gres pament gyffin to Jhon Justis aith

The quhilk day Jhon chanslar folloit in court robe glesquho for the vrangus haldin fra him of xvj s & ane boll of bere the inqueist ordanis the said robert to pay to the said Jhon ij bollis of atis & ij pekis and ane boll of bere and ane pek

¹ *nixt* deleted, and *first* added above the line.

² *Is* deleted here.

The quhilk day James girdvod folloit Jhon copland for the vrangus haldin fra him xxj s & vj d & ij s of the price of ij oxin the last zere & iij s of the price of vij vedderis the inqueist ordanis Jhon copland to preif pament & to be alowit & the laif to be giffin to Jame girdvodis aith summa xv s ij d

The said Jhon copland alegis that he aw him iiij s of lent siluer & iiij s for ane belt xlij d fortere iij s for ane dowblet & viij d for mader the inqueist ordanis Jhon copland to preif pament quhat he hes pait & the laif to gyf to his aith & ane plak of erllis

The quhilk day my lord folloit in court robert grame & the spous of vilzem grame for the fylin of his grund with violent blude the quhilk thaj deniit

The quhilk day Jhon copland folloit katerin of denome for the vrangus haldin fra him vj s the inqueist ordanis to pay iij s & vj d

6r The quhilk day Jhon pumfra desyrit to haif daill of all the moss of henschellvod the inqueist ordanis ilk ane of thaim to bruk thair awin possession ay quhill thair var ane [breve] | off diuisioun rasit thairon & thane be deuidit as law will

The quhilk day Jhon the grame folloit Jhon pumfra for the carvin of ane cot of the auld lairdis of vesthall Is borcht for his son & he¹ borcht for Jhon the grame & ville grame

The quhilk day my lord folloit in court Jhon the grame for the trubylin of his court the quhilk vas fensit on the kingis name of scotland James & on my lordis name that thair Is & als he hes spokin in the court vithout leif unreasonably the inqueist cannocht quit Jhon the grame of tribulans of my lordis court in vordis & in unleiffull langage

¹ I deleted here.

The quhilk day my lord folloit in court Jhon pumfra for the triblyn of his court the quhilk vas fensit on the sam maner the inqueist cannocht quit Jhon pumfra of triblans of my l[ordis] court in vordis & onleful langage & robert chanslar lawborch for him

The quhilk day my lord folloit in court Jame grame robe grame vil Inglis for the triblyn of my lordis court at vas fensit one the samin maner

The quhilk day dauid somerwell vith concent of my lord & party put it on ane interloquitur of the haill court quheder that he suld haif ij men to be his arbitoris & ilk ane of thaim ij men or nocht the haill court deliuerit & ordanit that quho mony men arbituris the laif of the town tak that he suld haif als mony arbituris becaus he Is the ta party

The quhilk day my lord folloit in court robe grame for fylin of his grund vith violent blud delait to the nixt court

The quhilk day my lord folloit Jhon vikitschaw for pykre in Jugement the inqueist quittis hym thairof & all pykre bygane

The quhilk day my lord folloit thome henschaw in Jugement for pykre the inqueist findis him ane clene man thairof & quittis him of all pykre

The quhilk day Jhon pumfra hes tane on hand to ansuer to Jhon the grame & his bruderson ville grame the said Jhon the grame hes tane on hand to folow him the nixt court

CURIA baronie de carnvith tenta apud codele xxv die mensis maij anno domini M quingentissimo vicissimo quarto per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum |

INQUISICIO

vilzem chanslar	andro elder
Jhon of twodell	Jhon bryson
Jhon of dychtmunt	Jhon carvas
Jhon brokat	ville elder
Jhon vre	Jhon vatson
	dauid somerwell in grenfeild
	thom inglis
	Jhon baxstar

The quhilk day my lord hes vith consent of the inqueist chossin thom cheisle barrone officiar to be sarjand & keip the office throw all the daill of carnvith baronrie

The quhilk day thom bryson com in face & in presens of the haill court & said that vill Inglis laird of vestscheill gaif him command & chargit him to put vj nowt in the hairschawis the quhilk vas onder my lordis fens be the space []¹ of befor

CURIA baronie de carnwith tenta apud eandem vij die mensis Junij anno domini M quingentissimo vicissimo quarto per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

INQUISICIO

the laird of auchincassill	andro huntar in grenfeild
the laird of dalzell	Jhon huntar in fawlo
robert chanslar	James kello in quodquen
andro flok	Jhon brown in forth
patrik dalzell	James girdvod in carswell
	vilzem bailze of bakbe
	the laird of stenson
	dauid somerwell in amferlaw

¹ Blank in MS.

The quhilk day Elin chanslar oft tymis callit & nocht comperit Is in mersement of my lordis court for falt of entres as to the ferd [court] for brekin of his fens

The quhilk day mychell thomson Is in mersement of my l[ordis] court for falt of entres Jhon veir as to the secund curt & symond brown hes fundin the ald laird of vesthall borch at he sall entir to the nixt court etc |

The quhilk day meg veir held up hi hir hand to entir to the nixt court & symond dennum borch for thom 3oung to entir to the nixt court delait

7r

The quhilk day my lord folloit in court robert game & vilzem in name of his vyf for the fylin of his grund vith violent blud delait

The quhilk day Jhon the game folloit Jhon pumfra for the []¹

The quhilk day it Is apontit [&] agreit in falt [l. face] of my lordis court of carnwith betuix Jhon pumfra & vil on the ta part & vill Inglis & Jhon the game one the toder part that Is to say that thai sall abyd & abay the decret deliuerance & sentens of all the debatis betuix thaim of robert game of vesthall & Jhone game in spittal & robert chanslar matho veir & henry kirkpatrik oursman vith consall of my l[ord] the quhilk personis sall conven on sant barnabeis day in carnwith and thair sall deliuer thairon

The quhilk day Jhon veir & symond brown ar of thair awin fre will oblist & sworn to abyd & fulfill [and] onderly the decret & ordinans of mychell thomson James of dowglas Jhon of gledstanis of arthwr schell annentis the debait beand betuix thaim ony maner of vay in tymis by past & the said Juge sall modefy & dissern all thingis betuix thaim & mychell thomson borecht for my lordis unlaw for Jhon veir & symond dennom borch to my lord for symond brownis unlaw

¹ Blank in MS.

The quhilk day stein blak folloit in court elesabeth Inglis for the vrangus haldin fra him of iij s xj d & ane 3 [halfpenny] the quhilk the said elesabeth gaif to his aith & he swere that scho awcht him sa mekill

The quhilk day mychell thomson mores fischar mychell cok stein purde ville thomson thomson [*sic*] robe cowham James thomson Jhon thomson vilzem thomson cudbert paterson ar in mersement of my lordis court for falt of entres to this court as to the first court

The quhilk day thom thomson Is in mersement of my l[ordis] court for falt of entres to this court as to the heid court to ansuor for ville gray |

7v The quhilk day thom thomson Is in mersement of my l[ordis] court for falt of entres to this court as to the first court

The quhilk day James clerk Jhon thomson mychell Inglis ¹robe gledstenis¹ Is in mersement of my l[ordis] court for falt of entres of this court as to the heid court

The quhilk day John of dychtmunt in leberton Is in mersement of my l[ordis] court for falt of entres to this court as to the first court

The quhilk day mychell Inglis held up his hand to entir to the nixt court

The quhilk day Jhon thomson Is in mersement of my l[ordis] court for falt of entres as to the first

The quhilk day my l[ord] folloit in court petir somerwell & ville brown for the fylin of his grond vith violent blud the quhilk thaj delait

The quhilk day Jhon vilson fand vil courtas lawborrowis that sir vilzem huntare suld be skaithles of him as law vill & sir vilzem fand the laird of ¹stenson¹ lawborrowis that Jhon vilson suld be skaithles of him as law vill

¹⁻¹ Added above the line.

The quhilk day andro penne folloit in court thom vintnare for the vrangus dryvin of his meire & dingin of hir in ane myre he sowmis the skaith vj merkis the quhilk he deniit the inqueist can nocht quit thom vintnare of the skaith of the mere & ordanis thom vintnar to pay the mere als mekill as andro penne can preif that scho vas vorth in the tyme

The quhilk [day] rob cowan Is in mersement of my l[ordis] court for falt of entres to this court as to the first court

The quhilk day ville grame held up his hand & his gud that vil lychtquho sall be skaithles of him & al that he may lat onder the payn of x lib as law will

The quhilk day folloit in cowrt vil core for the vrangus ettin of his corn with his ley the inqueist ordanis the ley to mak the corn haill of all gud that Is put on the ley to haif ony profet of the ley that the corn sal be skaithles of it

The quhilk day my l[ord] folloit in court Jame scot for the brekin of his fens baith telin dessin & sawin of hemp & lint delait

The quhilk day my l[ord] folloit in court roben ake & Jame scot for the fylin of his | grund with violent blud delait to the nixt court & ordanis vitnes to be restit that Is to say ville glesquho & Jhon vyld & robert chanslar

8r

The inqueist ordanis the men of carnwith to preif thair allegians & that to be pait baith the corn & forsment & quhair thaj can nocht [to] be in unlaw & mersement of my lordis court sic as thaj awcht to tyne apon law

CURIA baronie de carnwith tenta apud eandem xxj die mensis Junij anno domini millissimo quingentissimo vicissimo quarto per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

INQUISICIO

vilzem bailze of bakbe	matho kyrkpatrik
henry kyrkpatrik	James gyrdwod in carswell
James hammilton	Jhon of dychtmunt in carn-
James of levinston	with
Jhon pumfra	Jhon brown in forth
	andro huntar in greinfeild
	Jhon huntar in fawlo
	Jhon the grame 3oung laird
	of vesthall
	Jhon somerwell in cruk-
	vandis

The quhilk day Jhon grame 3oung laird of vesthall borecht to entir Jhon marschell onder the pain of x lib

The quhilk day vilzem balze borecht to entir elin chanslar to the nixt court

The quhilk day my l[ord] folloit in court symond brown & Jhon veir for the fylin of his grund vith violent blud & Jhon veir grantit the blud & deniit the vyt the 3oung laird of vesthall Is borecht for symond brown

The quhilk day Jhon thomson held up his hand to entir & to bring his broder vith him to the nixt court onder the pain of law

The quhilk day robert gledstanis hes haldin up his hand to entir & bring Jame eston & symond fischar to the nixt court

The quhilk day ville brown Is in mersement of my l[ordis] court for falt of entres as to the first court to answer to my l[ord] for blud betuix him & petir somerwell |

8v The quhilk day rob cowhan Is in mersement of my l[ordis] court for falt of entres to answer Janet crab as to the secund court

The quhilk day Jhon huntar Is in mersement of my l[ordis] court [for] falt of entres to answer to Jhon elder as [to] the first court

The quhilk day meg veir folloit thom 3oung for the vrangus haldin fra hir of ane kow the quhilk he fand borrowis of befor to answer to the nixt court & he hes answerit & sayis it Is testit gere & awcht nocht to tholl law in this temperell court the quhilk answer the said margaret said it vas nocht sufficient & my lord put it to ane interloquitur of the haill court & put furth the parteis & the haill court fand at it vas ane sufficient ansuer that he suld ansuer in the spirituall court quhair rycht var

The quhilk day Jhon somerwel in crukvandis borcht for thom po[r]tuus & he sall entir to the nixt court to ansuer to robert levinston

CURIA baronie de carnwith tenta apud eandem xiiij die mensis Julij anno domini M quingentissimo vicissimo quarto per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

INQUISICIO

Jhon somerwell in crukvandis	george somervell in blakpull
thom somerwell in blakecastell	vill Inglis in estschell
patryk dalzell	vill Inglis in henschelwod
Jhon pumfra	James girdvod in carsvell
thom somerwell in mossat	Matho kyrkpatrik
	david somerwell in grenfeild
	andro huntar thair
	James somerwell thair

The quhilk day elin chanslar Is in mersement of my l[ordis] court for falt of entres as to the iiij court

The quhilk day mychell thomson held up his hand to entir himself & mores fischar mychel cok & vilzem thomson to the nixt court perpetually as ane peremptour court

The quhilk day thom thomson Is in mersement of my l[ordis] court for falt of entres as to the thrid court for to ansuer betuix him & roben gledstanis |

9r The quhilk day Jame clerk daue elder Jhon elder mychell Inglis vill thomson Jhon of dychtmunt robert [? gledstanis] held up thair handis to entir to the nixt court as ane peremptour court

The quhilk day Jhon veir fand mychell thomson borecht that he suld entir to the nixt court as [ane] peremptur court

The quhilk day Jhon the grame Is in mersement of my l[ordis] court for falt of entres of symon brown to the nixt court perempturly

The quhilk day Andro mitschell cagger Is in mersement of my l[ordis] court for falt of entres to ansuer to Jhon tod as to the first court

The quhilk [day] elesabeth levinston folloit James grame in grenis for the vrangus haldin fra hir of ane pot the quhilk he alegit that scho consentit that he suld gyf it to male vatson and hir son thegidder the quhilk he gaif it to hir aith & scho swer the gret aith that scho consentit nocht thairto & he hes dosyrit ane day to caw his band the quhilk he was grantit

The quhilk day elin howeson¹ Is in mersement of my lordis court for falt of entres to ansuer to thom mosman as to the first court

The quhilk day ville somerwell Is in mersement of my l[ordis] court for falt of entres as to the first court Jhon bell vitnes in mersement

¹ *liwinston* deleted and *howeson* added above the line.

The quhilk day robert levinston folloit in court thom portuis for the vrangus haldin fra him [of] iij s of stent siluer

The quhilk day Jhon rowe folloit in court berte clerkson for the vrangus haldin fra him of ane klok

CURIA baronie de carnwith tenta apud eandem xxvij die mensis Julij anno domini M^o quingentissimo vicissimo tercio [*sic*] per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

INQUISICIO

vilzem balze in bakbe	andro huntar in grenfeild
the laird of awchincassill	patrik dalzell
the laird of dalzell	henry kyrkpatrik
robert chanslar of quodquen	matho kyrkpatrik
thom veir of the le law	george kylpatrik
	Jhon pumfra of henscell- wod
	Jhon grame 3oung laird of vesthall
	Jhon huntar in fawlo

The quhilk day mychell tomson borcht to entir himself & mores fischar [&] mychell cok to the nixt court as ane court peremptur

9v

The quhilk day thom thomson borcht to entir himself & vilzem thomson his bruder to the nixt court peremptur

The quhilk day Jhon thomson vill thomson of the zet & Jame thomson his son held ilk ane first up thair hand to entir to the nixt court perempturly

The quhilk day Jame clerk daue elder Jhon elder mychell Inglis Jhone dychtmunt rob cowan held up thair handis ilk ane to entir to the nixt court perempturly as court peremptur

The quhilk day robert gledstanis borecht to entir himself & symond fischar & Jame estown to the nixt court perempturly as court peremptur

The quhilk day my lord folloit in court ville brown for fylin of his grund with violent blud quhilk he deniit & siclyk petir somerwell delait to the nixt court & ordanis vitnes to be restit

The quhilk day Elin howeson Is in mersement of my l[ordis] court for falt of entres as to the secund court

The quhilk day vilzem chanslar Is in mersement of my l[ordis] court for falt of entres of robert ake as to the thrid court

The quhilk day my l[ord] folloit in court thom the grame in quhitcassell vill mosman & ville mosman Jhon purde besse grenschellis ville gledstanis for the brekin of his fens & restment maid be his officiar one the newmans the inqueist delais it to the nixt court

The quhilk day daue scot in hyvod [*incomplete*]

The quhilk day my l[ord] foloit in court Jhon veir & symond brown for the fylin of his grund vith violent blud he sowmis the skaith on ilk ane of thaim v ky ane codo the inqueist findis symond brown in the blud & in my l[ordis] vill & quhitts Jhon veir of ony blud |

10r

The quhilk day Jhon gray Is in mersement of my l[ordis] court for falt of entres to [? of] Janot birde his servand vas as to the first court

The quhilk day maron vatson Is ordanit to bring hir preiffis to the nixt court anentis the pleis betuix hir & elesabeth levinston

The quhilk day Jhon somerwell in crukvandis & thom ure borecht to entir Jhon of dychtmunt to the nixt court on the pan of ane hundreth ¹ merkis

¹ *pundis* deleted here.

CURIA baronie capitalis de carnwith tenta apud eandem xj die mensis octobris anno domini millesimo quingentissimo vicissimo quarto per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

The quhilk day robert lord maxwell oft tymis callit & nocht comperit Is in mersement of my l[ordis] court for falt of presens to this court for his landis of leberton

The quhilk day the laird of Jariswod oft tymis callit & nocht comperit Is in mersement of my l[ordis] court for falt of presens for his landis of newbiggin to this court as to the heid court

The quhilk day vilgem of lowdean oft callit & nocht comperit Is in mersement of my l[ordis] court for falt of presens to this court for his landis of henshellwod

The quhilk day the laird of erdhous oft callit & nocht comperit Is in mersement of my l[ordis] court for falt of presens for his landis of erdhous & in ane uder mersement for his landis of henshellwod

The quhilk day the laird of newk Is in mersement of my l[ordis] court for falt of presens to this court as heid court

The quhilk day Jhon¹ haiste Is folloit in my l[ordis] court for pykre the inqueist findis him ane gud man & quhittis him

INQUISICIO

James somerwell in volfroddis	symon of dennoun
robert chanslar of quodquen	James girdvod in carswell
patrik dalzell	lore logan
Jhon pumfra	george of kyrkpatrik
robert kyrkpatrik	James kello in quodquen
Jhon somerwell in crukwandis	thom ormistoun
	thom somerwell in blak-
	cassell
	mychell thomson in mwrrus

¹ Is deleted here.

10v

The quhilk day elin chanslar Is in ane mersement of the court for falt of entres

The quhilk day mychell thomson Is borcht to entir himself & mores fischar mychell cok vilzem thomson & stene purde to the nixt court

The quhilk day rob cowan Is in mersement of my l[ordis] court for falt of entres to this court as to the first court

The quhilk day sir vilzem veir borcht to entir symon fischar & Jame eston to the nixt court

The quhilk day elin howeson Is in mersement of my l[ordis] court for falt of entres as to the secund court

The quhilk day maron vatson Is in mersement of my l[ordis] court for falt of entres of hir preiffis

The quhilk day thom grame vill mosman ville mosman ville gledstanis besse in greinschelis Jhon purde Is in mersement of my l[ordis] court for falt of entres

The quhilk day elin howeson in to the inqueist for ane pot the inqueist ordanis hir to deliuer the pot agane & gyf scho aw him oweht to caw hir to the law

The quhilk day Jhon sowtar Is in mersement of my l[ordis] court to ansuer to berte somerwell for blud

The quhilk day my l[ord] foloit in court Jhon mosman [on] the tane part & stene mennon & Jhon mennon Jane mennon [on the uder part] for fylin of his grund vith violent blud the quhilk Is delait to the nixt court & ordanis uder vitnes to be restit to the nixt court

The quhilk day my l[ord] foloit in court Jhon baxstar for the tane part & Elin symson [for the uder part] for fylin of his grund vith violent blud the quhilk scho grantit the inqueist findis Jhon baxstar in the blud & in the vyt & Elin symson quhit

The quhilk day my l[ord] foloit in court Jhon cuk daue seot Jhon schaw delait to the nixt court

The quhilk day my l[ord] folloit in court Jhon Justis for the brekin of his fens delait to the nixt court & ordanis preiffis to be restit thairto |

The quhilk day my l[ord] foloit in court Jhon huntar James alason vill alason & makelef for the fylin of his grund vith violent blud the inqueist¹ findis makcheyf In the blud & quittis Jame alason Jok huntar & ville alason

11r

The quhilk day my l[ord] foloit in court pait mason thom bryson vil gybson & Jhon somerwell for the brekin of his fens maid in the herstlaws the quhilk thai deniit & delait to the nixt court & ordanis preiffis to be restit thairto

The quhilk day my l[ord] folois in court the hostlaris for the brekin of the stilis of his vitsonday for the takin mair for ²the² aill nor the heid browch & attowr his command the inqueist puttis thaim in my l[ordis] vill & ordanis thaim to sell for xvj d the gallon & to keip the use of the heid browch baith of met & mesour of breid & aill in tyme to cum

Item Jok fairle in vellis gyffin up be the inqueist for pykre

Item Jok nicoll of dunsyr for pykre

Item Jok dalzell in the vestscheill vocit for pykre

Item rob penny for pykre

CURIA baronie de carnwith tenta apud eandem xij die mensis nouembris anno domini M^o quingentissimo xx^o quarto per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

The quhilk day mychell thomson Is in mersement of my l[ordis] court for falt of entres of him self & of mores fischar mychell cok vill thomson stene purde to this court as to the first court

¹ *ordanis* deleted here.

²⁻² Added above the line.

The quhilk day rob cowan Is in mersement of my l[ordis] court for falt of entres as to the first court

The quhilk day sir vilzgem veir borcht to entir symon fischar Jame eston to the nixt court

The quhilk day berte somerwell & Jhon sowtar held up thair handis to entir to the nixt court |

11v

CURIA baronie de carnwith tenta xxviiij die mensis ¹ nouembris anno domini M^o quingentissimo xxiiij¹ per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

INQUISICIO

Robert chanslar in quodquen	patrik dalzell
James somerwell in volfrod-	John somerwell in cruk-
dis	vandis
robert kyrkpatrik	dauid somerwell in gren-
henry kyrkpatrik	feild
thom of dowglas	andro huntar thair
	thom somerwell in blak-
	castell
	vill Inglis in estscheill
	Jhon Justis in quodquen
	Jhon dychtmunt in carn-
	with

The quhilk day mychell thomson Is in mersement of my l[ordis] court for falt of entres to this court as court peremptur & he Is in ane uder mersement for ² falt of entres of mores fischar siclyk & he Is in ane uder mersement for falt of entres of mychell cok to this court as court peremptur

The quhilk day my l[ord] foloit in court mychell thomson Jhon thomson vilzgem Thomson thair bruder vil thomson

¹⁻¹ Added above the line.

² The MS. has *fort*.

of the 3et & James thomson his son Jame clerk mychell Inglis Jhon of dychemunt rob cowan the inqueist quittis thir men becaus thaj did na skaith nor gaif na straik nor vas nocht thair in the tyme

The quhilk day my l[ord] foloit in court rob cowan for the brekin of his fens the fens vas preiffitt the inqueist put him in my l[ordis] will

The quhilk day my l[ord] foloit in court robert gledstanis symon fischar Jame estown for fylin of his grund with violent blud & thaj grantit the blud & alegit that thai var vytyles for caus thair vas thre of the toder parte instand in my l[ordis] vill of blud the inqueist quet thir thre personis of ony blud

The quhilk day my l[ord] foloit in court stene menon John mennon Jame mennon & John mosman for fylin of his grund with violent blud the inqueist delait that to the court

Memorand that vill howeson sayis that Jok mosman cuist ane stane at Jame mennon |

The quhilk day my l[ord] foloit in court Jhon sowtar for the tane party & berte somerwell [for the toder party] for the fylin of his grund with violent blud the inqueist can find na blud bot quittis baith thir parteis

12r

The quhilk day my l[ord] foloit in court Jhon france & thome howeson for the fylin of his grund with violent blud the quhilk thaj deniit the inqueist delais it to the nixt court

The quhilk day my l[ord] foloit in court nycoll elder & ville elder for the ta part & Jhon vatson the toder party for the fylin of his grund with violent blud the quhilk he grantit the blud & deniit the vyt the inqueist can nocht quit owder of thir parteis bot puttis thaim baith in the blud & siclyk my l[ord] foloit him for ¹vragus¹ setin on Jhon & hurting of him onder the clud of the nycht

¹⁻¹ Added above the line.

The quhilk day my l[ord] foloit in court thom thomson & ville gray for the filin of his grund vith violent blud delait to the nixt court

The quhilk day my l[ord] foloit in court daue scot Jhon schaw Jhon cuk Jame bryson the tane party Jhon blak Jhon somerwell Jhon elder & daue morpet [the toder party] for the fylin of his grund vith violent blud the quhilk thaj denit the inqueist findis the men of hyvod in the blud & in the vyt & the men of the sidwod & stobwod quit

CURIA medie baronie de stanhouis tenta apud eandem xxviiij die mensis marcij anno domini M^o quingentesimo vicesimo quinto per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

The quhilk day Janet awchinflek & margaret awchinflek ar ilk ane of thaim in ane mersement of my l[ordis] court for falt of comperans as thaj that var lawfully summond thair to & dome gyffin thairon be the mawcht of James scot

The quhilk day the laird of crage Is in ane mersement of my l[ordis] court for falt of comperans as he that vas summond thairto

The quhilk day mychell thomson Is cumin in my l[ordis] will for ane blud for himself & siclyk he Is in my l[ordis] vill for mores fischar & mychell cokis bludis |

12v The quhilk day Jhon mennon sten mennon Jame mennon & stene mosman for blud delait

The quhilk day thomson & ville gray for blud delait to the nixt court

The quhilk day Jhon of leis Jhon fischar for blud delait

The quhilk day thome howeson & Jhon france delait for blud

The quhilk day my l[ord] foloit in court marke 3oung & katerin ra for fylin of his grund vith violent blud delait to the nixt court & ordanis hir to bring vitnes to be restit at saw the blud

The quhilk day my l[ord] foloit in court Jhon of twodell & Jhon of twodell & Joke twodell his sonnys Jhon copland for the fylin of his grund vith violent blud the quhilk vas grantit the inqueist can nocht quit Jhon of twodell nor his sonnys bot fylis thaim & puttis thaim in blud & in the vit & quittis Jhon copland of ony blud

Als my l[ord] folois Jhon twodell 3ounger for brekin of his fens the inqueist can nocht quit him bot he hes brokin the fens

The quhilk day my l[ord] foloit in court Jhon copland & 3oung Jhon copland for the fylin of his grund vith violent blud the blud Is grantit the inqueist can nocht quit nowder of thaim bot puttis thaim baith in the blud

The quhilk day margaret Justis Is in mersement of my l[ordis] court for falt of entres to haif ansuerit to besse vatson for blud to this court as the first court

The quhilk day my l[ord] foloit in court Jhon rowe stene thomson for fylin of his grund vith violent blud the blud Is grantit the inqueist can quit nowder of thir parteis bot puttis thaim baith in the blud

The quhilk day daude elder Is in mersement of my l[ordis] court for falt of entres of nicoll elder his son to this court as to the secund court

CURIA baronie de carnwith tenta apud eandem xix die mensis decembris anno domini M^o quingentesimo vicisimo quarto per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum |

13r

INQUISICIO

Jhon pumfra	Jhon of dychtmunt
Jhon the gram in spittall	thom somerwell in blak-
vilzem grame	castell
thom ur	Jhon brown in forth
lore logan	Jhon thomson
	thom thomson
	symon of denom
	Jhon huntar in fawlo
	vill Inglis in henschelwod

The quhilk day mychell thomson Is in mersement of my l[ordis] court for falt of entres of himself & in ane uder mersement for falt of entres of mores fyschar & mychell cok to this court as to the court peremptur

The quhilk day stene menon Is in mersement of my l[ordis] court for falt of entres to this court

The quhilk day my l[ord] foloit in court Jhon menon Jame menon & Jhon mosman for fylin of his grund vith violent blud vitnes vil howeson can say na thing bot thai said thair vas blud [s]pent cannocht fyll thaim delait to the nixt court

The quhilk day adam haig Is in mersement of my l[ordis] court for falt of entres to this court as the first court

The quhilk day Jhon france & thome howeson for blud delait to the nixt court

The quhilk day andro elder Is in mersement of my l[ordis] court for falt of entres of nycoll elder his son to this court as to the first court

The quhilk day my l[ord] foloit thom thomson & ville gray for fylin of his grund vith violent blud quhilk thai deniit delait to the nixt court & ordanis vitnes to be restit

The quhilk day my l[ord] foloit Jhon fyschar & Jhon of leis for fylin of his grund vith violent blud delait to the nixt court & ordanis ma vitnes to be restit

The quhilk day my l[ord] foloit in court elesabeth veir & Janot cok for the fylin of his grund vith violent blud it Is grantit the inqueist can quit nowder of thaim bot findis thaim baith in the blud and bludvit sir vilgem veir lawboris for besse veir & rowe cok lawboris [for] Janot cok his dowchter

The quhilk day my l[ord] foloit in court Jhon ledaill for common distrucion of his gren vod & thair vas preiffit that he vas cuttand vandis & fund vith xx^{tj} vandis under his hoxstar & the inqueist puttis him in my l[ordis] vill gyf his varand vill nocht varand him |

The quhilk day Jhon of twodell grantis to mend Jhon ledell of his bere safar as he hes fawtit

13v

The quhilk day elin martyn callit for vitnes & deliuerans & sayis that scho hard Jhon of twodell grant the recompence & pay to Jhon of ledell all the skaith that he culd preif in that tyme skaithit him in his bere

The quhilk day Jhon of twodell foloit Jhon ledell & ville vatson for the slain of ane kow the inqueist findis that thai ar saikles of the kow & quittis thaim of the deid of hir

My lord folois ville vatson for injuris & unressionabill langage the inqueist puttis him in my l[ordis] vill of un-ractionabill langage & my l[ord] to punis him as he thinkis metest

CURIA capitalis baronie de carnwith tenta apud eandem xiiij die mensis marcij anno domini m^o quingentesimo vicesimo quarto per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

The quhilk day robert lord maxwell oft tymis callit & nocht comperit Is in mersement of my l[ordis] court [for] falt of entres of his sut to this court as to the heid court for his landis of leberton

The quhilk day robert lord maxwell oft tymis callit & nocht comperit Is in mersement of my l[ordis] court for falt of his presens to this court as to the heid court for his landis of lebirton

The quhilk day the laird of Jariswod oft tymis callit & nocht comperit Is in mersement of my l[ordis] court for falt of presens to this court as to the heid court for his landis in newbiggin

The quhilk day vilzem somerwell Is in mersement of my l[ordis] court for falt of comperans to this court as to the heid court for his landis in newbiggin

The quhilk day Jhon pumfra Is in mersement of my l[ordis] court for falt of presens to this court as to the heid court

The quhilk day vilzem of lowdean Is in mersement of my l[ordis] court for falt of presens to this court as heid court

INQUISICIO

James somerwell in volfroddis	andro huntar thair
robert chanslar of quodquen	thom someruel in blakcastell
henry kyrkpatrik	Jhon huntar in fawlo
Jhon somerwell in cruk-	Jhon grame in spetall
vandis	vilzem grame thair
Dauid somervell in grenfeild	Jhon brown in forth
	Jhon of dychtmunt
	lore logan

14r

The quhilk day James kello Jhon kello Jhon lythquho Jhon gray James threpland Thom of skown ville gray constantyn thomson Jhon of glesquho Jhon Justis Thome cure male skown ar ilk ane of thaim in ane mersement of my l[ordis] court for falt of entres to this court as heid court

The quhilk day Jhon mosman vil vatson andro penny Jhon gray James gyrdvod bartilmo clerkson James vatson vilzem vatson Jhon gyrdwod vilzem thomson adam veston

dauid 3oung maron ray Jhon tarbet the vedo tarbet the relic of umquhill dauid tarbet vilzem Justis andro Justis ar ilk ane In ane syndry mersement of my l[ordis] court for falt of entres to this court as heid court

CURIA capitalis baronie de carnwith tenta apud eandem xxvij die mensis Julij anno domini m^o quingentesimo vicesimo quinto per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

INQUISICIO

James somerwell in volfroddis	dauid somerwell in grenfeild
Jhon the grame 3oung laird	andro huntar thair
vesthall	thom someruel in mossat
mychell thomson in murrus	Jhon huntar in fawlo
Jhon someruell in crukvindis	Jhon brown in forth
thom somerwell in blakcastell	george of kyrkpatrik
	Jhon of twodell in carnwith
	Jhon of dychtmunt thair

The quhilk day Jhon france contrar stene purde for ane meir

The quhilk day my l[ord] foloit in court barthilmo vatson one the tane part & thom anderson [one the toder part] for fylin of his grund vith violent blud the inqueist can nocht quit barthilmo vatson bot fylis him & puttis him in the blud & bludvit & quittis thom anderson of ony blud

The quhilk day my l[ord] foloit Jhon vatson & Jhon vatson his bruder & ville vatson on the tane part & Jhon cheisle & thom cheisle on the toder part for fylin of his grund vith violent blud the inqueist can nocht quit Jhon cheisle nor zit Jhon vatson of this blud & quittis the laif of the saidis personis of this blud

The quhilk day Jhon gyrdvod & James tarbet ar in mersement of my l[ordis] court for falt of entres as thai var restit for blud as the first court |

14v

The quhilk day Jhon mosman vil vatson andro penny Jhon gray James girdwod James vatson & ville his bruder Jhon girdwod adam veston dauid zowng Jhon tarbet ville Justis andro Justis ar ilk ane of thaim in ane mersement of my l[ordis] court for falt of presens as thai var restit thairto

The quhilk day robert gra & Jhon valkar ar baith in ane mersement of my l[ordis] court as thai at var restit

The quhilk day my l[ord] foloit in court mark zoung & katerin ray for fylin of his grund vith violent blud the inqueist findis mark zoung in the vrang of the handlin of the voman & quittis thaim of the blud

The quhilk day Janot veston & Jhon copland ar bund & content to byde at robert clerkson & petir loky of all debatis betuix thaim

The quhilk day thom gray Is in mersement of my l[ordis] court for falt of entres to ansuer to andro mychtchell for certan malt as the first court

rolment that Jhon anderson suer that mungo morpet & Jhon vyld consentit nocht to hurt mungo lows

The quhilk day my l[ord] foloit mungo morpet & Jhon vyld & Jhon anderson on the tane part & mungo lows on the toder part for the fylin of his grund with violent blud the inqueist puttis Jhon anderson in the bludvit & quittis the toder thre

The quhilk day berthilmo clerkson contrar to thom somerwell for ane meir slain delait to the nixt court

The quhilk day my l[ord] foloit in court robert levinston for the brekin of his fens that Is for the takin away of xix scheip that vas preiffit restit & the said robert alegit that my l[ord] leit him the restment lows & my l[ord] deniit at

he leit him na mare lous bot als mekill as com to xvj s & viij d the inqueist can nocht quhit the said robert of the fens brekin bot puttis him in ane fens brekin for caus he tuk mair gud away no the xvj s & viij d com to

The quhilk day my [ord] foloit Jhon vrycht & Jhon ramsay for the brekin of the stylis of his vitsonday & the said Jhon ramsay for ane restment brekin the inqueist []¹ Jhon ramsay of the restment brekin and as the brekin of the stylis of vitsonday the inqueist findis Jhon vrycht na []¹ |

The quhilk day Jhon vrycht foloit Jhon ramsay for the vrangus pindin of his mere the inqueist findis the meir nocht lawful nor vald nocht byd in the fauld

15r

CURIA baronie de carnwith tenta apud eandem vij^o die mensis marcij per henrycum kyrkpatrik ballium nobilis domini hugonis domini somerwell baronis baronie de carnwith sectis vocatis curia firmata absentes patent per rotulum

The quhilk day James grame in newbiggin Is in mersement of this court as the first court as he that vas restit thairto for blud

The quhilk day andro penny in newbiggin Is in mersement of this court for falt of comperans as the first court

The quhilk day ville vatson in grenhawton Is in mersement of this court for falt of comperans as the first court to haif ansuerit to Jhon vatson his bruder

The quhilk day robert gray & Jhon valkar in valkmill ar ilk ane of thaim in ane mersement of this court

The quhilk day all the tennendis in carswell excep vil thomson & nicol elder ar euer ilk ane of thaim in ane syndry mersement of this court for falt of comperans as to the thrid court

¹ Blank in manuscript.

The quhilk day all the tennandis of quodquen ar euer ilk ane of thaim in ane mersement of this court for falt of comperans as to the thrid [court] as thai that var restit thairto

The quhilk day thom vilson in cormostoun Is in mersement of this court for falt of comperans as to the first court

CURIA baronie de carnwith tenta apud eandem xv^o die mensis marcij per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

The quhilk day mychell Inglis Jhon purde mores fischar stene purde vill thomson rob cowan James thomson Jhon dychtmunt Jhon thomson James clerk ar euer ilk ane of thaim in ane mersement of my l[ordis] court for falt of comperans to this court as thai that var restit thairto as to the first court |

15v

The quhilk day mychel thomson in morrus Is in ane mersement of my l[ordis] court for falt of comperans as he that vas lawfully [restit] thairto as to the first court

The quhilk day all the tennandis of quodquen that Is to say James kello Jhon glesquho Jhon dunlop daue robeson James threpland Jhon Justis Jhon gray thom skown constantyn thomson vil thomson Jhon lychtquho Jhon kello thai & euer ilk ane of thaim ar in ane mersement of my l[ordis] court for falt of entres to this court as to the thrid court

The quhilk day thom vilson Is in ane mersement of my l[ordis] court for falt of comperans [as he] that vas restit thairto as to the secund court

The quhilk day Jhon mosman vil vatson andro penny Jhon gray James girdwod berte clerkson James vatson ville vatson ville thomson Jhon gyrdwod adam veston daue zoung nicoll elder Jhon tarbet ville Justis andro Justis robe gray & Jhon valkar thai & euer ilk ane of

thaim Is in mersement of my l[ordis] court for falt of comperans to this court as thai that var restit thairto as to the thrid cort

The quhilk day James howeson Is in mersement of this court for falt of comperans as to the first court

The quhilk day elesabetht fyschar Is in mersement of this court for falt of comperans as to the secund court

The quhilk day James grame Jhon grame his bruder [&] andro penny ar ilk ane of thaim in ane mersement of my l[ordis] court for falt of comperans as to the secund court

The quhilk day thom grame creilman Is in mersement of my l[ordis] court for falt of entres to this court as to the first court

INQUISICIO

the laird of crag	symon denon
the laird of vesthall	Jhon somerwell in cruik-
patrik dalzell	vindis
Jhon pumfra in henschelwod	thom somerwel in mossat
dauid somerwell in amferlaw	thom somerwell in blak-
	castell
	dauid somerwell in gren-
	feild
	andro huntar thair
	Jhon huntar in fawlo
	vil Inglis in estscheill

The quhilk day my l[ord] foloit adam ramsay 3ounger & James ramsay for the fylin of his grund vith violent blud delait to the nixt cort

167

Margret anderson 3e ar ditit for the thiftus stelin of ane pot fra robin vrycht & ane pair of hois & iiij ellis of gret hardin lenyng sax lib. of alom & anc half ij collaris [&] ane aproun the inqueist cannocht quit hir of common thyft & pykre & of this scho Is fund vyth

CURIA capitalis de earnwith tenta apud eandem xiiij die mensis aprilis anno domini millesimo quingentesimo vicissimo sexto per nobilem dominum hugonem dominum somerwell baronem diete baronie sectis vocatis curia firmata absentes patent per rotulum

The quhilk day robert lord maxwell oft tymis callit & nocht comperit Is in mersement of my l[ordis] court for falt of his [presens] as heid court for his landis in leberton

The quhilk day robert lord maxwell oft tymis callit & nocht comperit Is in mersement of my l[ordis] court for falt of entres of his sut as the heid court

The quhilk day the laird of Jariswod Is in mersement of my l[ordis] court for falt for of his presens to this court as heid court for his landis of newbiggin

The quhilk day vilzem somerwell Is in mersement of my l[ordis] court for falt of his presens as to the heid court for his landis in newbiggin

¹ The quhilk day vilzem Is in mersement of my [lordis] court for falt of his presens to this court as to the heid court for landis of newbiggin ¹

The quhilk day andro elphinston Is in mersement of my l[ordis] court for falt of his presens to this court for [his landis] of newbiggin callit elphinstoun

The quhilk day Jhon pumfra [Is] in ane mersement of my l[ordis] court for falt of his presens

The quhilk day the laird of herdhous Is in ane mersement of my l[ordis] court for falt of his presens for his landis of herdhous he Is in ane uder mersement for his landis of henschelwod

The quhilk day vilzem lowdean Is in mersement of my l[ordis] court for falt of his presens as to the heid court for his landis of henschelwod |

¹⁻¹ A repetition of the previous entry ?

The quhilk day thome balze Is in mersement of my l[ordis] court for falt of his presens for his landis of cor-moston

INQUISICIO

the laird of quodquen
Jhon grame of vesthall
archebald somerwell
patrik dalzell
mychell thomson

Jhon somerwell in cruk-
vindis
thom somervell in mossat
dauid somervell in grenfeild
thom somervell in blak-
castell
dauid somervell in amferlaw
petir somervell in leberton
Jhon thomson thair
adam veston in carswell

The quhilk day James kello Jhon kello Jhon Justis daue robeson James threpland constan thomson ville vilson in the mid town of quodquen & all the laif of the tennandis of the uver town of quodquen ar euer ilk ane of thaim in ane mersement of this court as heid court as thai that var restit thairto and thrid court all bot ville vilson for the first

The quhilk day Jhon mosman vil vatson andro penny & berte clerkson ar euer ilk ane of thaim in ane mersement of this court as thrid court

The quhilk day mychell Inglis Jhon purde vil thomson James thomson mores fyschar daue elder James clerk are euer ilk ane of thaim in ane mersement of this court for falt of entres to this court as the first court quhilk thai var arestit thairto

The quhilk day my lord foloit Jhon gyrdvod adam voston ville thomson andro Justis nicoll elder for the brekin of his fens quhilk thai deniit

The quhilk day James grame is in mersement of my l[ordis] court for falt of entres of andro penny in newbiggin to this court as to the first court for blud to the inqueist allthe he [? l all the] presentis skaith vith & uther pykre & greinwod

17r

The quhilk day Jhon gray in arthurschellis oblist In Jugement his rycht hand haldin up to entir & pay to James mowtra as plegis for Jhon scot in gangis at the nixt feist of sant petir callit vincula a[n]glice lammes the sown of v merkis in penneis or in pennyvorth at the nixt feist of sant martyn in vintyr x s | and Is said at the nixt feist of vitsonday thaireftir foloit uder x s and sa furth termly x s ay & quhill the sown of x merkis vjs viij d be fully pait to the said James mowtray & the said Jhon gray sall stand plege & securite to the said James for the pament of uder thre merkis eftir the tenor of the first contrak of mariage

The quhilk day ville brown Is in mersement of my l[ordis] court for falt of entres to haif ansuerit to agnes brown

The quhilk day elesabeth fyschar Is in mersement of my l[ordis] court for falt of entres to haif ansuerit to ville somerwell in the newk

The quhilk day thom grame contrar the valkaris of the myll for ane vob of xij ellis of brown ix quartaris braid the inqueist ordanis the valkaris to pay thom grame xxj s & iiij d & tak

CURIA baronie de carnwith tenta apud eandem xv^o die mensis maij anno domini M^o quingentesimo vicesimo sexto per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

INQUISICIO

the laird of vesthall	archebald somerwell
robert chanslar of quodquen	patrik dalzell
Jhon the gram	mychell thomson
the laird of cultirmanis	Jhon somerwell in cruk-
henry kyrkpatrik	vindis
	thom somervell in mossat
	andro huntar in grenfeild
	Jame somerwell thair
	Jhon huntar in fawlo

The quhilk day my l[ord] foloit petir somerwell in leberton & thome somerwell his bruder for the fylin of his grund vith violent blud quhilk thai & Jame crab Jame clerk & ville crab [deniit] for the fylin of his grund with violent blud the inqueist quittis Jame clerk of ony blud & delais the laif to the nixt court & ordanis vitnes to be restit |

The quhilk day thom clerk & Jame clerk 3ounger ar ilk ane of thaim in ane mersement of my l[ordis] court for falt of entres to this court as first cour[t] for blud

17v

The quhilk day James kello Jhon kello Jhon Justis daue robeson James threpland constantyn thomson ville vilson in the cotland of the midtown Jhon glesquho Jhon lythquho Jhon gray thom of skown Jhon dunlop thom curre ar euer ilk ane of thaim in ane mersement of this court for falt of entres to this court as ferd court peremptur set to thaim

The quhilk Jhon thomson¹ absent the samin day mychell thomson Is in ane mersement of this court for falt of entres of Jhon thomson & thom thomson to this court as secund court

The quhilk day my l[ord] foloit James grame Jhon sowtar in newbiggin on the ta part & thome forrest on the toder part for the fylin of his grund vith violent blud delait to the nixt court

The quhilk day thom vilson in cormoston Is in mersement of my l[ordis] court for falt of entres to this court as secund court for the brekin of his fens

The quhilk day my l[ord] foloit Jhon grame in spittall & ville grame his bruder for brekin of his fens baith corn & medo

The quhilk day Jhon grame in spittall lawborch for ville grame his bruder that Jhon vatson elder in carnwith salbe skaithles of him under the pane of x lib siclyk

¹ *thomson* repeated.

vilzem grame lawborcht for Jhon his bruder & euer ilk ane of thaim borcht for thair awin barnis & seruandis under the samin pane that the said Jhon salbe skaithles of thaim

The quhilk day thome King contrar Jame curre for muk ledin

The quhilk day my l[ord] foloit Jame ramsay on the tan part & adam ramsay 3ounger [on the toder part] for the fylin of his grund vith violent blud the inqueist findis na blud

The quhilk day my l[ord] foloit ade ramsay on the tan part & ville ramsay [on the toder part] for the fylin of his grund vith violent blud delait |

18r And siclyk the said vilzem contrar the said adam for xxiiij s of quhet bred & for ane clok & uther clathis delait to the nixt court the inqueist ordanis it to be & ville hes sworn befor my lord

The quhilk day my l[ord] foloit the men of the scheillis for brekin of his fens in the harschawis quhilk archebald somerwell foloit delait to the nixt court

The quhilk day Jhon mosman vil vatson Jhon gray andro penie James girdwod berte clerkson Jame vatson ville vatson 3ounger Jhon girdwod ville thomson adam voston daue 3oung nicoll elder Jhon tarbet the vedo tarbet ville Justis andro Justis ar euer ilk ane of thaim in ane mersement of my l[ordis] court as to the fourt court peremptur set to thaim the inqueist to deliuer & proced apon thaim of quodquen & carswell haith for the brekin of his fens for the lawborin of the newmanis & it onder his fens & siclyk for the deliuering of thair malis furth of thair handis thai beand under his fens at martymes last bypassit

The quhilk day pat mason Jhon scot ryche scot & ville cor ar ilk ane of thaim in ane mersement of this court for thair passing owt of the court befor the deliuering of the inqueist

The inqueist ordanis Jhon baltj to gyf ville thomson
 xix s & ordand daue morpet to gyf Jhon baltj it that he
 can preif he hecht him for to bring furth the meir for to
 hald hir lyf

The inqueist the vedo of awchtingray for the kyndnes
 of x s vorth of land that Jhon symson hes in malin

CURIA baronie de carnwith tenta apud eandem xxvj die
 mensis maij anno domini M^o quingentesimo vicesimo sexto
 per nobilem dominum hugonem dominum somerwell
 baronem dicte baronie sectis vocatis curia firmata absentes
 patent per rotulum

INQUISICIO

the 3oung lard of vesthall	dauid somerwell in grenin-
henry kirkpatrik	feild
Jhon somerwell in crukvindis	James somerwell thair
thom somerwell in mossat	andro huntar in fawlo
mychell thomson in mwrrus	thom somerwell in blak-
	castell
	Jhon huntar in fawlo
	Jhon brown in forth
	thom ur in carnwith
	Jhon twodell thair

The quhilk day robin gledstannis Is in mersement of my
 l[ordis] court for falt of entres to this court as he that held
 up his hand thairto for blud as the first court

18v

The qubilk day Jhon of lows Is in ij mersementis of my
 l[ordis] court for falt of entres as he that held up his hand
 thairto that vas restit thairto for ij bludis

The quhilk day Jame clerk Is in mersement of this court
 for falt of entres for blud as he that vas restit thairto as
 first court

delait the blud betuix James grame & Jhon sowtar on the
 tan part & thome forrest of leberton myll

The quhilk day vilzem vilson In schaddishill Is in mersement of this court for falt of entres to this court as fyrst court for blud betuix him & Jhon lunan

The quhilk day vilzem grame Is in mersement of this court for falt of entres to ansuer to mychell robeson as first court

The quhilk day my l[ord] foloit Jhon scot for the vrangus haldin fra him of ane ox quhilk he deniit & my l[ord] tuk on hand to preif it

CURIA baronie de carnwith tenta apud vodend¹ xiiij die mensis octobris anno domini M^o quingentesimo vicesimo sexto per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

INQUISICIO

dande elder	ville elder
Jhon of twodell	Jok bryson
Jhon of dychtmunt	Jhon liddayll
vil curtes	Jhon vatson
Jhon cheisle	george kirkpatrik
	Jok daue
	Jhon mowtray
	James lyddail

Thome chesle & Jhon of twodell ar content to byd at the deliuerans of Jhon dychtmunt vil cor Jhon vatson & Joke rowe of thair debait of the corn takin at away & my l[ord] to gar thaim deliuer it vithin xv dayis |

19r

The quhilk day thome chesle foloit Jhon of twodell of the takin away of² vrangusly of iij stowkkis of corn & agane the law & the said Jhon of twodell deniis

¹ ** deleted here.

² Sic.

The quhilk day the men of the lampettis foloit Jhon copland of the ettin of iiij bollis of aittis vith the gud that he suld haif kept & the said Jhon deniit & delait to the nixt court at my l[ordis] vill

the laif of the fermoris

The quhilk day george of kyrkpatrik of the belgar foloit stene lokart ville howcheson & robert loke of the eittin of iij bollis of aittis thai ar all content to byd at Jok gray & Jhon mowtray quaht thai deliuer sten lokart sal pay ane boll of aittis to the men of the lempettis

The quhilk day patrik bertrem foloit the men of lem-pottis for the eittin of iiij bollis of aittis thai ar content to ilk man to quit him

The quhilk day george of kirkpatrik & nyctbouris of the lempottis foloit robe loke sten lokart & pat bertrem for the vrangus eittin & haldin fra thaim of iiij bollis of aittis & iij fuderis of hay quhilk thai deniit robe loke quit him vith $\frac{1}{2}$ ane pek of aittis & ane kerfow of hay & pate bertrem iij $\frac{1}{2}$ firlettis & hay it vas giffin quit to thair athis

The quhilk day vilzem eston andro eston his son Is In mersement of my l[ordis] court for falt of entres to this court as he that vas varnit

The quhilk day pat of struderis Is in mersement of this court for falt of comperans as he that vas varnit thairto

CURIA baronie de carnwith tenta apud eandem xxiiij^o die mensis octobris anno domini M^o quingentesimo vicesimo sexto per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

The quhilk day robert lord maxwel oft tymis callit & nocht comperit Is in mersement of my l[ordis] court for falt of entres of his sut to this court as heid court for his landis of leberton

The quhilk day robert lord maxwell of[t] tymis callit & nocht comperit Is in mersement of my l[ordis] court for falt of his presens to this court as heid court for his landis of leberton |

19v The quhilk day thome balze Is in mersement of my l[ordis] court for falt of his presens to this court as heid court for his landis

The quhilk day the laird of Jariswod Is in mersement of my l[ordis] court for falt of his presens to this court as heid court for his landis of newbiggin

The quhilk day vilzem somervell Is in mersement of my l[ordis] court for falt of his presens to this court as heid court for his landis of newbiggin

The quhilk day vilzem lowdean Is in mersement of my l[ordis] court for falt of his presens to this court as heid court for his landis of henshellvod

INQUISICIO

the lard of quodquen	thom ur in carnwith
the 3oung lard of vesthall	Jhon of twodell thair
James somerwell in volfroddis	Jhon somerwell in cruk-
andro awchinflek in erdhous	vindis
mychell thomson in murrus	Jhonpumfra in henshellvod
	Jhon grame in Spittall
	thom somerwell in mossat
	david somerwell in grenfeild
	andro huntar thair

The quhilk day James kello vith all the tennandis in quodquen at pertenis to Jhon somerwell ar ilk ane of thaim in ane mersement of my l[ordis] court for falt of entres to this court as heid court

The quhilk day Jhon mosman vilzem vatson andro penny & all the laif of the tennandis of carsvell er euer ilk ane of thaim in ane mersement of my l[ordis] court for falt of entres to this court as heid court

The quhilk day my l[ord] foloit Jhon lows for the fylin of his grund vith violent blud drawin apon James eston quhilk he deniit the inqueist can nocht find Jhon of lows in ony blud for caus his party quittis thai quit him of ony blud

The quhilk day my l[ord] foloit Jhon of lows for fylin of his grund vith violent blud quhilk vas drawin apon ville dychtmunt & siclyk the said ville dychtmunt for the drawin of violent [blud] quhilk thai deniit delait to the nixt court

The quhilk day my l[ord] foloit petir somerwell & thome somerwell on the tan part & James crab on the toder part for fylin of his grund vith violent blud delait to the nixt court |

The quhilk day ville crab Is in mersement of my l[ordis] court for falt of entres to this court as first court

20r

The quhilk day my l[ord] foloit thome somerwell on the tan part Jano clwcht besse anderson Jhon anderson thome farle on the toder part for the fylin of his grund vith violent blud quhilk thai deniit delait to the nixt court & ordanis vitnes to be restit

The quhilk day my l[ord] foloit Jhon fyschar patrik ver on the tane part & ville brown on the toder part for the fylin of his grund vith violent blud the inqueist findis patrik veir in the blud & quittis Jhon fyschar & ville brown of the blud

The quhilk day Janot somerwell & [J]ane crab Is in mersement of my l[ordis] court for falt of entres as thai that var restit thairto

The quhilk day my l[ord] foloit ville dychtmunt on the tane part & thome somerwell & petir somerwell on the toder part for the fylin of his grund vith violent blud delait to the nixt court & ordanis vitnes to be restit

The quhilk day thom clerk Is in mersement of my l[ordis] court for falt of entres as he that vas restit thairto for blud

The quhilk day thom kyng & James kello Jhon kello ar euerj ane of thaim in ane mersement of my l[ordis] court for falt of entres to this court as the first court for blud as thai that var restit thairto

The quhilk day Jhon of twodell foloit thome millar & daue somerwell in his name for us the inqueist ordanis Jhon of twodell & his vyf to craif thaim that eit hir stuf & thai ordan thom millar to pay als mekill to Jhon of twodell als mekill as he vil tak on him that he skaithit him vith his hed or eit to him

The quhilk day my l[ord] foloit Jame marschell & the laif of the tennandis of the ester gledstanis for the brekin of his fens the inqueist findis the officiar in the vit for caus he maid it unordully & nocht the men

The quhilk day my l[ord] foloit Jame ur & robe vrycht on the tane part & Jhon vrycht on the toder part for fylin of [his] grund vith violent blud the inqueist can find na blud nor bludvit bot quhittis thaim all thre of ony blud |

20v

The quhilk day my l[ord] foloit Jhon luman on the tane part & Jhon rychartson on the toder part for the fylin of his grund vith violent blud the inqueist quittis Jhon rychartson of the blud & puttis Jhon luman in the blud

The quhilk day my l[ord] foloit robe cowan [for] the brekin of his fens teland in newmainis & the said robert & mychell thomson in his name answerit & alegit that it vas nocht restit nor fencit & syn my l[ord] callit ane officiar & he preffit vith ane vitnes & tuk to get the laif of the vitnes or thair pref agane the nixt court

The quhilk day robe levinstone Is in mersement of this court for falt of entres to haif ansuerit to Jhon rowe for his steid

The quhilk day symon dennom Is in mersement of this court

CURIA baronie de carnwith tenta apud eandem viij^o die mensis novembris anno domini M^o quingentesimo vicesimo sexto per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

The quhilk day Jhon lows thome somerwell Jame clerk ar ilk ane of thaim in ane mersement of my l[ordis] court for falt of entres to this court as [*incomplete*]

INQUISICIO

the 3oung lard of vesthall	Dauid somerwell in amferlaw
archebald somerwell	andro huntar thair
Jhon pumfra of henshelvod	Jhon huntar in fawlo
thom somerwell in blakcastell	Jhon brown in fortht
Dauid somerwell in grenfeild	vil inglis in estschell
	Jhon someruel in crukvindis
	thom ur in carnvith
	Jhon of twodell thair

The quhilk day mychell thomson Is in mersement of my l[ordis] court for falt of entres to haif maid Jame eston ane mendis of the hurtin of him |

The quhilk day my l[ord] foloit maron vilson & Janot mosman one the tan part & robert levinston one the toder part for fylin of his grund vith violent blud quhilk robert levinston grantit the inqueist findis robert levinston in the vit of the blud & quittis maron vilson & Janot mosman of the blud

The quhilk day Janot crab & agnes brown ar ilk ane of thaim in ane mersement of my l[ordis] court for falt of entres to this court

The quhilk robert levinston is borecht to entir ¹daue¹ roger to the nixt court to ansuer for blud betuix him & Jhon paterson

¹⁻¹ Above the line.

The quhilk day my l[ord] foloit andro clerkson one the tane part & ville gibson on the toder part for fylin of his grund vith violent blud quhilk ville gibson grantit & andro clerkson deniit delait to the nixt court & ordanis ma vitnes to be restit

The quhilk day my l[ord] foloit gyllis gibson for the vrangus haldin of owrsowmis quhilk scho alegit that the nychtbouris set hir thaim quhilk thai deniit the inqueist ordanis the nychtbouris to varand the vyf & gyf thair be owrsowmis thai salbe foloit in the vitsonday court

The quhilk day my l[ord] foloit male vrycht & Jhon vrycht for the vrangus lawborin of ane ox & brekin of his fens quhilk thai deniit the officiar preffit that he vas fencit delait to the nixt court

The ple betuix Jhon pumfra & ville grame of ane hors delait to the nixt court

The quhilk day robert levinston [&] Jhon rowe ar ilk ane of thaim ¹ bund & oblist & sworn & thair rycht handis uphaldin to abyd & stand at the ordinans & deliuerans of arbituris archebald somervell for Jhon rowe & thom Justis for the said robert levinston arbitur & henry kyrkpatrik owrisman chossin be thair awys & he vil tak it on him & failzeand this of my l[ord] to cheis ane evinly man for thaim baith anent the party & debait betuix the ² said robert & Jhon of his sted in newbiggin & all uder debaitis but revocacion or gain calling & thai to deliuer vithin xx dayis eftir at my l[ord] cum haim fra Edonburgh or sone eftir |

21v

To the inqueist quhat prentis the smyth of carnwith sal haif & quhat prentis the smyth of newbiggin the inqueist ordanis the smyth of newbiggin to haif his faderis prent & the smyth of carnwith to haif the prent that he fand in the forge or ellis ane uder prent

¹ *in mersement of my l[ordis] court* deleted here.

² *the repeated.*

CURIA capitalis baronie de carnwith tenta apud eandem xxij die mensis Januarij anno domini M^o quingentesimo vicesimo sexto per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

The quhilk day robert lord maxvell Is in mersement of my l[ordis] court for falt of his presens to this court as heid court for his landis of ¹ leberton

The quhilk day robert lord maxvel Is in mersement of my l[ordis] court for falt of entres of his sut as heid court for his landis of leberton

The quhilk day robert lord maxvell Is in mersement of my l[ordis] court for falt of entres of his presens to this court as heid court for his landis of leberton

The quhilk day the laird of Jarisvod Is in mersement of my l[ordis] court for falt of his presens to this court as heid court for his landis of newbiggin

The quhilk day vilzem somervell Is in mersement of my l[ordis] court for falt of his presens to this court as heid court for his landis of newbiggin

The quhilk day sir vilzem Justis Is in mersement of my l[ordis] court for falt of his presens to this court as heid court

The quhilk day lorens elphinston Is in mersement of my l[ordis] court for falt of his presens to this court as heid court

The quhilk day the lard of innergrenan Is in mersement of my l[ordis] court for falt of his presens to this court as heid court for his landis of erdhous

The quhilk day vilzem lowdean Is in mersement of my l[ordis] court for falt of his presens to this court as heid court for his landis of henshelvod |

¹ *newbiggin* deleted here.

22r

The quhilk day James kello Jhon kello Jhon Justis Daue robeson James threpland constantyn thomson ville vilson in the midtown of quodquen Jhon dunlop Jhon glesquho Jhon gray thom skown vil thomson Jhon lythquho ar euer ilk ane of thaim in ane sindry mersement of my l[ordis] court for falt of entres to this court as heid court & court of peremptur

The quhilk day Jhon mosman vil vatson andro penny Jhon gray James gyrdvod berte clerkson James vatson vil vatson ville thomson Jhon gyrdvod adam voston dauid zoung nicoll elder Jhon tarbet vil Justis andro Justis robert gray Jhon valkar ar euer ilk ane of thaim Is ¹ in ane mersement of my l[ordis] court as heid court that thai var chargit to & varnit to as court peremptur last set to thaim

CURIA capitalis baronie de carnwith tenta apud eandem xxj^o die mensis Januarij anno domini millesimo quingentesimo vicesimo sexto per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

INQUISICIO

robert chanslar of quodquen	Jhon grame in spittall
James somerwell in volfroddis	thom thomson in leberton
Jhon grame of vesthall	Jhon pumfra
alexander ramsay	Jhon somerwell in cruk-
patrik dallzell	vindis
	dauid somerwell in gren-
	feild
	thom somerwell in blak-
	castell
	thom somerwell in mossat
	petir howeson

¹ Sic.

The quhilk day mychell thomson [&] James eston ar bund & oblist sworn & thair rycht handis up haldin to byd & stand to the sentens ordinans & deliuerans of the person of leberton & sir vilzgem veir commesar of carnwith anentis all parteis & debatis betuix thaim & speciale the hurtin of the said Jame eston & gyf sa beis that the person of leberton vil nocht tak it on him the laird of corrus to be in his sted to the quhilk deliuerans the said parteis hes haldin up baith thair handis to stand but fraud or gyll |

The quhilk day ville dychtmunt Is in mersement of this court for falt of entres to this court for blud betuix Jhon lows & him as secund court

22v

The quhilk day Jhon grame borecht to entir daue roger & Jhon paterson for blud to the nixt court

The quhilk day my l[ord] foloit thom clerk on the tane part & Jame clerk on the toder part for fylin of his grund vith violent blud delait to the nixt court & ordanis vil thomson to be restit & may vitnes

The quhilk day James brown Is in mersement of this court for falt of entres to this court as [*incomplete*]

The quhilk day robert levinston Is in mersement of this court for falt of entres to haif biddin & to stand at ane ak maid betuix him & Jhon rowe

The quhilk day thomas ur foloit Jhon of twodell for non deliuerans of his hors als gud as he lent him the inqueist ordanis thaim to tak ij gud evinly nyctbouris & my l[ord] to be owrisman to agre thaim that Is to say Jhon somerwell in crukvindis & dauid somerwell in grenfeild for thom ur & mychell thomson & Jhon dychtmunt [for Jhon of twodell] to agre thaim

The quhilk day ville somerwell foloit James proudfut for the vrangus takin of [his] hors & ledin in pottis vith him delait to the nixt court & the said vilzgem tuk on hand to preif at James held thair viij scheip quhil thai deit & he said he suld gyf him xvj quhen he preffit it & failz cand thairof to mak him ane mendis for the alegians

The quhilk day ville brown In mylrig Is in mersement of my l[ordis] court for falt of entres to haif ansuerit to male vyld for the mending of him

The quhilk day thome howeson Is in mersement of my l[ordis] court for falt of entres to haif ansuerit to Jhon sowtar

The quhilk day Jhon lumen Is in mersement of my l[ordis] court for falt of entres to haif ansuerit for blud betuix him & vilson of schaddishill |

23r The quhilk day my l[ord] foloit andro clerkson & vil gibson for fylin of his grund vith violent blud delait to the nixt court & ordanis vitnes to be brocht the inqueist findis na blud & quittis the said parteis thairof

The quhilk day my l[ord] foloit the men of throwburn for owrsowmis delait to the vitsonday court

The quhilk day ville grame Is in mersement of this cowrt for falt of entres for the hors

The ple of robert cayis claith the inqueist ordanis Jhon of twodell to gyf rob cay ix ellis of ell braid claith of ilk stane of clene vow & als mekill as rob cay vantis the inqueist ordanis Jhon of twodell to pay rob cay & it Is preffit xxvj pund of clene vow

The quhilk [day] daue somerwell foloit rowe cok for the haldin fra him of ane hors the inqueist ordanis rowe cok to hald the hor ay quhill he awin him lawfully that awcht him

The quhilk day to the inqueist quhay brak the fens the inqueist deliueris & sayis thai fand the fens vas maid becaus it vas lawfully preffit

To the inqueist in nyctburhed betuix mossat & grenfeild & volfroddis the inqueist ordanis dykis to be maid about corn & medo in lawful tyme & gyf that ony gud brekis the dykis & cumis vithin the corn & medo the gud to be pindit in ane lawfull punfalld & thaim to be lowsit be thaim that awcht the gud or be thair servandis & handis

uphaldin to mend the skaith be sycht of nyctbouris & utowth the dykis to turn & schar & ferder to keip the stylis of the vitsonday court & thai siclyk to him

To the inqueist the presentis of the heid court

The inqueist ordanis adam hag to bring his scabbit hors to the kyrkstyll & syn siclyk ville coris

The quhilk day it vas appreifit ¹to¹ Jhon hasty & Jhon vatson the landis of newmanis vas put sufficiently under my l[ordis] fens be vilzem elder my l[ordis] offesar |

CURIA baronie de carnwith tenta apud eandem decimo nono die mensis fabruarij anno domini M^o quingentesimo vicesimo sexto per nobilem dominum hugonem dominum somerwell sectis vocatis curia firmata absentes patent per rotulum

23v

INQUISICIO

the laird of corrus	James somerwell in vol-
vilzem balze of bakbe	froddis
James levinstoun of Jaris-	patrik dalzell
vod	thomas balze of cormostoun
the lard of cleghorn	mychell thomson of murrus
the lard of vesthall	vilzem inglis of henschelwod
	thomas somerwell in blak-
	castell
	dauid somerwell in grenfeild
	thomas somerwell in mossat

The quhilk day robert snape & mychell cok Is in mersement of my l[ordis] court for falt of presens to this court

The quhilk day James ¹clerk¹ Is in mersement of my l[ordis] court for falt of his entres for blud to this court as secund court

¹⁻¹ Above the line.

The quhilk day Jhon of lows Is in mersement of my l[ordis] court for falt of entres to this court as secund court for blud

The quhilk day thomas howeson said in Jugement that thair Is ane fals sentens gyffin aganis him vith Jhon sowtar be the commissar

The quhilk day the pley betuix thomas ur & Jhon of twodell of the birnyng of his hous the inqueist delait to mar []¹ & the inqueist sall compeir at the nixt court & desyd thairintyll

The quhilk day that the inqueist villzem vatson & Jhon zoulton for blud the blud preifit be Jhon zoulton the said vilzem Is in the bludvit & quittis Jhon zoulton of ony blud

The quhilk day that the inqueist thom forrest & Jhon rowy for blud and tribulans referit to the court of lebertoun|

24r

The quhilk day mychell thomson bailze of leberton entrit in my l[ordis] court sutur for the l[ord] maxwell sworn & admittit be my lord

Item at the inqueist thom ormistoun Jhon purdy Jhon nicoll rychard thomson thom bowok vill mosman Jhon snape James snape dauid kello rychard kello Jhon Justis & the remanent ²of the² personis that lawborit in the newmanis as of court peremptour

the inqueist findis my lordis fens brokin & fylis the tennandis of carswell quodquen leberton & all utheris that lawborit thair that vil nocht quit thaim & thai that vill quyt thaim to be quyt

The quhilk day the tennandis of kerswell & quodquen ar in mersement of my l[ordis] court for falt of comperans to heir ane dome gyffin for brekin of my l[ordis] fens as of court peremptour the inqueist findis my l[ordis] fens brokin & condemnis thaim that may nocht quyt thaim baith present & absent that war thair

¹ Blank in MS.

²⁻² Above the line.

the inqueist delais the actioun of the hogis betuix James somerwell and vilzem somerwell to the nixt court

The quhilk day thomas Wr producit ij vitnes contrar Jhon of twodell that Is to say Jhon paterson [&] mungo lows that said that the fyr began at thai saw & understud in the vester bern quhair that Jhon of twodellis malt lay robert howeson Jhon purdy & Jhon vatson vitnes concordis vith the said ij vitnes vatson sayis that the candill was stykit one ane post be Jhon of twodell robert howeson sayis he brocht the candill furth lycht in his hand the inqueist ordanis that quhen ony fens or restment Is maid apou ony land catell corn or gudis that intimacione & varnyng be maid thairof that the party that the saidis landis catell corn or uder gudis belangis till mair of the perell that cummis thaireftir gyf thai intromet thair with eftir quhill the said fens or restment be lowssit

CURIA capitalis baronie de carnwith tenta apud eandem xv die mensis maij anno domini M^o quingentesimo vigesimo septimo per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum |

The quhilk day robert lord maxwell oft tymis callit & nocht comperit Is in mersement of my l[ordis] court for falt of his presens & entres of his sutour for his landis of leberton as heid court

24v

The quhilk day thomas balze Is in mersement of my l[ordis] court for [falt] of his presens & sutour to this court as heid court for landis

The quhilk day the lard of Jariswod Is in mersement of my l[ordis] court for falt of his presens for his landis of newbiggyn to this court as heid court

The quhilk [day] vilzem lowdean Is in mersement of my l[ordis] court for falt of his presens for his landis of henschelwod as heid court

The quhilk day Jhon pumfra Is in mersement of my l[ordis] court for falt of his presens as heid court

The quhilk day the lard of innergrenan Is in mersement of my l[ordis] court for falt of his presens as to the heid court for his landis of erdhous

The quhilk day vilzem somerwell Is in mersement of my l[ordis] court for falt of his presens to the heid court for his landis in the newk

The quhilk day sir vilzem Justis Is in mersement of my l[ordis] court for falt of presens to the heid court for his landis in newbiggin

The quhilk day andro elphinston Is in mersement of my l[ordis] court for falt of his presens to heid court for his landis of henschellwod

INQUISICIO

vilzem balze of bakby	lorens logen
robert chanslar of quodquen	thom ur
the lard of cultermanis	vilzem logen
archebald somerwell	villzem curtas
Jhon grame of vesthall	Jhon grame in spittall
	patrik dalzell
	Jhon somerwell in cruk-
	vendis
	mychell thomson

The quhilk day it Is ordanit & statut betuix the lord & his frehaldaris that in tyme to cum all composicionis salbe gyffin in vrit falzeing thairof the complane salbe of na vaill nor haif audiens in court |

The quhilk day thom clerk Is in mersement of my l[ordis] court for falt of comperans as first court Delait

[To] the inqueist Jhon lous & vill dychtmunt for blud delait for mair vndemus

The quhilk day vilzem somerwell vas sworn to vrit trewly in the office of clerkschip in the court of carnwith

To the inqueist moris fyschar & hew elder for tribulans & violent blud the blud grantit be the said hew & puttis moris in the vit & the said hew quit

To the inqueist moris fyschar for the brekin of my l[ordis] fens for manwring of the land clemit be hew elder deniit be the said moris delait to the nixt court

To the inqueist andro mychell smyth contrar maron atzeson be violent blud the blud grantit delait to vitnes

helis howeson Is in mersement for falt of comperans to this court to entir hyr doethtir

To the inqueist moris fyschar robert cowan Janot crab for sellin of their aill atour the price of carnwith & brekin of my l[ordis] fens quit

To the inqueist robert levinston for brekin of my l[ordis] fens delait to the nixt court

To the inqueist Janot black & Jhon clerkson contra vill gibson for blud grantit the saidis Janot blak & Jhon clerkson quit & vil gibson in the vit

Rychard scot Is ordanit to deliuer to vill cor vithin xv dayis xl d & he Is in mersement to the v court for vrangus defens

CURIA capitalis baronie de carnwith tenta apud eandem xvij^o die mensis octobris anno domini M^o quingentesimo vicesimo septimo per nobilem dominum hugonem dominum somervell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

INQUISICIO

robert chanslar in quodquen	thomas somerwell in blak-
James levinston	castell
Jhon the grame	vill inglis in estscheill
archebald somerwell	mathow kyrkpatrik
Jhon pumfra	vill inglis in vestscheill
	david somerwell in gren-
	feild
	Jhon brown in forth
	thomas Justis
	alexander ramsay

25v To the inqueist andro mychell & maron atzeson for blud
thai find na violent blud

To the inqueist dauid vatson & dauid elderis vyf for
blud thai find thaim baith in the blud

To the inqueist matho mowtray for haldin of howesone
& dauid morpat to follo him & it Is preifit that he held up
his hand to folo him thai find that he as na oursowm

To the inqueist Jame dennis & Jame hwntar for ovr-
sowm the inqueist findis na oursowm

To the inqueist the hail town thai gart rest all the
ovrsowmis that vas in the town thai find xx scheid & ane
hors restit for ovrswowm

To the inqueist rycharde scot for grene vod & brekin of
ane fens thai refer it to his aith

To the inqueist patrik masson for the brekin of ane fens
he denyis

To the inqueist rob smyth foloit Jhon balte that he twk
nowlt fra him vrangusly thai ordand Jhon balte to deliuer
him his catell agane & he to find borrowis to answer

To the inqueist Jhon balte foloit rob smyth that he
begylit him of the cossin of ane meir

To the inqueist Jhon haste in caldo for the brekin of my l[ordis] fens clame be the [*blank*] of vestscheill

To the inqueist adam ramsay for the brekin of ane fens delait to the nixt court

Jhon purdy of the quhitcastell andro huntar in grenfeild thom thomson in leberton Jok thomson thair Jhon curtas in carlindayll Jhon huntar in fawlo thom somerwell in blakcastell James Inglis george somerwell of the gledstanis Jhon huntar in fawlo george kyrkpatrik thom huntar James somerwell daue somerwell thom hensaw Jok blak vilzem howeson Jhon haste patrik dalzell matho kyrkpatrik vil curtes vill elder

Thom scot ze are indytit for thiftus stelin & consalin of vij ky & oxson owt of glencarn fra mongo fargeson ze ar indytit for common thyft & common pykre baith of ald & new quhilk he may nocht deny |

CURIA baronie de carnwith tenta apud eandem xx^o die mensis Januarij anno domini M^o quingentesimo vicesimo septimo per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

26r

The quhilk day robert lord maxwell Is unlawit for his sut foe his landis of leberton

The quhilk day the laird of Jariswod Is unlawit for falt of his presens to this court as secund court for his landis in newbiggin

The quhilk day vilzem ¹somerwell¹ Is in mersement of this court ¹for falt of presens¹ for his landis in newbiggin

The quhilk day vilzem lowdean Is in mersement of this court for falt of presens for his landis in hensshellwod

The quhilk day andro elphinston Is in mersement of my l[ordis] court for falt of entres and presens as first court

¹⁻¹ Above the line.

INQUISICIO

the laird of dalzell	Jhon somerwell in cruk-
robert chanslar of quodquen	venis
James somerwell in volfroddis	thomas somerwell in blak-
Jhon pumfra in henshelvod	castell
Jhon the grame in vesthall	Jhon huntar in fawlo
	alexander ramsay
	Jhon of twodell
	louk grenscheillis
	thomas dalzell
	matho kyrkpatrik

The quhilk day the lady of scheill foloit Jhon haste for the brekin of ane fens delait the inqueist quyttis the said Jhon & findis the lady in the vrang

To the inqueist mychaell Inglis Jhon phiffer Jhon of lewis blud the blud grantit be baith the parteis delait

To the inqueist thomas clerk & Jame clerk for blud & my l[ord] foloit Jame clerk for the drawin of the blud & thome clerk the said thome clerk Is quit & James clerk is fund in the blud

To the inqueist Jame gray & thomas clerk for blud delait inqueist quittis Jame gray & filis thomas clerk

To the inqueist thomas gramys sone & vilzem mosman for blud the said vilzem Is put in the blud |

26v To the inqueist thomas grame & the 3oung laird of Jariswod Jhon mosman James howeson for blud the laif quit & the laird of Jariswod in blud

To the inqueist robe grame Jhon of ledail James alason maron vatson for blud Jhon huntar thome gray the said robe grame Jhon ledail thom gray the saidis personis all in will

To the inqueist paterryk mason for the brekin of ane ¹

¹ Incomplete.

To the inqueist adam ramsay for the brekin of ane fens he Is quit

at the inqueist my l[ord] foloit Jhon symson the creilman for the fornyssyin of his offesar he findis that he Is put in ane forsament

The quhilk day louk grenschellis foloit petir howeson that he tuk ane malin of him for xiiij merkis & he deit

To the inqueist for the haldin of Jhon symson the creilman in his hows he is quit

The quhilk day thai foloit cudbert paterson for pykre & furth puttin of nowt & hors he deniit the inqueist quittis him

To the inqueist robe vilson for pykre & quittis him of all pykre

The quhilk day ville grame foloit robert volson that he had schein in keipin & he vantit xiiij of thaim delait to the nixt court the inqueist ordanis vilzem grame to sweir how mony schein he gaif him

To the inqueist Jhon steill foloit robert vilson for schein that he gaif him to keip & he gaif thaim nocht agane

To the inqueist Jhon somerwell for pykre the inqueist quittis Jhon somerwell of all the puntis that foloit this day

James of levinston fand his landis of newbiggin borrowis to sir vilzem huntar for the pament of iiij termes malis ilk terme xvij s iiij d betuix this & sonday nixt to cum or ellis he sall haif fredome to pwnd the said landis & he sell ansuer to the laird of Jariswod

To the inqueist Jhone schaw for pykre the inqueist fylis him of that ane punt & ordanis my lord to pwnis him as afferis & quittis him of all uder puntis |

To the inqueist Jhon rychartson for pykre he grantis the bying of ane schein the inqueist quittis him of pykre & he suld restoir the schein agane & to be in my l[ordis] vill

To the inqueist thomas symson for the bying of scheip of ville vilson the inqueist ordanis the chyld to be restorit to his scheip agane & the men that bocht thaim haif ane court to caus thair varand & the men vas in my lordis vill

To the inqueist Jhon of vod for scheip of the sammyn mannis

To the inqueist thomas henschaw for pykre quit

To the inqueist robert hiltson for pykre quit

Unlawit for falt of presens James girdvod Jok sowtar and Jhon reid

CURIA baronie de carnwith tenta apud eandem septimo die mensis februarij anno domini M^o quingentesimo vice-simo septimo per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

INQUISICIO

James levinston in Jariswod	John somerwell in cruk-
James somerwell in volfroddis	venis
Jhon grame 3oung laird of	thomas somerwell in blak-
vesthall	castell
alexander ramsay	dauid somerwell in gren-
patrik dalzell	feill
	Jhon huntar in fawlo
	Jhon brown in forth
	thomas ur in carnwith
	matho kyrkpatrik
	Jhon of twodell

The quhilk day vas callit in my l[ordis] court all the tennandis of quodquen & carswell as thai that vas lawfully restit thairto to ansuer to him for ane restment the quhilk restment sufficiently aperit befor the court be offisar & sufficient vitnes that Is to say in quodquen Jhon

dunlop dauid robeson Jhon Justis James threpland
 thomas skowne Jhon gray Jhon lythquho thomas curry
 constantyn thomson James kello Jhon kello thomas
 gleschow vilzem vilson vilzem Inglis in neumanis vil
 vatson in kerswell andro penny Jhon gray James girdvod
 bartilmo clerksone James vatson vil vatson 3ounger Jhon
 girvod adam veston vil thomson nicoll elder dauid 3oung
 Jhon terbat maron vrycht relic of umquhill dauid terbat
 vil Justis andro Justis Jhon mosman | Jhon valker &
 robert gray in the valkmyll the quhilk personis abone
 vriting oft tymis callit & nocht comperit thai ilk ane of
 thaim ar in mersement of this court for falt of comperans
 to this court as to the first court as thai that var lawfully
 restit thairto for the brekin of my l[ordis] fens

27v

CURIA baronie de carnwith tenta apud eandem xxiiij^o die
 mensis februarij anno domini M^o quingentesimo vicesimo
 septimo per nobilem dominum hugonem dominum somer-
 well baronem dicte baronie sectis vocatis curia firmata
 absentes patent per rotulum

INQUISICIO

Jhon grame in spittall	Jhon pumfray in henschelwod
vilzem grame thair	vill inglis thair
thomas ur in carnwith	Jhon brown in forth
Jhon twodell thair	James ur thair
Jhon dychtmunt thair	andro clerkson in throwburn
	Jhon somerwell in crukvenis
	James somerwell in grenfeild
	dauid somerwell thair

The quhilk day vas callit in my l[ordis] court all the
 tennandis of quodquen and kerswell as thai that vas
 lawfully varnit to entir to this court as the secund court
 that Is to say Jhon dunlop dauid robeson Jhon Justis James
 threpland thomas skown Jhon gray Jhon lythquho thomas

curry constantyn thomson Jhon kello James kello thomas
 glaschow vilzem vatson vilzem inglis in newmainis vil
 vatson in kerswell andro penny Jhon gray James gyrdvod
 barthilmo clerkson James vatson ville vatson zounger
 John gyrdwod adam veston vill thomson necoll elder dauid
 zoung Jok terbat maron vrycht the relic of umquhill dauid
 terbat vill Justis andro Justis Jhon mosman Jhon valker
 robert gray in the valkmyll the quhilk personis abone
 writing oft tymis callit & nocht comperit thai & ilk ane
 of thaim in ane mersement of this court for falt of com-
 perans to this court as the secund court etc |

28r CURIA baronie de carnwith tenta apud eandem x^o die
 mensis marcij anno domini M^o quingentesimo vicesimo
 septimo per nobilem dominum hugonem dominum somer-
 well baronem dicte baronie sectis vocatis curia firmata
 absentes patent per rotulum

INQUISICIO

the laird of Jariswod elder	thomas somerwell in blak-
the laird of Jariswod zounger	castell
James somerwell	dauid somerwell in grenfeild
archebald somerwell	James somerwell thair
patrik dalzell	thomas ur in carnwith
	Jhon dychtmunt thair
	Jhon brown in forth
	James ur thair
	Jhon of twodell in carnwith

The quhilk day vas callit in my l[ordis] court all the
 tennandis of quodquen & kerswell as thai that var lawfully
 varnit to this court as thrid court that Is to say Jhon
 dunlop dauid robeson Jhon Justis James threpland thomas
 skown Jhon gray Jhon lythquho thomas curry costyn
 thomson Jhon kello James kello thomas glasquow vilzem
 vilson vilzem Inglis in newmanis vil vatson in kerswell
 Jhon gray andro penny James girdwod bartilmo clerkson

James vatson vill vatson 3ounger Jhon gyrdwod adam veston vill thomson nicoll elder dauid 3oung Jhon terbat maron vrycht the relie of umquhill dauid terbat vil Justis andro Justis Jhon mosman Jhon valker robert gray in the valkmyll the quhilk personis abone vriting oft tymis callit & nocht comperit thai & ilk ane of thaim in ane mersement of this court for falt of comperans to this court as to the thrid court

CURIA capitalis de carnwith tenta apud the lang gait heid xx^o vj^o die mensis marcij anno domini M^o quingentesimo vicesimo vij^o per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

INQUISICIO

Jhon grame in vesthall	Jhon of dychtmunt in carnwith
lowk grenschellis	Jhon grame in spittall
archebald somerwell	Jhon brown in forth
vil3em bal3e	dauid somerwell
thomas thomson	thomas grame
	thomas veir in law
	thomas howeson
	Jhon purdy

CURIA baronie de carnwyth de penthecosten tenta apud siluam de cutheily xx^o die mensis maij anno domini millesimo quingentesimo xxvij^o per honorabilem virum symonem dennom de West[sc]heill ballium nobilis et potentis domini hugonis domini somervil dominum baronie de carnwyth sectis vocatis curia firmata absentes patent

28v

Item in the fyrst my lord ordanis and confirmis all stilis & statutis maid be hym in his last witsunday curt & uther witsunday curtis of befor to be keptit & admitit in this present witsunday curt with sic addicionis as he thinkis expedient to be eikit

INQUISICIO

Jhone huntar in fawlaw	thome henschaw in auchin-
Jhone browne in forth	gray
thomme weir in stobwod	andro clerksone in throw-
James wr in forth	bwrne
Jhone wr in crukevindis	Jame purdy in stobwod
	Jhone wod in auchingray
	Jhone huntar in torbrax
	lowre logane in mil
	Jhone curtas in kerlindene
	Jhone haste in caldlaw
	thome wr in carnwyth
	Jhone dychtment thair

The quhilk day Jame purdy followit dauid morpat that his dik wes nocht sufficient quhair throwcht his corne was eting & distroyit & the said dauid followit the said James at his dik wes nocht sufficient the inqueist fyndis thaim baith unsufficient & puttis thaim baith in ane merciment of this curt

The quhilk day Jonet logane followit wil curtas for the haldin fra hyr ane hewin ax the Inqueist ordanis the birlawmen to deliuer hyr the ax & puttis wil curtas in ane mercement of this curt

The quhilk day Jhone dychtment complenit one Jhon watsonne wil curtas & dauid elder for the wrangws thaking of ane pot the inqueist ordanis the ij birlawmen to deliuer the pot agane And Jhone dychtment to pay als fer as thai maid faith was awand |

29r

The quhilk day thomas chesly followit Jhone of twadall for the wrangwis lauboring & haldyng fra him [of] ane rig of land pertenying to his maling be the spae of sewin 3er bigane the quhilk rig of land was arestit be willzeme elder

my lordis officiar at the command of my lord be his precep¹ the restment was maid befor candilmes at last was that the said Jhone twadal suld nocht laubwr the said rig quhill the rycht had been discidit with the nychtburis The said Jhon twadal deniit he lauborit ony land bot It that pertenit til his awin maling for the quhilk caus my lord followit hym the same day for the brekin of his arestment for the lauboring of the said land It beand arestit & unlawsit the said Jhone twadall deniit that he had done ony wrang or lauborit ony thing bot It at pertenit til his maling my lord ansuarit & said that he had done wrang in the lauboring of It eftyr It was arestit qhethair It pertenit til his awin maling or nocht on to the tyme It had bene lauchfully lowsit & borois fund thairfor The quhilk my lord desirit his bailze to [put] It to the knowleg of the inqueist & to resaif his witnes to preiff the makin of the arestment & brekin of the sammyng The quhilk inqueist the bailze causit to pas furth of curt the quhilk inqueist thaireftir [past furth] & callit befor thaim diuers & sindry of the nychtburis of carnwyth & utheris diuers witnes the quhilkis prewit befor thaim sufficiently that the said rig of land pertenit to the said thomas chesly & to his land And at the said Jhone of twadal had na rycht thairto And incontinent the said inquest callit walter [*sic*] elder offisar to preif that he had arestit the said rig of land of befor the quhilk he did be hym self & twa witnes & als producit befor thaim my lordis precep subscriuit with his hand gifand him command to mak the said arestment with the prewis & witnes the said inqueist beand riply avisit come in curt agane and deliuerit al in a woce that the said Jhone twadal had done wrang in the lauboring of the said rig of land becaus at thai fand It pertenit to the said thomas cheslyis land And als fand & deliuerit the said Jhone twadal had brokin the arestment quharthrowcht he had forfait & tynt the tak and steding that he had of the said lord & al his mofabil gudis to pertene to hyme be resone as escheit & his persone to be punyst for ane zer at his wil of the

¹ *be* deleted here.

quhilk deliuerance the bailze gart gyf dome in dew fourme
as efferit |

29v

The quhilk day vas callit in my l[ordis] court all the
tennandis of quodquen & kersvell as thai var lawfully
varnit to this court as ferd court & court of peremptour
that Is to say Jhon dunlop dauid robeson Jhon Justis
James threpland thomas skown Jhon gray Jhon lythquho
thomas curry costin thomson James kelloe Jhon kello
thomas glasquow vilzem vatson vilzem Inglis in the new-
manis vilzem vatson in kerswell andro penny Jhon gray
James gyrdwod barthilmo clerkson James vatson vil vat-
son 3ounger Jhon gyrdwod adam veston vill thomson
nicoll elder dauid 3oung Jhon terbat maron vrycht the
relic of unquhil dauid terbat vil Justis andro Justis Jhon
mosman Jhon valker robert gray in the valkmyll that Is
to say thir personis abone vriting oft tymis callit and nocht
comperit be thomas cheisle seriand aperit be him self &
sufficient vitnes that he had varnit thaim personly to entir
to that court as ferd court & court of peremptor to thaim
& ilk ane of thaim to heyr ane fens brekyne on thaim maid
be [the] said thomas cheysle at the cummand of the said
hew lord somerwell the quhilk said thomas cheisle offisar
predit in falt [face] of court & presens of the inqueist that
he passit at the cummand of the said hew l[ord] somerwell
be his precep to ¹ the tennandis of quodquen & kerswell &
thair restit thair malis fermis & uder dewitis that thai
gaif it nocht owt of thair handis quhil he war pait the vitnes
quhilk thai come souerte to him for the saidis landis as he
has sufficient documentis to schaw thairapon thairfor thir
personis thai & ilk ane of thaim to heir thaim amdmersit
in this court siclyk as thai aw to tyne apone law & dome
to be giffin thairapon as accordis the inqueist findis all thir
personis abone vriting has brokin ane fens stene
somerwell Is in mersement of this court for falt of presens
for the lawborin of his grund

The quhilk day Jhon sowtar Is in mersement of this
court for falt of entres as the thrid court

¹ *all* deleted here.

The quhilk day the inqueist findis that robert levinston dischargit sir vilzgem hwnter of the landis of newbigin that he had in contentatione of anwell of the service of our lady hiyll of carnwith the quhilk landis he had of the | the lard of Jariswod his fader & ordens the said sir vilzgem to pay the laird of Jariswod sa fer as the said laird vill preif that he brukit ferrar than the ij zeris fra the tyme that he was dischargit becaus the said robert dischargit him in his faderis name

30r

¹To the landis & malingis of the newmanis quhilk vas than in my l[ordis] handis be unentres & lyand vaist without ony tennandis & thair fencit the saidis landis that na man occupiit nor lawborit thaim without thai com & tuk it of him Is [as] he that had rycht thairto¹

CURIA capitalis baronie de carnwith tenta apud eandem xx^o die mensis aprilis anno domini M^o quingentesimo vice-simo octavo per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

The quhilk day robert lord maxwell Is in mersement of this court for falt of presens to this court as heid court for his landis of leberton

The quhilk day thomas balze Is in mersement of this court for falt of his presens to this court as heid court for his landis of cormistoun

The quhilk day the laird of Jariswod Is in mersement of this [court] for falt of presens to this court as heid court for his landis of newbigin

The quhilk day vilzgem somerwell Is in mersement of this court for falt of presens to this court as heid court for his landis of newbigin

¹⁻¹ Inserted at foot of folio 29v.

The quhilk day andro afflek Is in mersement of this court for falt of presens to this court as heid court for his landis of herdhaus

The quhilk day sir Wilzgem Justis Is in mersement of this court for falt of presens to this court as heid court for his landis of newbigin

The quhilk vilzgem lowdean Is in mersement of this court for falt of his presens to this court as heid cour[t] for his landis of hensshellwod

INQUISICIO

the laird of quodquen	petir somerwell
Jhon grame of Westhall	Jhon grame
the laird of crage	petir howeson
thomas thomson	Jhon pumfra
thomas ur	Jhon somerwell
	david somerwell
	Jhon dychtmunt
	Jhon brown

30v

The quhilk day John of lin one the tane part & Jhon sowtar on the toder part my lord foloit thaim for blud continuit to the nixt court & ordanis vitnes to be restit thairto

The quhilk day Jhon of beyis [leyis] in mersement of my l[ordis] court for falt of entres to this court as first court

The quhilk day thomas vilson Is in mersement of my l[ordis] court for [falt] of entres¹ to this as first court

The quhilk day thom urmiston Is in mersement of my l[ordis] court for falt of entres to this court as first court

¹ *presens* deleted here ; *entres* added above the line.

The quhilk day my lord foloit Jhon copland for the brekin of his fens thai find the fens brokin

The quhilk day my l[ord] foloit John copland for grenvod thai find him quit

The quhilk day Jok symson foloit dauid somerwell that he sellit him ane boll of beyr & his fader deit thai ordand him [to pay] xij s vithin x dayis

To the inqueist scabvayth & leipare for pykre & the presentis of heid court

The quhilk day gyllis man foloit vil gibson for xix s delait to the nixt court

The quhilk day Jhon mosman Is in mersement of this court for falt of entres to this court as first court

CURIA capitalis baronie de carnwith tenta apud eandem xiiij die mensis octobris anno domini M^o quingentesimo vicesimo octauo per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

The quhilk day robert lord maxwell oft tymis callit & nocht comperit Is in mersement of my l[ordis] court for falt of presens to this court as heid court for his landis of leberton

The quhilk day symon dennum & James his son Is in mersement of my l[ordis] court for falt of entres to this¹ as heid court |

The quhilk day thomas balze Is in mersement of my l[ordis] court for falt of entres to this court as heid court for his landis of cormiston

31r

The quhilk day sir vilzgem Justis Is in mersement of my l[ordis] court for falt of presens to this court as heid court for his landis of newbiggin

¹ court deleted here.

INQUISICIO

Robert chanslar
 James levinston
 henry kyrkpatrik
 James somerwell
 archebald somerwell

Jhon somerwell in crukvenis
 thomas somerwell in black-
 castell
 dauid somerwell in grenfeild
 Jhon pumfra
 vil inglis in estschell
 Jhon brown in forth
 petir somerwell in leberton
 thomas thomson thair

The quhilk day my l[ord] foloit vilzem snaip for blud he is cumin in vill

To the inqueist Jhon thomson Jhon gray for blud & this Is secund court delait to the nixt court

To the inqueist cudde Justis alexander fyschar cudde Is in will

To the inqueist Jhon of leys & Jhon fyschar for blud thai find Jhon leys quit

To the inqueist stene somerwell on the tane part rob cowan rowe cok george crab [one the toder part] for blud grantit be rob cowan inqueist quittis the laif & findis stene somerwell in the blud

To the inqueist robert levinston & archebald somerwell child for blud delait to the nixt court

To the inqueist archebald somerwell & robert levinston for blud archebald somerwell com in my lordis vil for ane blud

The quhilk day Jame vilson foloit the men of the estscheill & vestschell for iijj bollis of corne & ane half & ij dawerik of medo |

31v The quhilk day my lord foloit in court patrik mason for the brekin of ane fens & he grantit that he com to borow the fens thai delait to the nixt court in hop of concordans

To the inqueist the town of carnwith the inqueist findis thaim in the vrang that foloit nocht that vist of it

The quhilk day my l[ord] ordanis with consent of the consent of the haill baronry for the resistin of theiffis that all man sall rys & cum to the fray quhen thai ar varnit or gettis vit thairof under the pane of xx s for the first falt the secund xxx s the thrid xl s to be tane to my l[ord] forowtin fawor & ilk person sall cum vith thair best geir & thair best hors or meir & sal keip the vacht siclyk as thai ordanit ondir the pane abone vriting

CURIA baronie de carnwith tenta apud eandem xv^o die mensis marcij anno domini M^o quingentesimo vicesimo xxvij^o per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

The quhilk day thomas grame unlawit for falt of entres of stene ranaldson & dome gyffin thairapon

The quhilk day sir vilzern Justis Is in mersement of my l[ordis] court for falt of comperans & dome giffin thairapon for his landis of newbiggin

The quhilk day the laird of herdhous¹ vas in ane mersement of this court for falt of comperans & dome gevin thairapon for his landis of herdhous

The quhilk day vilzern lowdean vas in ane mersement of this court for falt of presens for his landis of henshellwod

INQUISICIO

James levinston in Jariswod	alexander lokart of clegorne
robert chanslar of quodquen	thomas somerwell in blak-
henry kyrkpatrik	castell
Jhon pumfra of henschelwod	archebald somerwell
Jhon somerwell in crukvenis	Jhon grame in spittall
	James somerwell in vol-
	frodis
	thomas ur in carnwith
	matho kyrkpatrik
	Jhon purde

¹ *Jariswod* deleted and *herdhous* written above the line.

32r To the inqueist thomas henderson contrar robert levin-
ston for blud grantit quhill the nixt court

The quhilk day thomas howeson Is in ane mersement of
this court for falt of comperans & dome gevin thairapon

To the inqueist thomas Justis petir howeson vilzem
somerwell in the newk stene menon thomas mwr Jhon
menon James prudfut thomas rowe cudbert paterson ville
cor for brekin of my l[ordis] fens for certane cornis delait
to the nixt court

The quhilk day symon denon & James James denon
his sone var in ane mersement of this court as to the thrid
court & dome gyffin thairapon

The quhilk day the said symondis vyf grantit in Juge-
ment that my l[ordis] offesar restit the said symond denon
at his awin place

The quhilk day archebald somerwell com in my l[ordis]
vill for the blud betuix him & robert levinstoun

To the inqueist Jhon thomson contrar Jhon gray grantit
to the nixt court

The quhilk day my l[ord] foloit thomas veir in stobwod
for the forsyng of his offesar in the takin of ane kow fra
him the said thomas veir grantit he held his kow vith the
charge of law the inqueist ordanis the said thomas to be
in my l[ordis] will

To the inqueist scabvaith lepper and common pykre

CURIA baronie de carnwith tenta apud eandem xxvij die
mensis Julij anno domini M^o quingentesimo vicesimo
octauo per nobilem dominum hugonem dominum somer-
well baronem dicte baronie sectis vocatis curia firmata
absentes patent per rotulum

INQUISICIO

robert chanslar	Jhon twodell
James levinston	Jhon dychemunt
matho kyrkpatrik	Jhon ur
andro huntar	Jhon huntar in fawlo
Jhon brown	thom thomson
	andro clerkson
	henry kyrkpatrik
	Jhon purdy

The quhilk day archebald ¹somerwell¹ Is in mersement of this court for falt of entres of thomas henderson as fyrst court

32v

The quhilk day robert levinston Is in mersement of this court for falt of entres as thrid court

The quhilk day thomas howeson Is in mersement for forsinn of the offesar delait to the nixt court the inqueist ordanis the said thomas to bring his preffis thairto

The quhilk day at the inqueist andro purdy & stene ranaldson callit for blud the ij parteis deniis bludvit & grantis the blud put to the inqueist delait to the nixt court & ordanis to bring preffis thairto as thrid court

The quhilk day Jame brown servand to the parson of leberton & Jhon thomson on the tane part oft tymis callit & nocht comperit & Jhon girdwod ¹zounger¹ on the toder part ar in mersement of this court for blud as thai that var lawfully varnit thairto as the first court

The quhilk day vill inglis of the newmanis Is in ane mersement of this court for brekin of my lordis fens the quhilk fens vas sufficiently preffit for the first court

The quhilk day James brown in grenschell & ville brown & Jhon girdwod for blud the forsaid James fand his hand & his gud to entir to the nixt court & the saidis vilzem & Jhon ar in mersement of this court for falt of comperans

¹⁻¹ Added above the line.

The quhilk day thom Justis stene mennon vill somerwell in newk thomas rowe cudbert paterson ville car for brekin of my l[ordis] fens delait as to the first court

The quhilk day Jhon gray of leberton Is in mersement of my l[ordis] court for falt of entres to this court as secund court

The quhilk ninian gibson & Jhone thomson callit for blud the said ninian denyis blud & Jhon thomson grantit the blud delait to the nixt court as fyrst court

The quhilk day symond denom & James dennon his son for blud & James dennun party to the said symond & James ar in mersement of this court for falt of comperans as to the ferd court |

33r The quhilk day Jhon somerwell in crukvenis Is in mersement of this court for falt of entres of Jhon veir of lanark as the secund court

The quhilk day arthur fyschar borcht to entir besse fyschar his sister to the nixt court

The quhilk day James levinston laird of Jariswod for falt of entres to this court to answer to Jhon twodell Is in ane mersement of this court quhilk Is secund co[u]rt

for andro purdy Jhon purdy lawboris

for stene ranald lawboris thom the grame to entir the said stene to the nixt court

CURIA baronie de carnwith tenta apud eandem vij^o die mensis octobris anno domini M^o quingentesimo vicesimo nono per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

The quhilk day Jhon somerwell Is in mersement of my l[ordis] court for falt of his sut for his landis of quodquen & kerswell

The quhilk day vilzem bailze Is in mersement of my l[ordis] court for falt of his sut for his landis

The quhilk day thomas bailze Is in mersement of my l[ordis] court for falt of his sut for his landis of cormiston

The quhilk day the laird of Jariswod Is in mersement of my l[ordis] court for falt of presens to this court as first court for his landis of newbiggin

The quhilk day sir vilzem Justis Is in mersement of my l[ordis] court for falt of his presens to this court as secund court for his landis of newbiggin

The quhilk day vilzem lowdean Is in mersement of my l[ordis] court for falt of entres to this court as first court for his landis of henschellwod

The quhilk day andro afflek & his spous margret hwim ar In mersement of my l[ordis] court for thair landis in herdhous as first court

The quhilk day thomas henderson in newbiggin for falt of entres to the first court my l[ord] gaif the blud to his aith & ga quit

The quhilk day Jame brown & Jhon thomson ar in ane mersement of this court as secund court |

CURIA baronie de carnwith tenta apud eandem septimo die mensis fabruarij anno domini M^o quingentesimo vigesimo septimo per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

33v

INQUISICIO

James levinston in Jariswod	Jhon somerwell in crukvenis
James somerwell in volfrodis	thomas somerwell in blak-
Jhon the grane 3oung laird of	castell
vesthall	david somerwell in grenfeild
alexander ramsay	Jhon huntar in fawlo
patrik dalzell	Jhon brown in forth
	Jhon of twodell
	thomas ur in carnwith
	matho kyrkpatrik

The quhilk day vas callit in my lordis court all the tennandis of quodquen & kerswell as thai that war lawfully restit thairto that Is to say in quodquen Jhon of dunlop dauid robeson Jhon Justis James threpland thomas skwne Jhon gray Jhon lythquho thomas curry costin thomson James kello Jhon kello thomas glasquow vilzem vilson vilzem Inglis in newmanis vill vatson in kersvell andro penny Jhon gray James gyrdwod berte clerkson James vatson vil vatson zounger Jhon gyrdwod adam veston vil thomson nicol elder dauid zoung Jhon terbat maron vrycht vill Justis andro Justis Jhon mosman Jhon valkar robert gray in the valkmill quhilk personnis abone vriting oft tymis callit be the said thomas cheisle sariand & nocht comperit thai & ilk ane of thaim in ane mersement of this court sic as thai awcht to tyne apoun law for falt of comperans to this court as to the first court as thai that vas lawfully restit & summond thairto be the said thomas cheisle sariand to ansuer to my lord for the brekin of his restment & fencis maid apoun the maling & landis of the newmanis throw the manwring & lawborin of it in telin harrowin & sawin of the sammyn eftir at It vas notabile knawin to thaim that it vas under my lordis fens quhilk landis he had rycht to at that tyme & vas in his handis be the vay of unentres as it Is veill kend the quhilk restment makin the said thomas cheisle barron offesar forsaid preifit in face of court lawfully maid be himself & diuers vitnes tane thairapon eftir the forme & tennor of my lordis precep derekit to him thairapon quhilk precep he schew in plane court Indorsat agane apoun the execucione of his offis |

34r als the saidis tennandis abone vriting to ansuer for the brekin of my l[ordis] fens elykvys quhilk fens vas maid of the saidis tennandis malis fermes of the landis of quodquen & kerswell be the said thomas cheisle offesar forsaid eftir the forme & tennour of my l[ordis] precep derecit to him thairapon that Is to say that the saidis tennandis suld gyf nane of thair malis nor fermes out of thair handis on to the tyme that the unentres & bygane malis var pait

to my lord awand to him the superior thairof be the unentres of Jhon somerwell laird of the sammyn the quhilk Jhon somerwell at the recovering of his seissing at the said lordis handis cawsit James kello his attornay at that tyme to draw souerte to him the saidis landis of quodquen & kerswell & tennandis & inhabitouris of sammyn for all the profettis & byrunmalis of the saidis landis awand to him of termes of the zeris bygane be the way of the said unentres of the quhilk the said lord hes sufficient documentis to schaw thairapon quhilk tennandis abone vriting hes gyffin away the malis & fermes of the saidis landis thai beand nocht pundit thairfor nor compellit thairto na way quhar throw thai haif incurrit the panis of the fens brekin thairfor the saidis tennandis thai & ilk ane of thaim Is in ane mersement of this court as the first court & gaif new cummand to the said thomas cheisle offesar to summond of new be the said precep the saidis tennandis abone vriting to compeir befor my lord or his balgeis in his court of carnwith the xxiiij day of februar nixt to cum to ansuer to him for the brekin of the saidis fencis to that court as to the secund court .

The quhilk day it Is statut be my lord & his fre haldaris that all plantis In tyme to cum salbe gyffin in vrit or ellis it salbe on na wail

The quhilk day thom clerk of leberton oft tymis callit & nocht comperit he Is in ane mersement of this [court] for falt of entres as he that vas lawfully restit thairto for blud as he awch to tyne apon law to this court as to the first court

The quhilk day my lord foloit in court Jhon of lous & ville dychtmunt for blud delait to the nixt court & ordanis ma vitnes to be restit |

CURIA baronie de carnwith tenta apud eandem xxiiij^o die mensis februarij anno domini M^o quingentesimo vigesimo

septimo per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

INQUISICIO

Jhon pumfray in henshellwod vil Inglis thair	Jhon grame in spittall vilzem grame thair
Jhon brown in forth	thomas ur in carnwith
James ur thair	Jhon dychtmunt thair
andro clerkson in throwburne	Jhon of twodell thair
	Jhon somerwell in cruk- venis
	James somerwell in gren- feild
	dauid somerwell thair
	andro huntar thair
	thomas somerwell in blak- castell

The [quhilk] day vas callit to my lordis court all the tennandis of kerswell & quodquen that Is to say in quodquen Jhon dunlop dauid robeson Jhon Justis James threpland thomas skwne Jhon gray Jhon lythquho thomas curry costin thomson James kello Jhon kello thomas glasquow vilzem vilson vilzem Inglis in the newmanis vil vatson in kerswell andro penny Jhon gray James gyrdwod berte clerkson James vatson vill vatson 3ounger Jhon gyrdwod adam veston vil thomson nicoll elder dauid 3oung Jhon terbat maron vrycht vil Justis andro Justis Jhon mosman Jhon valkar robert gray in the walkmill quhilk personis abone vriting oft tymis callit be the said thomas cheisle offesar & nocht comperit as thai that ar lawfully summond be the said thomas cheisle offesar siclyk as he prefit in face of court be himself & his precep Indorsat be him thairapon quhilk personis abone vriting thai & ilk ane of thaim [ar] in ane mersement of this court sic as thai awcht to tyne apon law for falt of entres to this court as

to the secund court the quhilk tyme the said lord gaif new cummand agane to the said thomas cheisle offesar to pas agane vith the said precep & summond new the saidis personis abonewriting to compeir befor my lord or his balze- is in his court of carnwith the x day of march nixt to cum to ansuer to him for the saidis fencis brekin to that court as to the thrid court |

The quhilk day my lord foloit moris fyschar in leberton & hew elder for blud the blud grantit the inqueist findis moris fischar in the bludvit ¹ hewe elder quit

35r

The quhilk day my lord foloit the said moris fyschar for brekin of his fens in lawboring of the land pertenant to the said hew elder eftir it vas lawfully restit delait to the nixt court & ordanis new vitnes to be restit

CURIA baronie de carnwith tenta apud eandem x^o die mensis marcij anno domini M^o quingentesimo vigesimo septimo per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

INQUISICIO THAIR

the laird of Jariswod	thomas somerwell in blak-
the laird of Jariswod 3ounger	castell
James somerwell	david somerwell in gren-
archebald somerwell	feild
patrik dalzell	James somerwell thair
	thomas ur in carnwith
	Jhon dychtmunt thair
	Jhon brown in forth
	James ur thair
	petir somerwell in studland
	Jhon twodell in carnwith
	vilzem Inglis in estschell

¹ & *moris fischar* deleted here.

The quhilk day vas callit all the tennandis of kerswell & quodquen that Is to say in quodquen Jhon dunlop dauid robeson Jhon Justis James threpland thomas skwne Jhon gray Jhon lythquho thomas curry costin thomson James kello Jhon kello thomas glasquow vilzgem vilson vilzgem inglis in the newmanis vill vatson in kerswell andro penny Jhon gray James gyrdwod berte clerkson James vatson vil vatson zounger Jhon girdwod adam veston vill thomson nicoll elder dauid zoung Jhon terbat maron vryecht vil Justis andro Justis Jhon mosman Jhon valkar robert gray in the valkmill quhilk personis abone vriting oft tymis callit be the said thomas cheisle offesar & nocht comperit as thai that ar lawfully summond be the said thomas cheisle offesar siclyk as he prefit in face of court be himself & his precep indorsat be him thairapon quhilk personis abone vriting thai & ilk ane of thaim [ar] in ane mersement of this court sic as thai awcht to tyne apon law for falt of entres to this court as thrid court the quhilk tyme the said lord gaif new cummand agane to the said thomas cheisle offesar to pas agane vith the said precep & summond new the saidis personis abone vriting to compeir befor my lord or his balzeis in his court of carnwith the xxvij day of marche nixt to cum to ansuer to him for the saidis fencis brekin to that court as to the feird court & ¹Is¹ court peremptour set to thaim thairfor & to mak intimatione to [the] saidis tennandis abone vriting quhidder thai compeir or nocht the said day & place my lord vill proced in the said mater accordand to Justis |

35v CURIA baronie de carnwith tenta apud eandem vicissimo septimo die mensis marcij anno domini M^o quingentesimo vicesimo septimo per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

¹⁻¹ Added above the line. Here, and in succeeding entries, the MS. clearly has *Is* for *as*.

INQUISICIO

Jhon the grame in vesthall	Jhon dychtmunt in carnwith
lowk grenschellis	Jhon grame in spittall
archebald somerwell	Jhon brown in forth
vilzem bailze	dauid somerwell
thomas thomson	thomas grame
	thomas Weir in lelaw
	thomas howesson
	thomas ormiston
	Jhon purde
	vilzem Inglis

The quhilk day vas callit in my lordis court all the tennandis in quodquen & kerswell that Is to say in quodquen Jhon dunlop dauid robeson Jhon Justis James threpland thomas skwne John gray Jhon lythquho thomas curry costin thomson James kello Jhon kello thomas glasquow vilzem vilson vilzem Inglis in newmanis vil vatson in kerswell andro penny Jhon gray James girdwod berte clerkson James vatson vil vatson 3ounger Jhon gyrdwod adam veston vill thomson nicoll elder dauid 3oung Jhon terbat maron vrycht vil Justis andro Justis Jhon mosman Jhon valkar robert gray in the valkmill the quhilk personis abone vriting oft tymis callit be [the] said thomas cheisle barron offesar forsaid & nocht comperit as thai that vas lawfully summond & varnit thairto to entir to this court as to the feird court & court peremptour set to thaim & als the said thomas cheisle offesar forsaid prefit in face of court be himself & diuers vitnes & the Indorsat of his precep derekit to him thairapon that the saidis personis vas summond & varnit vith intimacion quhidder at thai comperit or nocht the said day & place that my lord vald proced in the mater occordand to Justis the quhilk personis abone vriting beand oft tymis callit & nocht comperit thai & ilk ane of thaim Is in mersement of this court sic as awcht to tyne apon law as to the feird court & court peremptour set to thaim of the quhilk the

36r

said lord causis dome be gevin thaireftir thairapon be mowth of Jhon vatson dempster at that tyme & thaireftir the said lord put it to the knalage of ane inqueist quhidder at the saidis personis abone vriting had brokin the saidis fensmentis or nocht that Is to say for the laborin of the landis & malingis of the newmanis quhilkis vas ondir the said lordis fens at the quhilk tyme comperit thomas cheisle baron offesar & preifit sufficiiently befor the face of court & the saidis inqueist be himself & dome of | vitnes & be the indorsat of his precep derekit to him thairapon be the said lord that he had arestit the saidis landis & maling of the newmanis that na man occupeit & lawborit the sammyn without thai com & tuk at my lord & plesit him thairfor becaus at it vas in his handis be the way of unentres Is [as] he at had rycht thairto & als the said thomas cheisle barron offesar forsaid preifit sufficiiently in face of court befor the saidis inqueist that he arestit the malis fermes & dewetis in all the tennandis handis of the landis of kerswell & quodquen abone writing ilk ane of thaim personly apprehendit be thaim self that nane of thaim suld gyf nor deliuer owt of thair handis nane of thair malis nor fermes on to the tyme the said lord var pait for the unentres awch to him of the saidis landis becaus at James kello acturnay for Jhon somerwell laird of the sammyn drew the saidis landis & tennandis souerte to the said hew lord somerwell for the said unentres at the tyme that he recowerit seising of the said lord of the quhilk he schew sufficiient documentis thairapon to the saidis inqueist the quhilk restment beand sufficiiently prefit befor the inqueist baith be vitnes & be Indorsing of the precep derecit to the offesar thairapon thaireftir passit furth of court & salbe avisand how all thir allegiens allegacionis & preffis fand & considerit that the saidis landis of the newmanis vas in the saidis lordis [handis] at that tyme be way of unentres & fand at it vas lawfully restit till his Instans to haif bene unlawborit be ony personis without lecons of him attour the quhilk the saidis inqueist knew & kend perfytle that the saidis personis abone vriting had baith harrowit telit & sawin

the saidis landis vithout lecons of the said lord or lousing of the restment be ony maner of way & als the saidis inqueist fand amangis thaim that the restment maid apon the malis fermes & landis of kerswell & quodquen into the saidis tennandis handis vas sufficiently maid & for ane Just caus becaus it vas perfity knawin to thaim that the saidis tennandis & landis vas drawin souerte to the said lord for the saidis unentres attour the quhilk restment makin it vas veill knawin to the said inqueist that the saidis tennandis had gevin & deliuerit fra thaim thair malis fermes of thair awin fre vill thai beand nothir compellit nor streinzeit thairfor for the quhilk cawsis the said inqueist com in court agane & deliuerut all in ane voce be mowth of thomas veir of lelaw chanslar of the said inqueist that thai fand that all the saidis tennandis & personis abone | vriting had brokin the said restment & fens in the vrangus lawborin of the saidis landis of the newmanis eftir at it vas fencit & als fand & deliuerit all in ane voce that all the saidis tennandis abone vriting had brokin my lordis restment & fens in the gewin away of thair malis & fermes out of thair handis it beand un- lowsit be ony maner of way thai nothir beand compellit na distrenzeit thairfor nor coacit thairto bot of thair awin fre will of the quhilk deliuerans the said hew lord somer- well causit to gyf dome be the mowth of the said Jhon vatson dempster that ilk ane of thir personis that Is to say in quodquen Jhon dunlop dauid robeson Jhon Justis James threpland thomas skwne Jhon gray Jhon lythquho thomas curry costin thomson James kello Jhon kello thomas glasquow vilzem vilson vilzem Inglis in newmanis vill vatson in kerswell andro penny Jhon gray James girdvod berte clerkson James vatson vil vatson 3ounger Jhon gyrdwod adam veston vill thomson nicoll elder dauid 3oung Jhon terbat maron vrycht vill Justis andro Justis Jhon mosman Jhon valkar robert gray in the valk- mill the quhilk personis thai & ilk ane of thaim [ar] in ane mersement of my lordis court for the brekin of ij sindry restmentis & fencis sic as thai aw to tyne apon law for the brekin of restmentis & fencis & thair awin personis

to be presunit thairfor Indurand my lordis vill for ane
zeir accordand to the law of this realme & that I gyf for
dome

The quhilk day stene somerwell oft tymis callit & nocht
comperit Is in mersement of this court for falt of presens
sic as he awcht to tyne apon law to this court as to the
first court

The quhilk day Jok sowtar of newbigin oft tymis callit
& nocht comperit [Is] in mersement of this court sic as he
awcht to tyne apon law for falt of comperans to this cour[t]
as thrid court |

37r The quhilk day findis that robert levinston dischargit sir
vilzem huntar of the landis of newbigin that he had in
contentacion of anwell of the seruice of our lady hyill of
carnwith the quhilk landis he had of the laird of Jariswod
his fader & ordanis the said sir vilzem to pay the laird
of Jariswod sa fer as the said laird vill preif that he brukit
ferar than the ij 3eris fra [the] tyme that he vas dischargit
becaus the said robert dischargit him in his faderis name

The quhilk day my lord followit in court mechell thom-
sone Jhone thomsone Willzeme thomsone mechell cok for
the fying his grownd with violent blud the saidis personis
grantit the blud & denyit the wyt

The sammyn day my lord followit robin gledstanis
symond feschar James Eistone one the tothir part for the
fying of his grond with violent blud the saidis personis
grantit the blud and denyit the wyt thaireftir the Inqueist
past forth of curt and gart call diuers wetnes and preifis
thairwith beand ryply awysit come in curt agane haifand
god befoir thair ene deliuerit all in ane wose and said
mechell thomsone mechell cok symond feschar bayth in
blud and bludwit and quitis all the laif of the personis
abone writting of the quhilk deliuerance my lord gart geif
dome in dew forme as afferit

The quhilk day mechell thomsone come souerte for him self mechell cok symond feschar for the iij Wnlawis of blud wodis syk as tha auch to pay upone law & this he did in present of the haill curt |

CURIA baronie de carnwith tenta apud eandem vicissimo die mensis aprilis anno domini M^o quingentesimo vicissimo septimo per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

37v

The quhilk day robert lord maxwell oft tymis callit & nocht comperit Is in mersement of this court for falt of presens for his landis of leberton

The quhilk day thomas balze oft tymis callit & nocht comperit Is in mersement of this court for falt of presens for his landis of cormeston

The quhilk day James levynston oft tymis callit & nocht comperit Is in mersement of this court for falt of presens for his landis of newbiggin

The quhilk day vilgem somerwell oft tymis callit & nocht comperit Is in mersement of this court for falt of presens for his landis of newbiggin

The quhilk day andro elphinston oft tymis callit & nocht comperit Is in mersement of this court for falt of presens for his landis of newbiggin

The quhilk day Jhon somerwell oft tymis callit & nocht comperit Is in mersement of this court for falt of presens for his landis of quodquen and kerswell

The quhilk day sir vilgem Justis oft tymis callit & nocht comperit [Is] in mersement of this court for falt of presens for his landis of newbiggin

The quhilk day vilgem lowdean oft tymis callit & nocht comperit [Is] in mersement of this court for falt of presens for his landis of henschelwod

INQUISICIO |

38r	the laird of dalzell	Jhon pumfray in henschel-
	the laird of quodquen	wod
	the laird of grenschelis	Jhon somerwell in crukvenis
	Jhon grame of vest hall	thom somerwell in blak-
	the laird of crag	castell
		patrik dalzell
		dauid somerwell
		Jhon dychtmunt in carn-
		with
		Jhon brown
		thomas ur
		thomas thomson
		petir somerwell

The quhilk day my lord foloit Jhon of lin on the tane part & Jhon sowtar on the toder part for blud continuat to the nixt court & ordanis ma vitnes to be restit thairto

The quhilk day Jhon lows Is in mersement of this court for falt of entres to this court as first court

The quhilk day thomas villson Is in mersement of this court for falt of entres to this court as first court

The quhilk day my lord foloit Jhon copland for the brekin of ane fens the inqueist findis the fens brokin

The quhilk day my lord foloit Jhon copland for grene vod the inqueist quittis him

The quhilk day Jok symson foloit dauid somerwell that he sellit him ane boll of beir & his fader deit thai ordanit him xij s within x dayis

CURIA baronie de carnwith tenta apud eandem xxviii^o die mensis Julij anno domini M^o quingentesimo vicissimo octauo per nobilem dominum hugonem dominum somerwell baronem diete baronie sectis vocatis curia firmata absentes patent per rotulum

INQUISICIO

Robert chanslar	Jhon brown
Jhon pumfra	Jhon twodell
James levynston	Jhon dychtmunt
matho kyrkpatrik	Jhon ur
andro huntar	Jhon purde

petir somerwell in leberton
 dauid somerwell in amfarlaw
 Jhon curtas in kerlindaill
 thom thomson
 henry kyrkpatrik

The quhilk day archebald somerwell oft tymis callit for the entres of thomas henderson as he at vas souerte to entir him to this court oft tymis callit & nocht comperit sicyk as he awcht to tyne apon law to ane mersement of this court as of the first court |

The quhilk day robert levynston oft tymis callit & nocht comperit Is he that vas arestit & varnit thairto in ane mersement of this court as to the thrid court

38v

The quhilk day my lord foloit thomas howeson for the forssin of his offesar & delais it to the nixt court & ordanis ma vitnes to be restit for to preif it aganis the nixt court

The quhilk day my lord foloit in court andro purde & stene rannaldson for the fylin of his grund vith violent blud the blud grantit & baith the parteis denyis the blud vit the inqueist delais to the nixt court & ordanis ma vitnes to be restit

The quhilk day vas callit in my lordis court James brown in newbigyn & Jhon thomson thair & Jhon gyrdwod 3ounger in kerswell as thai that vas lawfully restit be thomas cheisle offesar quhilk he preifit sufficiently in face of court be him self and diuers vitnes that he arestit the said James brown Jhon thomson & Jhon gyrdwod to entir to my lordis court for fylin of his grund vith violent

blud the quhilk thai held up thair handis & thair guddis thairfor the said Jhon girdwod enterit & grantit the blud in plane court & denyit the vit the said James brown & Jhon thomson oft tymis callit & nocht comperit be thomas cheisle offesar thai & ilk ane of thaim in ane mersement of this court sic as thai awcht to tyne apon law for falt of entres as thai that vas restit to this court as to the first court gaif new cummand to the said thomas cheisle offesar to pas & varne of new the saidis James brown & Jhon thomson to compeir befor him or his balzeis in carnwith the xiiij day of october nixt to cum to that court as to the second court

39r

The quhilk day vas callit in my lordis court vilzem Inglis in newmanis as he that vas summond & arestit thairto be my lordis precep to ansuer to him for the brekin of ane fens maid be thomas cheisle offesar apon the gledstane common at the cummand of my lord & be his precep derecit to him thairapon & at the Instans of Jhon of snaip & the laif of the tennandis of the vester gledstanis quhilk restment makin the said thomas | cheisle preifit be himself & diuers vitnes be the precep derecit & indorsat be him agane thairapon in face of court sufficiently maid & als preifit in face of court that he had summond & arestit the said vilzem Inglis to entir thairto baith he himself & diuers vitnes & his precep derecit to him thairapon quhilk vas Indorsat agane be him apon the executione of his office the said vilzem Inglis in newmanis beand oft tymis callit & nocht comperit [is] in ane mersement of this court sic as he awcht to tyne apon law as he at vas baith summond & restit thairto to this court as to the first court & gaif new cummand to varne the said vilzem Inglis in newmanis to compeir befor my lord or his balzeis in the court of carnwith the xiiij day of october nixt to cum to that court as secund court

The quhilk day James brown in grenescheill & vilzem brown his bruder & Jok girdvod callit for violent blud the said Jhon girdvod enterit & grantit blud denyit the

vit the said James brown & vilgem his bruder thai beand lawfully arestit be thomas cheisle offesar quhilk he preifit in face of court be him self & diuers vitnes sufficiently that he arestit the saidis James & vilgem to entir to this court to ansuer for the said blud the saidis James brown & vilgem brown beand oft tymis callit & nocht comperit thai & ilk ane of thaim in ane mersement of this court sic as thai awcht to tyne apon law for falt of entres Is thai that held up thair hand & thair gud to entir to this court as to the first court

The quhilk day niniane gybson & Jhok thomson callit for blud the said niniane deniis blud & Jok thomson grantit the blud delait to the nixt court as first court

The quhilk day symon dennum & James dennum his sone for blud & James dennum party to the said symon & James Is in ane mersement of this court as to the feird court for falt of comperans

The quhilk day Jhon somerwell in crukvenis Is in ane mersement of this court for falt of entres of Jhon veir in lanark as to the secund court

The quhilk day arthur fischar borcht to entir besse fyschar his sister to the nixt court

The quhilk day James levinston lard of Jariswod oft tymis callit & nocht [comperit] for falt of entres at the Instans of Jhon atwodell Is in mersement of this court as secund court

for andro purdy John purdy lawborrus

for stene rannaldson lawborrus thom the grame & to entir the said stene to the nixt court |

CURIA [capitalis] baronie de carnwith tenta apud eandem xiiij die mensis octobris anno domini M^o quingentesimo vicissimo septimo per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

INQUISICIO

Robert chanslar	vill Inglis in estscheill
James of levynston	Jhon brown in forth
hendry kyrkpatrik	petir somerwell in leberton
James somerwell	Jhon huntar in fawlo
archebald somerwell	thomas thomson in leberton
	Jhon somerwell in crukvenis
	thomas somerwell in blakecastell
	david somerwell in grenfeild
	Jhon pumfray in hensshellwod
	archebald gledstanis

The quhilk day robert lord maxwell oft tymis callit & nocht comperit Is in mersement of this court for his absens to this court as heid court for his landis of leberton

The quhilk day the laird of Jariswod oft tymis callit & nocht comperit Is in mersement of this court for his absens to this court as heid court for his landis of newbigin

The quhilk day Jhon somerwell¹ oft tymis callit & nocht comperit Is in mersement of this court for his absens to this court as heid court for his landis of quodquen & kerswell

The quhilk day vilzem balze oft tymis callit & nocht comperit Is in mersement of this court for his absens to this court as heid court for his landis of cormiston

The quhilk day thomas [balze] oft tymis callit & nocht comperit Is in mersement of this court for his absens to this court as heid court for his landis of cormiston

The quhilk day sir vilzem Justis oft tymis callit & nocht comperit Is in mersement of this court for his absens for his landis of newbigin to this court as heid court

¹ *Is in* deleted here.

The quhilk day andro afflek oft tymis callit & nocht comperit Is in mersement of this court for his absens to this court as heid court for his landis of eirdhows

The quhilk day my lord foloit thomas henderson of newbigin for fylin of his grund vith violent blud delait to the nixt court & ma vitnes to be restit |

The [quhilk] day James brown & Jhon thomson in newbigin beand oft tymis callit be thomas cheisle offesar to entir to this court as thai at vas restit of before the quhilk vas cleirly preifit in face of court & als preifit that the saidis James & Jhon vas varnit of new to this court as to the secund court quhilkis James and Jhon thai beand oft tymis callit & nocht comperit thai & ilk ane of thaim in ane mersement of my lordis court for falt of entres to this court as to the secund court of the quhilk the said lord gart gyf dome & thaireftir gaif cummand to the said thomas cheisle offesar to gar warn the saidis James brown & Jhon thomson of new to compeir befor him or his balzeis to his court of carnwith the xxix¹ day of october nixt to cum to entir to that court as thrid court

40r

The quhilk vilgem Inglis in newmanis oft tymis callit² be thomas cheisle offesar Is³ he at vas lawfully summond & arestit of befor & newly varnit to entir to this court Is secund court the said vilgem beand oft tymis callit & nocht comperit [is] in ane mersement of this court sic as he awcht to tyne apon law for falt of entres to this court Is to the secund court the quhilk the said lord gart gyf dome & gaif new cummand to the said thomas cheisle offesar to summond the said vilgem Inglis of new to compeir befor him or his balzeis to his court of carnwith the xxix day of october nixt to cum to ansuer to him for the brekin of the said fens

¹ Originally *xxv* and altered to *xxix*.

² & *nocht comperit* deleted here.

³ Here, and in succeeding entries, the MS. clearly has *Is* for *as*.

The quhilk [day] vas callit in my lordis court thom Justis stene mennum vill sommerwell in neuk thomas rowe cudbart paterson ville cor for brekin of my lordis fens ville cor absent

The quhilk day vas callit in my lordis court niniane gibson & Jok thomson for fylin of my lordis grund with violent blud delait to the nixt court

The quhilk day vas callit in my lordis court symon dennon & his sone & James dennom & his vyf¹ as thai at was restit for blud ilk ane of thaim off[t] tymis callit & nocht comperit in mersement of this court sic Is thai awcht to tyne apon law for falt of entres to this court as to the first court |

40v The quhilk day the laird of Jariswod oft tymis callit & nocht comperit Is he at vas arestit at the Instans of Jhon of twodell in ane mersement of this court for falt of entres to this court as to the thrid court

The quhilk day Jhon somerwell in crukwenis oft tymis callit for to entir Jhon veir of lanerik as he at com souerte for him to entir him to this court oft tymis callit & nocht comperit in ane mersement of this court as to the thrid court for falt of entres

The quhilk day arthur fyschar held up his hand & his gud for [to] entir besse fyschar his sister to the nixt court

The quhilk day my lord foloit thomas howeson for the forssin of his offesar the inqueist delais it to the nixt court & ordanis ma vitnes to be restit

CURIA baronie de carnwith tenta apud eandem xxix^o die mensis octobris anno domini M^o quingentesimo vicissimo nono per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

¹ for fylin of my lordis grund deleted here.

INQUISICIO

henry kyrkpatrik	James somerwell in vol-
James levinston of gerruswod	frodis
lowk grenschelis	Jhon pumfra in henscell-
alexander ramsay	wod
thomas veir of lelaw	matho kyrkpatrik
	david somerwell in gren-
	feild
	James somerwell thair
the laird of crag	
James afflek in twede	
george kyrkpatrik	
robert levinston	
petir somerwell in leberton	

The quhilk day my lord foloit thom howeson for forssin of his offesar & he donyit & offerit him to the inqueist thairfor

the inqueist findis he maid na forsment of the quhilk he askit the rolment the quhilk vas grantit in Jugement |

The quhilk day my lord foloit stene rannaldson & andro purde for fylin of his grund with violent blud andro purde grantit the blud & denyit the vit the inqueist findis stene rannaldson in the blud vit & quittis andro purde of the quhilk he askit ane rolment In Jugement & it vas grantit

41r

The quhilk day James brown in newbigin & Jhon thomson thair & Jhon girdwod in kerswell oft tymis callit Is thai that vas restit for blud & varnit to entir to this court as thrid court the said Jhon gyrdwod enterit & held up his hand of new to entir to the feird court the said James brown & Jhon thomson beand oft tymis callit be thomas cheisle offesar & nocht comperit thai & ilk ane of thaim in ane mersement of this court sic as thai awcht to tyne apon law for falt of entres to this court Is to the thrid court of the quhilk the said lord gart gyf dome & gaif cummand to the said thomas cheisle offesar to varne the

saidis James & Jhon of new to compeir befor him or his balzeis to his court of carnwith the xv day of nouember nixt to cum to ansuer til him for the said blud to that court as to the feird court

The quhilk day vilzem Inglis in newmanis oft tymis callit be thomas cheisle offesar & nocht comperit in ane mersement of this court sic Is he awcht to tyne apou law for falt of entres Is he at vas summond & restit be my lordis precep to ansuer for the brekin of my lordis fens & vas lawfully varnit to this court Is to the thrid court the quhilk mersement my lord gart gyf dome & gaif new cummand to the said thomas cheisle offesar in Jugement to summond & varne of new the said vilzem Inglis to compeir befor him or his balzeis in his court of carnwith the xv day of nouember nixt to cum to ansuer to him for the brekin of the said fens to that court Is feird court & court peremptour set to him thairfor & to mak intimation to the said vilzem quhidder he compeir or nocht the said day & place my lord vill proced in the said mater accordand to Justis |

41v

The quhilk day my lord folloit James broune and vilzem broune and Jhone gyrdwoid in keriswell for fyllyne of his ground of violent blud the said Jhone gyrdwod grantit the blud & denyit the vet the said James broune & vilzhem broune come in my lorddis will of the bludweit

The quhilk day my lord folloit thomas Justis in noubegynmeill for the breikyne of his fens for the Intromeityne & grenddyne of the cornis quhilk pertentit to him as ascheit & was ondir his fens layit ondir his fens the said tomas Justis denyit the quhilk my lord put to the inquest

The inquest fynddis that the said thomas intromeitit with the corne quhafor that he has brokyne the fens and the mercement of the curt thairfor the quhilk my lord gart gyf doume

The quhilk day vilzhem somerwell in the nouk oft tymis callit & nocht comperit as he that was soumonnit

to entir to this curt as to the feyrd curt to answeire to the breikyne of my lorddis fens oft tymis callit & nocht comperit in the mercement of the curt for falt of his entres the quhilk fens my lord put to the inquest

The inquest fyndis the fens brokyne

The quhilk day my lord folloit Jok gray & Jhone tomsone in lybertoune for the fyllyne of his ground with violent blud the blud grantit & bayth the partes deniit the blud

The inquest fynddis Jok gray in the blud & quittis the said Jhone tomsone |

The quhilk day my lord ¹foloit ¹ niniane gibson for blud the inqueist delais it to the nixt court

42r

The quhilk day Jok thomson Is in mersement of this court for his absens to this court Is to the thrid court

The quhilk day my lord foloit thom vatson & mungo lowis for fylin of his grund vith violent blud the quhilk blud Is grantit the inqueist findis mungo lowis in the blud & thom vatson quit

The quhilk day dauid kello comperit & ryche kello borcht to entir his dowchtir Isbell to this court for fylin of my lordis grund vith violent blud delait to the nixt court

The quhilk day my lord foloit Jhon weir & thom clerkson for fylin of his grund vith violent blud the inqueist findis Jhon weir in the blud & quittis thom clerkson

The quhilk day rowe cok of carnwith comperit & Jane mur absent to this court Is to the first court

The quhilk day my lord foloit dauid somerwell & ville lowis for blud & baith the parteis donyis the blud the inqueist findis na blud

¹⁻¹ Added above the line.

The quhilk day Jhon grame & ville grame Is in mersement of this court for brekin of my lordis fence the inqueist referis the leading of the vrak to Jhon the grameis aith

The quhilk day arthur fyschar borcht to entir besse fyschar delait to the nixt court

The quhilk day robe wilson Is in mersement of this court for his absens to this court Is to the first court |

42v The quhilk day my lord foloit symon dennum & James dennum his sone for fylin of his grund with violent blud the inqueist findis symon dennum in the blud & quittis James dennum quit

The quhilk day James of levynston Is in mersement of my lordis [court] for his absens to this court Is first court for his landis of newbiggin

The quhilk day my lord foloit dauid somerwell & Jok black for fylin of his grund with violent blud the inqueist findis dauid somerwell quit & Jhon blak in the vit

The quhilk day ¹ Jhon somerwell in crukvenis in mersement of this court for falt of entres of Jhon weir in lanark my lord ordanis Jhon somerwell to entir the said Jhon weir to the nixt court

The quhilk day ville gardnar foloit robert levynston for xxiiij s the said robert promittit to bring his borcht to the nixt court or ellis to pay the mony

The quhilk day Jhon makmorin Is quit of theft

The quhilk day it Is statut & ordanit in plane court that na swyn be haldin vithin this barony undir the pane of cheitting of all the swyn & for the best aweht that the haldar of the swyn hes for the tyme

¹ *my lord* deleted here.

The quhilk day my lord hes statut & ordanit that his fre tennandis in the town of newbiggin sal cum in tym to cum vith thair cornis in tyme to cum to his mill of carnwith & thair it salbe veill lawborit payand thairfor Is efferis & siclyk eirdhousis henschellwod estscheill vestscheill & all the laif of the tennandreis vithin the parochin of carnwith that hes na millis of thair [awin] undir the pane of law & ¹all udir pane¹ that [thai] mai tyne thairapon |

CURIA baronie de carnwyth tenta apud siluam de couthelle
xx die mensis maij anno domini M^o v^c xxvij per honora-
bilem virum Simonem dennum de vestscheild ballium
nobillis & potentis domini hugonis domini somerwell
domini dicte baronie de carnwyth quo die curia affirmatur
sectes vocantur absentes patent

43r

INQUISICIO

Jhone huntar in faulaw	Thomas henschay in auchingray
Jhone browne in fortht	Andro clarkson in thrawborne
Jhone weir in stowbwod	James purde in stoubvod
Jhone wr in forth	Jhone vod in auchingray
Jhone wr in creukvence	Jhone huntar in torbrakis
laurence longane in the mell	
Jhone courttas in carlingdene	
Jhone haist in caldlaw	
Thomas Wr in carnwyth	
Jhone dechtmont thair	

Itheme in the first my lord ordanis and confermes all stillis & statuttis maid be him in his last vetsonday curt and uthir curtis bygane till be keipit and admitit and siklik in this vetsonday curt with sik adiconis as he thinkis expsedient to be eikit thairto

¹⁻¹ Repeated in the MS.



The quhilk day Jame purde followit dawe morpet for the wrangws distrucione of his corne in defalt of the uphalding of his dik the said dauid morpet followit the said James purde for the distrucione of his corne in defalt of his dik in lykweice the Inqueist fyndis thame bayth in the wit of thair dikis & ordanis ilk ane to mend uthir thair skaith ilk ane of thame is in ane merciment of the curt for the samyn & dome gevin thiarupone

The quhilk day Jonat longane followit will courttas for the wrangus taking & withhalding of ane hewing ax the said vill courttas said he did it at the command of the berla men the Inqueist ordanis the berla men to deliuer [the] woman hir ax agane & he in ane merciment of the court for the samyn & dome gevin thairupone

The quhilk day Jhone of dechtmont followit Jhone vatsone will courttas dauide eldar for the wrangus taking of ane pot fra him the Inqueist ordanis the said personis to deliuer him his pot agane and he to pay it at tha wald mak fayth he was awand |

43v

The quhilk day thome semsone followit Jhone of wod for the wrangus taking of his meir & laing laidis one hir at his awin hand the said Jhone denyit the Inqueist fyndis at he Intrometit with his meir and ordanis him to pay xijd to the said thom semsone thairfor the said Jhone of wod is in ane merciment of the curt and dome gevin thairupone

The quhilk day thomas schesle followit in curt Jhone of tuodell in carnwyth for the wrangus lauburing & withhalding fra him of ane reg of land in his croft & of ane uthir pece of land in his haue pertenant to him & of his malling that he payit malle for the quhilk land he withhald fra him wrangusly be the space of xvj zeiris bygane and sawmis his skaith thairof ilk zeir to iij bollis of aittis with the mair the quhilk land the said thomas chesle alegit & said vas arestit be Willzeme elddar my lordis officar at

the command of his pressep quhilk reistment vas maid befor candillmes at last vas that the said Jhon of tuodell suld nocht laubur the said reg of land in the croft & the pece land in the hauce till the rycht thairof war dissidit thairof be the nychtburis the quhilk the said Jhone of tuodell had dissabayit & lauburit the samyn land wrangusly the reistment unlousit quhilk he may nocht deny and the said thomas chesle disirit that he mycht be rastorit to the land that pertentit to his malling that he payit malle for and at he mycht be payit of the skaith of the zeiris bygane the said Jhone of tuodell anssurit and denyt that he had ony land of his or at pertentit to his malling or lauburit ony land bot it at pertentit to his awne malling & offirit & was contentit that vas sene be the nychtburis & the Inqueist quhilk Inqueist pasit fortht of curt & callit diuers wetnes & diuers of thair nychtburis quhilk was suorne in Jugement & thaireftir come befor the said Inqueist to be sene & consedirit quhome to the saidis landis pertentit the quhilk wetnes & nychtburis declarit befor the said Inqueist & preif be thair greit aith that the said reg of croft land & but of hauce land pertentit to the said thomas schesleis malling and at he had rycht thairto & it was wrangusly haldin fra him and at he was skaitit zeirly iij bollis of aittis with the mair throw the vanting of the said land be the quhilk preifis & nychtburis & uthir diuers ressonis the said Inqueist beand ryply awysit come in court agane & deliuerit all in ane wose be the mouth of thome browne chancellor of the Inqueist that the said Jhon of tuodell had done wrang in lauburing & withhalding of the said reg of croft land & but of hauc land | fra the said thomas schesle and suld restor & deliuer the samyn agane to him & als suld rafownd content & pay to the said thomas schesle ij bollis of aittis for ilk zeir of the xvj zeiris bygane our the price thairof of the quhilk deliuerance the baillze gart geif dome that the said Jhone of tuodell was in ane merciment of the curt for the samyn & thairupone gaif dome in dew forme as afferit thaireftir the said thomas schesle askit the rolment of the curt in Jugement quhilk was grantit

The quhilk day my lord followit in court Jhone of tuodell for the brekin of his fence & reistment maid upone ane reg of croft land & ane but of hauc land pertenant to thomas schesleis malling quhilk vas reistit be willzeme eldar officar be the command of his presepe that he suld nocht manwr nor laubur the samyn unto the tyme the rycht had bene sene be the nyctburis quhedir that it had pertenit to the said thomas chesleis malling or till his malling the quhilk he had contemusly dissabayit quhairthroucht he had brokin his reistment the said Jhone of tuodell anssurit & denyit that he had done ony wrang na lauburit ony land bot it at pertenit to his awin malling my lord said agane at he had done wrang in the lauburing of it it beand reistit and wnlousit consedirand he mycht haif had it lous for the disiring & fynding caucione to haif done ressonne for it and thane my lord disirit the baillze to put the mater to the knowlage of ane Inqueist to be sene & consedirit quhedir he had brokin his reistment or nocht and to rasaf his vetnes to preif the reistment making & breking of the samyn the quhilk the baillze did and gart call Willzeme eldar officar quhilk comperit and gaif in in Jugement ane presepe deuly execut & Indossit beirand at the said reg of croft land and but of hauce land vas lauchfully fencit and areistit eftir the command of that pressep & preifit that sufficiently in Jugement be himself & the wetnes contenit in the pressep & thaireftir preifit sufficiently in Jugement that the said reg of croft land & but of hauc land vas lauburit & occupyit be the said Jhone of tuodell eftir the reistment making thaireftir the baillze causit the Inqueist to pas fortht of curt quhilk Inqueist gart call diuers vetnes & nyctburis and gart thame be suorne in Jugement & thaireftir come befor thame for to werefe quhome to this land pertenit the quhilk vetnes & nyctburis declarit befor the said Inqueist that the said reg of croftland and but of hauce land pertenit to the said thomas schesle & was of his maillzerd be the quhilk preifis & uthir diuers ressonis the said Inqueist beand ryply awysit come in curt agane and deliuerit | All in ane wose be the mouth of Jhone browne schancellor of the Inqueist that

the said Jhone of tuodell had brokin the reistment becaus that he had lauburit the said land & it unlousit of the quhilk deliuerance the baillze gart geif dome be the mouth of Jhone vatsone domstar of the curt that the said Jhone of tuodell had forfalt & tynt all his takis & steidingis dettis & uthir mwfabill gudis that he had within the said lordis and Jerudiccione that tha suld pertene to him be ressonne of esscheit & himself to be ponest for ane zeir at the said lordis will for the said reistment brekin & thairupone gaif dome in dew forme as aferit

1

The quhilk day anne ledaill and Jane fairle for blud the quhilk thai denyit delayit to the nixt curt

The quhilk day my lord foloit symond tennand & Jhone balte for fylin of his grund vith violent blud the quhilk bayth the parteis denyis the Inqueist fyndis na blud & quittis bayth the parteis of blud or bludwit

The quhilk day James somerwell in grenfeild borrowis for to entir villzeme baldirstone and Jhone smyth that thai sall do all resson delayit to the nyxt curt

The quhilk day ²at my lord followit² patrik dennum for trubling of his court the Inqueist fyndis that patrik dennum has failizeit to my lord and is in ane mersement of that curt

The quhilk day patrik dennum folloit vill somerwell in moshat lauborch that vill ³ baldirstone salbe skaithles of patrik dennum and his sone |

The quhilk day vilzeme baldirston Is in mersement of this court for the vrangus foloing of ane guis

45r

¹ *The quhilk day willzeme balderston is in ane mersement of this curt for the vrangus foloing of ane guis deleted here.*

²⁻² Added above the line.

³ *somerwell deleted here.*

¹The quhilk day my lord foloit anne ledaill & Jane fairle for blud the quhilk thai denyit delait to the nixt court

The quhilk day my lord foloit symond tennand & Jhon balte for fylin of his grund vith violent blud the quhilk baith the parteis denyis the inqueist findis na blud & quittis baith the parteis of blud or bludwit

The quhilk day James somerwell in grenfeild borrowis for to entir vilzeme baldirstone & Jhon smyth that thai sall do all rason delait to the nixt court

The quhilk day at my lord folloit patrik dennum for tribulin of his court the inqueist findis that patrik dennon has falzeit to my lord & Is in mersement of that court

The quhilk patrik dennum foloit vil somerwell in moshat lawborecht that vill baldirston salbe skaithles of patrik dennum & his sone¹

The quhilk day vil baldirston fand James somerwell in grenfeild lawborecht to patrik dennum & his son

The quhilk day robert smyth foloit Jhon balte in court for haldin fra him ij ky the pryce vij markis & xj zowis & xj lammis & ij pekis of meill & the said Jhon foloit the said robert for the haldin fra him of ane kow & ane ox & ane hors of iij zeir auld & vi schein vith utheris diuers geir The inqueist ordanis Jhon balte to pay to robert smyth ij meris xi zowis & xj lammis & ii pekis of meill or preif pament & ordanis robert smyth to pay to Jhone balte ane kow ane ox ane hors of iij zeir ald [&] vj schein or preif pament thairof |

45v CURIA [capitalis] baronie de carnwith tenta apud eandem xxvj die mensis Januarij anno domini M^o quingentesimo vigesimo ix^o per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

The quhilk day sir James of hammilton oft tymis callit & nocht comperit Is in mersement of this court bayth for

¹⁻¹ Deleted.

falt of his sut & his presens to this Is to the heid court for his landis of leberton

The quhilk day thomas balze oft tymis callit & nocht comperit Is in mersement of this court for falt of his presens to this court Is thrid court for his landis of cormoston

The quhilk day Jhon somerwell oft tymis callit & nocht comperit Is in mersement of this court for his absens to this court as heid court for his ¹landis¹ of quodquen & kerswell

The quhilk day andro afflek oft tymis callit & nocht comperit Is in ane mersement of this court for his absens for his landis of eirdhowsis

The quhilk day vilzem lowdeane oft tymis callit & nocht comperit Is in mersement of this court for his absens for his landis of henschelwod

The quhilk day archebald somerwell grantit the intro-metting vith ane certane landis in newbiggin pertenant to the laird of Jariswod & alegit that the lard of Jariswod remittit the said profettis of that land to the said archebald somerwell sa that he vald pas of tha landis vith his kyndnes & that the said archebald referit to the aith of the said laird of Jariswod & the said archebald tuk on hand to preif that robert levinston come & stoppit him to manure the said landis |

INQUISICIO

46r

Robert chanslar of quodquen	dauid somerwell in grenfeild
the laird of grenscheill	andro huntar thair
henry kyrkpatrik	James somerwell thair
the laird of Jariswod	Jhon somerwell in crukvenis
Jhon pumfray	vilzem Inglis in estscheill
	matho kyrkpatrik
	vil Inglis in henschelwod
	patrik dalzell
	thom ur
	Jhon dychtmunt

¹⁻¹ Added above the line.

The quhilk day my lord foloit vil somerwell of the newk & berte somerwellis vyf for fylin of his grund vith violent blud the quhilk vill somerwell donyit & tuk ane ak at berte somerwell tuk neurir hous na land at him the inqueist quittis the said vilzem somerwell of the newk of the blud & bludvit & findis the said maron purdy vyf to the said berte in the blud & bludvit

The quhilk day my lord foloit dauid kello & Isbell kello for fylin of his grund vith violent blud delait to the nixt court

The quhilk day my lord foloit anne ledaill & Jane fairle for blud & bayth the parteis grantit the blud bot na violence becaus it vas in play & nocht in ernyist the inqueist findis na violence bot quittis the saidis parteis of the blud

The quhilk day my lord foloit andro mychell ¹ on the hill¹ & thom ross for callit blud andro mychell Is absens fra this court Is the first court

The quhilk day James huntar oft tymis callit & nocht comperit Is in ane mersement of this court for falt of comperans to ansuer to andro huntar

The quhilk day mychell leisman foloit alan ² cor for ane hyd the said alan donyit & the said mychell referit it to alan coris aitht quhethir he had ane hid of his or nocht the said alan swor the great aitht that he had na hyd of his the said mychell callit the said alan mensuorne & the said mychell Is in mersement of this court for his un-
racionabill langage |

46v The quhilk day Janot mennon foloit male mowat for certane geir tane fra the said Janot out of hir hous the inqueist findis that the said male sal bring the personis fra the quhilk the said male coft the said Janotis geir fra & ordanis the geir that Is present to be deliuerit to the said Janot

¹⁻¹ Added above the line.

² *andro* deleted and *alan* added above the line.

The quhilk day andro mychell smyth contrare vilzem somerwell of the neuk for ane certane of land the quhilk the said andro tuk at the said vilzem & the said andro alegit that the said vilzem deliuerit him bot the tane half of the land that he set to the said andro the inqueist findis the said vilzem to pay to the said andro iij firlottis of atis for the vanting of the land

The quhilk day the inqueist ordanis rob smyth & Jhon balte to be sworne to byd at the deliuarance of all thir materis at James levynston of gerruswod & Jhon pumfra & ane ourisman or ¹ ij chosin be the said James & Jhon

The quhilk day patrik mason Is in ane mersement of this court for the vragus haldin of iiij s ij d fra thom bryson

The quhilk day stene somerwell oft tymis callit & nocht comperit Is in ane mersement of this court for falt of comperans to this court as first court

CURIA [capitalis] baronie de carnwith tenta apud eandem quinto die mensis maij anno domini M^o quingentesimo vigesimo x^o per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

The quhilk day sir James hammilton oft tymis callit & nocht comperit Is in ane mersement of this court for his absens & his sut to this court Is heid court |

The quhilk day thomas balze oft tymis callit & nocht comperit Is in ane mersement of this court Is first court for his landis of cormoston for falt of his presens

47r

The quhilk day Jhon somerwell oft tymis callit & nocht comperit Is in ane mersement of this court Is first court for his landis of quodquen & kerswell for falt of presens

¹ & deleted and *or* added above the line.

The quhilk day andro afflek oft tymis callit & nocht comperit Is in mersement of this court Is first court for his landis of eirdhous for falt of presens

The quhilk day vilzem lowdeane oft tymis callit & nocht comperit Is in ane mersement of this court Is thrid court for his landis of henschellwod for falt of presens

The quhilk day the laird of Jariswod oft tymis callit & nocht comperit Is in ane mersement of this court Is heid court for his landis of newbiggin for falt of presens

The quhilk day robert levynston oft tymis callit & nocht comperit Is in ane mersement of this court for falt of presens to this court Is secund court for his landis of newbiggin

INQUISICIO

Robert chanslar of quodquen	archebald somerwell
the laird of hartry	Jhon somerwell in crukvenis
James somerwell	patrik dalzell
henry kyrkpatrik	matho kyrkpatrik
Jhon pumfra	thom ur
	Jhon huntar in fawlo
	Jhon dychtmunt
	Jhon twodell
	petir somervell in leberton
	dauid somerwell in grenfeild

The quhilk day my lord foloit dauid kello & Isbel kello for fylin of his grund vith violent blud the quhilk dauid kello donyit the blud & Isbell grantit the blud delait to the nixt court |

47v

The quhilk day James huntar oft tymis callit & nocht comperit Is in ane mersement of this court for falt of entres to this court Is secund court

The quhilk day Jhon grame Is in ane mersement of this court for falt of comperans to this court Is first court & Jhon girdwod comperit

The quhilk day thom the grame oft tymis callit & nocht comperit Is in ane mersement of this court for his absens to this court Is first court

The quhilk day thomas balze of cormoston oft tymis callit & nocht comperit Is in ane mersement of this court Is he that held up his hand to entir to the first court

The quhilk day thom atzeson oft tymis callit & nocht comperit Is in mersement of this court for falt of comperans to this court Is to the first court

The quhilk day thom thomson of leberton oft tymis callit & nocht comperit Is in mersement of this [court] for falt of enterin of berte howeson to this court Is to the first court

The quhilk day Jhon rowe of newbiggin oft tymis callit & nocht comperit Is in ane mersement of this [court] for falt of entres to this court Is secund court

The quhilk day James haiste oft tymis callit & nocht comperit Is in ane mersement of this court for falt of entres to this court Is first court

The quhilk day thom cheisle seriand preifit the fens of thome rowes geir |

1

The quhilk day James ramsay Is in ane mersement of this court for his spekin without leif askit or gyffin

48r

The quhilk day it Is fund be the interloquitur of this court betuix Jhon balte & robert smyth that the said robert smyth producit & browcht certane preiffis the quhilk vas fund of nane vaill be that interloquitur of the court becaus thai com untechit or summond lawfully

¹ *The quhilk day robert levinston Is in ane mersement of my lordis court for intrometting vith Jhon roweis geir eftir that it vas fencit & thair brak my lordis fens for the quhilk fens he com in my lordis vill that day deleted here.*

The quhilk day the inqueist ordanis Jhon balte to pay to robert smyth xviiij d & all the laif of the gudis betuix thaim to be quit sen the first tyme that eur thai maid ony blokk in betuix thaim

CURIA baronie de carnwith tenta apud eandem xix die mensis maij anno domini M^o quingentesimo xxx^o per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

INQUISICIO

the laird of Jariswod	vilgem bailze
robert chanslar	Jhon somerwell in crukvenis
the laird of grenscheill	dauid somerwell in grenfeild
henry kyrkpatrik	Jhon huntar in fawlo
archebald somerwell	vill Inglis in estscheill
	vil Inglis in henscellvod
	thom ur in carnwith
	Jhon dychtmunt thair
	James somerwell in volfrodis
	petir somerwell

The quhilk day at the inqueist dauid kello contra Isbell kello for blud the quhilk blud the said dauid kello denyit the inqueist findis na blud & quittis dauid kello of blud or bludvit

The quhilk day my lord foloit robert levynston for the brekin of his fens for the intronetting vith Jhon rowe Is geir eftir at it vas fencit of the quhilk the inqueist culd nocht quit him thairfor he come in my lordis vill for the fence breking |

48v

The quhilk day my lord foloit Jhon grame & Jhon gyrdwod for fylin of his grund vith violent blud the inqueist delais it to the nixt court in hop of concord and to pleis my lord betuix this & the nixt court

The quhilk day thome grame oft tymis callit & nocht comperit Is in ane mersement of this court for falt of comperans to this court Is secund court

The quhilk day thomas balze oft tymis callit & nocht comperit Is in ane mersement of this court for his absens to this court Is first court for his landis of cormoston & for ane blud

The quhilk day James cudbert oft tymis callit & nocht comperit Is in ane mersement of this court for blud to this court Is secund court

The quhilk day thomas atgeson oft tymis callit & nocht comperit Is in mersement of this court for his absens & for blud to this court Is secund court

The quhilk day vilzem chanslar oft tymis callit & nocht comperit Is in mersement of this court for his absens & for blud to this court Is secund court

The quhilk day berte howeson oft tymis callit & nocht comperit Is in ane mersement of this court for his absens to ansuer to Jhon huntar in fawlo to this court Is to the secund court

The quhilk day robert levynston oft tymis callit & nocht comperit for brekin of my lordis fens the quhilk robert levynston denyit the brekin of the fens becaus he vist of na fens the inqueist findis that thome rowe brak na fens & quittis him thairof & ordanis the said robert levynston to cum in my lordis vill |

The quhilk day my lord foloit thom Justis James zowlton & ville nicoll for the seyn of theiffis cumin in the cuntre that nycht that archebald somerwell was tane owt of his awin hous & brekin of the still maid be my lord for the gud of the cuntre delait to the nixt court

49r

The quhilk day James brown [&] ville brown fand lawborrus to the nixt court

CURIA baronie de carnwith tenta apud eandem [*blank*] die mensis maij anno domini M^o quingentesimo xxx^o per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

INQUISICIO

the laird of Jariswod	patrik dalzell
James levynston 3ounger	archebald somerwell
robert chanslar of quodquen	Jhon pumfra
henry kyrkpatrik	vilzem Inglis in scheill
vilzem bailze in towr	matho kyrkpatrik
	thom ur in carnwith
	Jhon dychtmunt thair
	Jhon huntar
	Jhon brown
	Niniane Inglis

The quhilk day at the inqueist Jhon fairle contra berte howeson for the vrangus takin fra him of xxxvj scheip & ane ox delait to the nixt court

The quhilk day vilzem somerwell in neuk foloit berte howeson for the resaifin of his corn & resettin thairof

The quhilk day at the inqueist thom Justis James 3owlton ville nicoll for the seyn & herin of theiffis cumin in the cuntre the inqueist quittis thom Justis & his ser-vandis James 3owlton & ville nicoll |

49v The quhilk day vilzem brown & James brown oft tymis callit & nocht comperit Is in ane mersement of this court for falt of entres to this court Is secund court

The quhilk day my lord foloit thomas elder & Janot elder his sister for fylin of his grund vith violent blud the quhilk the said thomas denyit the blud the inqueist findis na blud

The quhilk day male penny contra James girdwod dauid gyrdwod Jhon girdvod the quhilk James gyrdwod Dauid gyrdwod Jhon gyrdwod ar in ane mersement of the court for thair absens to this court Is first court

The quhilk day my lord foloit alexander bryson James dennum for the brekin of his fens in the takyn away of ij ky the inqueist findis at Alexander bryson & Jame dennum brak na fens becaus the ky ar zit apoun the grund still

The quhilk day my lord foloit andro clerkson for ij ky & the brekin of his fens the inqueist quittis andro clerkson of the brekin of his fens becaus he vist nocht quha awecht the ky

The quhilk day James mowtray Is in mersement of the court for the brekin of my lordis fens & the haldin fra him of ane meir that the quhilk meir vas Jhon coplandis the inqueist quittis Jhon mowtray of the brekin of my lordis fens

The quhilk day it Is statut & ordanit be the inqueist of the hail barronry of carnwith that delegece & keping be maid for perrall of ¹ |

CURIA [capitalis] baronie de carnwith tenta apud eandem xiiij die mensis octobris anno domini millesimo quingentesimo tercio [*sic*] per nobilem dominum hugonem dominum de somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

50r

The quhilk day robert lord maxwell oft tymis callit & nocht comperit In namersement of this cowrt for falt of entres of his sut for the landis of lebertone to this court as to the heid court

The quhilk day robert lord maxwell oft tymis callit & nocht comperit In namersement of this court for falt of presens for his landis of lebertone to this court as to the heid court

¹ Continued on folio 51 *recto*, [p. 117 *in fin.*]

The quhilk day all the tennandis of lebertoune oft tymis callit & nocht comperit thai & elk ane of thaim In ane mersement of this court for falt of entres thairto Is thai at var lawfully reistit to this court Is to the first court

INQUISICIO

Jhone the grame of the vest- hall	Jhone somerwell In crwk- venis
robert chanslar of quodquen	dauid somerwell in gren-
James somerwell In the Wow- rottis	feld andro hunter thair
robert grame of the vesthall	James Kello
vilzem veir of the cloburne	thome somerwell in blak- castell ¹
	Jhone of twodell in carn- with
	Jhone of dychtmunt thair lowrens logane

The quhilk day the laird of Jariswod oft tymis callit & nocht comperit In mersement of this court for falt of presens to this court as to the heid court for his landis of newbiggin

50v The quhilk day robin chanslar of quodquen protestit in presens of my l[ordis] court that the calling of Jhon greg for brekin of my lordis fence that it suld nocht hurt his prevelege nor court in tyme cumming for the said robert has admittit | the calling of him at this tyme & syne maid the said protestacione

The quhilk day katerin the spous of will somerwell of the newk folloit Jhone of twodell & Jhon dychtmunt In carnwith for the paiment of the malis of the landis of the newk for the tyme & space of v 3eris bypast ilk 3eir vj merkis the saidis Jhone & Jhone grantit thaim beand souerte and plages for the said merkis & askit ane day to call thair varand

¹ *my lord* added here, in the margin.

The quhilk day rob cay folloit vilzgem dychtmunt

The quhilk day robert chanslar folloit in the court Jhone greg & his vyf for the brekin of his fence the quhilk he deniit & thai referit thaim to god & the gud inqueist sworn thairto & the inqueist cannocht quit ¹ the said Jhon nor his vyf bot findis at thai haif brokin robert chanslaris reistment

The quhilk day henry kyrkpatrik folloit in court archebald balze as borecht for criszen the [blank] of James chanslar for the malis & dewetis of thre ox gang of land

The quhilk day thome thomson in libertoune in mersement of my l[ordis] court callit & nocht comperit for falt of entres as for the first court

The quhilk day Jhone glesquho folloit in court Jhone kello callit & nocht comperit & dolait to the nixt court

Jame mowtra still borecht for Jok scot callit & nocht [comperit] bot dolait to the nixt court

The quhilk day Jhone haisty & ville vatsone callit & nocht comperit dolait to the nixt court

The quhilk day Jhon Jhonsone oft tymis callit & nocht comperit in mersement for falt of entres as the first court

The quhilk day Jhon mowtra & Jhon fairle callit & nocht comperit as to the nixt court |

² pestilence that now apperis that browstaris nor nane uther folkis vithin the barrunry of carnwith resaif na trawaloris at cumis fra suspect placis undir the pane of xlty s for the first falt & gyf it happynis ony personis to haif seiknes in thair placis that thai keip thairself quiet & varne nychtburis to keip thaim thairfra quhill the varite be sein undir the pane of the tynsall of his maling & banissyn of him owt of the barrunry

51r

¹ *thaim* deleted here.

² Continued from folio 49 verso, *in fin.* [p. 115].

The quhilk day my lord foloit Jhon of [*blank*] and ville dychtmunt for blud the inqueist quittis thaim for thai fand na violent blud betuix thaim

The quhilk day my lord foloit Jhon fyschar & Jhon of leis for fylin of his grund vith violent blud the blud Is grantit be Jhon of leis delait to the nixt court

The quhilk day Jhon gray & katerin lowry are in ane mersement of my lordis court for falt of comperans to this court Is first court

The quhilk day robert levynston oft tymis callit & nocht comperit Is in ane mersement of this court for falt of entres to this court Is feird court

The quhilk day my lord foloit the inab[*itantis*] of the caldo excepend ville logan & Jhon haiste the inqueist ordanis the men to be in my lordis vill

The quhilk day my lord foloit andro huntar & thome quhit for fylin of his grund vith violent blud & thome quhit absent fra this court Is to the first court

CURIA baronie de carnwith tenta apud eandem xvj^o die mensis Julij anno domini M^o quingentesimo xxx^o per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum |

51v

INQUISICIO

the laird of Jariswod	Jhon grame	In spittall
robert chanslar of quodquen	thom ur of carnwith	
James somerwell in volfroddis	Jhon snaip in leberton	
archebald somerwell	Jhon thomson thair	
the 3owng laird of vesthall	thome thomson thair	
	matho kyrkpatrik	
	george kyrkpatrik	
	Jhon brown in forth	
	thom somerwell	
	Jhon somerwell	

The quhilk day my lord foloit Jhon of lin & Jhon Jhonston for fylin of my lordis grund with violent blud the inqueist fylis thaim baitht

CURIA [capitalis] baronie de carnwith tenta apud eandem xiiij die mensis octobris anno domini M^o quingentesimo xxx^o per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

The quhilk day sir James hammilton oft tymis callit & nocht comperit in ane mersement of this court for falt of his presens for his landis of lebertone to this court Is heid court

The quhilk day henry kyrkpatrik balze of leberton enterit andro lam to be sutor in name & behauf of sir James hammilton to sit in sutor for his landis of leberton the quhilk andro lam vas resaut & admittit be my lord & sworne to the office in Jugement

The quhilk [day] robert chanslar thomas balze & vilzem balze thai & eilkane of thaim in ane mersement of this court for falt of entres of ane sut for the landis of cormoston to this court Is to the heid court |

The quhilk day thomas balze oft tymis callit & nocht comperit Is in ane mersement of this court for falt of his presens for his landis of cormoston to this court Is to the heid court

52r

The quhilk day Jhon somerwell of cambusnethane oft tymis callit & nocht comperit Is in ane mersement of this court for falt of his presens for his landis of quodquen & kerswell to this court Is heid court

The quhilk day the laird of Jariswod oft tymis callit & nocht comperit Is in ane mersement of this court for falt of his presens for his landis of newbigin to this court Is heid [court]

The quhilk day robert levynston oft tymis callit & nocht comperit Is in ane mersement of this court for falt of presens for his landis of newbigin to this court Is heid court

The quhilk day the laird of eirdhousis oft tymis callit & nocht comperit Is in ane mersement of this court for falt of presens for his landis o[f] Eirdhousis to this court Is heid court

The quhilk day vilzem of lowdean oft tymis callit & nocht comperit Is in ane mersement of this court for falt of presens for his landis of henschellwod to this court Is heid court

INQUISICIO

Robert chanslar of quodquen	thom veir in lelaw
Jhon pumfra	James afflek of twede
vilzem Inglis in estscheill	the laird of craig
the laird of stenston	Jhon somerwell in cruk-
patrik dalzell	venis
	petir somerwell in leberton
	thom somerwell in blak[castell]
	dauid somerwell in grenfeild
	Jhon huntar in fawlo
	Jhon brown in forth
	matho kyrkpatrik

52v The quhilk day Jhon fairle & berte howeson oft tymis callit & nocht comperit eilk ane of thaim Is in ane mersement of this court for thair absens to this court Is secund court

The quhilk day thom howeson oft tymis callit & nocht comperit Is in ane mersement of this court for his absens to this court Is secund court

The quhilk day my lord foloit in court maron penny James gyrdvod Jhon gyrdvod dauid gyrdvod for fylin of his grund vith violent blud the said maron penny comperit

& grantit the blud & the saidis James dauid & Jhon thai & eilk ane of thaim Is in ane mersement of this court for thair absens to this court Is secund court

The quhilk day my lord foloit stene somerwell & katerin boyis for fylin of his grund vith violent [blud] the inqueist quittis stene somerwell & findis the said katerin in the bludvit
rolment

The quhilk day my lord foloit in court symon fyschar on the tane part & katerin boyis on the toder part for filin of his grund vith violent blud the quhilk symon fyschar denyit the blud or bludvit & the said katerin grantit the blud delait to the nixt court

The quhilk day my lord foloit in court Jhon thomson & thom thomson on the tane part & Jhon dalzell on the toder part for fylin of his grund vith violent blud & the said Jhon dalzell comperit & fand arthur fyschar browcht to entir the said Jhon to the nixt court & the saidis Jhon thomson & thom thomson oft tymis callit & nocht comperit Is in ane mersement of this court for thair absens to this court Is secund court |

The quhilk day my lord foloit James ¹ brown ¹ vilzem brown & symond snaip for fylin of his grund vith violent blud the said symon snaip comperit & the saidis James brown & vilzem brown ² beand arestit thairto thai & eilk [ane] of thaim oft tymis callit & nocht comperit Is in ane mersement of this cour[t] for thair absens to this court Is secund court

53r

The quhilk day my lord foloit Jhon eldar & Jhon of twodell zounger for fylin of his grund vith violent blud the blud grantit the inqueist findis Jhon twodell in the bludvit & Jhon eldar quit

The quhilk day my lord foloit robert levynston & Janot penny for fylin of his grund vith violent blud & the said Janot comperit & the said robert oft tymis callit & nocht

¹⁻¹ Added above the line.

² & *vilzem* deleted here.

comperit Is in ane mersement of this court for his absens to this court Is second court

The quhilk day Jhon vatson in karlindaill vas callit in court for the brekin of my lordis fens takand away ane certan of treis fra ane hous eftir at thai var fensit the inqueist quittis Jhon vat[son] of the brekin of the fens

rolment

The quhilk day my lord callit in court berte clerkson dauid 3oung & ville Jhonson for the brekin of his fens the quhilkis saidis personis oft tymis callit & nocht comperit thai & eilk ane of thaim in ane mersement of this court for thair absens to this court Is first court

The quhilk day my lord callit in court archebald somerwell for the forsing of his offesar & the said archebald denyit the forsmen
continuat to the nixt court

The quhilk day my lord foloit in court george huntar on the tane part & James haiste for fylin of his grund vith violent blud the quhilk blud vas grantit the inqueist findis James haiste in the bludvit & george huntar quit

rolment |

53v The quhilk day my lord foloit in court thome symson on the tane part & vilzem Symson on the toder part for fylin of his grund vith violent blud the quhilk blud vas grantit the inqueist findis baith the parteis to cum in my lordis vill

The quhilk day my lord foloit in court thom somerwell on the tane part and robert baxstar on the toder part for fylin of his grund vith violent blud the quhilk blud baith the parteis denyit the inqueist findis na blud

The quhilk day my lord foloit in court thom somerwell of awchingray for grenvod the quhilk he grantit & for brekin of my lordis fens the inqueist referis the grenevod to my lordis consciens & ordanis my lord to preif the fens brekin in the nixt court

The quhilk day my lord foloit in court maron Inglis in forth for the sittyn ¹ on his land in forth & manwring of the said land vithout leif of my lord considering thair vas taxit maill delait to the nixt court

The quhilk day besse grenscheillis & Jhon purde Jhon anderson James anderson hir sonnys Jhon andersonis vyf ville grege & his vyf James thomsonis vyf Jok brown vas callit Is thai at vas restit for blud the said Jhon purde enterit & grantit the blud & fand borrowis to the nixt court the said besse grenscheillis oft tymis callit & nocht comperit in ane mersement of this court sic Is scho awcht to tyne apon law Is scho at held up hir hand & hir gud to entir to this court Is to the first court & als the said besse grenscheillis oft tymis callit for to entir Jhon anderson & James anderson hir sonnys Jok andersonnis vyf ville grege & his vyf James thomsonis vyf Is scho at come souerte for thaim & meg bartrem hir sonnys vyf to entir thaim to this court for the violent blud scho beand oft tymis callit to entir the saidis personis [is] in ane mersement of this court sic Is scho awch[t] to tyne apon law for falt of entres to this court Is to the first court |

The quhilk day Jok brown oft tymis callit & nocht comperit Is he that vas arestit for blud Is in ane mersement of this court sic Is he awcht to tyne apon law for falt of entres to this court Is first court

54r

The quhilk day my lord callit in court thomas bailze & thome henschelvod for the brekin of his fens & mawin of his medo the quhilk mawing thome henschelwod grantit & thom bailze oft tymis callit & nocht comperit Is in ane mersement of this court sic Is he awcht to tyne apon law for falt of entres to this court Is first court delait

The quhilk day Jhon pumfra complenit on thom vatson for halding fra him of xxiiij s the inqueist findis that the seriand sal fulfill the rolment of the court

rolment

¹ for the deleted here.

The quhilk day Jhon paterson foloit Jhon of twodell that he come souerte to him for ij merkis delait to the nixt court

The quhilk day my lord in plane court [appointit] thomas cheisle barron seriand gyfand him power to mak dew executione in the said office ay & quhill he be dischargit thairof & tane thairapon in Jugement his bodely aith

The quhilk day thomas ur & Jhon dychtmunt gaif into the inqueist ane bill of complaynt apoun thom vatson sayand that the said thomas sclanderit thaim & said that thai left thair awin daner in edenburgh & passit & dynit vith Jhon somerwell of cambusnethane & come furth of edenburgh vith the said Jhon contra my lord & at he said thai had skaithit the barony of carnwith ij hundreth liſ & he suld preif thaim fals traitouris & common theiffis & suld preif thaim theifis the inqueist findis that this [is] ane mater of sclander & aw to the kyrk law |

54v CURIA baronie de carnwith tenta apud eandem anno domini millisimo quingentesimo xxx^o die vero xij^o mensis nouembris per nobilem dominum hugonem dominum somerwell baronem dicte baronie sectis vocatis curia firmata absentes patent per rotulum

INQUISICIO

the laird of gerruswod eldar	James somerwell in vol-
the laird of hartry	frodis
the laird of quodquen	laird of grenschelis
the laird of vesthall	henry kyrkpatrik
James auchinflek	matho kyrkpatrik
vilgem grame in spittall	petir somerwell in leber-
James somerwell in grenfeild	toune
Jhon dychtmunt	
Jhon twodell	
dauid kello in gledstenis	

The quhilk day my lord foloit in court robert levinston for ¹the¹ brekin of his fence anent the takin away of his hors eftir that he was put undir fence delait to the nixt court

The quhilk day my lord foloit in court robert levinston for brekin of his fence In takin away ane certan voll fra Jhon fairle in newbiggin eftir it vas fencit delait to the nixt court

The quhilk day James levinston laird of gerruswod grantis Jhon fairle his tennand & renuncis James howeson & all utheris anentis his malin

The quhilk day thom thomson in leberton oft tymis callit & nocht comperit Is in ane mersement of this court for falt of entering of berte howeson as he at vas borecht thairfor to this court Is to the thrid court ²

The quhilk day James gyrdvod Jhon gyrdvod dauid gyrdvod male penny oft tymis callit & nocht comperit thai & ilk ane of thaim in ane mersement of my lordis court for falt of entres to this court Is thrid court Is thai at vas arestit thairtill for blud |

The quhilk day katerin boyis oft tymis kallit & nocht comperit Is in ane mersement of this court Is scho at vas arestit for blud to this court Is first court

55r

The quhilk day symon fyschar ³ borrowis held up his hand & his gud to this court Is first court

The quhilk day Jhon thomson thom thomson oft tymis callit & nocht comperit Is In ane mersement of this court for falt of entres Is thai that var restit thairto for blud to this court Is thrid court

The quhilk day ⁴ my lord foloit in court Jhon purdy one the tane part & besse grenscheill Jhon anderson Jane anderson vilzem grege his vyf Jhon brown the inqueist

¹⁻¹ Added above the line.

² *for blud* deleted here.

³ *symon of* repeated here and deleted.

⁴ *Jhon purdy* deleted here.

findis Jhon purdy & James anderson baith in the blud & bludvit & quittis all the laif owder of blud or bludvit rolment

The quhilk day my lord callit in court vilzem grege for brekin of his fence pulland hedder in the gledstane muir & steland it eftir it vas fencit delait to the nixt court

The quhilk day Jhon fairle in newbigin optenit in court ¹ apone James howeson thair xvij schein vith the profettis thairof voll lam & melknes sen the deces of the said James modir togiddir vith the hors at vas in pley betuix the said Jhon & James ordanit to be payit be the said James to the said Jhon vithin xv dayis but langar delay

The quhilk day vilzem somerwell in newk oft tymis callit & ² for till follow thomas howeson for pykre Is he at fand borrowis to do the quhilk he refusit & come in my lordis vill for the unlaw sic Is he aucht to tyne apon law for brocht findin for the following of the said pykre |

55v The quhilk day James brown & vilzem brown oft tymis callit & nocht comperit Is thai at vas restit for blud thai & ilk ane of [thaim] in ane mersement sic Is thai aucht to tyne apon law to this court Is to the thrid court

The quhilk day my lord foloit robert levinston on the tane part & Janot penman on the toder part & the said Janot comperit & grantit the blud & donyit the bludvit delait to the nixt court

The quhilk day my lord callit in court berte clerkson dauid zoung & vill Jhonston for brekin of his fence the said personis Is absent fra this court Is to the secound court

The quhilk day my lord callit in court thome bailze for the brekin of his fence and he Is absent fra this court Is secound court

¹ *optenit* deleted here.

² *nocht co[mperit]* deleted here.

The quhilk day my lord callit in court James brown & Jhon thomson one the tane part & Jhon gyrdwod on the toder part for blud Is thai that var restit thairto the said Jhon gyrdwod enterit & grantit the blud denyit the vit & fand borris at entir the nixt court the said James brown & Jhon thomson ofttymis callit & nocht comperit Is thai that var lawfully restit for the said blud & varnit to entir to this court Is to the ferd court & court peremp-tour set to thaim thairfor the saidis James & Jhon eilk ane of thaim in ane mersement of this court sic Is thai aucht to tyne apon [law] for falt of thair comperans of the quhilk my lord gart gyf dome & gaif cummand to the offesar to varne thaim agane to the v court to heir the dome gevin

The quhilk day my lord vas contentit to gyf sir vilzem somerwell lecons to speik for James brown Jhon thomson vilzem Inglis in newmanis sa beand at he vald produce ane sufficient procu[ra]tour or zit find sufficient cawcione to entir his procu[ra]tour for thaim becaus he desyrit to speik for thaim he haiffand na power becaus he vald nocht find caucione nor produce ane procu[ra]tour my lord commandit to him sylence |

The quhilk day vas callit in my lordis court vilzem Inglis in newmanis Is he that vas lawfully restit for brekin of my lordis fence maid on the gledstanis common that [sic] the Instans of the tennandis of the vester gledstanis the quhilk fence makin vas sufficiently preifit in Jugement befor the inqueist be thomas cheisle offesar & be Jhon snaip dauid kello James snaip & symon snaip his vitnes vith utheris diuers that the said fence vas maid on the said common of the gledstanis that na man occupiit nor lawborit it vithout lecons & undir the pane of the fence brekin & als vas preifit in Jugement & befor the said inqueist that the said vilzem attour the said fence had cassin turr[b]is & led thaim away at his awne hand vithout ony lecons or lowsing of the said fence the saidis vilzem Inglis beand oft tymis callit & nocht comperit

Is he that vas summond of new to entir to this court Is to the feird court & court peremptour set to him thairfor the saidis vilzem Is in ane mersement of this court for falt of comperans sic Is he auch[t] to tyne apon law to this court Is to the feird court & court peremptour set to him the quhilk mersement my lord gart gyf dome

The quhilk day my lord put to the knowlege of the inqueist quethir ¹ the said vilzem Inglis had brokin the fence or nocht the said inqueist passit furth of court and awisit thairwith the quhilk inqueist thocht it necessar & expedient to my lord to set ane new court & to mak ane bailze & to summond him of new to entir to heir the dome gyffin thairapon the quhilk my lord did & maid vilzem bailze of cormoston his bailze of the landis & barony of carnwith to sit & hald court in his absens ay & quhill he var dischargit & tuk his aith thairapon in Juge-ment & thaireftir gaif ane cummand be ane new precep the said thomas cheisle offesar to pas & summond the said vilzem Inglis of new to compeir befor my lordis bailzeis in court of carnwith the xxij day of nouember nixt to cum to heir & se dome giffing of the said fence brekin to that court Is to the v court for the dome giffin |

56v

The quhilk day thomas cheisle offesar previt in court that he arrestit the common of gledstanis chargin nane to cast elding twrf nor peit but lauffull leif askit & gevin & optenit
Delait

The quhilk day my lord foloit in court mychell cok & robert snaip for blud the inqueist ordanis ma vitnes to be restit delait to the nixt court

The quhilk day my lord foloit in court archebald somerwell for brekin of his fence & for forsment of my lordis offesar the inqueist findis na fence brekin nor forsment & quittis the said archebald thairof the rolment

¹ *it vas be* deleted here.

CURIA baronie de carnwyth tenta apud villam de carnwyth die xxviii mensis Julij anno domini M^o quingentesimo xxxj^o per nobilem et potentem dominum hugonem dominum somervil sectis vocatis curia firmata absentes patent

The quhilk day Jhone Justis in quodquene callit in curt & comperitt nocht to this curt as the thrid curt for the brekin of my lordis fence and unlawit & dome giffin thairopone

The quhilk day Jhone kello James atzesone in quodquene James atzesone in cormanstone callit for blud contra Jhone wilson in quodquene & comperit nocht to this curt as the thrid curt ¹ & unlawit & dome giffin thairupone

The quhilk day dauid robisone James kello callit for intromittying with Jhone kellois gudis quhen thai war undir fence and absentit thaim fra this curt as the thrid curt & in amerciament of this curt & dome giffin thairupone |

CURIA baronie de carnwyth tenta apud villam de carnwyth x^o die mensis octobris anno domini M^o quingentesimo xxxj^o per honora[bi]lem virum willelmum bailze de turre de cormanstone ballium nobilis et potentis domini hugonis domini somervil sectis vocatis curia firmata absentes patent per rotulum

57r

INQUISICIO

James somervil in wolfroddis	andro huntar
Jhone pumfra	Jhone grahame in spittall
robert levinstone	thomas wr
william somervil in newbiggin	Jhone dychtment
petir somervil in libertone	thomas bailze in cormanstone
	Jhone browne in forth
	thome Justis in newbiggin
	berte clerksone [in] kerswel
	James alansone
	adam westone [in] kerswel

¹ as the thrid curt repeated here, and for deleted.

The quhilk day robert howestone at the inqueist for the cuttin & trussing away of my lordis grenwod & brekin of my lordis fence the quhilk the said robert deniit the brekin of my lordis fence The inqueist quittis the said robert of the said fence brekin

The quhilk day James atzesone Jhone kello in quodquene & James etzesone in cormanstone callit for ¹violent ¹blud & comperit nocht bot absentit thaim fra this curt as the ferd curt and my lord put It til the inqueist quethir thai war fund in the blud & bludwit or nocht the inqueist awisit with certane witnes fyndis that Jhone kello James atzesone tailzour & Jhone wilson in the blud & bludwit

The quhilk day at the inqueist Jhone coupland contra Jhone lame for blud The inqueist fyndis Jhone coupland in the bludwit & quitis Jhone lame

The quhilk day Jhone Justis in quodquene lauchfully callit in curtt for the brekin of my lordis fence to this curt as the ferd curt & curt peremptour set to the said Jhone

The quhilk day william Inglis in newmanys callit in curt for the brekin of my lordis fence takin away of the hay growand on the mil landis of quodquene eftir that the said landis was put undir ² my lordis fence fra this quhilk curt the said william absentit hyme as for the first curt & in americiament of the curt for falt of comperance & dome giffyne thairupone |

57v

The quhilk [day] comperit in Jugement william eldar offisar & gaif in his precep of summondis maid & execut apone Jhone Justis in quodquene berand at the said Jhone was lauchfully summond to that curt to ansuer at the Instance of the said hew lord somervil for the wrangoiss brekin of the said lordis fence & arest put apone the cornis at grew one the mil land of quodquene in the takin away of the said cornis & thairfor to heir hyme decernit to haf forfalt & tint his ³takkis & gudis at [he] had under the said lord within the barony of carnwyth and his per-

¹⁻¹ Added above the line. ² fence deleted here. ³ tathis deleted here.

sone to be in presone for a 3ere as at lenth was contenit in the said precep with the quhilk precep the said hew lord somervil askit the said bailze to gar call the said Jhone Justice quhilk being thriss callit & nocht comperit the said lord askit the bailze to proceid & to resaif his witness to preif the arest making & the breking of the same quhilk witness were callit & sworne & examit & the said bailze at requisicione of the said lord beand awisit with the deposiciones of the witnes & assessouris in the curt for the tyme decretit & deliuerit that becauss the said Jhone Justice beand lauchfully summond & nocht comperand for his defence & becauss the witnes beand examit previt sufficiently at the said cornis wes arestit be the lordis precep & the cornis were tane away be the said Jhone Justice & sa the said arest brokin as was lauchfully preuit that thairfor the said Jhone Justice had forfait & tynt to the said lord the tak & stedding at he had ¹within the barony of carnwyth¹ & all utheris mwfabill gudis beand within the barony of carnwyth apone the said lordis landis and at his persone suld be at the lordis wil in presone for ane 3ere & dome was gevin thairupone In dew forme as efferit

CURIA baronie de carnwyth tenta apud villam de carnwyth vii^o die mensis nouembris anno domini millesimo quingentesimo xxxi^o per willelmum bailze de turre de cormanstone ballium nobilis et potentis domini hugonis domini somervil sectis vocatis curia firmata absentes patent per rotulum

INQUISICIO

robert chanslar lard of quod- quene	william somervil in newbiggin Jhone browne in forth
James somervil in walfrodis	thome huntar
archbald somervil	dauid kello
william grahame	thome ormistone
Jhone grahame	laurence wauch Jhone thomsone thome thomsone

¹⁻¹ Added above the line ; *of hym* deleted in the text.

58r

The quhilk day arthur Ingliss callit in curt & nocht comperit bot absent hyme & in amerciament of this curt for falt of comperance & dome giffin thairapone as for the thrid court

The quhilk day william Ingliss in newmaniss callit thriss in the curt and nocht comperit as to the secund curt and in amerciament of this curt & dome giffyne thairupone

The quhilk [day] at the inqueist ¹ dauid watson contra william huntar in grenaltone for the riding of ane meir of his & slaing of hyr the quhilk the said william denyit the inqueist herand thair rychtis resones & allegaciones rply awisit with certane witness sworne & examit thairto fand the said dauid in the wrang & quit the said william huntar

The quhilk day at the inqueist James atzesone in cor-manstone followit for violent blud the inquest contenus this mater to the nixt curt

The quhilk day at the inqueist thomas somervil contra thomas morpat for ane Jak the inquest contenus It to the nixt curt & ordanis to arest sufficient witnes to the nixt curt

The quhilk day at the inqueist Jhone scot in cowantone contra Jhon scot in grange for xj ² firlottis of meil of oxin hiris the quhilk xi firlottis the said Jhone scot in cowantone was browcht that Jhone scot in grange suld maik gud pament to rob smyth in bigar of vij firlottis of meil & the boll for ane ox of [blank] and the [said] Jhone scot in grangis allegit that Jhone scot in cowantone tuk the oxin fra him befor the makin of the beir land The inqueist herand thair allegeance rychtis and resones passit furth of curt & rply avisit certane witness sworne & examit thairto come in curt agane & ordanit Jhone scot in grange to pay vj firlottis of the said meil and Jhone in cowantone to pay v firlottis to the men that aucht the oxin |

¹ *william eldar in grenaltone* deleted here.

² *vij* altered to *xj*.

CURIA baronie de carnwyth tenta apud villam de carnwyth xxij^o die mensis nouembris anno domini millesimo quingentesimo xxxj^o per willelmum bailze de cormanstone balliuum nobilis et potentis domini hugonis domini somervil sectis vocatis curia firmata absentes patent per rotulum

58v

INQUISICIO

lucas grensheil	william somervil in new-
patrik dalzell	biggin
Jhone thomsone in libertone	william Ingliss in estscheil
symone fyschar thair	James crab in libertone
georg somervil in gledstanis	thome ormistone
thomas Justice in newbiggin	Jhone scot in cowantone
mil	william grame in spittall
thome stensone	Archbald somervil
petir somervil	petir howesone
thome girdwod	James howesone
Jhone grame in spittall	Jhone browne in forth
Adam westone in kerswell	
Jhone girdwod	
dauid somervil in grenfeld	

The quhilk day at the inquest Arthur Ingliss contra steyne of leiss for blud the quhilk blud was grantit be baith the parteis & deniit the wit & referit thaim to the inquest And the inquest herand thair allegaciones rychtis & resones & thairwith riply awisit with certane vitnes productit & sworne & examit thairto fand the said stene in the bludwit & quit the said Arthur

The quhilk day the officiar callit robert levinstone to entir lowrence lyndissay as he that was browcht for the said lowrens and comperit nocht quhairfor [*incomplete*]

The quhilk day at the inquest James atzesone in cormanstoune delayit to the nixt curt

The quhilk day my lord followit James browne and Willzeme browne in melryg his bruther for the violent

blud drawing one symond snyp and als followit the said symond snyp for the violent blud drawing one the said Willzeme browne & James browne the said symond snyp ¹ grantit the blud drawing one himself and denyit the wit or ony blud drawing one thaim thaireftir the queist past forth of curt & excemyt certane wetnes & come in curt agane beand ryply awys deliuerit all in ane wos & fand Willzeme browne in the bludwit & quittis the tothir twa |

59r

The quhilk day comperit in Jugement william eldar officiar of the barony of carnwyth and gaif In ane precep of summondis maid & execut apone Williame Ingliss of newmanys berand at the said Williame wes lauchfully summond to this curt to ansuere at the Instance of the said hew lord somervil for the wrangwiss brekin of the said lordis arest put apone the medow & hay that grew apone the mil land of quodquene ²&² in the takyng away of the said hay and thairfor to heir him decernit to haf forfalt & tynt his takkis stedyngis ²dettis² and gudis at he had ³within the barony of carnwyth³ & his persone to be in presone for anne zere as at lenth was contenit in the said precep with the quhilk precep the said hew lord somervil askit the said bailze to gar call the said williame Ingliss quhilk being thriss callit & nocht comperit the said lord askit the bailze [to] proceid & resave his witness to preif the arest making & the brekin of the same quhilk witnes were callit & sworne & examit & the said bailze at requisicioune of the said lord beand avisit with the deposiciones of the vitnes & assessouris in the curt for the tyme decretit & deliuerit that becauss the said Williame Ingliss beand summond & nocht comperand for his defence & becauss the witness beand examit prewit sufficiently at the said hay wes arrestit be the said lordis precep & the hay tane away be the said Williame Ingliss and sa the arest brokin as was lauchfully previt that thairfor the said Williame Ingliss had forfaltit & tynt to

¹ *denyit* deleted here.²⁻² Added above the line.²⁻³ Added above the line ; *under the said lord* deleted in the text.

the said lord the tak & stedding ¹dettis¹ at he had ² & all his movabile gudis beand ³ within the barony of carnwyth And at his persone suld be at the lordis wil in presone for ane zere And dome was gevin thairupone In dew fourme as efferit

The quhilk day Jhone huntar complenit in Jugement apone James watson in newbiggin that he held fra hyme ane zong kow & had hyr away at his awin hand eftir that scho was undir arestment the quhilk the said James deniit delayit to the nixt curt

The quhilk day Arthur fyschar complenit in Jugement apone William somervil in newbiggin that he held fra him ij bollis of atis the price xx s the quhilk the said william deniit the Inquest delayis this mater to the nix[t] curt & ordanis to summond witnes thairto |

CURIA baronie de carnwyth tenta apud villam de carnwyth ix^o die mensis decembris anno domini millesimo quingentesimo xxxj^o per willelmum bailze de cormanstone ballium pro tempore nobilis et potentis domini hugonis domini somervil sectis vocatis curia firmata absentes patent per rotulum

59v

INQUISICIO

robert chanslar lard of quod- quene	Archbald somervil matho kirkpatrik
Alexander lokart of cleghorne	Jhone grame
James levinstoune of geroswod	william grame
william bailze of litalgill	thom Justis
Jhone pumfra	Jhone scot in cowantone
Jhone atzin in dunsyre	petir somervil in libertone
Jhone Adam	william somervil in new- biggin
Jhone sibbald	Jhon ledall } in dunsyre
william adam	robert ledal }
Jhone girdwod in kerswell	

¹⁻¹ Added above the line.² of him deleted here.³ apone the said lordis land deleted here.

The quhilk day Jhone huntar in erdhouse complit in Jugement ¹ one James watstone in newbiggin that he held fra hyme ane zong kow & draif hyr furth of the erdhous to newbiggin eftir that scho was put undir fence the inquest delayis this mater to the nixt curt & ordanis to arest previs to preiff that scho was the said Jhoneis kow |

60r CURIA ²capitalis² baronie de carnwyth tenta apud villam de carnwyth vj^o die mensis februarij anno domini millesimo quingentesimo xxxj^o per honorabilem virum willelmum bailze de lutilgill ballium nobilis et potentis domini hugonis domini somervil sectis vocatis curia firmata absentes patent

The quhilk day comperit befor my lord & his bailze cuthbert georg messinger & present our souerane lordis lettres requirand my lord for til lowss al restmentis maid apone the tennendis gudis dwelland one the landis of quodquene & kerswell thai fyndand hyme sufficient caucione for thar gudis to be furthcumand til hyme as law will

The quhilk day comperit James kello ³in³ quodquene & come souerte & caucione to my lord for Jhone Justice gudis of quodquene that thai suld be furthcumand to my lord to do to him ony thing that thai ²aucht² to do of law & Justis.

The quhilk day comperit siclik dauid robesone & thome curre in the uvertoune of quodquene & come souerte & caucione to my lord for Jhone kellois gudis in quodquene that thai suld be furthcumand to my lord to do to him ony thing that thai aw to do of law & Justis And siclik Jhone dunlop for dauid robisonis gudis And costyne thomsone siclik for James skwneis gudis And Jhone Justice for thome of curreis gudis And for william thomsone Jhone kello And for James atzesone Jhone of dunlop And for

¹ of deleted here.

²⁻² Added above the line.

³⁻³ of deleted ; in added above the line.

Jhone of lythgw dauid robisone And for costin thomsone
 Jhone kello And for Jhone glasgw costin thomsone And
 for mungo quhiit Jhone Justice And for James Justice
 gudis Jhone Justis And Jhone kello for his sone Jhone
 kello And for william kello James kello his fader

The quhilk day at the inquest James atzesone in cor-
 manstoune contra Jhone wilsonne for violent blud the
 quhilk blud was grantit & denyit the wit & referit hyme
 to the inquest And thaireftir the inquest abone expremit
 herand the said James atzesone allegaciones rychtis &
 resones passit furth of curt & with certane witnes callit
 sworne & examit thairto riply avisit hafand god befor etc
 come in curt agane & deliuerit al in A woce & quit the
 said James of blud or bludwit And fand the said Jhone
 in the wit |

The quhilk day marzone denome contra marzone purdy
 alexander brisoneis wif for blud the quhilk blud was grantit
 & deniit the wit The inquest herand thair allegaciones
 rychtis & resounes passit furth of curt and with certane
 witnes lauchful productit ex[a]mit [[?]sworne] & examit come
 in curt agane & deliuerit all in a woce & quyt the said
 marzone purdy spouss to the said alexander brisone And
 fand the said marzone denome in the blud & bludwit

60v

The quhilk day at the inquest thome symsonne & his wif
 in auchingray contra Jhone of wod for ¹violent¹ blud The
 inquest herand thair allegaciones ²rychtis² & resones with
 certane witnes lauchfully callit & ³productit & examit &
 thairwith riply avisit come In curt agane & deliuerit al in
 a woce & fand the said ⁴thome symsonne & Jhone of
 wod baith in the blud & bludwit

The quhilk day ⁵william eldar barone offisar callit in
 curt befor the bailze thir persones undirwrittin for the

¹⁻¹ Added above the line.

²⁻² Repeated in the text.

³ *examit* deleted here.

⁴ *marzone denome in the blud & bludwit And quit the said marzone purdy the spouss of the said marzone brisone* deleted here.

⁵ *the* deleted here.

forsing of my lordis offisar & accusit thaim thairof that is to say dauid robisone in quodquene & the laif of the tennentis of the uvertoune of quodquene Jhone dunlop Jhone Justice costin thomsone william skwne Jhone gray william thomsone James curre Jhone lychtgw Jhone kello James atzesone Jhone of glasgw mungo quhiit James Justice Jhone kello zongar And william kello sone to James kello |

61r The quhilk day comperit in Jugement william eldar offisar & gaif in ane precep of summondis maid & execut apone Jhone kello in the uver towne of quodquene dauid robisone thar James skwne thair thome of curre thair william thomsone thair James atzesone thair Jhone of lychtgw thair costin thomsone thair Jhone of glasgw thair mungo quhiit thair James Justice thair william kello sone to James kello thair berand at the saidis Jhone & dauid & all the laif of thir persones abonewrittin was lauchfully summond to that curt to ansuer at the Instance of ¹ hew lord somervil for the wrangwiss & masterful deforsing of his offisar in the executione of his office quhar that he was poyndand for his unlawis & his escheittis of his barrone curt of carnwyth quhilk was maid til him at his curt of befor & dwme gevin thairupone the poynd the offisar had tane & apprehendit within the towne of cormanstoune lyand within the barrony of carnwyth the quhilk poynd the said offissar was bringand away til a deliuerit to the said hew lord somervil eftir the forme & tenour of the precep direct til him thairupone And thaireftir the said Jhone kello dauid robisone & the laif of the persones abone writtin & thair complices followit & come apone the said offisar with bow & speir eftir that he was cumin within the landis & toune of libertoune & masterfully zed befor him quhar he was drifand the said poynd & violently & masterfully reft hyme the sammyng & strak diuerss of his witnes & proferit hyme self strakis violently of the quhilk reif & deforsment he brak his wand & tuk witnes thair-

¹ *the sa[id]* deleted here.

upone as the indorsing of his precep beris in effect thair-
 upone And thairfor to heir the saidis Jhone kello dauid
 robisone & the laif of thair complices abone writtin
 decernit to haf forfalt & tynt al thair mwfabil gudis takis
 & stedingis that thai had within the barony of carnwyth
 & thar persones to be in presoune for ane zere as at lenth
 is contenit in the said precep the quhilk precep the said
 hew lord somervil askit the bailze to gar call the saidis
 Jhone kello dauid robisone & the laif of thair complices
 abone writtin The quhilk beand thris callit & nocht
 comperit the said lord askit the bailze to proceid and to
 rasaif his witnes to preif the takin of the said poynd &
 the mekin of the efforsment of the said offisar the quhilk
 witnes was callit sworne & examit & the said bailze at the
 requisicione of the said lord beand awisit with the depo-
 sitiones of the witnes & assessoures of the curt for the tyme
 decretit & deliuerit that becauss the saidis Jhone kello
 dauid robisone & the laif of thair complices abone writtin
 beand lauchfully summond & nocht comperit for thair
 defence & becauss the witnes beand examit previt suffi-
 ciently at the said poynd was tane be the said offisar at
 the command of the said lordis precep and at the saidis
 persones abone writtyne come apone hyme & reft hyme
 & deforsit hyme in the executione of his office in maner
 forsaid And sa the forsement was lauchfully prewit that
 thairfor the saidis Jhone kello in the uvertoune of quod-
 quene dauid robisone thair James skwne thair thome of
 curre thair william thomsone thair James atzesone thair
 Jhone lychtgw thair costin thomsone thair Jhone of glasgw
 thair mungo quhiit thair James Justice thair william
 kello sone to James kello thair | that the saidis persones
 thai & Ilkane of thaim had forfalt & tynt to the said lord
 the takis & stedingis & al the mwfabil gudis that thai
 had within the barony of carnwyth apone the said lordis
 landis & thar persones to be in presowne for ane zere at
 the said lordis wil & dwme was gievn thairupone in dew
 fourme as efferit

61v

The quhilk day my lord creat & maid Jhone patersone

officiar & serwand to the landis of braxfeld & tuk hyme sworne to be leill & trew in the said offise to wse ony thing that perteny^s ¹to¹ the said office & gaif hyme ful powere to wse the ¹said¹ office anent the saidis landis

The quhilk day thomas schesle followit Jhone of tuodell for the wrangvis lauburing and withhaldin fra him of ane reg of land pertenant to his malling be the space of iiij zeiris bygane quhilk reg of land was reistit be Willzeme eldar my lordis officar at the command of my lord be his pressep the said Jhone of twodell denyit that he lauburit ony land bot that pertenit to his awne malling and als my lord followit him that samyn day for the brekin of his reistment for the lauburing of the said land & the reistment wnlousit the said Jhonne of tuodell denyit that he did ony wrang the quhilk my lord disyrit the baillze to put to the knowlage of ane Inqueist the inqueist pasit fortht of court and callit the nychtburis & diuerse wetnes quhilk preifit suficientlie befoir thame that the said reg of land pertenit to the said thomas schesle and his malling and als tha cawit the said williamme eldar officar to preif that he had reistit the said reg of land the quhilk he did be himself and twa sufficient wetnes and als produsit thaim my lordis pressep undir his hand writ geifand him command thairto be the quhilk preiffis and wetnes tha beand ryply auicit come in court agane and deliuer all in ane wose & fand that Jhonne of tuodell had done wrang in the lauburing of the said reg of land becaus that it was fund that it pertenit to the said thomas schesle and als deliuerit in ane wose that the [said] Jhonne of twodell had brokin my lordis reistment quhar throucht that he had tynt & forfalt all his mwfabill gudis takis & stedingis that he had undir the said lord and tha suld pertene to him be ressoun of esscheit and his persone to be ponest for ane zeir at the said lordis will acordand to the law of this rewme of the quhilk deliuerance the said bailze gart geif dome in dew forme as aferit |

¹⁻¹ Added above the line.

CURIA baronie de carnwyth tenta apud villam de carnwyth xvj^o die mensis aprilis anno domini millesimo quingentesimo xxxij per nobilem et potentem dominum hugonem dominum somervil sectis vocatis curia firmata absentes

62r

INQUISICIO

robert chanslar lard of quod-	matho ki[r]kpatrick
quen	James somervil in grenfeld
william bailze of the towre	archebald somervil
lard of westhall	James somervil in wolfrodis
Jhone pumfra	henry kirkpatrick
william Inglis in estsheil	
	petir somervil in libertoune
	thome thomsone
	Jhone browne
	william Inglis in henscheil
	Jhone somervil in crukvin

The quhilk day robert chanslar william bailze & thomas bailze lardis of cormanstoune enterit Jhone watsonne sutwre for thair landis of cormanstone and my [lord] admitit hyme & tuk hyme sworne to the office

The quhilk day william eldar offisar callit in curt James browne in neubiggin for blud & the said [James] comperit nocht & for his absence in amerciament of this curt & dome giffin thairupone

The quhilk day william eldar offisar callit in curt robert of levinstoune & Jhone of westoune to ansuere to Jhone fairle alias paucas And the saidis robert & Jhone comperit nocht & is in amerciament of this curt sic as thai aw to tyne apone law & doume gevin thairupone |

CURIA baronie de carnwyth tenta apud villam de carnwyth xx^o die mensis Julij anno domini millesimo quingentesimo xxxij^o per nobilem et potentem dominum hugonem dominum somervil sectis vocatis curia firmata

62v

INQUISICIO

lard of dalzell	Jhone grahme in spittal
lard of grenscheis	william grahme thair
laird of geroswod	dauid grenschelis
henry kirkpatrik	robert dalzell
matho kirkpatrik	Jhone twadal
hew cok in grange	
robert hammiltoune	
dauid somervil in grenfeld	

The quhilk day william eldar offisar callit in curt Archbald somervil contra petir somervil thome thomsone symone fyschar And my lord accusit thaim for the fylyng of his ground with violent blud the quhilk blud was grantit And baith the parteis deniit the wyt And referit thaim to the Inquest abonewrittin The inquest herand thair allegiance rychtis & resones passit furth of curt & certane witnes ribly avisit hafand God befor etc come in curt agane & deliuerit all in A woce & fand Archbald somervil in the bludwit And quit the saidis thome thomsone petir somervil & symone fyschar of the wit

The quhilk day william eldar offisar callit in curt thome Justice & my lord accusit hyme for the brekin of his arestment The inquest quitis thome of my lordis arestment becaus thome Justis schew ane generall quytclame of al thingis bigane

The quhilk day william eldar offisar callit in curt thome thomsone petir somervil mychell Juge Jhone purdy moris fyschar dauid williamsone James thomsone robert cowane william mosman James clerk Andro lame symone fyschar James crab And my lord accusit thaim for the brekin of his arestment takin away of certain turris eftir that thai war put undir arestment etc delayit to the nixt curt |

gentesimo xxxij^o per willelmum chanslar ballium nobilis
et potentis domini hugonis domini somervil sectis vocatis
curia firmata absentes patent

Sir James of hamiltoune for his landis of libertone

Jhone somervil for his landis of quodquene & kerswel

The lardis of cormanstoune

lard of geroswod for his landis of newbiggin

lard of erdhous for the landis of erdhous & hunscheilwod

william of lowdeane for the thrid of hunscheilwod

INQUISICIO

James somervil in wolfrodis	matho kirkpatrik
william bailze of the towr	Jhone grame
Jhone somervil in crukvindis	william grayme
dauid somervil in grenfeld	william somervil in gled-
James somervil thair	stanis
	peter somervil in stud
	george somervil
	andro huntar
	Jhone browne in forth
	Jhone huntar
	thome thomsone
	robert cowane
	thome ormistoune
	dauid kello

The quhilk day william eldar callit in curt william
somervil of the nuk contra adame & my lord accusit thaim
for the flyne of his ground with violent blud the quhilk
blud the said william deniit & raferit hyme to the inquest
The inquest herand thair allegeance passit fwrth of cur[t]
And riply avisit come in curt agane hafand god befor etc
deliuerit al in A woce & quyt the said willaim somervil of
blud Adam in the wrang

The quhilk day william eldar offisar callit in curt william Inglis in libertoune contra katerine gray for blud And the said offisar prewit the arestyne of [the] saidis william & katerine to this curt and the said bailze accusit thaim for violent blud the blud was sufficiently prewit And the said lord askit the bailze to proceid & minster Justis & sa raferit to the inquest abone writtin The inquest herand the rychtis & resones passit furth of curt And with certane witnes sworne thairto & examit come in curt agane & fand the said william Ingliss in the bludvit & quit the said katerine of the bludvit |

63v

The quhilk day william eldar callit in curt Jhone somervil of cambusnethane for the brekin of my lordis arestment and Jhone somervil his seruand thome somervil his seruand Jhone somervil callit pretty william somervil callit franchvill Jhone kello in the uvertoune of quodquene James kello James atzesone thair Jhone dunlop Jhone Justice thair dauid robisone costin thomsone thair Jhone glasgw thair for the brekin of my lordis arestment maid upone certane malt pertenand to James atzesone of the uvertoune of quodquene the quhilk malt was arestit in robert cowanis berne in libertoune The arestment the forsaid william eldar offisar sufficiently appreweit And the said lord askit the bailze to proceid in the maner of Justice & resaif his witnes to preif the brekin of the arestment And the said bailze at the request of the said lord beand avisit with the deposiciones of witnes & assessoures of the curt for the tyme decretit & deliuerit becaus the [said] Jhone somervil & the laif his complices abone writtin beand lauchfully summond & nocht comperit for thair defence & becaus the vitnes beand examit prewit sufficiently at the said malt was arestit be the said lordis precep & at the malt was tane away be the saidis Jhone somervil & his complices abone exprimit had brokyne the said arestment

The quhilk day william eldar offisar callit in curt wilzeme Inglis in libertone for the brekin of my lordis arestment maid upone certane cornis of the sayd wilzemis ground

apone the land of the uvertoune of quodquene the quhilk arestment ¹makin¹ was sufficiently previt the inquest herand [thair allegeance] passit furth of curt & causit certane vitnes to ²be callit² sworne & examit to preif the way takin of the samin corne takin away be the said william Inglis the saidis cornis nocht beand lauchfully lowsit The said Inquest deliuerit al in a woce & fand at the said william had brokin the said arestment

thome chesle

The [quhilk] day my lord creat & maid thome chesly barrone offisar and gart hyme swere to be leill & trew in the said offace and gaf hyme his full powere thairto |

(Inserted leaf)

Be It kend till all men be thir present lettres me Jhone tuodell granttis me till haif rasaut fra hew lord somerwell ix 3owis ane hog ane gray meir twa ky and ãne stot quhilk was ordanit to me be decreit of the lordis of our souerane consael of the quhilkis gudis I the said Jhone tuodell haldis me weill content assythit and fullely payit and quitcemes and dysschargis the said hew lord somerwell his airis exceketouris and assingnayis thairof for me my exceketouris and assingnayis for now and euir be thir presentis in ³wetnes heiroy I haif subcryvit this my quitclame with my hand one the pen lad at carnwyth the ix day of septembar the 3eir of god ane thowsand v hundir xxxv 3eiris befor thir wetnes robart clarksone in straf Frank robart loke thair Jhone ponfra of henschelwod rolland cok siris edmund darouch and wilzeme clerksone schaplane with uthir diuers

Jhone of twodell with my hand one the pen etc |

The quhilk day sir hew craufurd chaplaine complenit one Jhone twadall that he had schorne a but of corne of his & had It away And the said Jhone allegit at the but was his awne The inquest fyndis that sir hew sal haf breid

64r

¹⁻¹ Added above the line.

²⁻² Repeated in the text.

³ *heir of* deleted here.

& ourlay efferand til his land And gif sa be that he fal
the forsaid but he sal haf the corne that grew one It

The quhilk day the offisar callit in curt Jhone rowe in
newbiggin contra steyne somervil for blud And the bailze
accusit thaim for the fying of my lordis ground with
violent blud The inquest delayit this mater to the nixt
curt wil witnes war arrestit

CURIA baronie de carnwyth tenta apud villam de carn-
wyth ¹ xxix^o die mensis octobris anno domini m^o quin-
gentesimo xxxij^o per honorabilem virum willelmum Inglis
dominum de estscheil ballium nobilis et potentis domini
hugonis domini somervil sectis vocatis curia firmata
absentes patent

INQUISICIO

Archbald somervil	Jhone ghrame
Jhone somervil in crukvindis	william grame
dauid somervil in grenfeld	robert lewinstoune
Jhone dychtment	lowre weyr
matho kirkpatrik	Jhone huntar
	thome craufurd
	dauid kello
	Jhone browne

The quhilk day the offisar callit in curt James thomsone
²in ²libertone contra Jhone dychtment and the bailze
accusit thaim for the fying of my lordis ground with
violent blud the quhilk blud was grantit And the said
James come in my lordis wil And the inquest fand baith
the saidis James & Jhone in the bludwit |

64v The quhilk day robert of levinstone grantit that he
gart the offisar arest j boll of atis that Jhone fairle zonger
had in possessione & lowsit the samin at my lord[is will?]
And allegit at the said Jhone fairle had ane ox of his
wragwisly delayit to the nixt curt

¹ *per honorabilem virum* deleted here.

²⁻² Added above the line.

CURIA baronie de carnwyth tenta apud villam de carnwyth xj^o die mensis februarij anno domini millesimo quingentesimo xxx^o per honorabilem virum willelmum Inglis ¹ ballium nobilis et potentis domini hugonis domini somervil domini baronie de carnwyth sectis vocatis curia firmata

INQUISICIO

Jhone lyndissay lard of cowantone	dauid somervil in grenfeld
James of levinstone of Jeroswod zonger	Jhone grame in spittall
robert Grame lard of westhall	william grame thair
henry kyrkpatrik	James cok in grange
Jhone somervil in crukwindis	thome wr in carnwyth
	Matho kyrkpatrik
	James somervil in grenfeld
	george kirkpatrik
	william grahme in spittall
	Jhone browne in forth

The quhilk day comperit in ² Jugement william eldar offisar of the barony of carnwyth & gaf in ane precep of summondis maid & execut upone william browne in milrig & symon snaip in gledstanes to ansuer at the Instance of hew lord somervil that is to say the said william browne for the drawin of violent blud upone ³the said ³symon snaip and the said symone for the wiit of the causing of the said blud hyme self & thairfor to heir thaim or ony ane of thaim to be condampnit in ane amerciament of this curt sic as thai aucht to tyne upone law for violent [blud] sic as is at mair lentht contenit in the said precep with the quhilk precep the said hew lord somervil askit the bailze to gar call the said william browne thris callit & nocht comperit And the said symone comperit And the | lord askit the bailze to proceid & resais his witnes & put the said mater to the knowlege of the inquest abone

65r

¹ *nobilis* deleted here.

² *curt* deleted here.

³⁻³ Repeated in the text.

exprimit the quhilk the said bailze did at the requisicione of the said lord & sa referit thaim & the said mater to the inquest abone exprimit The inquest herand thair rychtis & resones past furtht of curt & callit certane witnes sworne & exeminit thairto come in curt agane & deliuerit all in A woce & fand the said william browne in milrig baith in blud & bludwit & quit the said symone snaip of the wiit of the blud of the quhilk deliuerance the said symone askit the rolment of the curt the quhilk the said bailze grantit day zere & place abone exprimit And gart gif dowme of the said deliuerance in dew forme as afferit

CURIA baronie de carnwyth tenta apud villam de carnwyth xxvij^o 1 die¹ mensis Junij per nobilem et potentem dominum hugonem dominum somervil anno domini millesimo quingentesimo xxxj^o sectis vocatis curia firmata

INQUISICIO

robert grame lard of westhal	william Inglis lard of est-
robert chanslar lard of quod-	scheil
quene	matho kirkpatrik
the lard of erdhous	Jhone grame in spittal
James somervil in wolfrodis	William grame
Jhone pumfra	Jhone somervil in cruk-
	vindis
	petir somervil in studlandis

The quhilk day at the inquest James purdy & his moder contra dauid morpat for violent blud And baith the parteis grantit the blud & deniit the wiit & referit thaim to the inquest And the forsaid inquest awisit with certane witnes deliuerit & fand dauid morpat in the blud & bludwit & quit the said James & his moder |

65v The quhilk day at the inquest Jhone browne in milrig contra symon snaip for violent blud the quhilk was grantit

¹⁻¹ Added above the line.

be baith the parteis and referit thaim to the inquest And the inquest informit with certane witnes sworne & exeminit thairto deliuerit & fand Jhone browne in the bludwit & quit the said symone

Wpone the xxij day of Juni in the 3er of god j^m v^c xxxvj zeiris William baille of the tour of cormestone is becum borcht & dettour for katryne baillie & hir spous robert forrest to pay my lord somerwell for hir releiff & ane termys maill xx li to be payt x li of that till be payt the sonda the said on the secund day of Julii nex thaireftir & the tother x li til be payt betuex that [and] the fest of sanct michell callit michelmes next thaireftir & this pame[n]t happin to faillie at the termis as said is my lord sall price gudis that is to say the kow for xx s & the ox for ¹ ij merkis & the said William is content that this wryt haif als greit strentht to pund thairfor als ane rolment of court & for the mair securite [the] said william hais subscribit this writ with his hand at the pen at cuthtele day 3er abowne wrytyng befor thir witness andro conygham stene blak and[ro] Johneston & sir James merschell notar with wther diuers

the quhilk day robert forrest is bund befor the said witnes to releif the said william & his gud to ga befor his ane the same price

robert forrest

with my hand at the pen

william baillie

with my hand at the pen

CURIA baronie de carnwyth tenta apud villam de carnwyth xvi die mensis aprilis anno domini etc quingentesimo xxxij^o per honorabilem virum willelmum bailze dominum de ald-stoune ballium nobilis et potentis domini hugonis domini somervil sectis vocatis curia firmata

2

¹ xxx s deleted here.

² The quhilk day the william eldar offisar callit deleted here.

INQUISICIO

robert chanslar of quodquene	Jhone somervil in grenfeld
william bailze of the tour	matho kirkpatrik
lard of westhal	archbald somervil
Jhone pumfra	James somervil in wolfrodis
william Inglis eldar of estscheil	henry kirkpatrik
	petir somervil in libertone
	Jhone browne in forth
	thome thomsone

(Inserted leaf)

memorandum to call all the tennentis of stobwod & ackyngray for forfaltyne of thair malyngis & villie somerwell for the nocht ganging about my corne contrare the actis & stylis of my witsunday

my lord followis all the tenentis of ackyngray for nocht obbeyng of his officer in thair dew seruice doying contrare his stylis of wytso[n]day

& syelyk the tennandis of stobwod that thai ar unlauchfull tenentis be the commone eittyne of corne & distrucione of thair nychtboris|

66r The [quhilk] day william eldar offisar callit in curt Jhone rowe contra Jhone sowtar for violent blud the quhilk blud Jhone rowe grantit & deniit the wit and was contenuit to the nixt curt

CURIA baronie de carnwyth tenta apud villam de carnwyth xvij^o die mensis Januarij anno domini etc xxxiiij^o per honorabilem virum robertum chanslar ballium nobilis et potentis domini hugonis domini summerwell sectis vocatis curia confirmata absentes patent per rotulum

INQUISICIO

vilzem chanslar of quodquhene	andro huntar in grenfeld
vilzem balze of the towre	Jhone huntar in fawla
vilzem ynglis in hynchelwod	Jhone dechmoncht
Thome wre in carnwyth	Jhone curtas
Jhone tueddaill thar	Thomme hynschaw
	mechell cok in baitlaw
	Thome ormistoune in
	libertone
	hew cok in grange
	James cok thar
	laurens weir in mylryg

The quhilk day comperit in Jugement symond flemyng officer and gaif in ane precep of sommondis maid and execut apone rechart scot in wostscheill and Jhonne scot his broder berand at the saidis rechart scot and Jhonne scot his broder war lauchtfullie summond to this curt and siclik vilzem summerwell was summond lauchtfullie to this curt to ansuar at the Instance of hew lord summerwell for the fylyng of his grwnd wyth wiolent blud quhilk personis the balze gart call thris at the requisicioune of the said lord The said vilzem summerwell comperand be him self The saidis rechart scot and Jhonne scot beand thryis callit and nocht comperand for thar defens thai beand lauchtfully sommond and arestit quhilk was sufficiently prewit be the said officer and his precep and indorssing maid tharapone The said hew lord summerwell askit the balze to proceid and rasawe vitnes to preif the blud and to put the mater to the knowlage of the inquest the quhilk the balze did The inquest herand the rychtis and resonis passit furtht of curt and callit certane vitnes suorne and examit tharto to preif the blud sufficientlie The quhilk inquest comme in curt agane and deliuerit all in ane woce and fand the saidis rechart scot and Jhonne scot in the blud and bludweit and quyt the said vilzem

summerwell of the quhilkis the said vilzgem summerwell askit ane rolment in Jugement quhilk was grantit of the quhilk deliuerance the said balze gart gif dwme in dew forme as afferit |

66v

CURIA baronie de carnwyth tenta apud villam de carnwyth iij^o die mensis aprilis anno domini millesimo quingentesimo xxxiiij^o per honorabilem virum hugonem maitland ballium nobilis et potentis domini hugonis domini somervil sectis vocatis curia firmata

INQUISICIO

James somervil in wolfrodis	steyne blak in forth
Jhone somervil in crukwindis	James wre
James somervil in grenfeld	Jhone wricht Ibid.
dauid somervil Ibyd.	Jhone somervil in sidwod
Jhone wre in crukvindis	Jhone huntar in fawlaw lowre logane

The quhilk day my lord followit in curt dauid morpat for the wrangwus occupiing & manwring of his land without any tak or assedatione of hyme & for the brekin of his arestment & intromittyng witht his corne & put this mater to the forsaid inquest And the said inquest riple avisit witht certane vitness sworne & exeminit thairto put the said dauid in my lordis wil

CURIA baronie de carnwyth tenta ad ¹ silvam de cuthely die xvij^o mensis Junij anno domini millesimo quingentesimo xxxiiij^o per honorabilem virum robertum chanslar ballium nobilis et potentis domini hugonis domini somervil sectis vocatis curia firmata

¹ *villam de carnwyth* deleted here.

INQUISICIO

william chanslar lard of quodquene	andro huntar
william bailze of the tour	Jhone huntar in fawlaw
James somerwil in wolfrodis	Jhone dychtment
Jhone somervil in crukvindis	Jhone curtas
dauid somervil in grenfeld	thome hinschaw
	michell cok
	thome ormistone
	hew cok
	lowre weyr
	James cok

The quihilk day comperit in curt Symond flemyng and gair in ane precep of sommondis maid and execut apone rechart scot in the wostschell and Jhonne scot his brother berand at the saydis rechart and Jhonne his brother wes lawfully sommond to this cowrt to ansuer at the Instans of hew lord somerwell for the wrangows breking of the said lordis arestment put upone his grenewod growand in the hawrthan and in the cutting and taking away of the samin thairfor to heir thaim and elk ane of thaim to be decernit to haif forfalt and tynt thair takis and stedenis that thai had of the said lord and al thair moabil gudis to be his escheit and thair personis to be in prisone for ane zeir at his will as at lentht is contenit in the said precep the said hew lord somerwell askit the balze to gar cal the said rechart scot and Jhone Scot his brother the quihilkis beand thris callit and nocht comperit the said lord askit the balze to proced and resaif his pref to pref the arestment making and breking of the samin the quihilkis wytnes was callit sowne and exempnit and sa the said balze at the requisicione of the said lord the balze beand awisit wytht the deposicionis of the wytnes and assessoris of the curt for the tyme decretit and deliuerit that becaus the saidis rechart and Jhonne scot his brother beand lawfully sommond and nocht comperand for thair defens and becaus the wytnes beand exeminit prewit

67r

sufficiently that the said wod [was] sufficiently arestit be the said lordis precep and the said wod [was] cuttit and tane away be the said rechart scot and Jhone scot his brother and syne the arest breking was lawfully prewit thairfor the saidis rechart scot and Jhone scot had forfalt and tynt to the said lord the tak and steding that thai hed of hym and al thair moabill guids beand wythtin the barrony of carnwatht and thair personis to be in presone at the said lordis wil for ane zere and dowme gifin thairapone in dew forme as efferit

67v

The same day comperit in Jugment Symond Fleming officer and gaf in ane precet in curt berand at the said rechart scot and Jhone scot and william somerwell was lawfully sommond to comper in this curt to ansuer at the instans of the said hew lord somerwell for the filing of his grund witht wiolet bluid the quhilkis personis forsaid was thris callit and at the requisicione of the said lord the said william comperit and the said rechart and Jhone scot comperit | nocht for thair defens thai beand lawfully sommond and arestit thairto the said lord askit the balze to proceid and rasaf his wytnes and put the mater to the knowlege of the said Inquest the quhilk the balze did The Inquest herand ¹the¹ rychtis and resonis passit furtht of curt and gart call certane wytnes sowne and exeminit thairto the quhilkis prewit the bluid sufficiently and come in curt agane and deliuerit al in awoce and fand the saidis rechart scot and Jhone scot bayth in the bludwyt and qwynt the said william somerwell of the samin of the quhilk deliuerans the said william somerwell askit the rolment of the curt the quhilk ¹the¹ Juge grantit and gart gif dowme of the said deliuerans in dew forme as efferit

The fyft day of nouember the zere of God etc fyfhundreth xxxiiij zeris robert of levinstoun in newbiggin come souerte & oblist hyme til entir Jhone ram befor my lord & his bailze til [the] curt of carnwyth one tysday the x day of this Instant monetht of nouember to ansuere for art & part of the steling of ane quy coldo the quhilk was fundin

¹⁻¹ Added above the line.

in his house & tane reid hand that the said robert to entir
the said Jhone ram undir the pane of x li In witness of
the quhilk thing I the said robert haif subscriuit this
present writ witht my hand befor thir witnes thome
cheisly matho kirkpatrik sir andro craufurd & sir hew
craufurd chaipanis witht uther diuers

robert levinstoun witht my hand at
the pen etcetera |

(Blank)

68r

(Blank)

68v

(Blank)

69r

CURIA ¹[capi]talis¹ baronie de carnwyth tenta apud
siluam de couthelle per honorabilem virum Jacobum
somerwell ballium nobilis et potentis domini hugonis
domini somerwell die xxiiij^o die mensis aprilis anno domini
millesimo quingentesimo xxxiiij^o sectis vocatis [curia]
firmata absentes patent

69v

INQUISICIO

Jhone browne in forth	Jhone huntar in faulaw
James Wre thair	Will somerwell in moshat
Jhone huntar in torbrakis	Jhone Wr in creukvence
Andro clarkstone in throuborne	Jhone haiste in faulaw
Jhone wod in auchingray	thome henstray in auchingra
	Thomas Wr in carnwyth
	Jhone dechtmont thair
	Jhone courttas in carlingdene
	laurence lougane in the mell
	Wille lougane in the caldlaw

2

In the first my lord admittis and confermes all stillis
and statuttis maid be him in his last vetsonday curt and
all uther vetsonday curtis of befor to be admitit and

¹⁻¹ Added above the line.

² In the first my lord ourdanis and admittis all stillis [and] statuttis deleted here.

keipit and this present vetsonday curt with sik anducionis as he thinkis exspedient to be eikit for the weill of the tenandis and keiping of gude nychtburheid

The quhilk day petir somerwell in grenfeild complenis one all the nychtburis of auchingra that tha haif distroyit his corne to the waill of ane boll of aittis the quhilk ar prysit the quhilk the said men alegis that the dik is in Wyt the Inqueist deliueris and ordanis the men of auchingray sall pay the corne sa that the men of the grenfeild preif thair dik sufficient

The quhilk day ¹James somerwell in grenfeld¹ complenis one all the nychtburis of auchingra that tha haif distroyit to him ane boll of aittis prisit and als at the said nychtburis has distroyit to him vj pekis of aittis sawing to give Intymacione iij pekis of beir & vj pekis sawing to James somerwell |

70r

The quhilk day my lord followit Jhone of tuodell for the brekin of his areistment maid upone ane certane gudis pertenant to him be thomas schesle barrowne officar at the command of his presep derecit to him thairupone that is to say upone iij stakis of aittis ane stak of beir ane dossane of nowt 3owngar & eldar xxx schep tua meiris quhilk reistment vas maid at candillmes befor the dait heiroy that the said Jhone of tuodell suld nocht intromet na dispone nor put of the grund nane of the said gudis abonewrittin Unto the tyme that he had cumm & componit with him for the reistment that he was aqwekit in befor in his curt and all his gudis condamnyt to him be ressoun of esscheit beand In his posseschione at that tyme wnder the said lord for the said reistment brekin and als at he suld haif payit to him the sowme of iij poundis for byrown maillis of befor quhilk was wnpayit & at the said Jhone of tuodell had willfully disabayit and had thresin & disponit alhallelly the iij stakis of corne & stak of beir and als had sellit diueris of the said gudis abone

¹⁻¹ Added above the line.

writtin & put of his ground it [at was] lauchfully areistit & unlousit quharthrow he had brokin his reistment of anew quhilk he may nocht deny the said Jhone of tuodell anssurit and said that he understand that he dyd na wrang for the Intrometting with that it beand in his awin possessione my lord said againe he had done vrang for the intrometting with it that beand reistit & unlousit unto the tyme that he mycht haif ¹ lousyt it lauchfully & found causschione thairfor as accordis thairfor my lord disyrit the baillze to put the mater to the knowlage of ane Inqueist to se quhedir that he had brokin his reistment or nocht & to rasaif his vetnes to preif the reistment makin & breking of the samyn the quhilk the baillze did & gart call thomas schesle barrowne officar quhilk comperit & gaif in in jugment ane presepe deully execut & Indosit quhilk Indossin bur that the said thomas schesle barrowne officar had lauchfully reistit eftir the command of that presepe iij stakis of aittis and ane stak of beir standand in Jhone of tuodellis zard within the towne of carnwyth and als had reistit ane dossane or xiiij heid of nowt zowngar and eldar xxx scheip & ij meiris gangand within the bowndis of the towne of carnwyth that tha suld nocht be intrometit nor disponit with [by] the said Jhone of tuodell eftir the forme & command of that pressepe & this he preifit sufficiently and the vetnes contenit in the Indossin & thaireftir preifit in Jugement be uther diuerse vetnes that the said Jhone of tuodell had intrometit with the said aittis & beir quhilk was reistit & uther diuerse of the gudis quhilk mycht nocht be denyit thaireftir the baillze causit the Inqueist to pas forth of curt quhilk Inqueist beand ryply awysit be the saidis preif & officar led & prodest in Jugement of the reistment making & brekin of the samyn & uther diuerse ressonis come in curt agane & deliuerit all in ane wos be the mouth of thomas Wre in carnwyth schancellor of the Inqueist that the said Jhone of tuodell had brokin the said areistment becaus it was notturly kend to thaim that tha gudis was lauch-

¹ *ben* added above the line.

fully reistit & wnlousit of the quhilk deliuerance the baillze gart geif dome be the mouth of James hedilstone domistar of the curt that the said Jhone of tuodell had forfalt & tynt the takis stedingis dettis & all his mwfabill gudis that he had wndir the said lordis Jerudiccione & at tha suld pertene to him be resowne of esscheit & himself to be ponest for ane zeir at the said lordis Will accord- and to the law for the said reistment brekin & thairupone gaif dome in dew forme as afferit |

70v

The quhilk day Jhone huntar complenit in Jugement apone James vatsone in newbigin that he held fra him ane zowng kow & had hir away at his awin hand eftir that scho was put under reistment the quhilk the said James denyit delayit to the nyxt curt

The quhilk day Jhone makmourin complenis one James dennowm that the said James pendit ane kow & held hir in iij dayis & iij nychtis quhill scho zed zell and at he held fra him ane pek of beir and distroyit his corne beand thrown to the awaill of vij Threifis and ane nychtbair of his . . . and Jhonis corne

The quhilk day thome semsone complenit one his nychtburis that thae haif distroyit him vj pekis of aittis sawing & this zes zeir distroyit ij pekis of beir & vj pekis of aittis in his zard and quhen the said thomas zed to him to his mawing tha come & tuke his scheip at was pendit forth at thair awin hand the Inqueist fyndis that for the corne that grew on the erd the nychtburis sall pay to thome semsone ane boll of aittis & for the corne distroyit in the zard ij pekis of beir & vj pekis of aittis rolment

The quhilk day will semsone complenis on robart rechartstone James purde Jhone wekitschaw dauid morpat that tha lousour thair gudis within the dykis & dryffis thame nocht throw as tha aucht to do my lord ordanis iij men to be suorn that the men of the stowbwod sall mak thair dyk & keip gud nychtburheid and at tha mak thair dyk within x dayis wnder the pane of forfytting of thair malling

the quhilk day the nyctburis of auchingray complenis one thome semsone that he distroyit thair corne with his meiris and put ane sterk dally in thair corne quhilk the corne was schorne & the said thome quyt him till ane forlat of aytis quhilk was gewin to the said thomas aitht |

CURIA baronie de carnwyth tenta apud eandem tres die mensis mayis

71r

The quhilk day Jhone kuke complenit on thomas sumerwell in auchingray at the said thomas haldis fra him iij ellis of browne claith price ane xj d of seluer & ane delf spaid of Irn the said Jhone rafarit to the said thomas aith & the said thomas suor it

The quhilk day robart rechartsone complenit one dauid morpet that he hech him xxx s for the kyndnes of x s worth of land the Inqueist fyndis that dauid morpet sall pay xxx s to robart rechartsone rolment

The quhilk day the men of amffirlaw complenis one Jhone somerwell in sidwod that he makis na dik sufficient & one the laif of the sidwod the Inqueist ordanis that the dyk salbe maid as ald ws & wont & to be keipit thair gangis siklik as ws & wont

The quhilk day andro wild complenis one wille heltsone in spettaill scheild that quhair the said wille prometit to pay to the said androwis wyff & ples hir for the heilling of Jane semsone wound in safar as scho maid cost & fand borrowis thairupone it was rafarit to the aith of willie semsone the quhilk he suor was payit |

CURIA [capitalis] baronie de carnwith tenta apud villam de carnwyth primo die mensis february anno domini millesimo quingentesimo xxxiiij^o per honorabilem virum thomam hamiltone ballium nobilis et potentis domini hugonis domini somervill sectis vocatis curia firmata absentes patent

71v

INQUISICIO

andro auchinlek	arthur bailze
william chanslar	hew cok
william bailze of the towre	georg kyrkpatrik
Andro clerkson	lowre logane
Jhone somervil ¹ in crukvindis	Jhone dychtment
dauid kello	william somervil
lowre weyr	James thomsone
Jhone gray in strafrauk	
patrik bertrem Ibid.	
James howesone	

The absentes

² sir James of hamiltone knyght for his landis of libertone
 Jhone somervil for his landis of quodquen & kerswel
 thome bailze for his landis of cormanstone
 The lard of geroswod²

The quhilk day sir James of hamiltone of fynart knyght
 thris callit & nocht comperit for his landis of libertoune
 is in ane merciment of the curt for his presance to this curt
 as the heid curt

The quhilk day Jhone somervil of cambusnethane thris
 callit & nocht comperit for his landis of quodquene &
 kerswell is in ane merciment of the curt for his presence
 to this curt as the heid curt

The quhilk day thome bailze thris callit & nocht com-
 perit for his landis of cormanstoune is in ane merciment
 of the curt for his presence to this curt as the heid curt

The quhilk day the lard of geroswod thris callit &
 nocht comperit for his landis of newbiggin is in ane mercy-
 ment of the curt for his presence to this curt as heid curt

¹ *clerkson* deleted here.

²⁻² These four lines are deleted.

The quhilk day robert of levinstone thris callit & nocht comperit for his landis of his landis of newbiggin is in ane mercyment of the curt for his pressence to this curt as the heid curt

The quhilk day william of lowdeane thris callit & nocht comperit for his landis of hunscheilwod is in ane mercyment of the curt for his pressence to this curt as heid curt

The quhilk day sir william Justis thris callit & nocht comperit for his landis of neubiggin

The quhilk day Jhone pumfra thris callit & nocht comperit for his landis of hunscheilwod is in ane mercyment of the curt for his pressence to this curt as heid curt |

The quhilk day thomas wr complenit one Jhone twadall that he wrangwisly held fra him the sowme of xxv li the quhilk the said Jhone was ordand to pay til hym for the bwrnyng of his housis & his geir beand be ane decret arbitrall quhilk the said thomas producit in Jugement And the said Jhone twadal deniit that he aucht hym onything & offerit to preif that he had maid pament of the said decret & plesit hyme thairfor & askit ane lauchful day to the preif the quhilk was grantit hyme & assignit the nixt curt thairto

72r

The quhilk day James of cokborne gart geif in ane bill plenzeand of Jhone of tuodell that he withhald fra him xls with the mair for beir that he gat fra him the said Jhone of tuodell grantit and it was nocht sameikill as forty s as he trowit of the quhilk grant the said James procuratour askit the rollment of the curt quhilk vas grantit the said Jhone of tuodell is in ane merciment of the curt for the samyn

The quhilk day Jhone of dechtmont complenit one Jhone of twodell that he withhald fra him wrangusly the sowme of xiiij merkis that he vas awand him and ane zowng ox or xiiij s of seluir the said Jhone of tuodell grantit xl s awand to the said Jhone of dechtmont and

xiiij s for the 3owng ox and denyit the laif of the quhilk grant the said Jhone of dechtmont askit the rolment of the curt quhilk was grantit the said Jhone of tuodell is ane merciment of the curt for the samyn the said Jhone of dechtmont rafarit the laif of his cleme to the said Jhone of tuodellis lauchtfull quettans at the nixt curt

The quhilk day willzeme eldar of zet followit Jhone of tuodell for the wrangus withhalding fra him of xviiij s the said Jhone of tuodell grantit the sowme quhilk grant the said will askit the rolment of the curt quhilk was grantit & the said Jhone is in ane merciment of the curt for the samyn

the quhilk day will courttas craifit Jhone of tuodell xviiij s the said Jhone of tuodell denyit & rafarit to his quettans to the nyxt curt |

72v The quhilk day thomas eldar followit Jhone of tuodell for v s quhilk he grantit of the quhilk grant he askit the rolment of the curt quhilk was grantit the said Jhone of tuodell is in ane merciment of the curt for the samyn

The quhilk day thomas gray followit Jhone of tuodell for the vrangus halding fra him of xiiij s the said Jhone grantit the sowme of the quhilk grant the said thomas askit the rolment quhilk vas grantit & the said Jhone in ane merciment of the curt for the samyn

The quhilk day Jhone rechartstone followit Jhone of tuodell for the vrangus withhalding fra him v s the said Jhone grantit & ¹of the quhilk grant¹ askit the rolment of the curt quhilk vas grant the said Jhone is in ane mercymment of the curt for the samyn

The quhilk day Jhone purde followit Jhone of tuodell for the vrangus withhalding fra him of xx s the said Jhone grantit of the quhilk grant the said Jhone purde askit the rolment quhilk vas grantit & the said Jhone of tuodell in ane mercymment for the samyn

¹⁻¹ Added above the line.

The quhilk day laurence lougane followit in curt Jhone of tuodell for the vrangus withhalding fra him of xvj s the said Jhone grantit the sowme of the quhilk grant the said laurence askit the rolment quhilk vas grantit & the said Jhone is in ane mercyment for the samyn

The quhilk day Jhone courttas in carlingdene followit Jhone of tuodell for the wrangus vithhalding fra him of xxv s the said Jhone grantit the sowme of the quhilk grant the said Jhone curtas askit the rolment quhilk vas grantit & the said [Jhone] of tuodell in ane mercyment for the samyn

The quhilk day Jhone of dechtmont gedirar of my lordis mallis followit Jhone of tuodell for the vrangus vithhalding of iij libs. ix s fra my lord of the rest of his mallis of 3eiris & termes bygane the said Jhone grantit the sowme of quhilk grant my lord gart mak ane ak and he in ane mercyment of curt for the samyn

The quhilk day my lord gart follow Jhone of tuodell of xxvij s that he fand him souerte for in the Justice air of lanark for his componitioune clark fe & crownar fe the said Jhone grantit of the quhilk grant my lord gart mak ane ak and he in ane mercyment for the samyn |

The vij day of dessembar the 3eir of god ane m v^e xxxvij 3eiris petter sumerwell & robart cowane in lebartowne come souerte and borrowis for the fens maid at the instans of Johne Welsone & thomas Welsone in cormestowne that is to say that hay hier that margeret forrest takis for mallis or dewetis & scho haif na gust rycht thairto the said petter & robert cowan sall ra[n]dow it & pay it to the puir men agane & this tha oblest thame ¹to do¹ befor thir wetnes Jhone of hammeltowne sir Welgame clerssone george mowet with uther diueris

73r

Quo die Dominus somerwell . . .

¹⁻¹ Added above the line.

The xiiij day of nouembar the 3eir of god ane m v^c xxxviiij
3eiris

Anent the matter betuex James danom of the west
schill & carschin of crestowne the spous of umquhill
edwart glengawell for the clyme of the takis of hir stadyng
that scho had in the west schill & for the gerssin that
scho had gefin to the said James danom bayth the saidis
parteis Is agreit fullille In pressenes of my lord anent the
saidis takis & of all uthir thyngis that othir of thame had
to craif uthir to the day of the dait heiroy In this maner
as efter folowes that Is to say that the said carschin sall
leyf hir stadyng at Wetsonday nyxt to come with faur
and kyndness the said James gefand to hir xx s and that
beand payit ilk ane of thaime deschargand uthir of all
thyngis bygane and that scho sall et ¹all hir stra¹ & leyf
the fulze one the grownd and that scho sall hef na proffet
thairefter bot the xx s and scho to set stell quhill scho be
payit the xx s |

73v

CURIA baronie de carnwyth tenta apud eandem thre die
mensis mayis anno domini millesimo quingentissimo
tercio [*sic*] per nobilem dominum heugonem dominum de
somerwell baronem dicte baronie de carnwyth sectis
vocatis curia sanata [*l. firmata*] absentes patent per
rotulum

Iteme in the first my lord confermes and ordanis all
stillis & statudis maid [and] usit in the wetsonday courttis
be sir Jhone somerwell and Jhone somerwell baillze for
the tyme to Jhone lord somerwell to be keipit and admitit
in this present wetsonday with syk addiccione as he thinkis
expedient to be input

Iteme it is styllit and statut that all tennandis & ten-
nandre be redy to the kingis weiris for the debaitting of

¹⁻¹ Added above the line.

the rewme and for the debaitting of my lord thair selffis and the baronie geif ony oursetis cumis one thaim as theif tratour or ony uthiris ill disposit personis and at tha be weill horsit and gerit thairto accordand to thair mallingis and substance as tha may gudlie beir

Secunlie it is statuit that quhen ony of thaim¹ ar¹ warnit be officar or ony send of my lordis to cum to debait my lord thair selffis and the barony ay as tha ar warnit thairto cum to quhat place that tha ar warnit to & with hors or ony way that Tha ar warnit the first tyme the best aucht that tha haif the secun² fawt all thair geir escheit to my lord thairselffis to be put fortht of the baronie without ony faouris

Thridly it is statuit that my lordis court salbe of als greit strentht thocht it be wairnit at eyne to hald one the morne as it war of xv dayis wairning for ony maner of actione that he has ado |

(Blank)

74r

CURIA baronie de carnwyth de penthecostem tenta apud siluam de couthelle xx^o die mensis maij anno domini millesimo quingantesimo xxvij^o [per] honorabilem virum symonem dennom de Westscheild bailliui [sic] noblis et potentis domini hewgonis somerwell domini baronie de carnwyth sectis vocatis curia firmata Absentes patent

74v

Iteme in the first my lord ordanis & confermis stillis & statuttis maid be him his last wetsonday court & uthir wetsonday courttis of befoir to be keipit and admitit in this present wetsonday court with sik aduschions as he thinkis exspedit to be eykit

¹⁻¹ Added above the line.

² *tyme* deleted here.

INQUESIO

Jhone huntar in faulaw	thome henschay in acingray
Jhone browne in forth	andro clarksone in throwborn
thome weir in stowbwod	James purde in stowbwod
James wre in fortht	Jhone wod in acingray
Jhone [somerwell] in	Jhone huntar in torbrakis
creukvence	Laurence lougane in the mell
Jhone courttas in carlingdene	
Jhone haiste in caldlaw	
thome Wr in carnwyth	
Jhone of dechtmont thair	

The quhilk day thomas thomsone in lebirtone ofttymes callit & nocht comperit is in ane merciment of this court as he that was areistit thairto to this court as to the first court

The quhilk day Jhone kello in quodquene ofttymes callit & nocht comperit is in ane merciment of this court as he that was areistit thairto to this court as to the first court

The quhilk day Jame mowtra in the fortht ofttymes callit & nocht comperit is in merciment of this court as he that come souerte for the enteris of Jhone schot in the granche to entir him to this court as to the first court

The quhilk day Jhone haiste and Wille Vatsone ofttymes callit & nocht comperit is in ane merciment of this court sik as tha auch to tyne upone law for falt of enteris as tha at was arristit thairto to this court as the first court

The quhilk day Jhone Jhonsone ofttymes callit & nocht comperit is in ane merciment of this court syk as he auch to tyne upone law for falt of enteris as he that was areistit thairto to this court as the first court

The quhilk day Jhone mowtra & Jhone fairlie ofttymes callit & nocht comperit is in ane mercyment of this court for fallt of enteris as tha at was reistit thairto to this court as the first court |

The quhilk day thomas schesle followit in court Jhone of tuodell in carnwyth for the wrangus lauburing and withhalding fra him of ane reg of land pertenant to his malling be the space of vij 3eiris bygane and sowmis his skaitht thairof ilk 3eir to twa bollis of aittis the quhilk reg of land was reistit be Will3eme eldar my lordis officar at the command of my lord be his presep quhilk reistment was maid befor candillmes at last was that the said Jhone of tuodell suld nocht laubur the said reg of land quhill the rycht had bene dissydit with the nychtburis the quhilk he dissabayit & lauburit the said land wnlouseand the reistment quhilk he may nocht deny the said Jhone of tuodell anssurit & denyit that he lauburit ony land bot it at pertentit to his awin land & malling

75r

The quhilk ¹da¹ my lord followit the said Jhone of tuodell for the brekin of his reistment for the lauburing of the said reg of land it beand reistit & wnlousit the said Jhone of tuodell [denyit] that he had lauburit ony land bot it at pertentit to his malling my lord said he did wrang in the lauburing that land quhedir he had rycht to it or nocht it beand reistit & wnlousit and desirit the baill3e to put it to the knowlage of the Inqueist to se quhedir that he had brokin his reistment or nocht and to rasaif his wetnes to preif the reistment maiking & brekin of the samyn the quhilk the baill3e did & gart call the said Will3eme eldar officar quhilk comperit and preifit in plane Jugement befor the baill3e & the Inqueist be himself and twa wetnes & be his pressep deully excicut & Indosit the said reistment making and als preifit the said land was lauburit and wnlousit of the reistment thaireftir the baill3e causit the Inqueist pass forth of court & thaireftir the said Inqueist callit diuers Wetnes &

¹⁻¹ Added above the line.

Item in the first he makis and statudis that geif ony of his tennandis desseisis sa that thair mallingis be waikand that tha ga to na utheris to disyr owthir entres rycht or possessione thairto bot cum to him self syklik as ¹tha aucht to do & geif tha do in the contra heiroy it sall forfalt the rycht and kyndnes that tha ma haif to that land ony tyme to cum

Item secundlie he ordanis and statudis that nane of his tennandis ²[]² lentton payand onything bot the xxxi s ²[]² tha nowther cast dam nor leid stane ²[]² get new command of him be his wri ²[]² forfulting of thair mallingis |

The quhilk day my lord followit ane husbandland lyand in scharpis reg occupyit be gorge medillmest be the space of thir xij zeiris bygane quhilk vas haldin fra him be gorge medyllmest sayand thair was ³no³ samekill as iij husbandlandis & alegit it was bot ij quhilk my lord schew ane renttaill in the contrary and als dysyrit the Inqueist & nychtburis of the towne to depone be thair greit aithis quhedir that it was iij husbandlandis or nocht and payit maill & dewettis thairfor siklik as the ⁴laif of the barony did quhilk Inqueist past forth of court & callit all the ald nychtburis and als awysyt with the renttaill thairwith beand ryply awysyt haifand god befoir thair ene come in curt agane and deliuerit all in ane wos and fand that the land of scharpis reg was iij pownd land of ald exstent and had ay payit maill and dewetis ⁵syklik as uthir iij pownd land of the towne of lentton dyd of befoir and ay one afoir the day of the dait of this writting abone writtin

76r

The quhilk day my lord has set all his landis of lentton to thir porssonis wndirwritting for siklik maill & dewetis as tha did of befoir euer ane of thame payand him this gerssowme & entres as eftir followis at thyr dayis & termes

¹ *the at will beir* deleted here.

²⁻² Added above the line.

³ *for any* deleted here.

²⁻² MS. torn.

⁴ *aucht* deleted here.

76v

Iteme In the fyrst daude tait in Weadedail half ane land iij pownd and of that x s in hand & x s at medsomer & x s termely dawes tait ¹[]¹ is clos iij powndis x ¹[]¹ hob wrech of the yet ane ha ¹[]¹ payit & x s termely hob ¹[]¹ xl s xx s to be payit at ¹[]¹ moscrop ij coit landis ij ¹[]¹ termely Wat 3owng iij ¹[]¹ | pait tennand ane haill land iij powndis xx s payit and x s termly Watte Wrecht half ane land xl s x payit & x termely Jhok smyth half ane land xl s x payit & x termly kerste car half ane land xl s xx to pay at wetsonday & x termly Wille 3owng half ane land & ij coit landis v merkis xiiij s payit & xiiij s termly symond of deaglas ij haill landis viij powndis xxx s payit & xxx s at Wetsonday xx s termly James 3owngis wyff ane haill land iij powndis xx s termly necoll 3owng ane haill land xl s xx to be payit at Wetsonday & x s termly gorge 3owng ane haill land iij libris xx s payit & xx s termly lang Jhok 3owng ane haill land & ane coitland iij merkis xxij s at Wetsonday & xxii s termly cok 3owng ane coitland ane mark ij s payit & ij s termly Jame medillmest half ane land and ane cot land iiii libris iij powndis payit & xx s at Wetsonday dek Wrecht half ane land iij powndis xl s at Wetsonday & x s termly Jonat Wrech half ane land iij libris xx s to be payit at Wetsonday & x s termly will dawesone in hoslaw x libris xl s at Wetsonday & xx termly robin dawesone x libris xl s at Wetsonday & xx termly lang hob wrech haill ane land & ane coitland iij merkis xxij s to be payit at Wetsonday & xij s termly Jhok wrech ane coit ¹[]¹ ij s payit ij s termly |

77r

CURIA [baronie de carnwyth tenta apud villam] de carnwyth secundo die mensis etc Junij m^o . . . willelmum chanslayre de quodquene . . . de estscheill . . . potentis domini hugonis domini somerwill baronis baronie quo die curia affirmatur secte vocantur absentes in americiamentis curie

¹⁻¹ MS. torn.

INQUISICIO

luk greynschelis of that Ilk	Dauid greynschelis
James lewingstone 3ounger	Jhonne somerwill in cruk-
lard of gerwoswode	wyndillis
william ballie of cormastone	robert lewingstone
James Wr in forth	william somerwill of the nwk
James cok in grange	James somerwill in greyn-
	feld
Thomas thomsone in libertone	
lawrens Weyre	
petir somerwill	
William Scot in grange	
Thomas ormastone	

The quhilk day my lord gart followe william andersone for the fylyng of his ground with violent bluyd drawin of thomas purdy creillman and als gart followe the sayd thomas purdy for fylyng of his grunde for violent bluyd drawin one william andersone The sayd thomas purdy grantit thair was bluyd drawin upone hym and denyit the wrang or ony bluyd drawin and sayd he dyd nocht bot walde haif red hym & the curat of carnewyth & tuk the sayd william andersone be the harme & wald haif haldin hym becaus he wald haif haldin hym he strak hym in hys harme and hurt hym as Is weill kend And referrit hym to the Inqueist and witnes that was besyd thairupone The sayd william andersone ansuerit & desyrit at the ballies of his freyndis to speik for hym the quhilk was grantit and he desyrit oswald weyre the quhilk comperit in Jugement and sayd as he understud the sayd William andresone had done na wrang & desyrit ane new court my lord sayd he aucht nane becaus he had fundin borowis to that court and It was sett thairto bot giff he had ony lauchfull excepcionis that wes releuant agane the ballies the inqueist or ony membyre of the court It suld be admittyt & he schew nane Therefore my lord requirit the ballies to proceid and put the mater to the knowlege of the Inqueist

The quhilk day my lord gart followe the sayd William andersone for the brekin of ane arestment mayd upone the land and medow of carnewyth hauch besyd the spittall that Is to say for the castyn of his petis within the medow erd pertenand to the tenentis of carnwyth and spreying his petis in thair unmawin medow to ane greit quantite and for the scheryng of thair medow and tedering of his hors in thair unmawin medowe nythlie as was weill kend and william andersonis forspekar mayd nane ansuire thairto Therefore my lorde requirit the ballies to ressaue his preiffis to preiff the arrestment makyng¹ and brekin of the samyn and desyrit thaim to proceed & put the mater to the knowlege of the inqueist the quhilk thai dyd & gart call william eldar officar to preiff the arrestment makin before thaim the quhilk william eldar comperit in Jugement and preiffit be hymself & diuers witnes be his precep deulie execut & Indorsat the quhilk precep gaf hym command to mak the sayd restment & the Indorsyng bwre the samyn Thare eftir the sayd ballies gart reid the Inqueist to the sayd william andersone and sperit giff he had ony excepcionis releuant aganis the sayd inqueist and thai suld be sett And thaireftir the ballies causit the sayd inqueist to pas furth of court the quhilk thai dyd And thaireftyre gart call diuers witnes the quhilkis thai causit to be sworne in Jugement quhilk witnes was brocht agane to the inqueist and thair deponit before thaim be thair greit aithis that thomas purdy dyd na thyng bot tuk william andersone be the harme quhen he wald haif slayne the curat fore the quhilk caus william andersone hurt hym And als the sayd preiffis deponit before the sayd inqueist that the sayd william andersone had castin his petis in thair medow and spreid thaim in thair unmauin medow & tederit his hors one the nycht in thair unmauin medow eftir the restment makin and skatht the pure mene greitlie thairthrow be the deposicionis of the sayd witnes the inqueist beand rpyly avisit haiffand gode before etc comme In in court agane and delyuerit all in ane voce & fand that the sayd

¹ before deleted here.

william andersone had brokin the sayd arrestment And als delyuerit all in ane voce be the mouth of James lewingstone chanslayre of the assise and fand the sayd willgem andersone in the bluyd and bluydwit fore the drawin of bluyd of thomas purdy creillman The quhilk delyuerans the ballie gart gif doume be the mouth of Jhone watsone dompstar of the court that the sayd william andersone was in ane mercyment of the court | [sic as] he aucht to tyne upone law for the sayd bluyd and als gaf doume that the sayd william andersone had forfalt and eschaetit all his movibile gudis beand undir & within his Jurisdiccione at that tyme and his awne persone to be punist as accordis of the law fore the sayd restment brekin and that he gaff fore doume in dew forme as efferis of the lawe |

77v

[CURIA baronie de carnwyth tenta] apud villam de carnwyth xiiij^o die mensis Junij anno domini millesimo quingentesimo xxxiiij^o per honorabilem virum robertum chanslar ballium nobilis et potentis domini hugonis domini somervil sectis vocatis curia firmata absentes patent per rotulum

78r

INQUISICIO

william chanslar lard of quodquene	Andro huntar
william bailze of the tour	Jhone huntar in fa
James somervil in wolfrodis	Jhone dychtment
Jhone somervil in crukvindis	Jhone curtas
dauid somervil in grenfeld	thome hinschaw
michel cok	
thome ormistone	
hew cok	
lowre weir	
James cok	

The quhilk day comperit in curt symon flemyng offisar & gaif in ane precep of summondis ¹maid¹ [and] execut apone rychart scot ² in the scheil & Jhone scot his broder

¹⁻¹ Added above the line.

² & *Jhone* deleted here.

berand at the saidis rychart scot & Jhone scot his broder was lauchfully summond to this curt to ansuer at the Instance of hew lord somervil for the wrangwis brekin of the said lordis arestment put upone his grenwod growand in the hairschawis in the cutting & takin away of the sammyn thairfor to heir thaim & Ilkane of thaim to be decernit ¹to¹ haf forfalt & tynt thair takis & steddingis that thai had of the said lord & all thair mufabil gudis to be his escheit & thair persones to be in prisone for ane zere at his wil as at lentht is contenit in the said precep The said hew lord somervil askit the bailze to gar call the said rychart scot & Jhone scot his broder the quhilkis beand thris callit & nocht comperit the said lord askit the bailze to proced & resaif his [witnes] to preif the arestment makin & brekin of the sammyn the quhilkis witnes was callit sworne & exeminit & the said bailze at the requisitione of the said lord the bailze beand awisit with the deposicionnes of the witnes & assessouris in the curt for the tyme decretit & deliuerit that because the saidis rychart scot & Jhone scot his broder beand lauchfully summond & nocht compeirand for thair defence & because the witnes beand exeminit prewit sufficiently that the said wod was arestit be the said lordis precep And the said wod cutit & tane away be the said rychart scot & Jhone scot his broder And sa the arest brekin was lauchfully prewit thairfor the said rychart scot & Jhone scot had forfalt & tynt to the said lord the tak and steddin that thai had of him & al thair mwfabil gudis beand withtin the barony of carnwyth & thair personis to be in presone at the lordis wil for ane zer & dowme gevin thairapone in dew forme as afferit And ² the samin day comperit in Jugement symon flemyn offisar & gef in ane precep berand at the said rychart scot & Jhone & william somervil was lauchfully summond to this curt to ansuar at the Instans of the said hew lord somervil for the fylyne of his grond witht violent blud the quhilkis personis was

¹¹ Added above the line.

² *atour the said lord gart call the saidis rychart deleted here.*

thris callit at the requisitione of the said lord the said william somervil compeirand & the saidis rychart scot & Jhone scot comperand ¹nocht¹ for thair defence thair beand lauchfully summond & arestit thairto the said lord askit the bailze to proceid & rasaif his witnes & put the mater to the knowlage of the enqueist the quhilk the bailze did The inqueist herand [the] rychtis [and] resonnes passit furtht of curt & callit certane witnes sworne & exeminit thairto prewit the blud sufficiently the quhilk inqueist com in curt agane & deliuerit al in a woce & said the saidis rychart scot & Jhone baith in blud & bludwit & quyt the said william somervil of the quhilk the said william askit the rolment of the curt of the quhilk deliuerance the said bailze gart gif dowme in dew forme as efferit |

CURIA baronie de carnwyth tenta apud ²villam ²de carnwyth xi^o die mensis februarij anno domini millesimo quingentesimo xxx^o per honorabilem virum willelmum Inglis dominum de estscheil ballium nobilis et potentis domini hugonis domini somervil sectis vocatis curia firmata absentes patent per rotulum

78v

INQUISICIO

Jhone lyndissay lard of cowan tone	dauid somervil Jhone grame in spittal
James of levinstone of geros- wod zonger	James cok in grange thome wr
robert grame lard of westhal	Jhone dychtment
henry kirkpatrik	Matho kirkpatrik
Jhone somervil in crukvindis	James somervil in grenfeld georg kirkpatrik william grame in spittal Jhone browne In fortht

The quhilk day comperit in Jugement william eldar offisar of the barony of carnwytht & gaf in ane precep of summondis maid & execut upone william browne in milrig

¹⁻¹ Added above the line.²⁻² Repeated in the text.

& symone snaip in gledstanis to ansuer at the Instance of hew lord somervil that is to say the said william browne for the drawin of violent blud upone the said symon snaip & the said symon for the wiit & the causyng of the said blud hymself And thairfor to heir thaim or ony ane of thaim to be condampnit in ane merciament of this curt sic as thai aucht to tyne upone law for violent blud as at mair lentht is contenit in the said precep with the quhilk precep the said hew lord somervil askit the bailze to gar call the said william browne & the said symone snaip comperit And the said william browne beand thris callit & nocht comperit the said lord askit the bailze to proceid & rasaif his vitnes & put the said mater to the knowleg of the inquest the quhilk the said bailze did at the requisitione of the said lord and sa referit the said mater to the inquest abone exprimit The inquest herand thair rychtis & resones past furtht of curt & callit certane witnes sworne & exeminit thairto come in curt agane & deliuerit al in a woce & fand the said william browne of milrig baith in blud & bludwit & quit the said symon snaip of the wiit of the quhilk deliuerance the said symon askit the rolment of the curt the quhilk was grantit day 3ere & place abone exprimit the said bailze gart gyf dowme of the said mater in dew forme as efferit etc.

Extractum de libro curia capitalis
baronie de carnwyth per me domi-
num hugonem craufurd capellanum
ac scribam curie pro tempore etc. ¹ |

79r

The quhilk day Jhone of hamiltone complenit one the relik of thomas weir that scho held fra him ane 3owng ox & scho complenit that the said Jhone that he had ij ky gerssit witht hir the quhilk suld haif beine melk and vas zeld delayit to the nixt curt

The quhilk day my lord gart follow Jhonne of tuodell for the vrangus halding of lj s viij d of his maillis of the 3eir of god ane thousand V hundir xxxij 3eiris and of the

¹ This certification is repeated at the foot of the page.

zeir of god ane thousand V hundir xxxiiij zeiris and xvij s
 iii halpennyis les of the mertynmes terme last bypast of
 this Instant zeir and als followit him of the sowme of
 xxvij s that he gart him be souerte for him in the Justice
 air of lanerk for his compositour seluir clark fe and crownar
 fe quhilk I haif payit to the traswrar & to the clarkis and
 the crownar and als followit him of vj ferlotis of malt of
 this Instant zeir and iiij bollis of meill and half ane ferlot
 and als followit him of ij caupwnis and vj cane feullis
 restand awand of this Instant zeir the said Jhone of
 tuodell grantit all thir thingis abone wrettin and come in
 will thairof of the quhilk my lord disyrit the baillze to
 gar mak ane ak quhilk he did

The quhilk day Willzeme eldar officar followit Jhone of
 tuodell in name and behalf of my lady somerwell of xvij s
 borrowit forth of hir pors the said Jhone of tuodell
 ansserit and grantit the said xvij s of the quhilk the
 baillze gart mak ane ak and gaif dome one the vrangis
 abone writtin in dew forme as aferrit

CURIA baronie de carnwyth tenta apud villam de carnwyth
 xxv^o die mensis februarii anno domini millesimo quin-
 gesimo xxxiii^o curia per honorabilem virum willelmum
 grame ballium nobilis et potentis domini hugonis domini
 somervil sectis vocatis curia firmata absentes patent per
 rotulum

INQUISICIO

James somerwell in Wolfrodis willzeme baillze of the toure of cormeston lard of garraswod Jhone pomfra lard of grenschell	Jhone somerwell in creuk- vence James somerwell in grenfeild Jhone dechtmont andro clarksone gorge somerwell
archeblld hamiltoun robert levingstoun william somerwell of the nuke hew cok lowre weir	

79v

The quhilk day Jhone of tuodell vas followit for xxij s that he borrowit fra my lady the said Jhone grantit xx s of the quhilk grant thair was maid ane ak & he in ane mercyment of the curt for the samyn

The quhilk day my lord gart follow Jhone of tuodell for the breking of his reistment maid upone his gudis at the command of his presep in the presence of thome of hamiltoun his baillze maid at the lordis raqueist witht consent of him self quhilk restment vas maid at the Instance of thomas Wr Jhone of dechtmont willzeme eldar thomas eldar Jhone curtas Jhone purde thomas schesle Jhone rechartstone for certane dettis that he vas awand ilk ane of thame that the said Jhone suld nowther dispone sell nor put away nane of his gudis nor corne excep his nessesar mesteris to him self & his vyf unto the tyme that the said cradetouris abone writtin had gottin payment or causchione thairfor quhilk reistment making vas sufficiently preifit in Jugment with willzeme eldir oficar & his presep deully excicut & Indossit derecit to him thairupone & als was preifit in Jugment that the said Jhone of tuodell had cassing in iij stakis of aittis & had desponit thairupone quhairfor the said lord legit at he had brokin his reistment quharthrouch all his gudis dettis takis & stedingis suld pertene to him be ressonne of esschet & him self to be punist thairfor accordand to the law the said Jhone of tuodell anssurit & grantit at he had faltit in the said reistment breking & rafarit him self & all his gudis in my lordis vill simplesiter for the said reistment brekin of the quhilk grant my lord raquyrit the baillze to gar mak ane ak & to gar geif dome of the samyn quhilk the baillze did & gart geif dome be the mouth of Jhone Vatsone domstar that the said Jhone of tuodellis gudis dettis takis & stedingis suld pertene to my lord be ressonne of esscheit to be tane up be him at his awin will becaus the said reistment making vas sufficiently preifit & breking of the samyn & his awne grant siclik & thairupone gaif dome in dew forme as aferit

The ¹ samin day my lord gart follow Jhone of tuodell for the breking of the styllis of his vetsonday in the paying of his mallis dewetis & dew seruice & als legit that he was nocht ane sufficient tennand for diuers & mony causis the said Jhone of tuodell come in will thairfor in likevise as is abone-writtin |

The quhilk day Jhone tuodell was callit to preif Thomas Wr payit of the sowme of xxv libris the quhilk vas ordanit to the said thomas ²wr² be ane decreit arbrettrall gewin betuex thame for certane skaitkis done to the said thomas wr be the said Jhone tuodell and his seruandis and the said Jhone of tuodell tak one hand to preif him payit suffycently at this curt siklik as ye ac maid in the curt of befoir proporttis the said Jhone of tuodell comperit him self and produsit befoir his preifis andro clark-sone in castairis robart clark-sone in strafrank and Jhone dechtmont in carnwytht the quhilk preifis the party admytit and thaireftir the baillze gart thame be suorne to declair the varate and thaireftir gart call thame ilkane be thameself In jugement befoir ³ the Inqueist the quhilk preifis deliuerit ilkane be thameself and fand that the said Jhone tuodell was restand awand to the said thomas Wr the sowme of x merkis of the sowme contenit in the decreit abone writtin of the quhilk deliuerance the baillze gart geif dome of the quhilk deliuerance the said thomas Wr askit the rollment of the curt quhilk vas grantit.

The quhilk day Jhone tuodell was callit for to quyit him sufficentlie for the sowme of x merkis the quhilk Jhone dechtmont rafarit till his quettans in the last curt siklik as the ac maid thairupone proporttis the said Jhone tuodell compeirit and raffusit his quettans and rafarit it to the said Jhone dechtmonttis aith allanerly of the quhilk the said Jhone dechtmont maid his aith and deliueryt that the said Jhone tuodell was awand viij merkis vj s viij d of the quhilk the baillze gart geif dome and that

¹ *quhilk* deleted here.

²⁻³ Added above the line.

³ *thameself* deleted here.

Jhone of tuodell [was] in ane mercyment of the curt and the said Jhone dechtmont askit the rollment of the curt quhilk vas grantit

The quhilk day Jhone tuodell was callit to quyt him sufficiently for the sowme of xvij s aucht to willzeme curtas the quhilk he tuke on hand to quyt him of the last curt siklik as the ac proporttis thairupone the said Jhone tuodell comperit and rafusyt his quettance and rafaryt the sowme foirsaid to the said Willzeme courtas aith allanerly of the quhilk the said Willzeme maid his aith and declairit that Jhone tuodell was awand him xvij s of the quhilk the baillze gart geif dome and the said Jhone tuodell in ane mercyment of the curt and the said Willzeme askit the rolment of the curt quhilk vas grantit

The quhilk day Jhone tuodell followit thomas Wr for the wrangus taiking fra him [of] ane meir and the said thomas said he did na wrang in the takin of that meir becaus the said Jhone fand thomas borch to mungo lows for xiiij s to pay at ane certane day and faillzeand that day maid him fre to taik the meir or ony uther gudis that he had without ony officar and deliuer to the said mungo for his xiiij s and the said Jhone tuodell grantit the ¹ condusschione and alegit that he had maid payment of the sowme of the alegance of bayth the parteis the Inqueist past forth of curt agane & ² beand ryply awysit be the resonis abone writtin come in curt agane to the said Jhone tuodell and als ordanit the said Jhone tuodell to pay the said xiiij s or ellis to preif [it payit] |

80v

The quhilk day Jhone tuodell followit thomas wr for the wrangus taking fra him ane meir and the said thomas said he did na wrang in the taiking of that meir becaus the said Jhone tuodell fand thomas borch to mowngow lowys for xiiij s to pay at ane certane day and faillzeing the day maid him fre to taik that meir or ony gudis that

¹ *alegance* deleted here.

² *deliuerit all in ane voce* deleted here.

he had without ony officar and deliuerit to the said mungo for his xiiij s and the said Jhone tuodell grantit the condusschione and alegit that he haid maid payment of the sowme of the quhilk allegiance of bayth the parteis the inqueist past forth of court and beand ryply awysit be the ressonis abone writtin come in court agane & deliuerit all in ane woce and ourdanit thomas Wr to deliuer the meir agane to the said Jhone tuodell and als ourdanyt the said Jhone tuodell to pay the said xiiij s or ellis to preif it payit

The quhilk day my lord gart follow James browne in grenscheldis & robart hamiltoun in lebirtowne mell for fylling of his grownd with violent blud and the said robart grantit the blud and denyit the wyt and alegit that the said James come upone him in his awin hous and straik him the said James denyet the wyt syklyk and alegit that the said robart drew ane knyff and wald haif strykin him fyrst eftir the allegiance the Inqueist past forth of court and gart call divers vetnes and preifis the quhilk vas suorne in Jugement & expremit witht the said Inqueist for to declair the warate be the quhilk wetnes & preifis the Inqueist beand ryply awysit haifand god befoir etc come in curt agane and deliuerit all in ane wos be the mouth of James levingstoun lard of garrosvod schancellair of the Inqueist and fand that James browne was in the blud & bludwyt and quyt the said robart hamiltoun of the wit of the quhilk deliuerance the baillze gart geif dome that the said James was in ane mercyment of this curt sik as he aucht to tyne upone law and the said robart askit the rollment of the curt quhilk was grantyt |

CURIA baronie de carnewyth tenta apud villam de carnewyth . . . die mensis nouembris anno domini etc. quingentesimo xxxvj¹⁰ per honorabiles viros willelmum chancelaire de quodquene ¹& willelmum Inglis¹ balliuos nobilis

81r

¹⁻¹ Added above the line.

et potentis domini hugonis domini somerwill baronis
baronie de carnwyth quo die curia affirmatur Secte vocan-
tur absentes in amerciamentis curie

INQUISICIO

luke greynschelis of that Ilk	James cok in grange
James hammiltone of roplocht	Thomas ormastone
James lewingstone zoung lard of gerwoswod	Thomas gyrdwod Morys fischar
William ballie of cormastone arthour ballie	Alexander brystone

laurens weyre
robert lewingstone
Dauid greynschelis
Steuens blake
Jhone wr in crukwyndillis

The quhilk day my lord gart followe william andersone
in howbwrne for the fying of his ground witht violent
bluyd drawin upone william grahayme in spittall and als
gart follow the sayd william grahayme in spittall for the
filing of his ground for the violent bluyd drawin upone the
sayd william andersone the said william grahayme ansuerit
grantit thair was bluyd and denyit the bluydwit The sayd
william andersone desirit at the sayd ballies part of his
freyndis to speik for hym The quhilk thai grantit And he
tuk thomas weyre of the leylaw sir william weyre & master
Jhone weyre The quhilkis was admittit be the saidis ballies
and the party

The quhilk day my lord gart follow the sayd william
andersone for fying of his ground witht violent bluyd
drawing upone andro michael in carnewyth And als gart
followe the sayd andro michael for fying of his ground
witht violent bluyd drawing upone the sayd william ander-
sone The sayd andro michael grantit thair was bluyd and
denyit the wit And als the sayd lord gart follow the sayd
william andersone for fying of his ground witht violent
bluyd drawin upone thomas purdy creillman And als gart
followe the sayd thomas purdy for fying of his ground

witth violent bluyd drawyng upone the sayd william andersone The sayd thomas purdy ¹ grantit the bluyd & denyit the bluydwit Thomas weyre of leylawe forspeikare for the sayd william andersone comperit in Jugement and in the first mayd protestacione aganis the Juge the inqueist and all the membris of the court And thaireftyr he allegit and desyrit in the sayd william andersonis nayme ane lauchfull Juge ²&² ane lauchfull court my lord allegit agane & sayd that the sayd court was lauchfull for quhy It was contenuit of befor And that court affixit to hym peremptourlie be [his] awin desyre and his freyndis and thair consentis And als that the ballies was chosyng in presens of the lordis be sir william weyre his master and admittyt thairto nochtwitthstandyng my lord sayd giff thai had ony lauchfull excepcione aganis tha ballies the court or the Inqueist or ony membyre of the court that thai wald allege in speciall and thai suld be admittyt and thairupone tuk instrumentis of the clerk of the court The sayd thomas weyre ansuerit & sayd withtout the ballies wald affix hym ane new court ³he³ wald mak na mayre ansuere nor defens for the sayd william andersone at that tyme thairfor my lord requirit the ballies to proceyd and put the mater to the knowlege of ane Inqueist the quhilk the ballies dyd & causit the Inqueist to be reid befor the sayd william andersone and his forspeikaris of new and sperit at hym and thaim gyf thai had ony excepcione ²releuant² aganis ony of thai personis apone the Inqueist and bad thaim schaw thaim and thai suld be admittyt the sayd thomas weyre ansuerit and sayd he had nane nor walde he ansuere mayre at that tyme Thaireftyr the ballies causit the Inqueist to pas furtht of court | and gart call diuerse witnes and preiffis . . . ⁴abone writtin and causit the saidis witnes and preiffis to be sworne in Jugement and to be brocht before the sayd Inqueist and deponit to thaim the verite insafer as thai kend in the sayd materis The quhilk preiffis and witnes the sayd inqueist beand ryplie

81v

¹ *denyit the bl* . . . deleted here.²⁻² Added above the line.³⁻³ *It* deleted and *he* added above the line.⁴ MS. faded.

awisit haifand gode before etc. come in court agane and delyuerit all in ane woce be the mouth of James lewingstone chanslayr of the assise and fand william andersone in the bluyd and bluydwit betuex hym and william grahayme and acquit the sayd william grahayme thairoff And als fand the sayd william andersone in the bluyd and bluydwit betuex hym and andro michael be the first occasione And als fand the said andro michael in the bluydwit at the last occasione betuex hym ande william andersone¹ off the quhilk delyuerans the ballies gart giff doume be the mouth of Jhone watson dompstar that the sayd william andersone was in ane mercymment of the court sic as he aucht to tyne upone law for the violent blud drawin upone william grahayme in spittall And als gaff doume sic as he aucht to tyne apone law for the violent bluyd drawin upone andro michael And als gaff doume upone the sayd andro michael was in ane mercymment of the court sic as he aucht to tyne upone law for the violent bluyd drawin upone william andersone And this was done in dew forme as efferit

And als the sayd inqueist contenuit the bluyd betuex william andersone and thomas purdy creillman to the next court and ordanis preiffis and witnes to be arrestit thairto and allegit that thair vas preiffis before at the bluyd drawin that was nocht thair at that tyme thairfore thai ordanit thaim to be arrestit to the next court

The quhilk day comperit in Jugement william grahayme in spittall Jhone the Grahayme Jhone dychtment in carnewyth andro michael thair Jhone grahayme in greynschelis & desyrit souerte and lawboris of the sayd william andersone that thai mycht be harmles and skaithles of hym bot as the law wald and mayd faith in Jugement that thai dreyd bodely harme of hym Therefore the lord requirit the sayd william andersone to fynd borowis to the sayd personis according to the lawe the quhilk he refusit and wald nocht do It thaireftyr my lord requirit his freyndis and forspekaris for hym to cause borowis to be fundyn as

¹ *And als the* deleted here.

he aucht upone lawe the quhilk thai refusit in lykwys of the quhilk the sayd lord askit instrumentis of the clerk of the court that he couthe get na lawborowis for the sayd william andersone for that caus he wald ¹put¹ hym in fyrmans quhill he gat borows as he aucht upone law because the personis abone writtin mayde faithe thai dreid hym of bodelie harme etc.² |

THE barrowne curt of the barony of lenttone halding in the towne of lenttone be hew lord somerwell barrowne of the said barrony the ix day of Junij the 3eir of god ane thousand v^e xxxvj 3eir^{is} ³ the curt laucfull fenceit the suttis callit the absence in amercy[ment]

82r

The quhilk day gorge car in lenttone enterit ane suttur callit archbald wallace in name and behaw of dauid somerwell of the plane for his landis of lenttone

The quhilk day the said dauid somerwell of the plane of[t]ymes callit & nocht comperit in ane mercyment of this curt for falt of his presence to this curt as to the heid curt for his landis of lenttone

The quhilk day the lard of sesfurd ofttymes callit & nocht comperit in ane mercyment of this curt for falt of his presence for his landis of gradame to this curt as to the heid court

INQUISICIO

Gorge car of lentonne	Willzeme of hamiltone
the lard of corbot	Robin hamiltone
willzeme dawesone in hoslaw	Jhone of damahoy
robin dawesone thair	mathow kyrkpatrik
necoll 3owng	wille snayp
gorge dawesone	gawane kneland
Jhone hog	Jhok gurdner
Jhok 3owng in lenttonne	Jhok dawesone in denirles
george 3owng thair	pait wrecht
Robin wrech of the braheid	Jame glenquhome
	hob wrech of the 3et

¹⁻¹ Added above the line.

² *Willelmus* deleted here.

³ *the suttis callit the absence in amersyment* deleted here.

The quhilk day my lord gart put in to his heid court skap lypyr and waith the Inquest fyndis nane

The quhilk day my lord followit stein of dagleis for the deforsing of his officar the said stene of dagleis denyit the deforsing of the officar and thaireftyr come in my lordis will for the samyn and my lord declarit his will in plane curt that he wald haif x powndis for the forsmet |

82v The quhilk day gorge medillmest in scharpis ryg willzeme alexander in morbottill gorge of pryingill thair James of pryingill thair dauid corbot thair tha and Ilkane of thame ofttymes callit & nocht comperit in ane mereyment of this curt for falt of thair presence as tha that was reistit thairto as to the fyrt curt

The quhilk day Jonat Wrech followit Wat zowng for the taiking of ane pane fra hir wrangusly ¹ worth vj s the said Wat zowng denyit that he tuke the pane wrangusly the Inquest fyndis that Wat zowng sall deliuer the pane to the womane quhill scho be ourdurly callit or ellis the vj s rolment

The quhilk day wille wrech followit stein of dagleis for his part of ij Inglismene for the prensfall and sairfyr of ij zowis the said stein of dagleis rafarit it to his aith and he suer he was nocht content and vas conwekit in the samyn the said stene of dagleis sall pay xxiiij Inglis grottis till will wrech rolment

The quhilk day Jame glenquhome followit the tennandis of the towne of lenttone for the eitting of ane schalder of corne the said tennandis denyit delayit to the nyxt curt

The quhilk day the tennandis of lenttone followit the said Jame glenquhome of comwne strucione bayth of corne & medow the said Jame glenquhome denyit delayit to the nyxt court

¹ *the said* deleted here.

The quhilk day my lord is plenttis of the breking of his comwne beging on it the Inqueist fyndis that thair is ane house begit on the comwne in Jhok smythis hand and puttis the samyn in my lordis hand

The quhilk day stein of dagleis followit the croft & heid rowme lyand betuex Jame medillmest & robin wrech and dysyris rastoration and rameid of the samyn agane the Inqueist fyndis stein of dagleis has na onaset on 3owne half land |

The quhilk day James medillmest plenzes that he wanttis ane onaset of half ane land halding be robin wrech the Inqueist fyndis that robin wrech has na part of the onaset clemet be Jame medillmest

83r

The quhilk day my lord followit hob wrech for the selling of his kyndnes & rycht & putting of uthir men in perseschione of his steding without his leif the [inqueist] fyndis the land in my lordis hand & that hob wrech hes nocht fall3et

The quhilk day my lord dysyris the Inqueist till fynd quha suld pay Jhok tennandis moderis heryzeld the Inqueist fyndis that the wedow aw na herizeld becaus it was payit for the man that was deid

The quhilk day Jhone dawesone followit Jonat Wrech for ane hors & scho denyit & rafarit to the Inqueist the Inqueist fyndis that it aw to be followit in the con[si]stry

The quhilk day the Inqueist fyndis thair is ane dyk drawine forth of the comwne to the wallour of half ane rude of land & drawine to the kyrk land the Inqueist fyndis the samyn to be rastorit to the comewne

The quhilk day the Inqueist fyndis that stene of dagleis has ane hous begit on the comwne

the Inqueist fyndis Wat 3owngis hall & uthir part of the laif of his housis is on the comewne

The Inqueist fyndis robin wrech has ane scheip hous begit on the comewne

The Inqueist fyndis necoll zowng has ane hous bygit on the comwne |

83v

The Inqueist fyndis robin Wrech begit ane dyk on the comwne the quhilk stene of dagleis occupyis

The Inqueist fyndis ane hous bygit one the comwne till ane smyth to occupy for the comwne weill & profet of the towne & ordanis the samyn to be ¹occupit¹ ane smyth or ellis to be put downe syklik as the laif

The Inqueist fyndis gorge Wallace ane hous bygit one the comwne and ourdanis to be put downe & fyndis all the saidis personis in my lordis will for the breking of the samyn

The quhilk day rob wrech dyk wrecht & lowre wrech complenis upone Jonat tennand the relyk of umquhill Jhok tennand that he in his tyme & scho in hir tyme haldis wrangusly fra thame thair faderis husbandland witht uthir gudis housald geir quharof we dysyr Justice of zowr l[ord] the party denyit & tuk one hand to preif the greance to the Inqueist contynewit till the nyxt curt to his preif

The quhilk day robin Wrecht complenit upone James medillmest that he haldis fra him half ane husbandland and ane coitland wrangusly & forssabilly this xx zeris quhilk land his elderis browkit & usit quharof We dysyr Justice of zowr l[ord] contynewit to his preif to the nyxt curt

The quhilk day Jhone of schalmer complenis apone Jonat Wrycht the spous of umquhill Jhok tennand dyk wrech ald adame of schalmer quhen he desessit left to Jhok tennand as to ane frend his sonnis & thair land & gudis in keeping quhill tha come of age that is to say

¹⁻¹ Added above the line.

ane husbandland the tane half sawne & the corne one the grownd ane kow & iiij zowis ij wan ane pot the pleuch with Irnis and uthir geir belangand thairto vith diuers uthir houshald geir quharof we dysyr zowr l[ord] for Justice the Inqueist fyndis Jhone of schalmer has the kyndnes of the haill land & the geir and rafarit the quantate of the geir to his preifit at the nyxt curt

The quhilk day Jhok smyth complenis upone hobbe zowng in the priorraw that he slew ane stot with his straikis quharof he desirit Justice the Inqueist fyndis that thai haiff tane men to gre thame |

The quhilk day my lord ourdanis & statuttis that nane of the tennandis brek the comwne wnddir the pane of forfytting of thair mallingis that tha hald of my lord

84r

The quhilk day my lord ourdanis & statudis syklik that na tennand sell nor tax nane of thair mallyngis without consent of my lord wndir the pane of forfytting of thair malling in lykways

The quhilk day my lord ourdanis that ilk tennand sall pay thair carage syklik as the laif of the cuntray dois

The quhilk day my lord has statud & ordanyt all the tennandis in tyme to cum sall pay thyrll mowltyr to the mell & geif tha sell our puttis away ony uthir gaittis at tha sall pay dry mowllyt as to the xiiij corne

The xij day of awgust the zeir of god ane thowsand v hundir xxxvj zeiris sandiris bryssone in the scheild and Jhone Gray in the wodend come souerte for James denowme of the West scheild for v powndis that he was conwekit for in the barone curt of carnwytht for the borrowgant of his fadyr and als come souerte to the said lord for ij oxin tane be the said James fra the said sandyris bryssone wrangusly & sall be rastorit againe ¹gef¹ it beis fownd that he has rycht thairto as law will

¹⁻¹ Added above the line.

2^o decembris anno domini etc quingentesimo xxxvj^{to}

The quhilk day william chanslayre of quodquene come lawborouris fore william andersone quhill sancte thomas evin next tocum that all personis suld be scaitles of hyme fore bodely harme bot as law will and to bryng hym to couthelie one sancte thomas evin frowe nowe or ellis stand styll borowis quhill witsunday fore hym |

84v The thuentty threid of decembar the 3eir of god Ane thousand fyf hwdretht thretty sex 3eiris

¹the quhilk day Williame baillie of cormestoune come lawborrois as law wald for Williame andersone that Jhone grayme & Wilzeme grayme in speittall Jhone grayme in grenschell & Jhone dychtmont in carnwith suld be harmless & skaythless of the said vilzeme andersone And thus the said wilzeme baillie come borros as said Is to ane honorabill lord hew lord somerwell and atowir the said William baillie sall enttir the said vilzeme andersone in the said lordis next heid curt to be haddin at carnwith the last day of Janewer immediatle folloing and gyf the said vilzeme baillie enteris nocht the said vilzeme andersone at the day forsaid the said vilzeme baillie salbe borros as Is forsaid etc And that Ilkane of thir forsaid personis salbe skaythless of the said vilzeme andersone undir the payne of ane hwdretht merkis etc

Williame baillie witht my
hand at the pen etc¹

The ferd of februarye the 3ere of god J^m five ° xxxvj 3eris Jhone pumfray of hundscheilwod and alexander bryson become lawborowis to my lord somerwill fore James hasty undir the pane of ane hundreth merkis to my lord to be pait that robert baxter salbe harmeles and skaithles of hym of bodelie harme and to enttir the sayd

¹⁻¹ This entry is scored through for deletion.

James haistye to my lordis next court undir the pane abone writtin¹ and the saidis Jhone pumfray and alexander bryson gaff thair rycht handis to my lorde fore the obserwyng of thir premiss before me sir Williame clerkson public notar and mony utheris diuers |

Hew lord somerwell baroune of the barony of carnewyth to my louettes william elder and symond fleming serandis and officiaris of the said barony coniunttlic and seuerallie speciallic constitud gretting I charge 3ow that 3e incontinent this my precep sene 3e lauchfulli summond warne attache and arrest william chancellor of quodquene william ballie of cormestoune margerte ballie & kathiren ballie porcionaris of cormestoun pretendit heretoris of the landis of estschill & westschill with the pertinence liand in my said barony of carnewyth within the schrefdume of lanark robert forest the spous of the said katherin & alexander ballie spous to the said margrete for thair entres william ingilles and James dennum for thair enteres gif thae ony haif to compeir befor me or my ballis of the said barony ane or ma in my baroun court thairof to be haldin in my toune of carnewyth the last day of Januar Instant In the houre of caus that Is to say all the saidis persones to heir and se the saidis landis of hestschill & westschill with the pertenance be decarnet be ane decret and sensement of my courte to haif bene & to be in the handis of me and my predecessoris as supperiouris thairof be resone of nanenteres of the rythtuis are or aris thairof be the space of xl 3eiris or thairby last bypast and the mallis & fermis proffittis & dewiteis thairof be the said space extending 3erely the mallis & profittes of the said landis of estschill to xl merkis & of the saidis landis of westschill to uthir xl merkis to be decernet to partene to me & in defalt of mauabill gudis stroengeable upone the grund to heir & se the properte of the saidis landis decarnit to be appryset to me for the saidis byrun mallis &

85r

¹ *unlawe as efferis deleted here.*

proffettes of the samyng according to Justice & for the costis and skaithis sustenet be me thairthrow & forthir to ansuer in the said mater insafer as law will making intimacioune to all the saidis persones that quheder thae compeir or nocht the saidis day & place we will proseid & minster Justice in the said mater insafer as we may of law attoure that 3e lauchfulli summand warne attache & arrest all the fre tanandis haldand land of me within the barony of carnewyth and all uthir substanchus 3emen men withtin the boundis of 3our office

To compeir befor me or my ballies forsaidis ane or ma the saidis day houre & place to pas upone the Inqueist or to bar leill & suthfast wetnesing insafer as thae knaw or sall be speirit at thame In the said mater Ilk perssone ondir the pane of ane unlaw The quhilk to do I commet to 3ow my full power be this my pressep deliuering It be 3ow deulie execute and Indorset agane the said day suberiuert with my hand at cowelle The tent day of decembeir The 3eir of god ane m v^c xxxvj 3eir is etc |

85v (Blank)

86r ¹The xxiiij day of Januar of In the 3er of God J^m v^c xliij 3eris I william balze of cormestoun grantis me to be cummin souerte to ane nobill and potent lord hew lord somerwill for ij oxin iiij ky and iiij 3ounger bestis the quhilkis gudis was priisit to the said lord for part of payment of the fermis and malis of the neddar milrig of the crop In the 3er of god J^m v^c xliij 3eris and I the said william byndis & obles me to entir the saidis gudis abone vrittin to the said lord In the toun of carnwayth or ellis xvj li gud and usuall mony of scotland the quhilk the saidis gudis was priisit for betuix the day of the dait of this writ and the viij day of februar nixtocum and gif

¹⁻¹ This entry is scored through for deletion.

I the said william fallis to entir the gudis abon writtin or to mak payment of the said xvj li to the said lord It salbe lefful to the said lord to tak and los viij oxin out of my awin plucht and this I bynd & oblest me to fulfill & keip be this my obligatioun subscriuit witht my hand at the pene at cowthely the xxiiij day of Januar In the 3er of god J^m v^c xliiiij 3eris befor thir witness william Inglis of eistscheill matho kirkpatrik Johne pumfray sir duncan aikman witht uthir diuers

William balze of cormestoune
with my hand at the pene¹

Als the said william grantis him cummit souerte for the officer that all be los to the said day

The fourt day of februar In the 3er of god J^m V^c xliiiij 3eris

The quhilk day symond weyre comperit befor my lord & come souerte for Jok fyschar to entir him to the nixt court haldin within the barrony of carnwayth undir the pane of xl li

The samyn day symond weyr and maister Johne weyr his brothir cum souerteis for the fermis and deuiteis of quodcon mylne of the crop In the 3er of god J^m V^c xliiiij 3eris to be pait at sanct bartillmes day nyxt followand the dait hereof² |

(Blank)

86v

CAPITALIS CURIA

87r

CURIA capitalis baronie de carnewyth tenta apud villam de carnewyth decimo die mensis octobris anno domini

¹⁻¹ This entry is scored through for deletion.

² *ondir the pane of xl li* deleted here.

etc quingentesimo xxxvj^{to} per honorabilem virum willel-
 mum ballie de cormestone ballium nobilis et potentis
 domini hugonis domini somerwill baronis baronie de
 carnwyth quo die curia affirmatur secte vocantur absentes
 in amerciamentis curie

ASSISA

Jhone lyndissay of colbyntone	laurens weyre in mylnerig
James hamiltone of roploch	Thomas ormastoune in
William chanslayre of quod-	greynschelis
quene	laurens logane in carnewyth
Andro efflek of the erdhoussis	Thomas Justice in newbigin
William mosman in quhit-	Jhone dychtment in carne-
castell	wyth
	James somerwill in wolfrodis
	Jhone huntar in fawlaw
	william Inglis in estscheill
	Jhone browne in forth
	James cok in grange

The quhilk day James hamiltone of fynart knyght was
 oft tymes callit & nocht comperande was in ane mercyment
 of this court for falt of his presens for his landis of
 libertone to this court as heid court

The quhilk day Jhone somerwill of cambusnathane was
 oft tymes callit & nocht comperit was in ane mercyment
 of this court for falt of presens for his landis of quodquene
 and kerswell to this court as heid court

The quhilk day James lewingstone of gerwoswode was
 oft tymes callit and nocht comperit was in ane mercyment
 of this court for falt of his presens for his landis of new-
 bigin to this court as heid court

The quhilk day the lard of erdhoussis oft tymes callit &
 nocht comperit was in ane mercyment of this court for falt

of his presens for the saidis landis of erdhoussis and hundscheilwode to this court as heid court

The quhilk day William andersone in howbwrne oft tymes callit to entir as he that was arrestyt be my lordis precep to this court for violent bluyd drawin upone william grahayme in spittall as he that upheld his hande and his gudis to entir to this court And in lykwys was arrestit for violent bluyd drawin upone andro michael in carnewyth And als was arrestit for the violent bluyd drawin upone thomas purdy creillman And for thir arrestmentis the sayd William andersone oft tymes callit & nocht comperit Is in ane mercyment of this court sic as he aucht to tyne of law to this court as to the first court |

CURIA baronie de carnewyth tenta apud villam de carnewyth vicesimo quinto die mensis octobris anno domini etc quingentesimo xxxvj^{to} per honorabiles viros willelmum chanslayre de quodquene et willelmum Inglis de estscheill balliuos nobilis et potentis domini hugonis domini somerwell baronis baronie de carnewytht quo die curia affirmatur Secte vocantur absentes in amerciamentis curie

87v

ASSISA

Jhone lyndissay of colbyntone	robert grahayme in duns-
James hamiltone of roplocht	yare
James somerwill of Wolfrodis	Jhone somerwill in sydwod
laurens Weyre	Jhone hwntar in fawlaw
William somerwill in moshat	William Inglis in hwndscheilwod
	Jhone browne in forth
	James cok in grange
	Jhone dychtment
	Thomas Justice in newbigin

The quhilk day my lord gart follow william andersone

in howbwrne for the fying of his ground with violent bluyd drawin apone william grahayme in spittall And als folloit hym for the fying of his ground with violent bluyd drawin upone andro michael in carnewyth And als for violent bluyd drawin upone thomas purdy creillman The sayd william andersone ansuerit and desyrit at the saidis ballies of his freyndis to spek for hym the quhilk was grantit And he tuk sir william weyre vicare of carnewyth master Jhone Weyre vicare of petynane the quhilkis personis comperit in Jugement and allegit & sayd in the name of the said William andersone that thai had nocht all thare lauchfull defensis thair agane this day And desyrit at the sayd ballies ane lauchfull court upone xv dais that thai mycht get thair lauchfull defens and thai suld fynd borowis to entir agane the sayd William andersone thairto undir the pane of xx^{ti} li My lord allegit agane and sayd thai aucht na new court becaus he was bundyn befor the lordis to entir to that court for the saidis bludis Bot nochtwithstanding giff thai allegit & sayd thai wantit ony of thair defens howbeit thai had tyme anewch of before to haif gettin thaim he wald of his awin gud will consent that the sayd ballies affixit ane new court to the sayd william andersone and he fyndande borowis to entir thairto undir the pane of xx^{ti} li the quhilk the saidis ballies dyd and affixit thaim the viij day of nouember next to cum & the sayd william andersone fand borowis to entir thairto as court peremptour undir the pane of xx^{ti} li And als the saydis ballies causit the officiaris to tak borowis of william grahayme andro michael and thomas purdy in lykwys

CURIA baronie de carnwyth tenta apud villam de carnwyth viij^o die mensis nouembris anno domini etc quingentesimo xxxvj^o per honorabiles viros Willelmum chanslar dominum de quodquen et willelmum Inglis de estscheill balliuos nobilis et potentis domini hugonis domini somer-

vill baronis baronie de carnwyth quo die curia affirmatur
secte vocantur absentes in amerciamentis curie

ASSISA

luke grenschelis of that Ilk	James cok in grange
James hamiltoun of roplocht	thomas ormistone
James levinstoun zongar	thomas girdwod
lard of geroswod	morys fyschar
William bailze of cormanstoun	alexander brisone
Arthwr bailze	
laurens Weir	
robert lewinstoun	
david grenschelis	
steyne blak	
Jhone Wr in crukvindis	

The quhilk day my lord gart follow William andersone in howbwrne for the fying of his ground witht violent blud drawyne apone william grahme in spittal and als gart follow the said William grahme in spittal for the fying of his ground for the violent blud drawin upone the said William andersone the said william grahme ansuarit & grantit thair was blud & deniit the bludwit The said william andersone desirit at the said bailzeis part of his frendis to speik for him The quhilk thai grantit And he tuk thomas weyr in leylaw sir William weyr & master Jhon weir The quhilkis was admittit be the saidis bailzeis & the party

88r

The quhilk day my lord gart follow the said william andersone for the filing of his ground with violent blud drawin apone Andro michell in carnwyth & als gart follow the said andro mychell for the fying of his ground with violent blud drawin upone the said william andersone The said andro mychell grantit that thair was blud & deniit the bludwit And als the said lord gart follow the

said william andersone for filing¹ of his ground with violent blud drawin upon thomas purdy creillman² The said thomas purdy grantit thair was blud & deniit the bludwit Thomas weir of leylaw forspekar for the said william andersone comperit in Jugement & in the fyrst maid protestacione aganis the Juge the inquest & all the membris of the curt And thaireftir allegit & desirit in the said william andersone name ane lauchful Juge And ane lauchful curt my lord alegit agane & said that the said curt was lauchful for quhy It was contenuit of befor And that curt affixit to hyme peremptorie be his awin desyr & his frendis And thair consentis And als that the saidis bailzeis was chosin in presens of the lordis be sir william weir his master & admitit thairto Nochtwithstanding my lord said gif thai had ony lauchfull exceptione aganis the bailzeis the curt or the inquest or ony member of the curt that thai wald allege in speciall & thai suld be admitit And thairupone tuk Instrumentis of sir william clerkson clerk of the curt The said thomas weir ansuerit & said without the bailzeis wald affix him a new curt he wald mak na³ mair³ ansuer nor defence for the said william andersone at that tyme Tharfor my lord requirit the bailzeis to proceed & put the said mater to the knowleg of the inquest The quhilk the bailzeis did & causit the inquest to be red befor the said william andersone & his forspekaris of new & sperit at him & thaim gif thai had ony excepcione releuant aganis ony of thai personis upone the inquest & bad thaim schaw thaim & thai suld be admitit The said thomas weir ansuerit & said he had nane nor wald say na mair at that tyme Thareftir the balzeis causit the inquest to pas furth of curt The quhilk the inquest gart call diuers witnes & preffis of all the bludis abone writtin & causit the saidis witnes & prewys to be sworne in Jugement thaireftir browcht befor the said inquest be thair gret aithis that the said

¹ *william andersone for filing* repeated here.

² *And als gart follow* repeated here.

³⁻³ Added above the line.

William andersone come with ane hand ax & rolland cok witht ane swerd & bukлар & lay in william grahmis gart behind his hous Amang the hemp & baid thair ane lang tyme for skaith of the said william as thai beleifit becaus the said william andersone maid his wow that the sammyng sonday at the kyrkstil of carnwyth befor the hail parrochin that he suld put ane knyf in william grahmis flesh that day or ewyne as It was cleirly prewit to the said assis And als the saidis prewis deponit befor the said inquest that Andro michell was cumand hame ridand fra the mercat of lanark fer withtin nycht | throw the toune of carnwyth the said william anderson met hym & pullit him of his hors & kest him in ane myr & dang him with his neiffis & feit & bludit hym & the said andro mychell criit murther the quhilk the nychtburis hard & come furth baith mene & wiffis & fand the said william andersone lyand apone the said andro mychell & tuk him wp & put thaim sindry And thaireftir the said andro mychell wif come furth & than the said wif & andro michell baith set one the said william andersone & drew blud one hym agane in likwys etc the quhilk deposiciones of the saidis preiffis & witnes the inquest beand riplly awisit hafand god befor etc come in curt agane & deliuerit all in A woce be the mouthe of James of lewin-stoune chanslar of the assis & fand william andersone in the blud & bludwit betuix hym & william grahme & acquyt the said William grahme thairof And als fand the said William andersone in the blud & bludwit betuix him & andro michell be the fyrst occasione And als fand the said Andro michell in the bludwit at the last occasione betuex hyme & william andersone of the quhilk deliuerance the bailzeis gart gyf dowme be the mouthe of Jhone watson dempstar that the said william andersone was in amerciamment of the curt sic as he aucht to tyn upone lawe for the violent bluid drawin upone William grahme in spittall And als gaf doume apone hyme sic as he aucht to tyne of lawe for the violent blud drawin upone andro michell And als gaff doume upone the said andro michell

that he was in ane merciment of the curt sic as he auchte to tyne upone lawe for the violent blud drawin apone Williame andersone & this was done in dew forme as efferit

And als the said assys has contenuit the blud betuix Williame andersone & thomas purdy creilman to the nixt curt becaus thai war informit at thair was uthir preiffis that kennit the tulze & ordanis to arrest thaim to the nixt curt

The quhilk day comperit in Jugement williame grahme in spittall Jhone the grahme thair Jhone dychtment in carnwyth andro michell thar Jhone grahme in grenschelis And desyrit souerte & lawborowis of the said Williame andersone that thai mycht be harmles & skaithles of him bot as law wald and maid faith in Jugement that thai dred bodilie harme of hyme Tharfor the lord requirit the said williame andersone to fynd lawborowis to the saidis personis according to the law the quhilk he rafusit & wald nocht do It thaireftir the lord requirit his frendis & forspecaris for hyme to caus lawborowis to be funding as he aucht upone law the quhilk thai refusit in likwys of the quhilk the said lord askit Instrumentis of the clerk of the curt that he cowth get na lawborowis of the said williame andersone & for that caus he wald put hym in fyrmans quhill he gat lawborowis as he aucht upone law becaus the personis abone writtin maid faith at thai dred hyme of bodely harme etc

CURIA baronie de carnwyth tenta apud villam de carnwyth secundo die mensis decembris anno etc quingentesimo xxxvj^o per honorabiles viros willelmum chanslar de quodquen et willelmum Inglis de estscheil balliuos nobilis et potentis domini hugonis somervill baronis baronie de carnwyth quo die curia affirmatur secte vocantur absentes in amerciamentis curie

ASSISA

luk grenschelis of that Ilk	dauid grenschelis
James levinstone zong lard of geroswod	Jhone somervil in cruk- vindis
William bailze of cormanstoun	robert of levinstoun
James Wr in fortht	William somervil of the
James cok in grange	nwk
	James somervill in grenfeld
	thomas thomsone in libertone
	laurens Weyr
	petir somervill
	Williame scot in grange
	thomas ormistone

The quhilk day my lord gart follow wilzeme andersone for the fying of his ground with violent blud drawin one thomas purdy creilman & als gart follow the said thomas purdy for the fying of his ground for violent blud drawin one william anderson The said thomas purdy grantit thair was blud drawin upone hyme & deniit the wrang ony blud drawin & said he did nocht bot wald a rod hym & the curat of carnwyth & tuk the said william andersone be the arme & wald haf haldin hyme becaus he wald haf haldin hyme he strak hyme in his harme & hurt hyme as is weil kend & referit hyme to the assys & witnes that was besyd thair-upone The said william andersone ansuerit and desyrit at the bailzeis of his frendis to speik for hym the quhilk was grantit And he desyrit oswald weir the quhilk comperit in Jugement & said at he understud the said william andersone had done na wrang & desyrit ane new curt my lord said he aucht nane becaus he had funding borowis to that curt & It was set thairto bot gyf he had ony lauchful excepcionis that was releuant agane the bailzeis the Inquest or ony member of the curt It suld be admitit & [he] schew nane Tharfor my lord requirit the bailzeis to proceid & put the mater to the knowlege of the inqueist

89r

The quhilk day my lord gart follow the said williame andersone for the brekin of ane arrestment maid upone the

land & medow of carnwyth hauch besyd the spittall that is to say for the castin of his petis within the medowerd pertenand to tennandis of carnwyth & spreding in his petis in thair unmawin medow to ane gret quantite And for the schering of thair medow & tedering of his hors in thair unmawin medow nyctlie as was weil kend and william andersonis forspeikar maid nane ansuer thairto Tharfor my lord requirit the bailzeis to rasaif his preiffis to preif the arrestment makin and brekin of the sammyng & desyrit thaim to proceid & put the mater to the knowlege of the assyse the quhilk thai did and gart call William eldar offisar to preiff the arrestment makin befor thaim the quhilk William eldar comperit in Jugement & preiffit be hymself & diuers witnes be his precep dewly execut & indorsat the quhilk precep gaif him command to mak the said arrestment & the Indorsyng bur ¹of¹ the samyn Thareftir the saidis bailzeis gart reid the assyse to the said william andersone & sperit gyf he had ony excepcionis releuant aganis the said assyse ² & thai suld be set And thaireftir the bailzeis ³causit³ the said assis to pas furth of curt the quhilk thai did And thaireftir gart cal diuers witnes the quhilkis thai causit to be sworne in Jugement the quhilk witnes was browcht agane to the assys & thair deponit befor thaim be thair gret aithis that thomas purdy did na thing bot tuk william andersone be [the] arme quhen he wald a slane the curat for the quhilk caus william andersone hurt hyme And als the saidis preiffis deponit befor the assys that the said william andersone had castin his petis in thair medowe erd and spreid thaim in thair unmawin medow eftir the arrestment makin & skaith to the pur mene & tedering of hors in the nyct in thair unmawin medow & the arrestment makin & skaith the pur mene gretlie thairthrow be the depositions of the witnes the assys beand riplie avisit hafand god befor etc come in curt agane & deliuerit all in A woce

¹⁻¹ Added above the line.

² *to the said william andersone* deleted here.

²⁻³ Repeated in the text.

& fand that the said william andersone had brokin the said arrestment And als deliuerit all in ane woce be the mouthe of James of leuinstoun chanslar of the assis & fand the said william andersone in the blud & bludwit for the drawin of blud upone thomas purdy creilmane The quhilk deliuerance the bailzeis gart gyf doume be the mouthe of Jhone watsonne dempstar of the curt that the said william andersone was in amerciament of the curt sic as he aucht to tyne upone law for the violent blud And als gaf dome that the said william andersone forfeitit & escheitit all his mwfabill gudis beand undir & within his Jurisdictione at that tyme and his awin persone to be punist as accordis to the law for the said arrestment brekin and . . . dowme in dew forme as eferis of the law etc |

CURIA baronie de carnwyth tenta apud villam de carnwyth xvj^o die mensis februarii anno domini etc quingentesimo xxxvj^o per honorabilem virum willelmum somervil in newbiggin ballium nobilis et potentis domini hugonis somervil domini dicte baronie sectis vocatis curia affirmata absentes patent per rotulum

89v

ASSISA SEU INQUISICIO

Jhone lindissay lard of colbantone	lard of wikitschaw robert grahme
lard of geroswod zongar	william somervil in gled-
James somervil in wolfrodis	stanis
lard of westraw zongar	georg somervil thair
lard of westhall	thomas thomsone
robert of leuinstoun	
Jhone somervil in crukvindis	
william somervil lard of the nuk	
Jhone dychtmont in carnwyth	
Andro clerksonne in throwbwrne	

The quhilk day my lord followit James¹ heste for the fying of his grownd & vyolent blud drawing one robert baxter the said James heste dyssyrit my lord & his ballie

¹ *Johne* deleted and *James* added above the line.

men to speik for him quhilk was grantit him & he tuik sanderrosis bryson in westschill to speik for him the said sanderros bryson comperit & said tha was blud betuex the said James heste & robert baxter & denyit that the said James heste had ony wyt thairof & als my lord gart follow robert baxter for the fying of his ground & wyolent blud the said robert baxter grantit the blud & denyit the bludwytt & referit him to syis & the wetnes & said he had na mynd one nathyng quhill the said James heste tuik him one the heid with ane ax & hert him rycht Ill Is the wetnes ¹ saw that was besyd and thaireftir the ballie gart red the Inquhist to bayth the partyis & speirit at thame gef tha wald haif ony of thame set & schaw ane lawchfull caus & tha sould be set & bayth the said party amettit all the Inquhist exsep the 3ong lard of gershous James heste susspeikit for parsehe[1] consell & desyre ²him ² to be purgeit thairof quhilk he did & than was amettit be bayth the partyis and than my lord desyrit the ballie to proseid & put the mater to the knowlaig of the syis quhilk he did & caussit the syis to pas forth of the court thaireftir the syis gart call diuers wetnes and caussit thame to be sowne in Jugement & broycht agane befor thame the quhilk witnes deponet be thair gert athis befor the syis that the said James heste straik & hurt the said robert baxter one the heid with ane ax or he did ony thyng to him be the dispisyone of the said wetnes the syes been rypelle awyset comme in the court againe & deliuerit all thair awys be the mowth ²of ² the lard of cowbentoune chansseller of the syis & fand James heste bayth in the blud & bludwyt & quit the said robertt baxter of quhilk deliuerance [the baillie gart] ³ gef dome be the mowth of Johne we[tsone domestar of the court that James heste wes in] ³ |mersement of the court syk as he awch to tyne upone law for the fying of the grownd with wyolent blud and thairupone gef dume in dew forme js efferit

90r

¹ *Schawit* deleted here.³ MS. torn.²⁻² Added above the line.

Als the said robert baxter desyrit the baillze to caus the said James heste to mak him ane mendis for hurtin & skys as law wald & als to caus him to fend him law-borrowis to be harmemellis & skysles of him as law will in tyme cumming the quhilk the bailze requhyret the said James heste to do in Jugement quhilk he refusit & wald fend nane thairfor my lord gart breng him hame & hald him quhill he fand borrowis

CURIA ¹capitalis¹ baronie de carnwyth tenta apud villam de carnwyth xxiiij die Aprilis anno domini etc quingentesimo xxxvij^o per honorabilem virum robertnm levin-stoun ballium nobilis et potentis domini hugonis domini somervil sectis vocatis curia affirmata absentes patent

INQUISICIO

Jhone lyndissay lard of col-	James somervil in grenfeld
bantone	William somervil lard of the nuk
lard of Westraw zongar	Jhone huntar
david grenschelis	Jhone somervil in crukvindis
Jhone grame	thome huntar in grenfeld
lowre wey[r]	

Arthour bailze
 hew cok
 James cok
 Jhone dychtment
 thom Weyr in fynglyn

The quhilk day James hammeltowne of fenart knyecht oftymes callit & nocht compeirit In mairssement of this court quhilk he hawcht to tyne apone law to this court as the hed court for his ¹pressens¹ & landis of lebartowne

The quhilk day Johne somerwell of cambusnathen oftymes callet and nocht compeirit in ane mairssement of this court quhilk he awcht to tyne apone law to this

¹⁻¹ Added above the line.

court as the hed court for his ¹pressens ¹ & landis of cerswell & quodquene

The quhilk day the lard of gershouswod oftymes callit and nocht compeirit In ane mairsement of this court quhilk he awcht to tyne apone law to this court as the hed court for his ¹pressens ¹ for landis of nubeken

The quhilk day the lard of erdhousis oftymes callit & nocht comperit In ane mairsement of this court quhilk he awcht to tyne apone law to this court as the hed court for his pressens for the landis of herdhousis of henschillwod |

90v

CURIA baronie de carnwyth tenta apud villam de carne-
wyth ix^o die mensis octobris anno domini etc quingente-
simo xxxvij^o per honorabilem virum willelmum bailze
de cormanstoun ballium nobilis et potentis domini
hugonis domini somervil sectis vocatis curia affirmata
absentes patent

INQUISICIO

William Inglis of estscheil	robert levinstoun
James levinstone of geroswod	petir howesone
lucas grenscheil	James cok
sande bailze	James denom
lard of westhall	Jhone somervil in cruk- vindis
William chanslar of quodquene	
thomas thomsone	
William gledstanis In quhit- castel	
William Mosmane	
robert grahme	

The quhilk day James hammiltowne of fenart knycht oftymes callit and nocht comperit In ane mai[r]sement of this court quhilk he haucht to tyne apone law to this

¹⁻¹ Added above the line.

court as the hed court for his pressens for his landis of lebartowne etc

The quhilk day Johne somerwell in cambusnathen oftymes callit and nocht comperit In ane mairssement of this court quhilk he awcht to tyne apone law to this court as the hed court for his pressens for his landis of cerswell and quhodquhane

The quhilk day the lard of gershouswod oftymes callit and nocht comperit In ane mairssement of this court quhilk he awcht to tyne apone law to this court as the hed [court] for his pressens for his landis of nubeken

The quhilk day the lard of herdhousis oftymes callit and nocht comperit In ane mairsement of this court quhilk he awcht to tyne apone law to this court as the hed court for his pressens for his landis of herdhousis & henschillwod |

CURIA ¹Capitalis¹ baronie de carnwyth tenta apud villam de carnwyth xxij^o die mensis Januarij anno domini etc quingentesimo xxxvij^o per honorabilem virum Jacobum levinstone de geroswod ballium nobilis et potentis domini hugonis domini somervil sectis vocatis curia affirmata absentes patent

91r

INQUISICIO

James somervil in Wolfrodis	William somervil lard of
James ² levinstoun	the nuk
William chanslar	lowre Weyr
robert chanslar	James somervil in grenfeld
robert of levinstoun	dauid somervil thair
	georg somervil of gledstanes
patrik Inglis	
thomas Wr	
Jhone dychtment	
William somervil in neubiggin	
Jhone carmichell in bowbank	

¹⁻¹ Added above the line.

² *somer*' deleted here.

The quhilk day James hammeltowne of fenart knyght oftymes callit & nocht compeirit In ane mairsement of this court quhilk he haweht to tyne apone law to this court as the hed court for his pressens for his landis of lebertowne

The quhilk day Johne somerwell of cambusnathen oftymes callit and nocht compeirit In ane mairsement of this court quhilk he aweht to tyne apone law to this court as the hed court for his pressens for his landis of cersswell and quhodquhane

The quhilk day the lard of gershouswod oftymes callit & nocht compeirit in ane mairsement of this cour[t] quhilk he haweht to tyne apone law to this cour[t] as the hed court for his pressens for his landis of nubeken

The quhilk day the lard of herdhousis oft tymes callit and nocht compeirit in ane mairsement of this court quhilk he haucht to tyne apone law to this court as the heid cour[t] for his pressens for his landis of herdhousis & henshillwod

The quhilk day my lord followit In court Johne thomsoun soun and air to mychell thomsoune in libirtoun for the soume of xx mark that the said mychell his fader was awand him for the rest of the marage of william balze of cormestoune that the said mychell coft fray my lord for the quhilk sowme the said lord schew the said mechellis obligatioune In Jugement And als he followit the said Johne thomsoune as air to his fader for this soume abonevrittin And for the sowm of xv pundis for thre bludis that the said mychell thomsoune his fader and mychell cok in baitlaw and mores fyscher war condemnitt in of befor in the barrone court of carnwayth and that the said mychell thomsoune¹ . . . a dattur to my lord for the hail bludwodis sik lyk as the act of . . .¹ thairapoune beris that was than in Jugement to the quhilk the said Johne thomsoune . . .¹ ansirit at my lord at he suld amet that mater . . .¹ thairof be consall of gentillmen . . .¹ with consent of bath the said . . .¹ to the maister the . . .¹ | lordis soune and

¹ MS, torn.

to the lard of cowentoune and fore euir thai deliuerit in the saidis materis abonvrittin thai oblest thaim to stand and abyd thairat for the quhilk to the said lord thai held up ther hand In Jugement and the said Johne thomsoune maid faith In Jugement to byd thairat and the saidis arbetoris tuk the mater apoune thaim In Jugement and maid thair ayth to deliuer the said materis betuex that and sanctandros day witth power to continewet the said materis longer gif thai messerit for the quhilk baitht the saidis parteis desirit ane act In the buk to be maid thair-upoune

Jhone thomsone witth my hand at the pene

CURIA baronie de carnweth tenta Ibidem xiiij^o die mensis maij anno domini etc xliij^o per discretos viros Jacobum somerwell et Johannem carmychtchell de eodem balliuos nobilis et potentis viri hugonis domini de somerwell curia affirmata sectis vocatis absentes patentper rotulum

INQUISICIO

Willzam somerwell in moshat	Jhone huntar in torbrakkis
James somerwell in greinfeild	Jhone haiste in falla
dawe somerwell thair	willzam somerwell in amfer-
adam somerwell in torbrakkis	law
James Ur in the forcht	Jhone somerwell in sydwod
	3owngar
	James purde in stobwod
william Inglis in the scheill	androw cler[k]sone in throw-
Jhone watsonne in caldlaw	burne
Jhone cwrtesse in carlindene	James ramsay thair
thomas gray thair	niniane Inglis in hynschel-
lowre logane	wod
	James purde in forcht
	thomas Ur in carnweith

Jhone dychtmont thair	hew cok the laird thair
petir somerwell in libertone	Jhone somerwell in crwik-
Rob cowane thair	windis
moris fyscher thair	Jhone Ur
James cok in grange	peter Somerwell

92v

The Waestoris & ill hanis men that well nocht keip the command and ourdenans of the barle men for the profet of the towne tharfor It Is spascelle ourandit In this presen Wetsonday that quha euir be that ettis his neboris corne ourthir be day our nycht & It Is lauchfely prysset that quhat corne that euir beis prysit to the party tha sall pay als meilkell to the lord without ony fawouris & to caus gud hanyng to be In tyme to come and gef ony tanandis is nocht content of the presen atis sa nay In tyme for tha that Is nocht content sall nocht be na land takeris In tyme to come

Therdle my lord statudis & ourandis that the tanandis that hes rycht to pastour In the cowmownd of ¹the daill¹ [of] carnewyth our in the cowmownd of lebartowne that the tanandis sall gang ane sartane of the eldest & of best ondirstandis & sa quhat the cowmownd ma beir And thair-efter euirilk tanand to put sa mony to his comownd as efferis to his mallyng And gef thair beis ony ma oure-sowmes fownd in the cowmownd fra tha be anes warnyt Into the kyrk to red thame of It within four daies wndir the pane of eschetityng to my lord without ony fawour

Item quhair It was spascelle statudis In my lord court of be beffor be all his predessouris & be him self this lang tyme bygane tha[t] na tanandis sould call uthir to the cons[is]terre to spend thair geir and spascelle for the thyngis that consarwes his barowne court & aucht to be desydet in It and gef that failzeit thairin It was the statudis of beffor that the furst falt sould be xl s of . . .² escheityng of thair . . .² |

¹⁻¹ Added above the line.

² MS. torn.

Item my lord amettis and appreysis In this presen Witsonday all styllis & stutudis & acis maid of beffor be his predessassouris for the cownownd weyll of his tenandis & for gud rowll & neborhed to be keipit amangis thame and for the inbrengeing of his maillis dewitis & dusarwes & for the ansuering of his officaris & seruandis quhen thai war lauchfully warnyt within brengeing of thair dusarwes in spashelle and the panes that was maid effor gef tha failzeit that now tha sall be broycht in without fawour tha beand lauchfully warnyt be the officar our uthir In his name

92v

Secundly . . .¹ and ourand be my lord with consent of . . .¹ to be maid for the corn . . .¹ in tymes befor |

My [lord ourandis]¹ & statudis in this present Wetsonday that quha euir beis preuit In this falt In tyme to come that It sall be plane forfaltyng of thair mallyng without ony fawour & neuir to bruk It agane quhill It be new gyrswomet & the thred part of his ger to be esschet gef he callet ony h . . .¹ matter In the cons[is]terre that sould & aucht to be wroycht in the barowns court

93r

And als quhaer It was statudis of beffor that ony man that defradit the mell In thair mowter our held ony quharnes² bot thame that gat leyf of the mellar our zeit rod awa with thair corn that the hors & laid sould be esschet & xls of thair geir & quha so dois in the conterray It sall be the pane³ forsafteyng⁴ of thair mallyng without tha [be] gerssomit one new agane

Item my lord statudis & ourandis withtin the paresche of lebartowne that na man cast mair heldyng one the mur nour well sustene thairane self one thair awen mallyng

¹ MS. torn.

² *i.e.* querns, or hand-mills.

³ & *thair mallyng* deleted here.

⁴ *sic* ; read *forfaltyng*.

And gef It beis fownd be the nebouris that ony castis
¹mair¹ nour to sustene thame self to tax awa our to sell
 It sall be forfotting of thair mallyng & xls to my lord
 without ony fawouris

Item als It Is statudis be my lord that na tanand in the
 towne of lebartowne hald na . . . ellis² ondir the pane
 the furst falt of xls & the next forf[alt]yng of thair m]²allyng
 syklyk as It was statudis In the towne of . . .² |

93v

Item my lord sta[tudis and our]²andis quhair . . .² that
 Is restet to his court & compeeris nocht bocht lyis out for
 deffrad of thair parte that tha that sall pay the parte the
 expensis ay one quhill thai compeir

¹⁻¹ Added above the line.

² MS. torn.

INDEX OF PERSONS

The letters *sa* indicate service upon an assize or inquest.

Designations are given only as found in the text.

- ADAM, John, *sa*, 135.
 — William, *sa*, 135.
 Afflek, *see* Auchinlek.
 Aikman, Sir Duncan, 193.
 Ake, Robert, 17, 22.
 Alason (Alansone), James, 25, 62;
 sa, 129.
 — William, 25.
 Alexander, William, in Morbottill,
 186.
 Anderson, Besse, 47.
 — James, son of Besse Grens-
 scheillis, 123, 125-6.
 — John, 34, 47; son of Besse
 Grenscheillis, 123, 125; his
 wife, 123.
 — Margaret, charged with theft,
 37.
 — Thom, 33.
 — William, 171; forfeits his
 moveables, 172-3, 201-3. His
 forspeakar, *see* Weir, Oswald.
 — William, in Howburne, 182-
 185, 190, 195-200. His for-
 speakers, *see* Weir, Mr. John;
 Weir, Thomas, in Law; Weir,
 Sir William.
 Atzesone (Etzesone), James, in Cor-
 manstone, 129, 130, 132, 133,
 137.
 — James, in Quodquene, 129;
 (tailor), 130, 136; forfeited,
 138-9; 144.
 — Maron, 59, 60.
 — Thomas, 111, 113.
 Atzin, John, in Dunsyre, *sa*, 135.
 Auchincassill (Awchincassill), laird
 of, *sa*, 14, 21.
 Auchinlek (Afflek, Awchinflek,
 Efflek),
 of *Twede*,
 — James, *sa*, 97, 120.
 Auchinlek, Andrew, 72, 79, 95, 107,
 110; *sa*, 160. His wife, *see*
 Hume, Margaret.
 — Andrew, in Erdhous, *sa*, 46,
 194.
 — James, *sa* 124.
 Auchinlek, Janet, 28.
 — Margaret, 28.
 Awchtingray, widow of, 43.
 BAILIE: *see* Baillie of Aldstoune,
 William; Baillie of Cormiston,
 William; Baillie of Littlegill,
 William; Carmichael of that
 Ilk, John; Chancellor of
 Quothquhan, Robert; Chan-
 cellor of Quothquhan, William;
 Chancellor, Robert; Chan-
 cellor, William; Dennom of
 Westshiel, Simon; Hamilton,
 Thomas; Inglis of Eastshiel,
 William; Inglis, William;
 Kirkpatrick, Henry; Living-
 ston of Jerviswood, James;
 Livingston, Robert; Mait-
 land, Hugh; Somerville,
 James; (of John, Lord Somer-
 ville) Somerville, John; Somer-
 ville, William, in Newbigin.
 — of Lebertoun,
 Kirkpatrick, Henry; Thom-
 son, Michael.
 Baillie (Baille, Bail3e, Ballie, Bal3e)
 of *Aldstoune*,
 — William, sits as baillie, 149, 150.
 of *Bakkie*,
 — William, *sa*, 14, 18, 21, 55, 58.
 of *Cormiston*,
 — Thomas, 79, 111, 119, 141,
 160; *sa*, 55, 129.
 of (*Tower of*) *Cormiston*,
 William, appointed baillie, 128;
 sits as baillie, 129, 131, 133,
 135, 194, 206; 141, 149, 190,
 191, 192-193, 208; *sa*, 114, 141,
 143, 150, 151, 153, 160, 171,
 173, 177, 182, 197, 201.
 of *Littlegill*,
 — William, sits as baillie, 136;
 sa, 135.
 Baillie, Alexander, husband of Mar-
 garet B., 191.
 — Archibald, 117.
 — Arthur, *sa*, 160, 182, 197, 250.

- Baillie, Katryne, wife of Robert Forrest, 149; portioner of Cormestoun, 191.
- Margaret, portioner of Cormestoun, 191. Her husband, *see* Baillie, Alexander.
- Sande, *sa*, 206.
- Thomas, 39, 46, 57, 71, 73, 89, 94, 107, 109, 113, 123, 126.
- William, 18, 78, 94, 119; *sa*, 67, 85, 112.
- Baldirstone, William, 105, 106.
- Balte (Baltj), John, 43, 60, 105, 106, 109, 111, 112.
- Barlemen (Berlamen, Birlawmen), 68, 102, 210.
- Baron-baillie, *see* Bailie.
- Baron-officer, *see* Officer.
- Bartrem (Bertrem), Meg, her son's wife, 123.
- Patrick, 45; in Strafrank, *sa*, 160.
- Baxter (Baxster), John, 24; *sa*, 14. His wife, *see* Elder, Bessie.
- Robert, 122, 190, 203-5.
- Bell, John, 20.
- Bird, Janet, servant to John Gray, 22.
- Birlawmen, *see* Barlemen.
- Blak (Blake), Janet, 59.
- John, 28, 100; *sa*, 61.
- Stene, 16, 149; *sa*, 182, 197; in Forth, *sa*, 152.
- Bowok, Thom, 56.
- Boys, Katerin, 121, 125.
- Brokat, John, *sa*, 14.
- Brown (Broune), Agnes, 40, 49.
- Gilbert, 8; *sa*, 3.
- James, 53, 79, 98, 113, 114, 121, 126, 133-4. His brother, *see* Brown, William, in Mylrig.
- James, in Genschell, 77, 92, 93, 181. His brother, *see* Brown, William.
- James, in Newbigin, 91, 92, 95, 97, 127, 141.
- James, servant to the parson of Leberton, 77.
- John, 123, 125; *sa*, 7, 72, 77, 90, 91, 114, 146.
- John, in Forth, *sa*, 3, 14, 18, 30, 32, 33, 43, 49, 60, 64, 65, 66, 67, 68, 74, 79, 82, 83, 85, 94, (chancellor) 101-4, 118, 120, 129, 131, 133, 143, 147, 150, 155, (chancellor) 166-8, 175, 194, 195.
- Brown, John, in Milrig, 148-9.
- Simon, 4, 11, 15, 18, 20, 22.
- William, 16, 18, 22, 40, 47, 77, 98, 113, 114, 121, 126.
- William, brother of James B., in Genschell, 92, 93.
- William, in Mylrig, brother of James B., 54, 133-4, 147-8, 175-6.
- Bryson (Bryssone), Alexander, 115, 190-1; *sa*, 182, 197. His wife, *see* Purdy, Marjone.
- James, 28.
- John, *sa*, 14, 44.
- Sandiris, in the Scheild, 189; (Sanderrosis) in Westscheill, forspeaker for James Haiste, 204.
- Thomas, 14, 25, 109.
- Burlawmen, *see* Barlemen.
- CAGGER, *see* Mitchell, Andrew.
- Calderhead (Calderheid), James, 5, 9.
- Car (Cor), Alan, 108.
- George, in Linton, 185; *sa*, 185.
- Kerste, in Linton, 170.
- Wille, 17, 42, 44, 55, 59, 76, 78, 96.
- Carmichael (Carmichell, Carmychtchell),
of that ilk,
- John, sits as bailie, 209.
- Carmichael, John, in Bowbank, *sa*, 207.
- Carnwath, commissary of, 56. *And see* Weir, Sir William.
- curate of, 171-2, 201-2.
- officer and sergeant of barony of, *see* Cheisle, Thomas; Elder, Walter *and* William; Fleming, Simon.
- vicar of, 6. *And see* Weir, Sir William.
- Carvas, John, *sa*, 14.
- Cay, Robert, 54.
- Cesford (Sesfurd), laird of, 185.
- Chalmer (Schalmer), 'old' Adam (of), 188.
- John (of), 188-9.
- Chancellor (Chanslar, Chanslare),
of Cormiston,
- Robert, enters suitor, 141.
- of Quoathquan*,
- Robert, 116; sits as bailie, 170; *sa*, 3, 21, 23, 32, 40, 52, 58, 62, 75, 107, 110, 114, 116, 118, 120, 131, 135, 141, 148, 150.

- Chancellor (*of Quothquhan*), William, sits as bailie, 181, 195, 196, 200; 190, 191; *sa*, 151, 153, 173, 194, 206.
- Chancellor, Helen, 5, 7, 10, 15, 18, 19, 24.
- James, his wife (?) Crispen, 117.
- John, 11.
- Robert, 5, 13; arbiter, 15; 17, 117, 119; sits as bailie, 150-1, 152-3, 173; *sa*, 14, 74, 77, 91, 94, 112, 207; in Quodquen, *sa*, 26, 60.
- William, 22, 113; sits as bailie, 143; *sa*, 14, 160, 207.
- Chancellor of assize: *see* Brown, John, in Forth; Lindsay of Covington, John; Livingston of Jerviswood, James and James, younger; Livingston, James, younger; Ure, Thomas, in Carnwath; Weir, Thomas, in Law.
- Chaplain: *see* Clerkson, Sir William; Craufurd, Sir Andrew and Sir Hew.
- Chesle (Chesle, Chesly, Schesle), John, 33; *sa*, 44.
- Thomas, 33, 44, 68, 69, 102-5, 140, 155, 167, 178.
- Thomas, baron-officer, appointed sergeant, 14, 124; 70, 80-6, 91-3, 95, 97-8, 111, 127, 128; appointed officer, 145; 156-7.
- Cleghorn, laird of, *sa*, 55. *And see* Lockhart of Cleghorn.
- Clerk, James, 16, 20, 21, 27, 36, 39, 41, 43, 49, 53, 55, 62, 142.
- James, younger, 41.
- Thomas, 41, 47, 53, 58, 62; of Leberton, 81.
- Clerk of court: *see* Clerkson, Sir William; Craufurd, Sir Hew; Somerville, William.
- Clerkson (Clarkstone, Clerkstone, Clerstone), Andrew, 50, 54, 115; *sa*, 77, 160, 177.
- Andrew, in Castairis, 179.
- Andrew, in Throwburn, *sa*, 65, 68, 82, 101, 155, 166, 203, 209.
- Bertilmo (Berte), 7, 11, 21, 32, 34, 36, 39, 42, 52, 122, 126; *sa*, 129; in Carsewell, 65, 66, 70, 80, 82, 84, 85, 87.
- John, 59.
- Robert, 34; in Strafrank, 145, 179.
- Clerkson, Thom, 99.
- Sir William, chaplain, 145, 163; notary public, 191; clerk of court, 198.
- Clwcht, Jano, 47.
- Cok (Cock), Hew, *sa*, 153, 160, 173, 177, 205; in Grange, *sa*, 142, 151, (the laird there), 210.
- James, *sa*, 153, 173, 205, 206; in Grange, *sa*, 147, 151, 171, 175.
- 182, 194, 195, 197, 201, 210.
- Janet, daughter of Rowe C., 31.
- Michael, 16, 20, 21, 24, 25, 26, 28, 30, 55, 88, 89, 128; *sa*, 153, 173; in Baillaw, 208; *sa*, 151.
- Rolland (Rowe), 31, 54, 74, 145, 199; his daughter, Janet, 31; in Carnwath, 99.
- Cokborne, James (of), 161.
- Commissary of Carnwath, 56. *And see* Weir, Sir William.
- Cook (Cuk, Kuke), John, 9, 24, 28, 159.
- Copland (Coupland), John, 1, 5, 12, 29, 34, 45, 73, 90, 115, 130; young John, 29.
- Corbot, David, in Morbottill, 186.
- laird of, *sa*, 185.
- Cormiston, lairds of, 143. *And see* Baillie of Cormiston, Thomas and William; Chancellor of Cormiston, Robert.
- Corrus, laird of, 53.
- Covington (Cowbentoune, Cowentoune), laird of, 209. *And see* Lindsay of Covington.
- Cowan (Cowham, Cowhan), Robert, 16, 17, 18, 21, 24, 26, 27, 36, 48, 59, 74, 142, 144; *sa*, 143; in Lebartowne, 163; *sa*, 210.
- Crab, James, 41, 47, 142; in Libertone, *sa*, 133.
- Jane (Janot), 18, 47, 49, 59.
- Wille, 41, 47.
- Craig (Crag, Crage), laird of, 28; *sa*, 37, 72, 90, 97, 120.
- Craufurd, Sir Andrew, chaplain, 155.
- Sir Hew, chaplain, 145, 155; clerk of court, 176.
- Thome, *sa*, 146.
- Crestowne, Carschin (of), widow of Edward Glengawell, 164.
- Cudbert, James, 113.
- Cultirmanis, laird of, *sa*, 40, 58.
- Cuningham (Conygham), Andrew, 149.
- Curate, of Carnwath, attack on, 171-172, 201-2.

- Curre (Cure), James, 42; in Uvertoune of Quodquen, 138.
- Thomas (of), 32, 41; in Quodquen, 65, 66, 70, 80, 82, 84, 85, 87; in Uvertoune of Quodquen, 136; forfeited, 138-9.
- Curtas (Courttas, Cwrtest), John, 178; *sa*, 151, 153, 173; in Carlingdene, 163; *sa*, 61, 68, 91, 101, 155, 166, 209.
- William, 16.
- DAGLEIS, Stein (of), 186, 187, 188.
- Dalzell, John, in Westshiel, 25, 121.
- Patrick, *sa*, 7, 10, 14, 19, 21, 23, 26, 37, 39, 40, 52, 55, 58, 61, 64, 66, 79, 83, 90, 107, 110, 114, 120, 133.
- Robert, *sa*, 142.
- Thomas, *sa*, 62.
- laird of, *sa*, 14, 21, 62, 90, 142.
- Damahoy, John (of), *sa*, 185.
- Darouch, Sir Edmund, 145.
- Dave, Jok, *sa*, 44.
- Dawson (Dawesone), George, *sa*, 185.
- John, in Denirles, 187; *sa*, 185.
- Robin, in Hoslaw, in Linton, 170; *sa*, 185.
- Will, in Hoslaw, in Linton, 170; *sa*, 185.
- Deaglas, Symond (of), in Linton, 170.
- Dempster, *see* Hedilstone, James; Watson, John.
- Dennom (Danom, Dennon, Dennonm, Dennonwme, Dennon, Dennon, Denom, Denome), of *Westshiel*,
- James, 164, 189; his father, 189.
- Simon, sits as bailie, 67, 101, 165-7.
- Dennon, James, 78, 93, 96, 115, 158, 191; *sa*, 206; his wife, 96.
- James, son of Simon D., 73, 76, 78, 93, 96, 100.
- Katherin, 5, 12.
- Marzone, 137.
- Patrick, 105-6; his son, 106.
- Simon (of), 11, 15, 48, 73, 76, 78, 93, 96, 100; *sa*, 23, 30, 37; his wife, 76. His son, *see* Dennon, James.
- Denns (Dennis), James, 9, 60.
- Douglas (Dowglas), George, *sa*, 7.
- Douglas (of), arbiter, 15; *sa*, 7.
- Thomas (of), *sa*, 26.
- Dunlop, John (of), in Quodquen, 36, 41, 52, 65, 66, 70, 80, 82, 84, 85, 87, 136, 138, 144.
- Dychtmunt (Dechmoncht, Dychtmont, Dychtment, Dychtmont), John, (of), 2, 20, 21, 22, 27, 36, 44, 53, 68, 102, 124, 146, 161, 162; gatherer of mylord's maills, 163; 178-80; *sa*, 14, 72, 77, 91, 107, 110, 124, 129, 146, 151, 153, 160, 173, 175, 177, 195, 205, 207.
- John (of), in Carnwath, 116, 179, 184, 190, 200; *sa*, 18, 26, 30, 32, 33, 44, 65, 66, 67, 68, 82, 83, 85, 90, 101, 112, 114, 116, 155, 166, 194, 203, 210.
- John, in Leberton, 16.
- Wille, 47, 53, 59, 81, 117, 118.
- EFFLEK, *see* Auchinlek.
- Elder (Eldar, Elddar), Andrew, 30; *sa*, 14. His son, *see* Elder, Nicoll.
- Bessie, spouse of John Baxter, 2.
- David, 20, 21, 29, 39, 60, 68, 102; *sa*, 44. His son, *see* Elder, Nicoll.
- Hew, 59, 83.
- Janot, sister of Thomas E., 114.
- John, 19, 20, 21, 28, 121.
- Nicoll, 27, 36, 39, 42, 52; in Carswell, 35, 65, 66, 67, 70, 80, 82, 84, 85, 87.
- Nicoll, son of Andrew E., 30.
- Nicoll, son of Daude E., 29.
- Thomas, 114, 162, 178. His sister, *see* Elder, Janot.
- Walter (? William), baron officer, 69.
- William, 27, 178; *sa*, 14, 44, 61.
- William, baron officer, 55, 68, 102, 104, 130, 134, 137-8, 140, 141, 142, 143, 144, 147, 150, 167-8, 172, 175, 177, 178, 191, 202.
- William, of Jet, 162.
- Elphinston, Andrew, 38, 58, 61, 89.
- Lorens, 51.
- Erdhouse (Eirdhous, Eirdhousis, Erdhous, Erdhousis, Herdhous, Herdhousis), laird of, 10, 23, 38, 75, 120, 143, 194, 206, 207, 208; *sa*, 148.

- Eston (Eistone, Estown), Andrew,
son of William E., 45.
— James, 18, 21, 24, 26, 27, 47,
49, 53, 88.
— William, 45. His son, *see*
Eston, Andrew.
- FAIRLE (Farle), Andrew, *sa*, 2.
— Jane, 105, 106, 108.
— John, 2, 114, 117, 120, 167 ;
alias Paucas, 141.
— John, 125.
— John, in Newbiggin, 125, 126.
— John, in Vellis, 25.
— John, younger, 146.
— Thomas, 47.
- Fargeson, Mongo, 61.
- Fischar (Feschar, Fyschar, Fyscher),
Alexander, 74.
— Arthur, 78, 93, 96, 100, 121,
135.
— Elizabeth, 37, 40, 78, 93, 96,
100. Her brother, *see* Fischar
Arthur.
— John, 28, 30, 47, 74, 118,
193.
— Mores, 16, 20, 21, 24, 25, 26,
28, 30, 36, 39, 59, 142, 208 ;
sa, 182, 197 ; in Leberton,
83 ; *sa*, 210.
— Simon, 18, 21, 24, 26, 27, 88,
89, 121, 125, 142 ; in Liber-
tone, *sa*, 133.
- Fleming, Simon, 9 ; baron officer,
151, 153-4, 173-4, 191.
- Flok, Andrew, *sa*, 14.
- Forrest, Margaret, 163.
— Robert, 149, 191. His wife,
see Baillie, Katryne.
— Thomas, 41, 56 ; of Leberton
Myll, 43.
- France, John, 27, 29, 30, 33.
- GARDNER (Gardnar, Gurdner), John,
8 ; *sa*, 185.
— Wille, 100.
- Garraswod (Gerruswod, Gershous-
wod, Gerwoswode), laird of,
see Jarviswood, laird of.
- Georg, Cuthbert, messenger, pre-
sents letters from the King,
136.
- Gibson, Gyllis, 50.
— Ninian, 78, 93, 96, 99.
— William, 25, 50, 54, 59, 73.
- Girdwood (Girdwod, Gyrdvid,
Gyrdvod), David, 115, 120-1,
125.
- Girdwood, James, 12, 32, 34, 36,
42, 52, 115, 120-1, 125 ; *sa*, 2,
7 ; in Carsewell, 65, 66, 70,
80, 82, 84, 85, 87 ; *sa*, 14, 18,
19, 23.
— John, 8, 32, 34, 36, 39, 42, 52,
65, 77, 92, 110, 112, 115, 120-
121, 125, 127 ; *sa*, 133.
— John, in Carsewell, 65, 66, 67,
70, 80, 82, 84, 85, 87 ; *sa*, 135.
— John, younger, 77 ; in Carse-
well, 91, 92, 97, 98.
— Thomas, *sa*, 133, 182, 197.
- Glasgow (Glasgw, Glasquow, Gles-
chow, Glesquho), John (of),
32, 41, 52, 117, 137.
— John, in Quodquen, 36 ; in
Uvertoun of Quodquen, forfeit-
ed, 138-9 ; 144.
— Robert, 11.
— Thomas, in Quodquen, 65, 66,
70, 80, 82, 84, 85, 87.
— William, 17.
- Gledstanis (Gledstannis), Archi-
bald, *sa*, 94.
— John (of), of Arthwr schell,
arbiter, 15.
— Robert, 16, 18, 20, 27, 43,
88.
— William, 22, 24 ; in Quhit-
castel, *sa*, 206.
- Glengawell, Edward, 164. His
widow, *see* Crestowne, Car-
schin (of).
- Glenquhome, James, 186 ; *sa*, 185.
- Graham (Ghrame, Grahayme,
Grahme, Gram, Grame),
of Westhall,
— John, the young laird, son of
Robert G., of Westhall, 11, 18 ;
sa, 2, 10, 18, 21, 33, 39, 52, 58,
64, 72, 79, 90, 116.
— Robert, arbiter, 15 ; *sa*, 2, 10,
116, 147, 148, 175.
- Graham, James, charged with trou-
bling the court, 13 ; 37, 39, 43.
His brother, *see* Graham, John.
— James, in Grenis, 20.
— James, in Newbiggin, 35, 41.
— John (the), 12 ; his son, 12 ;
charged with troubling the
court, 12 ; 13, 15, 20, 53, 100,
110, 112, 184 ; *sa*, 7, 40, 60,
65, 72, 131, 135, 143, 146, 205.
His nephew, *see* Graham,
William.
— John, brother of James G.,
37.

- Graham John, in Greynschelis, 184, 190, 200.
- John, in Spittal, arbiter, 15; 41, 190, 200; *sa*, 30, 32, 46, 52, 58, 67, 75, 82, 85, 118, 129, 133, 142, 147, 148, 175. His brother, *see* Graham, William.
- John, in Westhall, *sa*, 62, 67, 85.
- Robert, 1, 5, 12; charged with troubling the court, 13; 15, 62; *sa*, 203, 206; in Dunsyre, *sa*, 195. His brother, *see* Graham, William.
- Thomas (the), 40, 62; his son, 62; 75, 78, 93, 111, 113; *sa*, 67, 85.
- Thomas, creilman, 37.
- Thomas, in Quhitcassell, 22, 24.
- William, 1, 5; his wife, 12, 15; 15, 17, 44, 50, 54, 63, 100; sits as bailie, 177; *sa*, 30, 131, 135, 143, 146, 148.
- William, brother of John G., in Spittal, 41.
- William, nephew of John G., 12, 13.
- William, in Spittal, 182, 184, 190, 195-7, 199-200; *sa*, 32, 65, 82, 124, 133, 142, 147, 175.
- Gray (Gra), James, 1, 62.
- John, 22, 32, 34, 36, 41, 42, 45, 52, 74, 76, 118. His servant, *see* Bird, Janet.
- John, in Arthurschellis, 40.
- John, in Carsewell, 65, 66, 70, 80, 82, 84, 85, 87.
- John, in Leberton, 78, 99.
- John, in Quodquen, 65, 66, 70, 80, 82, 84, 85, 87; in Uvertoun of Quodquen, 138.
- John, in Strafrank, *sa*, 160.
- John, in the Wodend, 189.
- Katerine, 144.
- Robert, 7, 34, 35, 36, 52; in the walkmill of Carsewell, 65, 66, 67, 70, 80, 82, 84, 85, 87.
- Thomas, 34, 62, 162; in Carlindene, *sa*, 209.
- William, 16, 28, 30, 32.
- Greenshields (Grenscheil, Grenscheillis, Grenscheis),
of that ilk,
- Louk, *sa*, 171, 182, 197, 201.
- Greenshields, Bessie (in), 22, 24, 123, 125. Her sons, *see* Anderson, James *and* John.
- David, *sa*, 142, 171, 182, 197, 201, 205.
- Greenshields, Louk, 63; *sa*, 62, 67, 85, 90, 97, 133, 206.
- laird of, *sa*, 2, 107, 112, 124, 142, 177. *And see* Greenshields of that ilk.
- Greenshielhouse (Grenscheilhou), widow of, 9.
- Greg (Grege), John, 116, 117. His wife, 117.
- Wille, 123, 126. His wife, 123, 125.
- HAIG (Hag), Adam, 30, 55.
- Haiste (Haist, Haste, Hasty, Heste), James, 111, 122, 190-1, 203-5; forspaker for, *see* Bryson, Sanderossis.
- John, 7, 23, 55, 62, 117; *sa*, 61.
- John, in Caldwell, 61, 118; *sa*, 68, 101, 166.
- John, in Faulaw, *sa*, 155, 209.
- Hamilton (Hamilton, Hammiltowne, Hammilton, Hammiltoune, Hammiltowne, Hammyltoune),
of Fynart,
- Sir James, 160, 194, 205, 206, 208.
- Hamilton, Archibald, *sa*, 177.
- Elizabeth, 3.
- Sir James (of), 106, 109, 119, 143, 160.
- James, *sa*, 18.
- James, of Raplocht, *sa*, 182, 194, 195, 197.
- John (of), 163, 176.
- Robert, *sa*, 142, 185; in Lebirtowne mell, 181.
- Thomas, sits as bailie, 159.
- William (of), *sa*, 185.
- Hartry, laird of, *sa*, 110, 124.
- Hediistone, James, dempster, 158.
- Henderson, Thomas, 76, 77, 91; in Newbigin, 79, 95.
- Henschaw (Hensaw, Henschay, Hensstray, Hinschaw, Hynschaw), Thomas, 6, 8, 13, 64; *sa*, 61, 151, 153, 173; in Auchingray, *sa*, 68, 101, 155, 166.
- Henschelwod, Thomas, 123.
- Henstray, *see* Henschaw.
- Herdhous, laird of, *see* Erdhouse, laird of.
- Hiltson (Heltstone), Bessie, 6.
- Robert, 64.
- Wille, 159.
- Hinschaw, *see* Henschaw.
- Hog, John, *sa*, 185.

- Hostlaris, the, charged with demanding too high prices for bread and ale, 25.
- Howcheson, Wille, 45.
- Howeson (Howesone, Howestone), Berte, 111, 113, 114, 120, 125.
- Helen, 20, 22, 24.
- Helis, 59; her daughter, 59.
- James, 37, 62, 125, 126; *sa*, 2, 133, 160.
- Myldowr, 1.
- Petir, 63, 76; *sa*, 2, 52, 72, 133, 206.
- Robert, 57, 130.
- Thomas, 27, 29, 30, 54, 56, 76; charged with 'forssin' the officer, 77, 91, 96, 97; 120, 126; *sa*, 67, 85.
- William, 27, 30; *sa*, 2, 61. [*blanck*], 60.
- Hume (Hwim), Margaret, wife of Andrew Auchinlek, 79.
- Hunter (Huntar) Andrew, 108, 118; *sa*, 7, 77, 91, 129, 143, 153, 173.
- Andrew, in Amferlaw, *sa*, 49.
- Andrew, in Fawlo, *sa*, 43.
- Andrew, in Greenfield, *sa*, 3, 14, 18, 19, 21, 26, 32, 33, 37, 40, 46, 61, 82, 107, 116, 151.
- George, 122.
- James, 60, 108, 110.
- John, 8, 19, 25, 62, 135, 158; *sa*, 7, 114, 143, 146, 205.
- John, in Erdhouse, 136.
- John, in Fawlo, 113; *sa*, 14, 18, 21, 30, 32, 33, 37, 40, 43, 49, 61, 62, 64, 68, 77, 79, 94, 101, 110, 112, 120, 151, 152, 153, 155, 166, 173, 194, 195.
- John, in Torbrax, *sa*, 68, 101, 155, 166, 209.
- Thomas, *sa*, 61, 131; in Grenfeld, *sa*, 205.
- Sir William, 16, 63, 71, 88.
- William, in Grenaltone, 132.
- Hwim, *see* Hume.
- Hynschaw, *see* Henschaw.
- INGLIS (Ingillis, Inglise),
of Eastshiel,
— William, 193; sits as bailie, 146, 147, 170 (?), 175, 195, 196, 200; *sa*, 148, 150, 206.
of Westshiel,
— William, 14.
- Inglis, Arthur, 132, 133.
- Elizabeth, 16.
- James, *sa*, 61.
- Inglis, Maron, 123.
- Michael, 16, 20, 21, 27, 36, 39, 62.
- Ninian, *sa*, 114; in Hynshelwod, *sa*, 209.
- Patrick, *sa*, 207.
- Thomas, *sa*, 14.
- William, 9; charged with troubling the court, 13; 15; sits as bailie, 181; 191; *sa*, 85.
- William, in Eastshiel, *sa*, 3, 19, 26, 37, 49, 60, 74, 83, 94, 107, 112, 120, 133, 141, 194; in the Scheill, *sa*, 114, 209.
- William, in Henschelwod, 3; *sa*, 19, 30, 55, 65, 82, 107, 112, 141, 151, 195.
- William, in Libertoune, 144, 145.
- William, in Newmains, 65, 66, 70, 77, 80, 82, 84, 85, 87, 92, 95, 98, 127-8, 130, 132; forfeited, 134-5.
- William, in Westscheill, *sa*, 60.
- Innergrenan (Innergranane), laird of, 3, 51, 58.
- JAMES [V.], king of Scotland, court fenced in name of, 12, 13. *And see* King.
- Jerviswood (Garraswod, Gerruswod, Gershouswod, Gerwoswode, Jariswod), laird of, 4, 23, 32, 38, 46, 51, 57, 61, 63, 71, 79, 88, 94, 96, 107, 110, 116, 119, 143, 160, 206, 207, 208; his father, 71, 88; *sa*, 3, 66, 83, 107, 112, 114, 118, 124, 142, 171, 177, 197.
- laird of, younger, 62; purged of partial counsel, 204; *sa*, 3, 66, 83, 203. *And see* Livingston of Jerviswood.
- Johnston (Jhonston, Johneston), Andrew, 2, 149.
- John, 117, 119, 166.
- Wille, 122, 126.
- Juge, Mychell, 142.
- Justice (Justis), Andrew, 33, 34, 36, 39, 42, 52; in Carsewell, 65, 66, 67, 70, 80, 82, 84, 85, 87.
- Cudde, 74.
- James, 137; in Uvertoun of Quodquen, forfeited, 138-9.
- John, 11, 25, 32, 41, 52, 56; in Quodquen, 36, 39, 65, 66, 70, 80, 82, 84, 85, 87, 129, 130; forfeited, 130-1; 136-7, 138, 144; *sa*, 26.

- Justice, Margaret, 29.
- Thomas, 4; acts as arbiter, 50; 76, 78, 96, 113, 114, 142; *sa*, 60, 135. His servants, *see* Nicoll, William; Sowlton, James.
- Thomas, in Newbiggin, *sa*, 129, 194, 195; in Newbiggin mill, 98; *sa*, 133.
- Sir William, 51, 58, 72, 73, 75, 79, 89, 94, 161.
- William, 33, 34, 36, 42, 52; in Carsewell, 65, 66, 67, 70, 80, 82, 84, 85, 87.
- KAY, *see* Cay.
- Kello, David, 56, 99, 108, 110, 112, 127; *sa*, 131, 143, 146, 160; in Gledstanis, *sa*, 124.
- Isbell, daughter of Richard K., 99, 108, 110, 112.
- James, 5, 32, 48; attorney for John Somerville, laird of Quothquhan and Carsewell, 81, 86; 129; *sa*, 2, 116.
- James, in Quodquen, 36, 39, 41, 46, 52, 65, 66, 70, 80, 82, 84, 85, 87, 136-7, 138-9, 144; *sa*, 3, 10, 14, 23. His son, *see* Kello, William.
- John, 32, 48, 117; in Quodquen, 36, 39, 41, 52, 65, 66, 70, 80, 82, 84, 85, 87, 129, 130, 136-7; forfeited, 138-9; 144, 166; *sa*, 10. His son, *see* Kello, John.
- John, younger, son of John K., in Quodquen, 137, 138.
- Richard, 56, 99. His daughter, *see* Kello, Isbell.
- William, son of James K., in Quodquen, 137; forfeited, 138-139.
- Kilpatrick, *see* Kirkpatrick.
- King, the, failure to furnish a carriage to wars of, 2; court fenced in name of, 12, 13; letters from, to loose arrestments, 136; tenants to be ready for his wars, 164-5.
- King (Kyng), Thomas, 42, 48.
- Kirkpatrick (Kilpatrick, Kyrkpatrick), George (of), *sa*, 21, 23, 33, 44, 61, 97, 118, 147, 160, 175; of the Belgar, 45.
- Henry, oversman, 15, 50; sits as bailie, 35; 117; bailie of Leberton, 119; *sa*, 2, 3, 10, 18, 21, 26, 32, 40, 43, 74, 75, 77, 91, 94, 97, 107, 110, 112, 114, 124, 141, 142, 147, 150, 175.
- Kirkpatrick, Matthew, 155, 193; *sa*, 18, 19, 21, 60, 61, 62, 64, 75, 77, 79, 91, 97, 107, 110, 114, 118, 120, 124, 135, 141, 142, 143, 146, 147, 148, 150, 175, 185.
- Robert (of), *sa*, 2, 3, 7, 23, 26.
- Kneland, Gawane, *sa*, 185.
- Kuke, *see* Cook.
- LAM (Lame), Andrew, entered suitor for Sir James Hamilton, 119; 142.
- John, 130.
- Libberton, bailie of, *see* Kirkpatrick, Henry; Thomson, Michael.
- parson of, 53, 77. His servant, *see* Brown, James.
- Leis (Leiss, Leyis), John (of), 28, 30, 62, 72, 74, 118.
- Steyne (of), 133.
- Leisman, Mychell, 108.
- Liddell (Ledail, Ledal, Ledell, Liddayll, Lyddail), Anne, 105, 106, 108.
- James, *sa*, 44.
- John (of), 31, 62; *sa*, 44; in Dunsyre, *sa*, 135.
- Robert, in Dunsyre, *sa*, 135.
- Lin, John (of), 72, 90, 119.
- Lindsay (Lyndissay),
of Covington,
- John, 209; *sa*, 147, 175, 194, 195, (chancellor) 203-4, 205.
- Lindsay, Lawrence, 133.
- Linton, baron of, *see* Somerville, Hugh, Lord.
- Lithgow (Lythgw, Lythquho), John (of), 32, 41; in Quodquen, 36, 52, 65, 66, 70, 80, 82, 84, 85, 87, 137; forfeited, 138-9.
- William, 17.
- Livingston (Levingstoun, Levinston, Levinstone, Levinstoun, Levinstoune, Levynston, Lewingstone, Lewinstoun, Lewinstoune),
of Jerviswood,
- James, 78, 93; acts as arbiter, 109; 125, 194; sits as bailie, 207; *sa*, 7, 55, 97, 135, (chancellor) 181, 206.
- James, younger, *sa*, 10, 147, 175, (chancellor) 182-184, (chancellor) 201-3.

- Livingston, Elizabeth, 20, 21.
 — James (of), 63, 89, 100; *sa*, 18, 60, 74, 77, 91, 94, 207; in Jerviswood, *sa*, 64, 75, 79.
 — James, younger, *sa*, 114, (chancellor) 171-3, (chancellor) 197-9.
 — Robert (of), 7, 8, 19, 21, 34, 48, 49, 50, 53, 59, 71, 74, 76, 77, 88, 91, 100, 107, 110, 111 *n*, 112, 113, 118, 120, 121, 125, 126, 133, 141, 146; sits as bailie, 205; *sa*, 97, 129, 146, 171, 177, 182, 197, 201, 206, 207.
 — Robert, in Newbigin, 154-5, 161.
- Lockhart (Lokart),
of Cleghorn,
 — Alexander, *sa*, 75, 135.
 Lockhart, Stene, 45.
- Logan (Logen, Longane, Lougane),
 Janet, 68, 102.
 — Laurence, 163; *sa*, 23, 30, 32, 58, 116, 152, 160, 166, 209; in the Mill, *sa*, 68, 101, 155; in Carnwath, *sa*, 194.
 — William, 6; *sa*, 58; in Caldwell, 118; *sa*, 155.
- Loke, Robert, 45; in Strafrank, 145.
- Loky, Peter, 34.
- Lowdean, William (of), 10, 23, 32, 38, 46, 51, 57, 61, 72, 75, 79, 89, 107, 110, 120, 143, 161.
- Lowry, Katerin, 118.
- Lows (Lous, Lowis), John (of), 43, 47, 49, 53, 56, 59, 81, 90.
 — Mungo, 34, 57, 99, 180-1.
 — Wille, 99.
- Luman (Lumen, Lunan), John, 44, 48, 54.
- MAKERMUND, David, 4.
 Makclef (Makcheyf), 25.
 Makmorin (Makmourin), John, 100, 158.
- Maitland, Hugh, sits as bailie, 152.
- Man, Gyllis, 73.
- Marshall (Marschell, Merschell), Sir James, notary public, 149.
 — James, in Easter Gledstanis, 48.
 — John, 18.
- Martin, Elin, 31.
- Mason (Masson), Patrick (Pait), 25, 42, 60, 62, 74, 109.
- Maxwell, Robert, Lord, 3, 10, 23, 31, 32, 38, 45, 46, 51, 57, 61, 71, 73, 89, 94, 115; suitor entered for, 56.
- Medillmest, George, in Linton, 169; in Scharpiss ryg, 186.
 — James, in Linton, 170, 187, 188.
- Mennon (Mennum), James, 27, 28, 30.
 — Jane, 24, 108.
 — John, 24, 27, 28, 30, 76.
 — Stene, 24, 27, 28, 30, 76, 78, 96.
- Messenger, *see* Georg, Cuthbert.
- Millar, Thomas, 48.
- Mitchell (Michael, Mitschell, Mychell, Mychtchell), Andrew, cagger, 20, 34; smith, 59, 60, 109; on the Hill, 108; in Carnwath, 182, 184; assaulted, 195-7, 199; his wife attacks his assailant, 199; 200.
- Morpet (Morpat), David, 28, 42, 60, 68, 102, 148, 152, 158, 159.
 — Mungo, 34.
 — Thomas, 132.
- Moscrop [*blank*], in Linton, 170.
- Mosman, Janot, 49.
 — John, 24, 27, 30, 32, 34, 36, 39, 42, 52, 62, 73; in Carsewell, 46, 65, 66, 67, 70, 80, 82, 84, 85, 87.
 — Stene, 28.
 — Thomas, 20.
 — William, 22, 24, 56, 62, 142; *sa*, 206; in Quhitcastell, *sa*, 194.
- Mossat, good wife of, fails to furnish a carriage to the king's wars, 2.
- Mowat (Mowet), George, 163.
 — Male, 108.
- Mowtray (Mowtra), James, 8, 40, 115, 117, 166.
 — John, 45, 115, 117, 167; *sa*, 44.
 — Matho, 60.
- Muir (Mur), Jane, 99.
 — Thomas, 76.
- NEWK, laird of, 2, 23.
- Nicoll, John, 56; of Dunsyre, 25.
 — William, 113; servant of Thomas Justis, 114.
- Notary public, *see* Clerkson, Sir William; Marshall, Sir James.

- OFFICER, deforcing of, 5, 63, 77, 91, 96, 97, 122, (while executing a poinding), 138-9, 186; arrestments by, 22, 76; 'fencings' by, 48, 50; summonses by, 133, 146, 165. *And see* Cheisle, Thomas; Elder, Walter *and* William; Fleming, Simon; Paterson, John.
- Ormiston (Urmiston, Urmistone, Urmaston), Thomas, 56, 72; *sa*, 23, 85, 131, 133, 143, 153, 171, 173, 182, 197, 201.
- Thomas, in Greynschelis, *sa*, 194.
- Thomas, in Libertone, *sa*, 151.
- Ostlers, *see* Hostlaris.
- PARSON, of Leberton, 53, 77. His servant, *see* Brown, James.
- Paterson, Cuthbert, 16, 63, 76, 78, 96.
- John, 49, 53, 57, 124; appointed officer and serjeant of lands of Braxfeld, 139-140.
- Paucas, *see* Fairle, John.
- Penman, Janet, 126.
- Penny (Penie), Andrew, 17, 32, 34, 36, 37, 39, 42, 52.
- Andrew, in Carsewell, 46, 65, 66, 70, 80, 82, 84, 85, 87.
- Andrew, in Newbiggin, 35, 39.
- Janot, 121.
- John, 6.
- Maron (Male), 115, 120, 125.
- Robert, 25.
- Petynane, vicar of, *see* Weir, Mr. John.
- Phiffer, John, 62.
- Porteous (Portius, Portuus), Thomas, 19, 21.
- Pringle (Pryngill), George (of), in Morbottill, 186.
- James (of), in Morbottill, 186.
- Proudfoot (Proudfut, Prowdfut, Prudfut), James, 53, 76; *sa*, 2.
- William, 9.
- Pumfra (Pomfra, Pumfray), John, 2, 12; charged with troubling the court, 13; 15, 32, 38, 50, 58; acts as arbiter, 109; 123, 193; *sa*, 2, 7, 10, 18, 19, 23, 30, 52, 60, 72, 74, 91, 107, 110, 114, 120, 129, 135, 141, 148, 150, 177.
- John, in Henschelwood, 145, 161, 190-1; *sa*, 21, 37, 46, 49, 62, 65, 75, 82, 90, 94, 97.
- Pumfra, William, 15.
- Purdie (Purde, Purdy), Andrew, 77, 78, 91, 93, 97.
- James, 68, 102, 148, 158; his mother, 148.
- James, in Forcht, *sa*, 209.
- James, in Stobwood, *sa*, 68, 101, 166, 209.
- John, 22, 24, 36, 39, 56, 57, 78, 93, 123, 125-6, 142, 162, 178; *sa*, 67, 75, 77, 85, 91; of the Quhitcastell, *sa*, 61.
- Maron, wife of Berte Somervell, 108.
- Marzone, wife of Alexander Bryson, 137.
- Stein, 16, 24, 25.
- Thomas, creillman, 171-3, 182-184, 195-6, 198, 200-3.
- QUHIT (Quhiit), Mungo, in Uvertoun of Quodquen, 137; forfeited, 138-9.
- Thomas, 118.
- Quothquhan, laird of, *sa*, 39, 46, 72, 90, 124. *And see* Chancellor of Quothquhan.
- RA, Katerin, 29.
- Ram, John, 154-5.
- Ramsay, Adam, 42, 61, 63.
- Adam, younger, 37, 42.
- Alexander, *sa*, 52, 60, 62, 64, 79, 97.
- James, 8, 37, 42, 111; in Throwburne, *sa*, 209.
- John, 35.
- Wille, 42.
- Ranaldson (Ranald), Stene, 75, 77, 78, 91, 93-97.
- Reid, John, 64.
- Richardson (Rechartson, Rychartson), John, 11, 48, 63, 162, 178.
- Robert, 158, 159.
- Robison (Robeson, Robesone, Robisone), David, in Quodquen, 36, 39, 41, 52, 65, 66, 70, 80, 82, 84, 85, 87, 129, 136-7; forfeited, 138-9; 144.
- Michael, 44.
- Roger, Dave, 49, 53.
- Ross, Thom, 108.
- Rowe, John, 11, 21, 29, 44, 48, 50, 53, 111 *and n.*, 112, 150; in Newbiggin, 146.
- Thomas, 76, 78, 96, 111, 113.

- SCHALMER, *see* Chalmer.
- Scheill, Lady of, 62.
- Schesle, *see* Cheisle.
- Scot (Schot), David, in Hyvod, 22, 24, 28.
- James, 17, 28.
- John, 5, 42, 44, 117.
- John, brother of Richard S., in Westshiel, 151; forfeited, 153-154, 173-5.
- John, in Cowantone, 132; *sa*, 133, 135.
- John, in Grange, 40, 132, 166.
- Richard, 42, 59, 60; in Westshiel, 151; forfeited, 153-4, 173-5. His brother, *see* Scot, John.
- Thom, indicted for theft, 61.
- William, in Grange, *sa*, 171, 201.
- Sergeant, 6. *And see* Cheisle, Thomas; Paterson, John.
- Sesfurd, *see* Cesford.
- Shaw (Schaw), John, 24, 28, 63.
- Sibbald, John, *sa*, 135.
- Simpson (Semson, Symson), Helen, 24.
- Jane, 159.
- John, 43, 73, 90; the creilman, charged with deforcing the officer, 63.
- Robert, 9.
- Thomas, 6, 8, 64, 102, 122, 158, 159; in Auchingray, 137; his wife, 137.
- William, 6, 122, 158.
- Skown (Skwne), James, 136; in the Uvertoun of Quodquen, forfeited, 138-9.
- Male, 32.
- Thomas (of), 32, 41, 52; in Quodquen, 36, 65, 66, 70, 80, 82, 84, 85, 87.
- William, in Uvertoun of Quodquen, 138.
- Smith (Smyth), John, in Linton, 170, 187, 189.
- Robert, 60, 106, 109, 111, 112; in Bigar, 132.
- the, at Carnwath, 50; at Newbigging, 50. *And see* Mitchell, Andrew.
- Snape (Snaip, Snypp), James, 56, 127.
- John (of), 4, 56, 92, 127; in Leberton, *sa*, 118.
- Robert, 55, 128.
- Simon, 4, 121, 127, 134, 149; in Gledstanis, 147-8, 176.
- Snape, William, 74; *sa*, 185.
- Somerville (Somervell, Somervil, Somerwell, Sumerwell), Hugh, Lord, baron of Carnwath, Linton, and Stenhouse, holds court of Carnwath, 1, 3, 7, 9, 13, 14, 17, 19 *et passim*; pursues tenants for failing to come to his mill, 2; enforces prices fixed for bread and ale, 25, 59; at Edinburgh, 50; orders all men of barony to assist in capture of thieves, 75; orders all complaints for court to be in writing, 81; compels tenants to come to mill of Carnwath, 101; makes regulations for times of plague, 115-17; dispute between, and John S., of Cambusnethan, 124; appoints a bailie, 128; letters to, from King, to loose arrestments, 136; discharge to, 145; issues regulations for military service, 164-5; issues ordinances regarding pasturings, multures, etc., 210-12; holds court, of Stenhouse, 28; of Linton, 168, 185; issues ordinances for tenants of Linton, 189. His wife, *see* Somerville, Lady; his bailies, *see* Bailie; his officers and sergeants, *see* Officer and Sergeant.
- John, Lord, 164. His bailie, *see* Somerville, John.
- Lady, wife of Hugh, Lord S., 177-8.
- of Cambusnethan,*
- (Sir) John, laird of Quothquhan and Carswell, 81, 86, 107, 109, 119; dispute between, and Hugh, Lord S., 124; 143, 144, 160, 164, 194, 205, 207, 208. His attorney, *see* Kello, James; his servants, *see* Somerville, John and Thomas.
- of the Plane.*
- David, suitor entered for, 185.
- Somerville, Adam, in Torbrakkis, *sa* 209.
- Archibald, 42; arbiter, 50, 74, 76, 77, 91, 107, 113; charged with 'forcing' of the officer, 122; 128, 142; *sa*, 39, 40, 49, 58, 60, 66, 67, 74, 75, 83, 85, 94, 110, 112, 114, 118, 131, 133, 135, 141, 146, 150.

- Somerville, Berte, 24, 26, 27; his wife, *see* Purdy, Maron.
- David, 9, 13, 48, 54, 73, 90, 99, 100; *sa*, 61, 67, 72, 85, 90, 175; his father, 73, 90.
- David, in Amferlaw, *sa*, 14, 37, 49, 91.
- David, in Greenfield, 53; *sa*, 3, 7, 10, 14, 19, 26, 32, 33, 37, 39, 43, 46, 49, 52, 55, 60, 64, 65, 66, 74, 79, 82, 83, 94, 97, 107, 110, 112, 116, 120, 133, 142, 143, 146, 147, 152, 153, 171, 173, 207, 209.
- George, *sa*, 143, 177.
- George, in Blakpull, *sa*, 19.
- George, in the Gledstanis, *sa*, 61, 133, 203, 207.
- James, 57; *sa*, 61, 66, 74, 83, 94, 110; sits as bailie, 155, 209.
- James, in Greenfield, 105, 106, 156; *sa*, 19, 40, 43, 65, 66, 82, 83, 97, 107, 124, 141, 143, 147, 152, 171, 175, 177, 201, 205, 207, 209.
- James, in Woolfords, *sa*, 23, 26, 32, 33, 46, 52, 55, 62, 64, 75, 79, 97, 112, 116, 118, 124, 129, 131, 141, 143, 148, 150, 152, 153, 173, 177, 194, 195, 203, 207.
- Janot, 47.
- John, 3, 5, 25, 28, 46, 53, 63, 78, 89, 94, 107, 109; called 'pretty,' 144; *sa*, 2, 3, 72, 118.
- John, bailie to John, Lord Somerville, 164.
- John, servant of John S., of Cambusnethan, 144.
- John, in Crukvindis, 19, 21, 78, 93, 96, 100; *sa*, 7, 10, 18, 19, 23, 26, 32, 33, 37, 39, 40, 43, 46, 49, 52, 58, 62, 64, 65, 74, 75, 79, 82, 90, 94, 107, 110, 112, 116, 120, 141, 143, 146, 147, 148, 152, 153, 160, 166 (?), 173, 175, 177, 201, 203, 205, 206, 210.
- John, in Greenfield, *sa*, 150.
- John, in Mossat, 10.
- John, in Sidwod, 149; *sa*, 152, 195; younger, *sa*, 209.
- Katherine, wife of William S., 3.
- Peter, 16, 18, 22, 47, 142; *sa*, 72, 90, 112, 133, 171, 201, 210.
- Somerville, Peter, in Grenfeild, 156.
- Peter, in Leberton, 41, 163; *sa*, 10, 39, 74, 91, 94, 97, 110, 120, 124, 129, 135, 141, 150, 210; his brother, Thom, 41.
- Peter, in Studland, *sa*, 83, 143, 148.
- Stene, 70, 74, 88, 109, 121, 146.
- Thomas, 5, 9, 34, 47, 49, 122, 132; *sa*, 118.
- Thomas, brother of Peter S., in Leberton, 41.
- Thomas, servant of John S., of Cambusnethan, 144.
- Thomas, in Auchingray, 122, 159.
- Thomas, in Blakcastell, *sa*, 10, 19, 23, 26, 30, 32, 33, 37, 39, 43, 49, 52, 55, 60, 61, 62, 64, 66, 74, 75, 79, 82, 83, 90, 94, 116, 120.
- Thomas, in Mossat, *sa*, 19, 33, 37, 39, 40, 43, 52, 55.
- Sir William, desires to appear for James Brown, 127.
- William, 10, 20, 32, 38, 46, 51, 53, 57; sworn in as clerk of court, 59; 61, 71, 89; called 'franchvil,' 144; 150, 151-2, 154, 174-5; *sa*, 160. His wife, *see* Somerville, Katherine.
- William, in Amferlaw, *sa*, 209.
- William, in Gledstanis, *sa*, 143, 203.
- William, in Moshat, 105, 106; *sa*, 155, 195, 209.
- William, in Newbiggin, 135; sits as bailie, 203; *sa*, 129, 131, 133, 135, 207.
- William, in the Newk, 40, 58, 76, 78, 96, 98, 108, 109, 114, 116, 126, 143; *sa*, 171, 177, 201, 203, 205, 207; his wife, Katerin, 116.
- Soutar (Sowtar), John, 24, 26, 27, 41, 43, 54, 56, 64, 70, 72, 90, 150; of Newbiggin, 88.
- Steill, John, 63.
- Stenson (Stensone, Stenston), Thome, *sa* 133.
- laird of, 16; *sa*, 14, 120.
- Stenhouse, baron of, *see* Somerville, Hugh, Lord.
- Struderis, Pat (of), 45.
- Symson, *see* Simpson.
- TAIT, Daude, in Weadedail, in Linton, 170.

- Tait, Dawes, in Linton, 170.
- Tarbet (Terbat), David, widow of, *see* Wright, Maron.
- James, 34.
- John, 33, 34, 36, 42, 52; in Carsewell, 65, 66, 67, 70, 80, 82, 84, 85, 87.
- the widow, *see* Wright, Maron.
- Tennand, John, his mother, 187.
- His widow, *see* Wright, Jonat.
- Jonat, widow of John T., *see* Wright, Jonat.
- Pait, in Linton, 170.
- Simon, 105, 106.
- Thomson (Thomsone, Thomsoun, Tomsone), Andrew, 11.
- Constantin, in Quodquen, 4, 32, 36, 39, 41, 52, 65, 66, 70, 80, 82, 84, 85, 87, 136-7; forfeited, 138-9; 144.
- James, 16, 36, 39, 142; *sa*, 160; his wife, 163.
- James, son of William T., of the 3et, 21, 27.
- James, in Libertone, *sa*, 146.
- John, 16, 18, 21, 26, 36, 41, 74, 76, 77, 78, 79, 88, 93, 96, 121, 125; *sa*, 30, 131. His brother, 18; *and see* Thomson, Michael *and* William.
- John, son and heir of Michael T., in Libirtoun, agrees to arbitration, 208-9.
- John, in Leberton, 99; *sa*, 39, 61, 118, 133.
- John, in Newbiggin, 91, 92, 95, 97, 127.
- Michael, 4, 11; arbiter, 15; 16, 20, 21, 24, 25, 26, 28, 30, 41, 48, 49, 53, 88, 89; *sa*, 3, 39, 40, 58. His brothers, *see* Thomson, John *and* William.
- Michael, bailie of Lebertoun, suitor for Lord Maxwell, 56.
- Michael, in Libirtoun, 208. His son, *see* Thomson, John.
- Michael, in Murrus, 36, 46; *sa*, 23, 33, 43, 55.
- Richard, 56.
- Stene, 29.
- Thomas, 16, 20, 21, 28, 30, 41, 121, 125, 142; *sa*, 30, 67, 72, 77, 85, 90, 91, 131, 141, 143, 150, 203, 206. His brother, *see* Thomson, William.
- Thomas, in Leberton, 111, 117, 125, 166; *sa*, 52, 61, 74, 94, 118, 171, 201.
- Thomson William (i), 8, 16, 20, 21, 24, 25, 26, 32, 88. His brothers, *see* Thomson, John, Michael, *and* Thomas.
- William (William) (ii), 35, 36, 39, 52; in Quodquen, 36, 136; forfeited, 138-9.
- William (Will, Wille) (iii), 36, 39, 42, 43, 52; in Carsewell, 65, 66, 67, 70, 80, 82, 84, 85, 87.
- William, of the 3et, 21, 26. His son, *see* Thomson, James.
- Threpland, James, in Quodquen, 32, 36, 39, 41, 52, 65, 66, 70, 80, 82, 84, 85, 87.
- Tod, John, 20.
- Twodell (Toudell, Tueddail, Tuodell, Twadal, Twadall), John (of), 2, 29, 31, 44, 48; his wife, 48; 53, 54, 56, 57; forfeited, 68-9; 78, 93, 96, 102, 103, 104, 105, 116, 124, 140; grants discharge to Hugh, Lord Somerville, 145; forfeited, 156-8, 167-8; 161, 162, 163, 176-181; *sa*, 14, 43, 44, 46, 49, 62, 64, 65, 66, 77, 79, 82, 83, 91, 110, 116, 124, 142, 151.
- John (of), younger, son of John T., 29, 121.
- Joke, son of John T., 29.
- URE (Ur, Wre), James, 48; *sa*, 152; in Forth, *sa*, 65, 66, 68, 82, 83, 155, 166, 171, 201, 209.
- John, *sa*, 14, 77, 91, 110.
- John, in Crukvindis, *sa*, 68, 101, 152, 155, 182, 197.
- John, in Forth, *sa*, 101.
- Thomas, 22, 53, 56, 57, 124, 161, 178, 179, 180, 181; *sa*, 30, 46, 58, 72, 90, 107, 110, 129, 175, 207; in Carnwath, *sa*, 43, 49, 64, 65, 66, 68, 75, 79, 82, 83, 101, 112, 114, 118, 147, 151, (chancellor) 155-7, 166, 209.
- Urmiston (Urmastone), *see* Ormiston.
- VALKAR, *see* Walkar.
- Vatsoun (Vatsoune), *see* Watson.
- Vawcht, *see* Wauch.
- Veire (Vier), *see* Weir.
- Vicar, of Carnwath, *see* Weir, Sir William; of Petynane, *see* Weir, Mr. John.
- Vikitschaw, *see* Wikitschaw.

226 COURT BOOK OF BARONY OF CARNWATH

- Vilsoun (Volson), *see* Wilson.
 Vintner (Vintnare), Thomas, 4, 17.
 Voston, *see* Weston.
 Vyld, *see* Wild.
- WALKAR (Valkar), John, 7, 34, 36, 52; in Walkmill (of Carsewell), 35, 65, 66, 67, 70, 80, 82, 84, 85, 87.
- Walkaris of the mill, 4, 7, 40. *And see* Gray, Robert; Walkar, John.
- Wallace, Archibald, entered as suitor for David Somerville of the Plane, 185.
 — George, in Linton, 188.
- Watson (Watsone, Watsone, Wetsone), Barthilmo, 33.
 — Besse, 29.
 — David, 60, 132.
 — James, 32, 34, 36; in Carsewell, 42, 52, 65, 66, 67, 70, 80, 82, 84, 85, 87. His brother, *see* Watson, William, younger,
 — in Newbiggin, 135, 136, 158.
 — John, 27, 33; his brother, 33; brother of William W., in Grenhawton, 35; 44, 55, 57, 68, 102; entered suitor for the lands of Cormiston, 141; *sa*, 14, 44.
 — John, dempster, 86, 87, 105, 168, 173, 178, 184, 199, 203, 204.
 — John, in Caldlaw, *sa*, 209.
 — John, elder, in Carnwath, 41.
 — John, in Karlindaill, 122.
 — Male, 20; her son, 20.
 — Maron, 11, 22, 24, 62.
 — Thomas, 5, 99, 123; accused of slander, 124.
 — William, guilty of unreasonable language, 31; 32, 33, 34, 36, 39, 42, 52, 117, 166.
 — William, elder, in Carsewell, 4; 7.
 — William younger, in Carsewell, 32; brother of James W., 34; 42, 46, 65, 66, 67, 70, 80, 82, 84, 85, 87.
 — William, in Grenhawton, 35. His brother, *see* Watson, John.
 — William, in Quodquen, 32, 56, 65, 66, 70, 70, 82, 84, 85, 87.
- Wauch (Vawcht), Laurence, 4; *sa*, 131.
- Weir (Veire, Vier, Weyr, Weyre), of *Cloburne*, William, *sa*, 116.
 Weir, Elizabeth, 31.
 — Mr. John, vicar of Petynane, forspaker for William Anderson, 182, 196-7; 193. His brother, *see* Weir, Simon; his master, *see* Weir, Sir William.
 — John, 4, 11, 15, 18, 20, 22, 99.
 — John, in Lanark, 78, 93, 96, 100.
 — John, in Stowbwod, *sa*, 101.
 — Laurence, *sa*, 146, 153, 160, 171, 173, 177, 182, 195, 197, 201, 205, 207; in Mylrig, *sa*, 151, 194.
 — Margaret, 8, 11, 15, 19.
 — Matho, arbiter, 15.
 — Oswald, forspaker for William Anderson, 171-2, 201.
 — Patrick, 47.
 — Simon, brother of Mr. John W., 193.
 — Thomas, his widow, 176.
 — Thomas, in Fynglyn, *sa*, 205.
 — Thomas, in Law, forspaker for William Anderson, 182-183, 197-8; *sa*, 21, 67, (chancellor), 85, 97.
 — Thomas, in Stowbwod, 76; *sa*, 68, 166.
 — Sir William, 24, 26; vicar of Carnwath, 31; commissary of Carnwath, 53, 56; forspaker for William Anderson, 182-3, 196, 198.
- Westshiel (Westscheill), laird of, *see* Inglis of Westshiel.
- Westhall, laird of, 12, 15, 18; *sa*, 37, 40, 46, 49, 55, 124, 141, 150, 203, 206; young laird of, *sa*, 43, 118. *And see* Graham of Westhall.
- Westraw, young laird of, *sa*, 203, 205.
- Weston (Westoune, Voston), Adam, 32, 34, 36, 39, 42, 52; in Carsewell, 65, 66, 67, 70, 80, 82, 84, 85, 87; *sa*, 39, 129, 133.
 — Janot, 34.
 — John (of), 141.
- White, *see* Quhit.
- Wikitschaw (Vikitschaw), John, 13, 158.
 — laird of, *sa*, 203.
- Wild (Wyld), Andrew, 159; his wife, 159.
 — John, 17, 34.
 — Male, 54.

- Williamsone, David, 142.
 Wilson (Vilsoun, Volson, Welsone, Willstone, Wilsone), David, 5, 6.
 — James, 74.
 — John, 16, 129, 130, 137; in Cormiston, 163.
 — Maron, 49.
 — Pate, 1.
 — Robert, 63, 100.
 — Thomas, 36, 72, 90; in Cormiston, 36, 41, 163.
 — William, 1, 6, 9, 11, 64; his wife, 1.
 — William, in Midtown of Quodquen, 39, 41, 52, 65.
 — William, in Schaddishill, 44, 54.
 Wod, John (of), 64, 102, 137; in Auchingray, *sa*, 68, 101, 155, 166.
 Wre, *see* Ure.
 Wright (Wrech, Wrecht, Wricht, Wrycht), Dek, in Linton, 170, 188.
 — Hob, of the Yet, in Linton, 170; *sa*, 185.
 — 'Lang' Hob, in Linton, 170, 187.
 — John, 35, 48, 50; in Forth, *sa*, 152.
 — John, in Linton, 170.
 — Jonat, in Linton, 170, 186, 187.
 — Jonat, widow of John Tenand, 188.
 — Lowre, in Linton, 188.
 Wrycht, Male, 50.
 — Maron, widow of David Tarbet, (the widow Tarbet), in Carsewell, 33, 42, 65, 66, 67, 70, 80, 82, 84, 85, 87.
 — Pait, in Linton, *sa*, 185.
 — Robin, 37, 48.
 — Robin, in Linton, 187-8; of the Braheid, *sa*, 185.
 — Watte, in Linton, 170.
 — Wille, in Linton, 186.
 Wyld, *see* Wild.
 YETTS (Zettis), David, 8.
 Youlton (Zoulton, Zowlton), James, servant of Thomas Justice, 113, 114.
 — John, 56.
 Young, Cok, in Linton, 170.
 — David, 33, 34, 36, 42, 52, 122, 126; in Carsewell, 65, 66, 67, 70, 80, 82, 84, 85, 87.
 — George, in Linton, 170; *sa*, 185.
 — Hobbe, in the Priorraw, in Linton, 189.
 — James, in Linton, his wife, 170.
 — John, in Linton, 170; *sa*, 185.
 — Mark, 29, 34.
 — Nicoll, in Linton, 170, 188; *sa*, 185.
 — Thomas, 8, 11, 15, 19; his sister, 11.
 — Wat, in Linton, 170, 186, 187.
 — Wille, in Linton, 170.

INDEX OF PLACES

A cross-reference to the *Index of Persons* is given for place-names which occur as accepted territorial designations. Such cross-references are printed in italics.

- Aldstoune.
Baillie of Aldstoune.
- Ampherlaw (Amfarlaw, Amferlaw, Amffirlaw), 14, 37, 39, 49, 91, 159, 209.
- Arthurshiel (Arthurschellis, Arthwrschell), 15.
- Auchincassil (Awchincassill), 14, 21.
- Auchingray (Acingray, Achyngray, Awchtingray), 43, 68, 101, 122, 137, 150, 155, 156, 159, 166.
- BAITLAW, 151, 208.
- Bakbie (Bakbe, Bakby).
Baillie of Bakbie.
- Belgar, 45.
- Beyis, *see* Leis.
- Bigar, 132.
- Blakcastell, 10, 19, 23, 26, 30, 32, 33, 37, 39, 43, 49, 52, 55, 60, 61, 62, 64, 66, 74, 75, 79, 82, 83, 90, 94, 116, 120.
- Blakpull, 19.
- Bowbank, 207.
- Braheid, in Linton, 185.
- Braxfeld, lands of, 140.
- CALDLAW (Caldo), 9, 61, 68, 101, 118, 155, 166, 209.
- Cambusnethan, 119.
Somerville of Cambusnethan.
- Carlindene (Carlindayll, Carlingdene, Karlindaill, Kerlindaill, Kerlindene), 61, 68, 91, 101, 122, 155, 163, 166, 209.
- Carmichael.
Carmichael of that Ilk.
- Carnwath (Carnvith, Carnwatht), barony of: serjeant appointed for, 14, 124; forfeitures in, 69, 130-1, 134-5, 139-40, 154, 158, 173, 203; all men to assist in the capture of thieves, 75; inquest of the whole, makes regulations for times of plague, 115-17; said to have been 'skaithit,' 124; bailie appointed for, 128; officer appointed for, 145; ordinances regulating military service of tenants of, 164-5; regulations regarding pasturing, multures, etc., 210-212.
- Carnwath, baron court of, 1, 3, 7, 9, 14, 15, 17 *et passim*; fenced in the king's name, 12, 13; regulations for arremts, 57; all complaints to be in writing, 81; action of slander held incompetent in, 124; actions proper to, not to be taken to consistorial court, 210-11.
- Our Lady Hill of, 71, 88.
- parish of, tenants of tenandries within, to come to mill of Carnwath, 101.
- town of, 74, 157, 192.
- hauch, land of, beside the Spittal, 172.
- mill, tenants to come to, 101.
- muir, 6.
- Carsewell (Carswell, Cersswell, Cersvell, Cerswell, Keriswell, Kerswell), 4, 14, 18, 19, 23, 35, 39, 42, 46, 56, 64, 65, 66, 70, 80-82, 84-7, 91, 97, 98, 129, 133, 135, 136.
- lands of, 78, 80, 81, 86, 87, 89, 94, 107, 109, 119, 160, 194, 206, 207, 208; laird of, *see* Somerville of Cambusnethan; superior of, *see* Somerville, Hugh, Lord.
- walkmill of, 65, 66, 70, 80, 82, 84, 85, 87.
- Castairis, 179.
- Cersswell (Cerswell, Cersvell), *see* Carsewell.
- Cesford (Sesfurd), 185.
- Cleghorn (Clegorne), 55, 75.
Lockhart of Cleghorn.

- Cloburne, 116.
Weir of Cloburne.
 Codele, *see* Cowthally.
 Common, *see* Gledstanis common;
 Libberton common; Linton
 common.
 Corbot, 185.
 Cormiston (Cormanstone, Cormans-
 toune, Cormestoun, Cormes-
 townne, Cormistoun Cormos-
 tone), 36, 39, 41, 71, 73, 79, 89,
 94, 107, 109, 111, 113, 119,
 128, 129, 130, 132, 133, 137,
 143, 163, 171.
 — lands of, suitor entered for,
 141; 160.
 — Tower of, 129, 143, 149, 150,
 151, 173.
 — town of, 138.
*Baillie of Cormiston. Chancellor
 of Cormiston.*
 Corrus, 53, 55.
 Covington (Colbantone, Colbyntone,
 Cowantone, Cowbentoune, Cow-
 entoune), 132, 133, 135, 209.
Lindsay of Covington.
 Cowthally (Codele, Couthelie, Couth-
 elle, Cowelle, Cowthely Cuthele,
 Cuthely, Cuthtele), court held
 at, 13; 149, 190, 192, 193.
 — wood of, courts held at, 67,
 101, 152, 155, 165.
 Craig (Crag, Craige), 28, 37, 72, 90,
 97, 120.
 Crukvindis (Creukvence, Cruikvindis,
 Crukevindis, Crukvandis, Cruk-
 venis, Crukwyndillis), 7, 10, 18,
 19, 21, 23, 26, 32, 33, 37, 39,
 40, 43, 46, 49, 52, 53, 58, 62,
 64, 65, 68, 74, 75, 78, 79, 82,
 83, 90, 93, 94, 96, 100, 101,
 107, 110, 112, 116, 120, 141,
 143, 146, 147, 148, 152, 153,
 155, 160, 166, 171, 173, 175,
 177, 182, 197, 201, 203, 205,
 206, 210.
 Cultirmanis, 40, 58.
 DALZELL, 14, 21, 62, 90.
 Damahoy, 185.
 Denirles, 185.
 Dunsyre (Dunsayre), 25, 135, 195.
 EASTER Gledstanis, *see* Gledstanis
 Eastshiel (Eistscheill, Etscheill,
 Etschell), 3, 19, 26, 37, 49, 60,
 74, 83, 94, 107, 112, 120, 133,
 141, 170, 194.
 Eastshiel, lands of, 191.
 — tenantry of, in parish of Carn-
 wath, 101.
Inglis of Eastshiel.
 Edinburgh, 50, 124.
 Elphinstoun, lands of, in Newbiggin,
 38.
 Erdhouse (Eirdhousis, Eirdhows,
 Erdhous, Erdhousis, Herd-
 hous, Herdhousis), 10, 38, 46,
 120, 136, 143, 194, 206, 207,
 208.
 — lands of, 23, 38, 51, 58, 72, 75,
 79, 95, 107, 110, 120, 143, 195,
 206, 207, 208.
 — tenantry of, in parish of Carn-
 wath, 101.
 FALLA (Fallo, Faulaw, Fawlaw,
 Fawlo), 14, 18, 21, 30, 32, 33,
 37, 40, 43, 49, 61, 62, 64, 68,
 77, 79, 94, 101, 110, 112, 113,
 120, 151, 152, 153, 155, 166,
 173, 194, 195, 209.
 Forth (Forcht, Fortht), 3, 14, 18, 30,
 32, 33, 43, 49, 60, 64, 65, 66,
 67, 68, 74, 79, 82, 83, 84, 94,
 101, 118, 120, 129, 131, 133,
 143, 147, 150, 152, 155, 166,
 171, 175, 194, 195, 201, 209.
 Fynart (Fenart),
Hamilton of Fynart.
 Fynglyn, 205.
 GANGIS, *see* Grange.
 Gerruswod (Gershouswod, Gerwos-
 wode), *see* Jerviswood.
 Gledstanis (Gledstane), 61, 124, 133,
 143, 147, 176, 203, 207; com-
 mon, 92, 127-8; muir, 126.
 — Easter, 48.
 — Wester, 92, 127.
 Glencarn, 61.
 Gradame, lands of, 185.
 Grange (Gangis, Granche), 40, 132,
 147, 151, 166, 171, 175, 182,
 194, 195, 197, 201, 210.
 Greenfield (Grenfeild, Greninfeild,
 Greynefeld), 3, 7, 9, 10, 14, 18,
 19, 21, 26, 32, 33, 37, 39, 40,
 43, 46, 49, 52, 53, 54, 55, 60,
 61, 64, 65, 66, 74, 79, 82, 83,
 94, 97, 105, 106, 107, 110, 112,
 116, 120, 124, 133, 141, 143,
 146, 147, 150, 151, 152, 153,
 156, 171, 173, 175, 177, 201,
 205, 207, 209.

- Greenshiel (Greinschelis, Grene-scheill, Grenscheill, Grenschell, Grenscheldis, Grenschelis, Greynschelis), 2, 24, 77, 90, 92, 107, 112, 124, 181, 184, 190, 194, 200.
 — house, 9.
Greenshields of that Ilk.
 Grenhawton (Grenalitone), 35, 132.
 Grenis, 1, 20.
- HAIRSHAW (Hairschawis, Harschawis), 14, 42, 174.
 Hartry, 110, 124.
 Hawrthan, 153.
 Henschelwood (Henschellwod, Hundscheilwod, Hunscheilwod, Hynchelwod, Hynschelwod), 19, 21, 30, 37, 46, 49, 55, 62, 65, 82, 90, 94, 97, 107, 112, 141, 145, 151, 190, 195, 209.
 — lands of, 10, 23, 38, 46, 51, 57, 58, 61, 72, 75, 79, 89, 107, 110, 120, 143, 161, 195, 206, 207, 208.
 — moss of, 12.
 — tenantry of, in parish of Carnwath, 101.
- Herdhous, *see* Erdhouse.
 Herstlaws, 25.
 Hill, the, 108; Our Lady Hill of Carnwath, 71, 88.
 Hoslaw, in Linton, 170, 185.
 Howburne, 182, 195-7.
 Hyvod, 22, 28.
- INNERGRENAN (Innergranane), 3, 51, 58.
- JERVISWOOD (Gerruswod, Gershouswod, Gerwoswode, Jariswod), 3, 4, 23, 32, 38, 46, 51, 57, 61, 62, 63, 64, 66, 71, 75, 79, 83, 88, 94, 96, 107, 109, 110, 112, 116, 118, 119, 124, 143, 160, 171, 206, 207, 208.
Livingston of Jarviswood.
- KERSWELL (Keriswell), *see* Carsewell.
 Kirkland, *see* Linton, kirkland of.
 Kirkpatrick (Kyrkpatrik), 2, 3, 33, 45.
 Kirkstyll, 55, 199.
- LAMPETTIS (Lempottis), 45.
 Lanark (Lanarik), 78, 93, 96, 100; justice ayre of, 163, 177; mercat of, 199.
 Lang gate heid, court held at, 67.
- Law (Lelaw, Leylaw), 21, 67, 85, 87, 97, 120, 182, 197-8.
 Libberton (Lebartowne, Leberton, Lebertoune, Lebertowne, Libirtoun, Lybertoune), 10, 16, 39, 41, 52, 53, 61, 74, 77, 78, 81, 83, 91, 94, 97, 99, 110, 111, 116, 117, 118, 120, 124, 125, 129, 133, 135, 141, 144, 146, 150, 151, 163, 166, 171, 201, 208, 210.
 — court of, 56.
 — lands of, 3, 23, 31, 32, 38, 45, 46, 51, 57, 71, 73, 89, 94, 107, 115; suitor entered for, 119; 138, 143, 160, 194, 205, 207, 208.
 — parish of, 211.
 — town of, 212.
 — common, 210.
 — mill, 43, 181.
- Linton (Lenton, Lentton, Lenttone), barony of: court of, 168, 185; list of tenants of, 170; ordinances relating to, 189.
 — kirkland of, 187.
 — lands of, 169; suitor entered for, 185.
 — town of, 169, 186; court held at, 168, 185.
 — common, 186, 187, 188, 189.
- Littlegill,
Baillie of Littlegill.
- MIDTOWN, *see* Quothquhan, Midtown of.
 Mill (Mell), the, 2, 40, 68, 101, 155, 166; regulations regarding, 189, 211-12. *See also* Carnwath mill; Libberton mill; Newbigging mill; Quothquhan mill; Walkmill.
- Millaw, 6.
 Milrig (Melrig, Mylnerig, Mylrig), 54, 133, 147-8, 151, 175-6, 194.
 — Nether, 192.
 Morbottill, 186.
 Moshat (Mossat), 2, 10, 19, 33, 37, 39, 40, 43, 46, 52, 54, 55, 105, 106, 155, 195, 209.
 Murrus (Morrus, Mwrrus), 23, 33, 36, 43, 46, 55.
- NEWBIGGING (Newbiggin, Noubegyn, Nubeken), 1, 35, 39, 41, 50, 79, 88, 91, 95, 97, 111, 125, 126, 129, 131, 133, 135, 136, 141, 146, 154, 158, 194, 195, 203, 207.

- Newbigging, lands of, 10, 23, 32, 38, 46, 51, 57, 58, 61, 63, 71, 72, 73, 75, 79, 88, 89, 94, 100, 107, 110, 116, 119, 120, 143, 160, 161, 194, 206, 207, 208.
 — town of, 101.
 — mill (Noubegynmeill), 98, 133.
- Newk (Nouk, Nuk), 2, 23, 40, 58, 76, 78, 96, 98, 108, 109, 114, 116, 126, 171, 177, 201, 203, 205, 207.
 — lands of, 116.
- Newmains (Newmainis, Newmanis, Newmans, Newmanys), 22, 42, 48, 56, 65, 66, 70, 71, 77, 80, 92, 95, 98, 127, 130, 132, 134.
 — lands of, 55, 80, 86.
- OUR LADY HILL, of Carnwath, 71, 88.
- Overtown, *see* Quothquhan, Overtown of.
- PETYNANE, 196.
 Plane, 185.
Somerville of the Plane.
- Priorraw, in Linton, 189.
- QUHITCASTELL (Quhitcassell), 22, 61, 194, 206.
- Quothquhan (Quhodquhane, Quhodquhene, Quodcon, Quodquen, Quodquene), 2, 3, 10, 14, 23, 26, 32, 36, 39, 42, 46, 52, 56, 60, 62, 64, 66, 70, 72, 75, 80-2, 84-7, 90, 107, 110, 116, 118, 120, 124, 129, 130-1, 136, 138, 166.
 — kirk of, 5.
 — lands of, 78, 80, 81, 86, 87, 89, 94, 107, 109, 119, 143, 160, 194, 206, 207, 208.
 — Midtown of, 39, 41, 52.
 — Overtown of, 39, 136, 138-9, 144-5.
 — mill, 193; lands of, 130, 134.
Chancellor of Quothquhan.
- RAPLOCHT (Roplocht), 182, 194, 195, 197.
- SCHADDISHILL, 44, 54.
 Scharpis rig, 169, 186.
 Seshurd, *see* Cesford.
- Shiel (Scheild, Scheill, Scheillis), 42, 62, 173, 189, 209. *See also* Arthurshiel; Eastshiel; Greenshiel; Spittalshiel; Westshiel.
- Sidwod, 28, 152, 159, 195, 209.
- Spittal (Spetall), 15, 30, 32, 41, 46, 52, 58, 65, 67, 75, 82, 84, 118, 124, 129, 133, 147, 148, 172, 175, 182, 184, 190, 195-7, 199-200, 202.
 — shiel, 159.
- Stenhouse (Stanhouse), barony of: court of, 28.
- Stenson (Stenston), 14, 16, 120.
- Stobwood, (Stobvod, Stobwod, Stoubvod, Stowbwod), 28, 68, 76, 101, 150, 158, 166, 209.
- Strafrank, 145, 160, 179.
- Studlands (Stud), 83, 143, 148.
- THROWBURNE (Thrawborne, Throwbwrne), 54, 65, 68, 82, 101, 155, 166, 203, 209.
- Torbrax (Torbrakis, Torbrakkis), 6, 68, 101, 155, 166, 209.
- Towr, *see* Cormiston, Tower of.
- Twede, 97, 120.
Auchinlek of Twede.
- UVERTOUN, *see* Quothquhan, Overtown of.
- VELLIS, 25.
 Vofrodis (Volfroddis), *see* Woolfords.
- WALKMILL, 7, 35, 40. *See also* Carsewell, walkmill of.
- Weadedail, in Linton, 170.
- Wester Gledstanis, *see* Gledstanis.
- Westhall, 12, 15, 18, 37, 40, 43, 46, 49, 55, 62, 67, 85, 118, 124, 141, 150, 203, 206.
Graham of Westhall.
- Westraw, 203, 205.
- Westshiel (Westscheild, Westscheill, Westschill, Wostscheill), 25, 60, 61, 67, 74, 101, 151, 153, 164, 165, 189, 204; tenantry of, in the parish of Carnwath, 101; lands of, 191.
Dennom of Westshiel. Inglis of Westshiel.
- Whitecastle, *see* Quhitcastell.
- Wikitschaw, 203.
- Wod, 64, 102, 137.
- Wodend, court held at, 44; 189.
- Woolfords (Vofrodis, Volfroddis, Wolfroddis, Wowrottis), 6, 23, 26, 32, 33, 46, 52, 54, 55, 62, 64, 75, 79, 97, 112, 116, 118, 124, 129, 131, 141, 143, 148, 150, 152, 153, 173, 177, 194, 195, 203, 207.
- YET, the, 21, 32, 162, 170, 185.

SUBJECT-INDEX TO THE INTRODUCTION

ABEYANCE, xxxvi.

Actions, initiation of, in baron courts, xcix.

Admiralty, rights of, in regality, xlii.

Advocation, xlvi.

Arbitration, settlement by, in baron courts, ci-cii.

Argyll, barons of, xvi, xvii.

Arrestment, breach of, civ, cv, cvii.

Assize, *see* Jury.

Assythment, cvi.

BARON, definition of, xiv-xx, xviii-xlix; responsible to King for 'ordinary' justice, xx, xxiv, xxv; distinction between greater and smaller, xlv; extent of rights of, lix; jurisdiction of, over trade, morals, public health, etc., lxvi-lxix; jurisdiction of, used to enforce economic legislation, lxviii, lxix; responsible for appearance of tenants at justice ayre, lxix; owes suit to Parliament, lxix; leads men of barony in time of war, lxix-lxxii; importance of castle of, lxxiii, lxxiv; fixes place and time of meetings of his court, lxxiv-lxxvi; attendance of, at sheriff court and justice ayres, lxxviii; position of, in baron court, lxxviii-lxxx; income of, from court, lxxxii, lxxxiii; owes suit for his lands to sheriff court, lxxxviii; enforces economic decrees, cix; exaction of penalties by, cxi; power of, cxii; chooses burlaw men, cxvi; presides over burlaw courts, cxvi.

Baron-bailie, appointed by baron, lxxix; takes oath *de fideli administratione*, lxxix; powers of, as presiding officer of baron court, lxxix-lxxx; chooses burlaw men, presides at burlaw courts, cxvi.

Baron court, sheriff present in, lviii; good neighbourhood enforced by, lxvi; place and time of meetings of, lxxiv-lxxviii; summonses to and *inducias* of, lxxvii; presiding officers of, lxxviii-lxxx; position of baron

in, lxxviii-lxxx; jury of, lxxx; appeal from, lxxx; clerkship of, lxxx; record of, lxxx-lxxxv; issues of, go to baron, lxxxii, lxxxiii; relation of jurisdiction of, to church courts, lxxiii, lxxxiv; vassals and tenants of barony owe suit to, lxxxviii-xci; head courts, lxxxviii, lxxxix, cxviii-cxxiv; jury at each meeting of, lxxxix; suits due to, lxxxix-xci; procedure by jury in, xci-xcvii; functions of whole court, xcii-xciii; fencing of, xcvi-xcix; procedure in, xcvi-cii; criminal actions in, ciii, cvii, cviii; nature of penalties imposed in, ciii, cv-cvii; civil actions in, civ-cvii; limits of jurisdiction of, in cases of slaughter and theft, cvii, cviii; importance of Whitsun meetings of, cviii, cix, cxii, cxiii; damages granted in, assessed in kind, cx, cxi; importance of, cxii; styles made in, enforced by burlaw men, cxiii; actions in, may be referred to burlaw men, cxiii; officers of, take oath *de fideli administratione*, cxvi; upholds decrees of burlaw men, cxvi.

Baron-officer, baron court summoned by, lxxvii; duties and appointment of, lxxxv-lxxxviii; execution of summonses by, c; to assist in suppression of slaughter, cvii; oath *de fideli administratione* taken by, cxvi.

Barons of Argyll, xvi, xvii.

—of Bute, xlix n.

Barony, grant of, confers rights of public justice, xiii; appearance of holding by, xiii, xiv; nature of tenure by, xviii, xix; jurisdiction of, xx-xxviii; *caput* of, inseparable and impartible, xxi-xxiii, xxxi-xxxv; lands of, separable from jurisdiction, xxii; effect of forfeiture of, xxviii, xxix; alienation of, xxix, xxx; heritable nature of, xxx, xxxi; succession of heirs portioners to,

- xxxix-xxxvi; impartible nature of jurisdiction of, xxxiii-xxxvi; in-destructible nature of, xxxvi-xxxvii, 1; 'distinct' when in hands of King, xxxvi-xxxvii; unity of, xxxvii, xxxviii, lx; lands of, held on various tenures, xxxviii; geographical extent of, xxxviii; rights of public justice in, xxxix; royal officers excluded from, xxxix-xl; relation of, to regality, xl, xlii, xlv; increase in number of erections of, xlv; distinction between, and peerage, xlv; decline of, xlvi-xlix; abolition of jurisdiction of, xlviii; within a regality or earldom, l-lix; form of grant of, lix-lx; economic administration of, lx-lxix; lands of, divided into *proprietas* and *tenandria*, lxi; works and services in, lxii-lxiv; burgh of, lxvi; trade within, lxvi; regulations regarding morals and public health within, lxvi, lxvii; economic unit, lxviii; owes suit to sheriff court, lxix, lxxxviii; military unit, lxix-lxxii; administrative unit, lxxiii; vassals and tenants of, owe suit to court of, lxxxviii-xci; officers of, to assist in suppression of slaughter, cvii; importance to, of baron court, cxii; good neighbourhood in, enforced by burlaw men, cxiii-cxvi; tenants of, choose burlaw men, cxvi. *And see* Jurisdiction, Baronial.
- Blench holding, of baronial erections, xxxviii.
- Bloodwites, jurisdiction over, xii, xlvii; actions of, civ-cvii.
- Brewing, regulations regarding, in barony, lxv, lxvi.
- Brigham, Council of, xv.
- Burgh of barony, erection of, lxvi; barony a trade precinct for, lxvi.
- Burlaw men, powers and duties of, lxvi, cxiii-cxvi; courts held by, cxiv-cxvi.
- Bute, barons of, xlix n.
- Caput*, jurisdiction of barony centred in, xxi, xxxvii, xxxviii; inseparable from *baronia*, xxii-xxv; succession to, xxxi-xxxv; sasine taken at, for whole barony, xxxviii; baron court usually held at, lxxiv, lxxv.
- Castle, of barony, xxi; importance of, to government, lxxiii, lxxiv. *And see Caput.*
- Chamberlain ayres, xli.
- Chancery, of regality, xli.
- Charter, of erection of barony, xxxix, xl, lix-lx.
- Church courts, relation of, and baron courts, lxxxiii, lxxxiv.
- Clerk, of baron court, lxxxii.
- Commutation, of services, lxi.
- Consistorial courts, *see* Church courts.
- Council of the Isles, xvii.
- Court of barony, *see* Baron court.
- Court of burlaw men, cxiv-cxvi.
- Court of Session, effect of development of, on baronial jurisdiction, xlv.
- Courts, right to hold, dependent on specific grant, xi-xiii; jurisdiction of feudal, xi.
- Cum curiis*, infestment and grant, xii, xlviii, lvi.
- Curia capitalis*, cxviii. *And see* Baron court.
- DAMAGES, assessed in kind, cx, cxi.
- De fideli administratione*, oath, lxxix, cxvi.
- Debt, reference to oath used in actions for, cii; actions for, civ.
- Decisorium litis*, cii.
- Deforcement, civ-cvii.
- Dempster, lxxxviii.
- Distrain, exaction of penalties by, cx.
- Domini*, definition of, xxn, xlv.
- Doom, of whole court, follows deliverance of jury, xcii; pronounced at fifth court, xcix.
- EARL, grant of lands by, with rights of justice, lv-lix.
- Earldom, jurisdiction of, xlvii; inclusion of barony in, l-lix.
- Earls, Celtic, status of, xvi-xvii, lv-lvi.
- Erections, of baronies, require charter, xxxix; increase in number of, xlv.
- Escheats, lvii, cv-cvii.
- Evidence, taking of, by jury in baron court, xci, xcii.
- FENCE, *see* Arrestment.
- Fencible men, military service of, lxxi, lxxii.
- Fencing, of court, xcvi-xcix.

Fines, imposed by baron court, lxxxii, lxxxiii, cvi, cvii; paid in kind, cx; exacted by distraint, cx, cxi.

Forfeiture, of lands and barony, xxviii-xxix; of tacks and steadings, cv-cvii.

Forespeakers, *see* Procurators.

Fossa et furca, *see* Pit and Gallows.

Four courts, process of, xcix.

GALLOWES, for slaughter, cvii. *And see* Pit and Gallows.

Good Neighbourhood, enforcement of, by burlaw men, lxvi, cxiii-cxv; actions relating to, cviii, cix.

Grant, of barony, form of, lix-lx.

HEAD COURT, *see* Baron court.

Heirs portioners, succession of, to barony, xxxi-xxxvi.

Heritable Jurisdictions Abolition Act (1747), xlvi, xlvi.

Honour, the, in England, l.

Husbandland, services reckoned by, lxii.

IMPRISONMENT, penalty of, cv, cvi.

Inquest, *see* Jury.

Isles, Council of, xvii. *And see* Argyll.

JURISDICTION, extent of, of feudal courts, xii, xiii.

Jurisdiction, Baronial, impartible nature of, xxxiii-xxxvi; indestructible nature of, xxxvi-xxxviii; derived from King, xxxvii; extent of, in regality, xl-xliii; decline of, xlvi-xlviii; abolition of, xlviii; may be derived from earl or king, lix; right of pit and gallows essential feature of, lix; in administration, lxvii, lxviii; in civil actions, civ-cvii; in criminal actions, cvii, cviii.

Jury, in baron court, lxxx, lxxxix; composition, procedure and function of, xci-xcvii; objections to members of, xcvi-xcvii; of presentment, xcvi-xcviii.

Justice ayres, right to hold, xli; attendance of baron and his principal tenants at, lxxvi.

KING, baronies remain distinct when in hands of, xxxvi; exclusion of writ and officers of, from barony and regality, xxxix, xli, xlii;

baronies to be held of, xxxix, liii-liv; regalities in hands of, to be annexed to royalty, xliv; his sheriff or *judex* to be present at private courts, lviii; baronial jurisdiction not always derived from, lix. Knight service, lxx. *And see* Military service.

LAIRD, tenant-in-chief of King, xliv. *And see* Baron.

Lawburrows, civ.

MAIR, of sheriffdom, lxxxv.

Market, right of, xxvi, lxvi.

Military service, barony held by, xxxviii; of knights, lxx; of fencible men, lxxi, lxxii.

Mill, duties of tenants thirled to, lxi-lxiv; cases arising from thirlage to, cix.

Mint, in regality, xlii.

Money, scarcity of, cx.

Multures, lxiii.

NEIGHBOURHOOD, *see* Good Neighbourhood.

Nobility, barons part of, xxii.

Notary public, acts as clerk of court, lxxxi.

OATH *de fidei administratione*, taken by baron-bailies, lxxix; taken by burlaw men, cxvi.

— of verity, reference to, cii.

Officer, *see* Baron officer.

'Oursowmes,' cases of, cix.

PARAGE, tenure by, xxxii.

Parliament, restricts grants of regality, xliv; representation of barons in, xlv, xlix; barons owe suit to, lxix.

Partial counsel, juror purged of, xcvi-xcvii.

Partiality, challenge of witnesses for, ci.

Peerage, female succession in, xxxii; rise of, xliv-xlvi; and baronage, xx, xlv.

Penalties, imposed by baron court, nature of, ciii, cv-cvii; paid in kind, cx, cxi; exaction of, by distraint, cx, cxi; exaction of, by baron and by tenants, cxi.

Pit and Gallows, right of, xxvi, xxvii, xlviii, lvi; essential to baronial jurisdiction, lix; for theft and slaughter, cvii.

- Pleas of the crown, xl.
 Pledge, for appearance, cx.
 Ploughgate, services reckoned by, lxii.
 Possessory actions, civ.
 Presentment, by jury, xcvi-xcviii.
 Procurators, representation by, in baron court, cii, ciii.
Proprietas, lxi.
 Pykre, distinction between, and theft, cviii.
- RECOGNITION, xxix.
- Regality, jurisdiction and rights of, xl-xliv, xlvii; grants of, restricted, xlv; inclusion of barony in, l-lix; officers of, to assist in suppression of slaughter, cvii.
- Registration, in court books, cxi, cxiv.
- Rent, payment of, by tenants of barony, lx.
- Revocation, Acts of, xlv, liv.
- Royalty, realm divided into, and regality, xliii, xlv.
- SECURITY, registration of, cxi.
- Sergeant, duties and appointment of, lxxxv-lxxxviii.
- Services, of tenants to baron, lxi-lxix.
- Sheriff, present in baron court, lviii; has no jurisdiction over four pleas of the Crown, xli.
- Sheriff court, barony owes suit to, lxix; attendance of baron and his principal tenants at, lxxvi; *induciae* of, lxxvii.
- Slander, action for, lxxxiv.
- Slaughter, limits of jurisdiction of baron court in cases of, cvii.
- Smith, tenants of barony thirled to, lxi, lxiv-lxv.
- Statutes, made by baron at Whitsun courts, cix, cxii.
- Steadings, *see* Tacks.
- Styles, made by baron at Whitsun courts, cix, cxii; duty of burlaw men to enforce, cxiii.
- Suitors, of baron court, lxxx; jury formed from, xcii, xciv.
- Suits, due to baron courts, lxxxix-xci.
- Summons, precept of, execution of, xcix-c.
- TACKS and steadings, forfeiture of, cv-cvii.
- Tenandria*, lxi.
- Tenants, of barony, thirled to mill and smith, lxi-lxv, cix; works and services required from, lxii-lxiv; military service of, lxx-lxxii; attendance of, at sheriff court and justice ayre, lxxvi; summoning of, to court, lxxvii, lxxviii; owe suit to court, lxxxviii-xci; differences between, to be decided by burlaw men, cxiv-cxv; choice of burlaw men by, cxvi.
- Tenants-in-chief, counsel of, invoked by the King, xv, xvi.
- Theft, limits of jurisdiction of baron court in cases of, cvii, cviii.
- Thirlage, duties implied by, lxi-lxiv; cases arising from, cix.
- Tower and battlement, right of, xxvi.
- Trade, in barony, lxvi.
- Treason, trials for, not competent in regality court, xlii-xliii.
- VERITY, oath of, reference to, cii.
- WAPPINSCHAWS, lxxii.
- Witnesses, examination of, xcix-xciii; summoning of, c, ci; challenge of, ci.
- Works, *see* Services.

REPORT OF THE FIFTIETH ANNUAL MEETING OF THE SCOTTISH HISTORY SOCIETY

THE FIFTIETH ANNUAL MEETING OF THE SOCIETY was held in the Caledonian Hotel, Edinburgh, on Saturday, 12th December 1936.

The Proceedings commenced with a luncheon to which the surviving editors were invited by the Society. The editors present were the Rev. D. G. Barron, Rev. H. Paton, Mr. A. Francis Steuart, Rev. W. Stephen, Dr. Marguerite Wood, Dr. G. P. Insh, Mr. W. Angus, Dr. Annie I. Cameron, Miss Elinor J. Courthope, Dr. C. A. Malcolm, the Hon. Grizel Hepburne-Scott, Miss Henrietta Tayler, Dr. L. W. Sharp, Dr. G. S. Pryde, Miss Margaret M. McArthur, and Mr. Angus M. MacDonald. The Rt. Hon. Lord Clyde, LL.D., President-Designate of the Society, was also present, and the following members of Council: Dr. W. K. Dickson (Chairman), Mr. John A. Inglis, K.C., Professor R. K. Hannay, LL.D., Mr. T. Innes of Learney, Mr. R. C. Reid, Dr. W. C. Dickinson, Professor J. D. Mackie, Dr. James Curle, Mr. R. L. Mackie, Mr. D. B. Morris, Dr. H. W. Meikle, Mr. J. M. Howden (Treasurer) and Mr. E. W. M. Balfour-Melville (Secretary).

Dr. Dickson presided and proposed the toasts of the King, the Royal Family, and the Society. The toast of the Guests was proposed by Professor Hannay and responded to by Lord Clyde.

At the business meeting, which was attended by slightly over

a hundred members and their friends, the Chair was occupied at the outset by Dr. W. K. Dickson (Chairman of Council).

The Report of the Council was as follows :—

THE Council received with deep sorrow the news of the death, which took place on May 25, 1936, of Sir Robert Sangster Rait, C.B.E., LL.D., Principal of the University of Glasgow, President of the Society. Sir Robert joined the Society in 1904; during the years 1922-33 he was a member of the Council; and in 1933 he was elected President in succession to Mr. John Buchan. Sir Robert was one of the most eminent Scottish historians of his time, a great administrator and an inspiring teacher. By his death the Society has lost a distinguished head and the Council a colleague whom they regarded with admiration and affection.

The Council have also to record their sense of the loss to the Society and to historical scholarship caused by the death, on February 19, 1936, of Sir Charles Harding Firth, late Regius Professor of Modern History at Oxford, who had been a Corresponding Member of Council since 1892. He edited for the Society two important volumes—*Scotland and the Commonwealth*, issued in 1895, and *Scotland and the Protectorate*, issued in 1899.

In succession to the late Sir Robert Rait the Council unanimously recommend the election of the Rt. Hon. Lord Clyde as President of the Society for the next four years.

Since the last annual meeting members have received the *Commentary on the Rule of St. Augustine by Robertus Richardinus*, edited by Dr. G. G. Coulton, as the second volume for 1934-5. The improved health of the editor of the *Early Correspondence of Robert Wodrow* has enabled him to resume work on that volume, which should be ready shortly.

For 1935-6 the Council decided to issue the *Ayr Burgh*

Accounts, 1535-1624, as notified in the last report, but to postpone till next year the *Holyrood Chronicle*, substituting the *Survey of Lochtayside*, edited by Miss Margaret M. M'Arthur. This last volume consists of two descriptions of the north and south sides of the loch respectively, compiled for the third Earl of Breadalbane in 1769. It should be ready for issue within the next few weeks, and should be followed soon by Dr. Pryde's *Ayr Burgh Accounts*.

The Council hope to issue for 1936-7 the *Holyrood Chronicle*, edited by Dr. and Mrs. A. O. Anderson, and the *Barony Court Book of Carnwath*, edited by Dr. W. C. Dickinson. New material accepted for future issue includes a *Protocol Book of Cuthbert Simon*, 1511-47, to be edited by Miss Elizabeth A. Sheppard; *Minutes of the United Societies*, to be edited by the Rev. Dr. W. McMillan; *Rent-roll of Estates in North Knapdale*; *Letters of the Rev. Dr. Alexander Carlyle* ("Jupiter Carlyle"); and a new edition of the *Diurnal of Occurrents*.

During the year the Society has lost 33 members by death and resignation, while 31 new members have joined—the largest number since 1927. The net decrease of 2 leaves the total membership (including 132 libraries) at 544. An abstract of the accounts for 1935-6, showing a credit balance of £578, 2s. 1d. at the close of the year, is appended.

Mr. R. L. Mackie, Mr. D. B. Morris, and Dr. H. W. Meikle retire by rotation from the Council at this time. The Council recommend their re-election.

Before the Annual Meeting there is to be issued to members a pamphlet, written, at the request of the Council, by Dr. W. K. Dickson, Chairman of the Council, to mark the fiftieth anniversary of the founding of the Society in 1886.

In moving the adoption of the Report, the Chairman referred to the loss the Society had sustained in the deaths of Sir

Robert Rait, Principal of Glasgow University; Sir Charles H. Firth, Regius Professor of Modern History at Oxford; and Professor Sanford Terry. The membership of the Society stood at the satisfactory total of 544, but they required new members. When the Society started, Dr. Dickson said, it was proposed to issue two volumes every year. The Society had been going on for fifty years, and the members had received 107 volumes, so that they had not been let down.

Commenting on the Society's jubilee, Dr. Dickson said that it had its origin in the old Victorian days—days which sometimes seemed as remote as the days of George III—the days of Mr. Gladstone and Lord Salisbury, of Tennyson and Robert Browning—when there were no motor-cars and no aeroplanes and no broadcasting, and the Income-tax was at 8d. The Society was founded, on the initiative of Lord Rosebery, by a group of men of remarkable distinction, among them Professor Masson, Bishop Dowden, T. G. Law, Walter Blaikie, Æneas Mackay, Donald Crawford, Thomas Dickson, Sir Arthur Mitchell, John Kirkpatrick and John Maitland Thomson. The essential characteristic of serious modern historical work was that it must be based on primary authority—on the original document. That had been the Alpha and Omega of the Society's work—to discover and print the original documents with such editing as to set them against their historical background, make them intelligible to the reader, and make their dry bones live. Another feature of modern work had been the increasing use of foreign documents. This also had been reflected in the Society's publications; for example, in the results of Miss Cameron's notable researches in the archives of the Vatican, researches which had been rendered possible by the enlightened policy of Pope Pius XI. Many of their books had thrown new light on the great military and political events of the past—Flodden, the

tragic story of Queen Mary, the great struggle between the Crown and the Covenant, the Union, and the Jacobite risings.

It was good to remember always that behind the figures of kings and soldiers and politicians, covenanting preachers and highland chiefs, on whom the limelights of history were turned, there was always the great background of ordinary folk going about their business. The foundation of all national greatness, and the cure for all national misfortunes, were in the industry, courage, and common sense of the plain man in all ranks of life. If the Society's books had helped to the realisation of that, they had served the State.

Dr. W. C. Dickinson, in seconding, said that no modern book on Scottish history could be written without reference to one or more of the Society's volumes.

On the motion of Dr. James Curle, seconded by Professor J. D. Mackie, the Rt. Hon. Lord Clyde was unanimously elected President in succession to the late Sir Robert Rait.

Lord Clyde then took the chair and delivered an address. He said that the whole purpose of the Society was to bring into the light of day the still extant, though hidden, materials of Scottish history, on which the establishment of historical fact depended. Their publications were acknowledged to contain some of the most valuable contributions of recent years towards their knowledge of the conditions under which their forefathers lived their daily lives, and towards a just appreciation of the manifold qualities of the genius and character of the Scottish people. Nor had any learned Society attracted to its banner men and women of greater learning or more profound scholarship than those who had been the leading pioneers of the Society or those whose willing labours had polished and displayed the materials they had rescued from oblivion or obscurity.

On the eve of the Society's institution Lord Rosebery

indicated the 17th, 18th, and early 19th centuries as covering the period within which was likely to be found those mines of historical material which would best repay investigation. Taking matters in the rough, it might be fairly estimated that of the total mass of documents and manuscripts printed about 6 per cent. belonged to the 15th and earlier centuries; about 21 per cent. to the 17th century; about 36 per cent. to the 18th century; and considerably less than one per cent. to the early part of the 19th century. The ever-increasing rapidity of the 20th-century revolution in matters civil, religious, and social which was proceeding in their midst might soon compel consideration of the vanishing or already vanished conditions of only 100 years ago. Still, the great preponderance in the number of their publications which related to the 17th and 18th centuries, amounting to no less than 70 per cent. of the whole, was amply justified by the special interest attaching to them in the history of Scotland.

They could not, he said, allow that occasion to pass without an endorsement of the protests which had come from many quarters in recent years against the Government's neglect of the Scottish records. All they demanded was that provision should be made in Scotland for dealing with their national records in a manner not less adequate than was considered necessary and appropriate in the case of the national records of the sister country in the Record Office in London. No reasonable answer could be made to that moderate demand. The state of their records remained a grievance which touched the national honour of Scotland and added unnecessary fuel to the smouldering embers of Scottish discontent, and they must continue to agitate and protest until it became impossible to refuse to public insistence what had so long been denied to the despairing entreaties of Scottish historical scholars.

The Society associated itself with the movement started eighteen months ago which enabled owners and possessors of manuscripts and collections to acquaint themselves with their historical value, and provided such owners and possessors with the means of ensuring the preservation of their treasures in the interests of Scottish history either in the National Library or the Register House. The scheme was purely a voluntary one, but it had produced some notable fruit.

In conclusion, Lord Clyde emphasised the value of old maps, surveys, and estate plans, and the importance of applying to their preservation measures which were so strongly advocated for letters and other documents.

Votes of thanks to Lord Clyde, to Dr. Dickson, and to the Secretary ended the meeting.

The meeting was followed by tea served to members and their friends.

(The pamphlet by Dr. W. K. Dickson, commemorative of the work of the Scottish History Society, 1886-1936, which was circulated to members before the Fiftieth Annual Meeting, is bound up with this volume.)

ABSTRACT ACCOUNT CHARGE and DISCHARGE
of the INTROMISSIONS of the HONORARY
TREASURER for the year from 1st November
1935 to 1st November 1936.

CHARGE.

I. Funds as at close of last Account	£547 3 3
II. Deposit Receipt Uplifted—	
1935	
Decr. 28—Uplifted Deposit Receipt with the Bank of Scotland, dated 4th April 1935	
	£550 0 0
III. Subscriptions Received	619 10 0
IV. Past Publications sold to Members	1 2 0
V. Interest on Deposit Receipt and Saving Account	12 16 5
	£1,180 11 8

DISCHARGE.

I. Lodged on Deposit Receipt and Deposit Account—	
1935	
Decr. 28—Lodged on Deposit Re- ceipt with Bank of Scotland this date	
	£500 0 0
1936	
April 9—Lodged on Deposit Account with Bank of Scotland this date	
	100 0 0
	£600 0 0
II. Cost of Publications	558 0 10
Carry forward	£558 0 10

	Brought forward	. £558 0 10
III. Miscellaneous Payments	44 8 9

IV. Funds as at close of this Account—

1. Balance on Deposit Receipt with Bank of Scotland, 103 George Street, Edinburgh	£500 0 0
2. Balance at credit of Savings Ac- count with Do. do.	409 11 11	
3. Balance at credit of Current Ac- count with Do. do.	71 5 5	

£980 17 4

Deduct—Amount due to Messrs.

T. & A. Constable	402 15 3
-------------------	-----------	----------

578 2 1

Sum of the Discharge equal to the Charge	<u>£1,180 11 8</u>
--	-----------	--------------------

EDINBURGH, 10th November 1936.—I have examined the Accounts of the Honorary Treasurer of the Scottish History Society for the year from 1st November 1935 to 1st November 1936, and I find the same to be correctly stated and sufficiently vouched, closing with a Balance on Deposit Receipt with the Bank of Scotland, 103 George Street, Edinburgh, of £500; a Balance at credit of Savings Account with the Bank of Scotland of £409, 11s. 11d.; and a Balance at credit of the Society's Account Current with the Bank of Scotland of £71, 5s. 5d.

JOHN A. INGLIS,
Auditor.

SCOTTISH HISTORY SOCIETY

Fifty Years

1886-1936

By

W. K. DICKSON, LL.D.

ADVOCATE
CHAIRMAN OF THE COUNCIL



EDINBURGH

Printed at the University Press by T. and A. CONSTABLE LTD.
for the Scottish History Society

1936



[Elliott and Fry]

THE EARL OF ROSEBERY, K.G., K.T.
PRESIDENT OF THE SCOTTISH HISTORY SOCIETY, 1886-1929

SCOTTISH HISTORY SOCIETY

IN *Weir of Hermiston* Louis Stevenson said of his countrymen: 'That is the mark of the Scot of all classes—that he stands in an attitude towards the past unthinkable to Englishmen, and remembers and cherishes the memory of his forbears, good and bad; and there burns alive in him a sense of identity with the dead even to the twentieth generation.' One result of the national character is the great number of historical and antiquarian societies which our small country has produced since the foundation in 1780 of the Society of Antiquaries, still flourishing in youthful vigour. In the nineteenth century came the printing clubs, the Bannatyne Club (1823), the Maitland Club (1828), the Abbotsford Club (1833), the Spalding Club (1839), the Wodrow Society (1841), the Spottiswoode Society (1843), the Scottish Text Society (1882), and the many other societies whose work has been recorded by Professor Sanford Terry in his *Scottish Historical Clubs*.

The Scottish History Society had its origin in a letter from Lord Rosebery, which appeared in the *Scotsman* of February 3, 1886. Some public discussion had arisen with regard to the publications of the Scottish Text Society. After referring to this matter, Lord Rosebery went on to say: 'I think this an excellent opportunity for making a suggestion which is constantly present to my mind. We should have a Society in Scotland for printing the manuscript materials for Scottish history, especially social history, which are believed to exist in such abundance among us. I do not allude to charters, which gratify but few. I am thinking rather of letters or diaries of the seventeenth, eighteenth, or early nineteenth centuries. There is, I believe, a vast collection of

these in existence ; but every day brings peril to them of some kind or another, from the too negligent or too scrupulous custodian. If these were printed they would not only be preserved from these risks, but would form a collection which would almost raise the wistful shade of Sir Walter himself.

‘ Why should we, then, not start such a Scottish Manuscript Society ? It would preserve the perishable ; it would form a collection valuable to the literature of the whole world, but profoundly attractive to Scotsmen ; and it would raise a national monument, even more consistent and durable than those spectral and embarrassed columns which perplex the tourist on the Calton Hill.’

Lord Rosebery’s proposal was supported by a letter from the Bishop of Edinburgh, Dr John Dowden, cordially endorsing his suggestion. On February 17, on the invitation of Bishop Dowden, a meeting was held in the Forbes Library, Rosebery Crescent, Edinburgh, to discuss the proposal. Professor Masson presided, and among those present were Mr George Burnett, Lyon King of Arms ; Canon Bell ; the Rev. Dr Cazenove ; Mr J. T. Clark, Keeper of the Advocates’ Library ; the Rev. A. W. Cornelius Hallen ; Mr Forbes Irvine of Drum ; Bishop Jermyn of Brechin ; Mr T. G. Law, Librarian of the Signet Library ; Sheriff Æneas Mackay ; Canon Murdoch ; Mr John Russell ; and the Rev. Dr Sprott of North Berwick. Letters expressing approval and support were received from Mr T. W. Dickson of the Register House, Colonel Alexander Fergusson, the Rev. Dr Cameron Lees, Dr W. F. Skene, Professor Kirkpatrick, and others. After discussion, it was resolved to form a Society for the printing of unpublished documents illustrative of Scottish history in the widest sense of the term, and a Committee was appointed, consisting of Professor Masson, Mr Law, Mr Burnett, Mr Russell, and Bishop Dowden, to consider

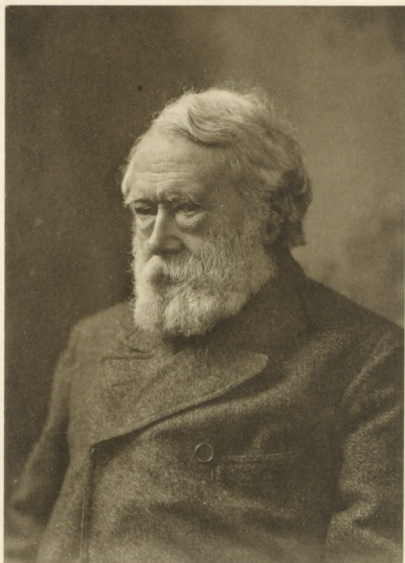
the whole question, prepare a draft constitution of the Society, and submit the results to a general meeting to be summoned when the labours of the Committee should be complete. The results of its work were laid before a meeting held in the Signet Library on April 21, 1886, when the Society was formally constituted. The object of the Society was defined as 'the discovery and printing, under selected editorship, of unpublished documents illustrative of the civil, religious, and social history of Scotland.' It was arranged that the affairs of the Society should be managed by the Office-bearers and a Council of twelve elected members. The membership was to be limited to 400 (a restriction which has since been removed); the subscription to be a guinea. An average annual output of two octavo volumes was proposed.

Lord Rosebery accepted office as President of the Society. The Chairman of the Council was Professor Masson. Mr T. G. Law became Honorary Secretary; and Mr J. J. Reid, Advocate, the Queen's and Lord Treasurer's Remembrancer, Honorary Treasurer. Mr Reid died in 1889 and was succeeded as Treasurer by Mr J. T. Clark.

The Society was fortunate in its officers. Lord Rosebery was an ideal President. In 1886 he was the most famous and popular man in Scotland. He was first and last a great Scotsman. As John Buchan wrote of him when he died: 'In the early eighties, after the famous Midlothian campaign, in which he played Eugene to Mr Gladstone's Marlborough, he was by far the most interesting and promising figure in politics.' In 1881 he had become Under-Secretary in the Home Office, where he had devoted himself specially to Scottish affairs. In 1885 he had entered the Cabinet as Lord Privy Seal and First Commissioner of Works, and in the short-lived Gladstone Government of 1886 he had become Foreign Secretary. It

is not, however, with his political life that we are here concerned. From his youth he had taken a keen interest in Scottish history. So early as 1871, he had delivered, at the opening of the session of the Edinburgh Philosophical Institution, an address on the Union of Scotland and England. The address is printed in his collected *Miscellanies*. It is a remarkable performance for a man of twenty-four. It shows not only a knowledge of the standard authorities, but a wide acquaintance with the fugitive literature of the time, its personalities, and its currents of opinion; and after sixty-five years his reflections on the Union have not lost their savour. Another memorable address on Scottish history was delivered as Lord Rector of Aberdeen University in 1880. He had laid the foundation of that famous collection of Scottish books, which now, by his generous gift in 1926, is one of the chief treasures of the National Library of Scotland, and he was developing the wide knowledge of historical sources, far outside Scottish limits, and the accomplishment as a historical writer, which were to give us the *Pitt*, the *Napoleon*, and the *Chatham*.

From the beginning Lord Rosebery took an active part in the work of the Society and gave us of his best. In the early years of the Society he presided when possible at the Annual Meeting and reviewed the year's work. The announcement of his presence always attracted a large and interested audience. His addresses are recorded in the Society's Annual Reports. One of special interest was the address delivered in 1897 on the gaps in Scottish history, especially regarding the Jacobite movements and the social life of the eighteenth century, and the extent to which they have been filled by the work of the Society. This address has been printed in his *Miscellanies*. In 1889 he presented to the Society a volume of exceptional interest, *A List of Persons concerned in the Rebellion*,



PROFESSOR DAVID MASSON
CHAIRMAN OF THE COUNCIL, 1886-1907

transmitted to the Commissioners of Excise by the Several Supervisors in Scotland in Obedience to a General Letter of the 7th May 1746. The List was printed from a manuscript in Lord Rosebery's own possession, the MS. being annotated by the Rev. Walter Macleod. Lord Rosebery himself wrote a preface, which is a notable contribution to Scottish history, outlining the events of the Rising and discussing its origins, the chances of its success, the causes of its failure, and the character of Prince Charles Edward.

Professor David Masson, who became Chairman of the Council, was the acknowledged *doyen* of Scottish historians and men of letters. The friend of Carlyle and of Thackeray, and the first editor of *Macmillan's Magazine*, he had been Professor of Rhetoric and English Literature at Edinburgh since 1865. He was the author of the monumental *Life of Milton*, of lives of Chatterton and of Drummond of Hawthornden, and of many other volumes of literary biography. From 1880 to 1899 he was editor of the *Register of the Privy Council of Scotland*. In 1898 he was appointed Historiographer Royal for Scotland. He was throughout a tower of strength to the Council.

But it was, above all, to Mr Thomas Graves Law that the Society owed its success. Mr Law had in early life taken orders in the Roman Church, and had been for more than twenty years a member of the congregation of the Oratorian Fathers at Brompton. There, while devoting himself to the active duties of a priest, he found his chief interest in historical and critical research. While at the Oratory he prepared a catalogue of its library, and undertook the arrangement of a valuable collection of sixteenth century MSS. belonging to Cardinal Manning. In 1878 he left the Church of Rome. In 1879 he was appointed Librarian of the Signet Library, where he showed himself the true successor of David Laing. In

1886, in a fortunate hour, he became Secretary of our Society. For the rest of his life the Society was, next to his official duties, the chief interest of his life. His work for us cannot be better described than in the words of Professor Hume Brown in the Memoir prefixed to *Collected Essays and Reviews of Thomas Graves Law, LL.D.* (Edinburgh, 1904): ‘ In association with Professor Masson and Bishop Dowden, Mr Law threw himself enthusiastically into the work of founding the Society, and pledged his interest in its future by accepting the post of Honorary Secretary. When he undertook the duties of the post, he perhaps hardly realised the amount of labour it would entail. He conceived these duties, indeed, in the most exacting sense: not content with his strictly secretarial work, he virtually made himself co-editor of the successive publications of the Society. For seventeen years Mr Law was engaged in what was emphatically a labour of love—on the constant watch for materials for the Society’s publications, and sparing no pains to present them to the world in worthy form. From the beginning it was realised by the members of the Society that its success was mainly due to his ability, tact, and enthusiasm; and in 1903 they gave substantial proof of their recognition of his services by presenting him with a silver bowl and a purse of two hundred guineas. In making the presentation, Lord Rosebery expressed with his usual felicity the collective feeling of the Society: “There is not a person here,” he said, “and there is not a person conversant with the work of this Society outside, who does not know the deep debt, the eternal debt of gratitude we owe to our Secretary, Mr Law, who has been the life and soul of the Society. He has acquired documents, he has superintended their printing, he has weeded the documents he has chosen, and from day to day and from hour to hour, all through the years the Society has

existed, Mr Law has been its moving spirit." From first to last forty-four volumes were issued by the Society under Mr Law's supervision—a monumental contribution to the materials of Scottish history, with which his name will ever be honourably associated. Another distinction received by Mr Law should not be passed over, as he himself regarded it with peculiar pleasure: in 1898 the University of Edinburgh conferred on him its highest honour, the degree of Doctor of Laws, "in recognition of his learned labours and indefatigable industry."

The first Council of the Society included Bishop Dowden; Dr W. F. Skene, Historiographer Royal, the historian of Celtic Scotland; Dr Thomas Dickson, Curator of the Historical Department of the Register House; Dr George Burnett, Lyon King of Arms; Sheriff Æneas Mackay, the biographer of Stair and historian of Fife and Kinross; Professor John Kirkpatrick; J. T. Clark; Sir Arthur Mitchell; G. W. T. Omond, advocate, author of *The Lord Advocates of Scotland* and *The Arniston Memoirs*; J. R. Findlay of Aberlour; Colonel P. Dods; John Russell, author of *The Haigs of Bemersyde*; and John Maitland Thomson, who was for many years editor of the *Register of the Great Seal*, and who in 1895 succeeded Dr Dickson in the Register House. Among the corresponding members of Council were Mr Osmund Airy, Principal Cunningham of St Andrews, Professor George Grub, the Rev. Dr Sprott of North Berwick, Professor Veitch of Glasgow, and Professor Robertson Smith.

The Society soon attracted to the membership most of the men in Scotland who were actively interested in historical work. One notes some more of the names which appear in the early lists of the Council and of workers for the Society:—

Professor (afterwards Sir George) Prothero was Professor of History at Edinburgh from 1894 to 1899, and became

President of the Royal Historical Society and Director of the Historical Section of the Foreign Office. Professor (afterwards Sir John) Rankine was Professor of Scots Law at Edinburgh from 1888 to 1922, and was the author of the classic *Law of Landownership in Scotland*. James Ferguson of Kinmundy, Sheriff of Argyll, was the author of several legal works and of *Robert Ferguson the Plotter, Two Scottish Soldiers, Records of the Clan and Name of Ferguson*, and of various studies in military history. He edited for the Society *Papers illustrating the History of the Scots Brigade in the Service of the United Netherlands* in 3 volumes (1899–1901). G. M. Paul, afterwards Sir George, became Deputy Keeper of the Signet. He edited for the Society an excerpt from Johnston of Wariston's *Diary*, which appeared in the Miscellany volume presented to the Society by Messrs T. & A. Constable in 1896, and another volume of the *Diary* in 1909. James Balfour Paul, afterwards K.C.V.O., in 1890 succeeded Dr Burnett as Lyon King of Arms. He was the author of standard works on heraldry and of the *History of the Royal Company of Archers*, and editor of the *Scots Peerage*. He edited the *Diary of George Ridpath, Minister of Stichel, 1755–1761*, issued by the Society in 1921. Sir Arthur Mitchell, K.C.B., distinguished alike as a civil servant and as an archæologist, was the author of *The Past in the Present*, based on the lectures given by him as the first Rhind Lecturer. He edited for the Society the three volumes of *Macfarlane's Geographical Collections* (1905–1906), and he collected and arranged the material which after his death was edited by Mr C. G. Cash and printed by the Society under the title of *A Contribution to the Bibliography of Scottish Topography* (1917). Donald Crawford, sometime Fellow of Lincoln College, Oxford, was Member of Parliament for N.E. Lanarkshire from 1885 to 1895. He became Sheriff of Aberdeen, Kincardine

and Banff in 1895. In 1900 he edited for the Society the *Journal of a Foreign Tour in 1665 and 1666, etc., by Sir John Lauder of Fountainhall*, a most entertaining travel book. The Hon. Sir Hew Hamilton Dalrymple still renders eminent public service as Chairman of the Trustees of the Scottish National Galleries and as Vice-Chairman of the Trustees of the National Library. Peter Hume Brown, who in 1901 was appointed the first Fraser Professor of Ancient History and Palæography in the University of Edinburgh, was the leading Scottish historian of his time, famous as the author of lives of Buchanan and John Knox, and of a standard *History of Scotland*. In 1908 he succeeded Masson as Historiographer Royal. In 1912 he edited for the Society a volume of *Letters of the Earl of Seafield and Others, illustrative of the History of Scotland during the Reign of Queen Anne*. David Patrick was the editor of Chambers's *Encyclopædia*, Chambers's *Cyclopædia of English Literature*, and Chambers's *Biographical Dictionary*, and was himself a man of encyclopædic learning. His most notable single work in history was the edition of the *Statutes of the Scottish Church*, which he edited for the Society in 1907. J. R. N. Macphail, afterwards Sheriff of Stirling, Dumbarton and Clackmannan, was an expert in genealogy and peerage law, and had a wide knowledge of Highland history and documents. He did much work for the Society. He edited four volumes of *Highland Papers*, also the volume of *Selections from the Papers of the late Sir William Fraser*, presented to the Society by Sir William's Trustees (of whom Mr Macphail was one) in 1923. He was Chairman of the Council from 1922 to 1926. David Hay Fleming was eminent as a specialist on the periods of the Reformation and the Covenants. His *Mary Queen of Scots* is one of the landmarks of Scottish historical research. He edited for the Society *The Kirk Session Register of St Andrews* (2 vols.,

1889, 1890), and the second volume of the *Diary of Johnston of Wariston* (1919). Robert Fitzroy Bell—of whom Professor Saintsbury wrote that ‘he knew nothing bad, except that he died so soon’—was Secretary to the Scottish Universities Commission of 1889, and was the founder of the *Scots Observer* (Henley’s *Scots Observer*, not the more recent periodical of that name). He edited for the Society the *Memorials of John Murray of Broughton*, issued in 1898.

An invaluable recruit was Walter Biggar Blaikie, head of the printing firm of T. & A. Constable. He was not only a keen and competent historical worker, but it was said of him with justice that he had brought to his trade ‘the skill of an engineer, the eye of an artist, and the taste of a scholar.’ The Society’s books were from the beginning printed by Messrs Constable. Blaikie took endless personal trouble about them, with the result that every volume is a beautiful example of the printer’s craft. His *Itinerary of Prince Charles Edward* and his *Origins of the ’45* are notable contributions to the Society’s publications.

A complete list of the Society’s publications is issued to members from time to time along with the new volumes, and it need not be repeated here. It will, however, be of interest to glance at some of the books issued during the first ten years, as illustrating the range and variety of the Society’s work.

The first volume, the *Tours in Scotland, 1747, 1750, 1760*, of Dr Richard Pococke, Bishop of Meath, edited by D. W. Kemp, issued in 1887, records the impressions and experiences of an observant visitor to the Scotland of the eighteenth century, and is illustrated with many antiquarian sketches by the author. *The Diary of William Cunningham of Craigends*, Commissioner to the Convention of Estates and Member of Parliament for Renfrewshire, edited by the Rev. Dr James Dodds (1887), illustrates

the social and economic conditions of life in the house of a Presbyterian laird in Renfrewshire under Charles II. The *Grameid* is James Philip's heroic Latin poem describing the campaign of Killiecrankie, translated and edited by the Rev. Alexander D. Murdoch (1888).

The two volumes of the *Kirk Session Register of St Andrews*, edited by Dr Hay Fleming (1889, 1890), cover the period from 1559 to 1600, and present a vivid picture of ecclesiastical government and discipline in the early days of the Reformed religion, and of the misdeeds of fornicators, observers of Yule, Papists, Sunday golfers, and other delinquents. There were differences of opinion: the famous Mr David Black, minister of St Andrews, describes some of his colleagues as—'Pynt-aill ministers, bellie-fallowis, sycophantis, gentillmenis ministeris, leideris of the pepill to Hell; and that a grait part of them were worthie to be hangit.'

The *Diary of the Reverend John Mill*, Minister of Dunrossness from 1740 to 1803, edited by Gilbert Goudie (1889), contains much information regarding life in Shetland from 1740 to 1803, including the alarms of the islands during the French and American wars. Mr Mill's experience included an interesting interview with Satan, who talked to him by the mouth of a 'possessed' woman. One is glad to note that the valiant minister 'called him (as indeed he was) a damned rascal for his lying impudence.' He records one very human trial: 'I left my wife at Lerwick till the manse was got in order for her reception, supposing a married state would ease me in a great measure of worldly cares. But I soon found it rather increased them. The charge of repairing the manse straitened a little, but we soon got over it. The greatest plague was with cross-grained naughty servants being thievish and mischievous, and liker wild beasts than Christians.'

The *Narrative of Mr James Nimmo, 1654–1709*, edited by his descendant, W. G. Scott Moncrieff (1889), is a characteristic record of the religious experiences of a devoted Covenanter.

The *Glamis Book of Record*, edited by A. H. Millar (1890), contains a diary written by Patrick, first Earl of Strathmore, and other documents relating to Glamis Castle during the years 1684 to 1689.

John Major's *Greater Britain* (1892) is a translation by Archibald Constable of Major's *Historia Maioris Britanniae*, printed in 1521 and dedicated to King James V. Sheriff Æneas Mackay contributed a learned biography of Major, and Mr T. G. Law added a bibliography of the works of Major and his disciples, and an appendix of documents.

The *Records of the Commissions of the General Assemblies of the Church of Scotland, holden in Edinburgh in the years 1646 and 1647*, edited by the Rev. Dr A. F. Mitchell and the Rev. Dr James Christie (1892), record the proceedings of the Church in a time of trouble and danger. The volume includes some of the letters of the Assembly's Commissioners to the Westminster Assembly.

The *Court Book of the Barony of Urie in Kincardineshire, 1604–1747*, edited by the Rev. Douglas Gordon Barron (1892), throws much light on the conditions of life on a north-country estate during a century and a half, and illustrates in detail the working of the old system of heritable jurisdictions which came to an end after the Forty-five.

The *Memoirs of the Life of Sir John Clerk of Penicuik, Baronet, Baron of the Exchequer, extracted by himself from his own Journals, 1676–1755*, were edited by Mr J. M. Gray, afterwards Curator of the Scottish National Portrait Gallery, in 1892. Clerk was one of the Commissioners for the Union; as a young man he took an active part in politics, and as one of the Barons of Exchequer he was

for many years an honoured public servant. He had travelled widely in his youth; he was a classical scholar, a musician, and an artist, and a zealous antiquary; in his old age he writes that 'I may truly say that I was never so happy as when learning something out of a book.' His Memoirs are a record of Scottish life, public and private, in the first half of the eighteenth century, as seen through the eyes of a public-spirited and accomplished Scottish gentleman.

The *Journal of the Hon. John Erskine of Carnock*, 1683-1687, was edited by the Rev. Walter Macleod (1893). Its chief interest is the account of the author's share in Argyll's disastrous enterprise in 1685, and of his subsequent escape to Holland. He returned to Scotland after the Revolution, and lived to become the father of John Erskine, the author of the *Institutes of the Law of Scotland*.

The first of the Society's Miscellany volumes was issued in 1893. It contains, with many other papers, the contemporary Catalogue of the Library of King James VI; documents illustrating Catholic policy in 1596-1598; letters of Sir Thomas Hope, Lord Advocate, 1627-1646; letters of Lauderdale to Archbishop Sharp; and various papers relating to the Civil War and to the Risings of 1715 and 1745.

The *Account Book of Sir John Foulis of Ravelston*, 1671-1707, edited by the Rev. A. W. Cornelius Hallen (1894), is a mine of information about the life of a happy and prosperous private family during a period of much public strife and bitterness. It is pleasant to read of intelligent and industrious estate management, friendly hospitality to rich and poor, study and sport, hunting, fishing, and golf, during the troubles of the later Stuart reigns and the days of the Revolution and the Union. After eight generations few entries in the Register of the

Privy Council are more interesting than Sir John's note on December 7, 1672: 'For a golfe club to Archie, 6s.' or on February 9, 1691: 'To William for y^e football, 14s.'

In 1894 appeared, under the editorship of Dr Samuel Rawson Gardiner, the distinguished historian of the Civil War, *Letters and Papers illustrating the Relations between Charles the Second and Scotland in 1650*, a collection of documents intended to illustrate the relations between Charles and the Covenanting government in Scotland, especially during the negotiations carried on at Breda in the spring of 1650. In 1895 it was followed by *Scotland and the Commonwealth*, edited by C. H. Firth, afterwards Sir Charles, a series of letters and papers relating to the military government of Scotland from August 1651 to December 1653.

The *Jacobite Attempt of 1719*, edited in 1895 by the present writer, is a collection of letters of the second Duke of Ormonde and other papers illustrating the abortive enterprise which ended in the defeat at Glenshiel.

Perhaps the most permanently interesting of all the Society's publications is the *Lyon in Mourning*, edited in three volumes by Mr Henry Paton (1895-1896). This is the famous collection of journals, narratives, and memoranda relating to the life of Prince Charles Edward Stuart, during and after the Rising of 1745, which was compiled through many years of laborious research by that devoted Jacobite, Robert Forbes, Bishop of Ross and Caithness. Bishop Forbes died in 1775. In 1806 his collection was purchased from his widow by Sir Henry Steuart of Allanton, who in turn sold it to Robert Chambers. Chambers used it in his *Jacobite Memoirs of the Rebellion of 1745* and in his well-known *History of the Rebellion*, and ultimately bequeathed the ten manuscript volumes to the Advocates' Library. Chambers had used about a third of the contents of the *Lyon*. The Society now

printed the text in its entirety. Bishop Forbes said of his work: 'I have a great anxiety to make the Collection as complete and exact as possible for the instruction of future ages in a piece of history the most remarkable and interesting that ever happened in any age or country.' Consisting as it does chiefly of first-hand narratives, often taken down from the lips of the actors concerned, the *Lyon* is the chief source of the personal history and folklore of the Forty-five, and will always remain one of the *fontes* of Scottish history. Lord Rosebery said of it that if the Society had done nothing more than reprint the *Lyon in Mourning* it would have fully justified its existence.

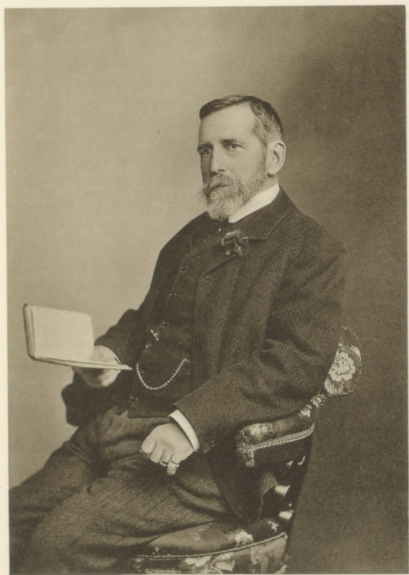
In 1897 the *Lyon* was followed by Walter Blaikie's *Itinerary of Prince Charles Edward Stuart*, based on Bishop Forbes's material, in which the movements of the Prince are traced day by day, from his sailing for Scotland on June 22, 1745, till his final departure on September 20, 1746.

At the Annual Meeting in 1897, after the Society had been at work for ten years, Lord Rosebery was in the chair. In the course of his speech he said: 'I feel rather reminded of the speech by the late genial Sir George Harvey, the President of the Royal Scottish Academy, which I heard him make at one of the banquets of the Academy, which have unfortunately fallen into abeyance. Sir George Harvey was delighted with the exhibition, and he made a speech which amounted in brief to this—There never was such an Academy, and there never were such pictures. Well, that is my view of our Society. I shall express it quite frankly—there never was such a Society, and there never were such publications. I very much doubt if anyone can find any serious fault with anything that the Society has done or with any publication that the Society has put forward, and I venture to ask you of what other society known to you can so much be said?'

That is what Matthew Arnold would have called a 'heightened and telling way of putting things,' and was not meant too seriously, but the series of books recorded above seems to justify the President's satisfaction. He continued: 'I flatter myself that we have done much more than simply instruct by our publications. We have done something in the way of inspiration to writers and of inducing many to tread the field of Scottish history who might not have been so attracted except by our publications.'

In its later years the Society has fulfilled the promise of its youth, and for half a century has continued to add to the historical wealth of Scotland. Lord Rosebery once divided its publications into three categories—'readable books, books that are partly readable, and books that are wholly unreadable.' 'Do not think,' he added, 'that I undervalue the category of unreadable books, because you require a great number of unreadable books for reference.' It has always been the task of the Council to preserve a due proportion between books which are full of human interest and those—equally valuable—which are simply repositories of chronological or topographical facts. A more difficult task has been to hold the balance between the varying interests of members. One man is interested in mediæval chartularies, another in Covenanting controversy, another in Jacobitism, another in eighteenth century domestic gossip. The Council has throughout tried to effect a reasonable compromise, not unsuccessfully.

The Society has issued in all 107 volumes—61 in the First Series, 1886 to 1909; 20 in the Second, 1909 to 1919; and 26 in the Third, the current series, which began in 1919. Notable issues, other than those which have been already mentioned, have been *Macfarlane's Genealogical Collections concerning Families in Scotland*,



THOMAS GRAVES LAW
HONORARY SECRETARY, 1886-1904

presented to the Society by Sir William Fraser's Trustees in 1899, and edited by Mr J. T. Clark; *Macfarlane's Geographical Collections*, edited by Sir Arthur Mitchell; Bishop Dowden's learned edition of the *Chartulary of Lindores*; the *Proceedings of the Justiciary Court from 1661 to 1678*, edited by Sheriff Scott-Moncrieff; Sir Thomas Craig's *De Unione Regnorum Britannicæ Tractatus*, translated and edited by Professor Sanford Terry; the *Contribution to the Bibliography of Scottish Topography*, edited by Sir Arthur Mitchell and C. G. Cash; and the volumes of the *Correspondence of Mary of Lorraine*, edited by Miss Marguerite Wood and Miss Annie I. Cameron.

New sources of knowledge were opened by Professor W. R. Scott's *Minute Book of the New Mills Cloth Manufactory*, Dr G. P. Insh's *Darien Papers*, Professor Hannay's *Rentals* of the Archbishopric of St Andrews and the Bishopric of Dunkeld, Dr W. C. Dickinson's *Sheriff Court Book of Fife*, Dr C. A. Malcolm's *Justices of the Peace for Lanarkshire*, and the *Calendar of Scottish Supplications to Rome, 1418-1422*, from the Vatican archives, edited by the Rev. and Hon. E. R. Lindsay and Miss Cameron.

There have been five volumes of *Miscellanies*.

In 1914 the Society was passing through a period of diminished prosperity, and in the early months of the War there was some ground for anxiety about its future. These forebodings were not fulfilled. At the date of the Annual Meeting in 1918, just after the Armistice, there were only seven vacancies in our membership, as then limited; we had a substantial balance in hand; and all our publications were up to date.

All editorial work done by members of the Society, and all the work done by the officials, has been done without fee or reward. In the case of gratuitous work, done by busy men, it has not always been possible to keep the issue of expected volumes closely up to date. Indeed on

one occasion—it would not be judicious to indicate the date; it was a long time ago—the Council was asked to consider the advisability of ‘obtaining the services of younger, more active, and less occupied men to act as editors.’ Still, from year to year the Society has seldom failed to fulfil its undertaking to issue to members two volumes annually. In some years it has issued three, or even four, and it has at present ample work in hand.

The Society has kept to its own business of collecting and editing historical material. It took an active share, however, in the representations which led to the recent improvements in the Historical Department of the Register House. The Council’s attitude regarding this matter may be sufficiently indicated by the observations made by Mr John Buchan, as Chairman of the Annual Meeting in 1930. ‘All historical work in Scotland,’ he said, ‘is carried out under greater difficulties, I think, than in any other land. No British Government has been kind to us in respect of our national records. The Historical Department of His Majesty’s Register House, for example, is seriously understaffed, and but for the disinterested devotion of its curators, from Thomas Thomson downwards, the situation would be much worse. There is neither the staff nor the funds to compile those indexes, without which the records of a nation are not truly accessible to the student. . . . It seems to me to be in an especial degree the business of the Scottish History Society to press, in the interests of patriotism and of scholarship, for a fairer treatment of the land north of the Tweed.’

The Society also associated itself with the appeal issued in 1935 by the Trustees of the National Library, endeavouring to secure the preservation of Scottish legal, historical, and literary manuscripts now in private hands.

Lord Rosebery remained President of the Society until his death in 1929. He was succeeded by Mr John Buchan, now Lord Tweedsmuir and Governor-General of Canada, who, on his retirement in 1933, was succeeded by Sir Robert Rait, Principal of the University of Glasgow. Sir Robert died on May 25, 1936.

Professor Masson died in 1907, and was succeeded as Chairman of the Council by Bishop Dowden. On the Bishop's death in 1910 he was succeeded by Sheriff Crawford. Sheriff Crawford held office till 1918, when he resigned on grounds of health. On his retirement the rule was adopted that in future the Chairman of Council should hold office for four years only, a limitation which now applies also to the office of President. The subsequent Chairmen have been Sir James Balfour Paul (1918-1922), Sheriff Macphail (1922-1926), Mr James MacLehose (1926-1930), Lord Sands (1930-1934), and the present writer.

Mr J. T. Clark held the office of Treasurer from 1889 to 1917. He was succeeded by Mr C. S. Romanes, who in 1922 was succeeded by the present Treasurer, Mr J. M. Howden.

After the death of Dr Law in 1904, Mr Clark acted for some time as interim Secretary. In the following year Mr Hay Fleming was appointed to the office. In 1908 Dr Maitland Thomson was appointed Secretary, with Mr Francis Steuart as his colleague. Mr Steuart retired in 1913. Mr Maitland Thomson held office till 1920, when Professor R. K. Hannay became Secretary, with Mr William Angus, now Keeper of the Registers and Records of Scotland, as his assistant, and later as Joint Secretary. Professor Hannay and Mr Angus resigned in 1928, and Dr H. W. Meikle, now Librarian of the National Library, became Secretary. He was succeeded in 1931 by the present Secretary, Mr E. W. M. Balfour-Melville.

The origins of the Society are receding into the past of Scottish history, and the men who founded it are with Tullus and Ancus. Looking back over fifty years we have good reason to be satisfied with the way in which the Society has carried out what Lord Rosebery called 'the humble and unobtrusive task of letting every man know, in every degree of life, so far as in us lies, and so far as documentary evidence exists, how our forbears lived and worked and carried on the business of their country in their separate spheres.' Abundant material still awaits research, and popular interest in the history of Scotland is greater than ever. It is to be hoped that for many years to come the Society will endure to carry on its work, in the spirit of its original motto, *Colligite fragmenta, ne pereant*.



WALTER BIGGAR BLAIKIE

Scottish History Society.

THE EXECUTIVE.

1936-1937.

President.

Rt. Hon. LORD CLYDE, LL.D.

Chairman of Council.

WILLIAM K. DICKSON, LL.D.

Council.

R. L. MACKIE.
D. B. MORRIS.
H. W. MEIKLE, D.Litt.
JOHN A. INGLIS, K.C.
Professor R. K. HANNAY, LL.D.
JAMES MACLEHOSE, LL.D.
T. INNES of Learney.
EVAN M. BARRON.
R. C. REID.
W. C. DICKINSON, D.Lit.
Professor J. D. MACKIE.
JAMES CURLE, W.S., LL.D.

Hon. Treasurer.

JOHN M. HOWDEN, D.L., C.A., 8 York Place, Edinburgh.

Hon. Secretary.

E. W. M. BALFOUR-MELVILLE, History Department,
The University, Edinburgh.

RULES

1. THE object of the Society is the discovery and printing, under selected editorship, of unpublished documents illustrative of the civil, religious, and social history of Scotland. The Society will also undertake, in exceptional cases, to issue translations of printed works of a similar nature, which have not hitherto been accessible in English.

2. The affairs of the Society shall be managed by a Council, consisting of a Chairman, Treasurer, Secretary, and twelve elected Members, five to make a quorum. Three of the twelve elected Members shall retire annually by ballot, but they shall be eligible for re-election.

3. The Annual Subscription to the Society shall be One Guinea. The publications of the Society shall not be delivered to any Member whose Subscription is in arrear, and no Member shall be permitted to receive more than one copy of the Society's publications.

4. The Society will undertake the issue of its own publications, *i.e.* without the intervention of a publisher or any other paid agent.

5. The Society normally issues yearly two octavo volumes of about 320 pages each.

6. An Annual General Meeting of the Society shall be held at the end of October, or at an approximate date to be determined by the Council.

7. Two stated Meetings of the Council shall be held each year, one on the last Tuesday of May, the other on the Tuesday preceding the day upon which the Annual General Meeting shall be held. The Secretary, on the request of three Members of the Council, shall call a special meeting of the Council.

8. Editors shall receive 20 copies of each volume they edit for the Society.

9. The owners of Manuscripts published by the Society will also be presented with a certain number of copies.

10. The Annual Balance-Sheet, Rules, and List of Members shall be printed.

11. No alteration shall be made in these Rules except at a General Meeting of the Society. A fortnight's notice of any alteration to be proposed shall be given to the Members of the Council.

PUBLICATIONS
OF THE
SCOTTISH HISTORY SOCIETY

For the year 1886-1887.

1. BISHOP POCOCKE'S TOURS IN SCOTLAND, 1747-1760. Edited by D. W. KEMP.
2. DIARY AND ACCOUNT BOOK OF WILLIAM CUNNINGHAM OF CRAIG-ENDS, 1673-1680. Edited by the Rev. JAMES DODDS, D.D.

For the year 1887-1888.

3. GRAMEIDOS LIBRI SEX: an heroic poem on the Campaign of 1689, by JAMES PHILIP of Almerieclose. Translated and edited by the Rev. A. D. MURDOCH.
4. THE REGISTER OF THE KIRK-SESSION OF ST. ANDREWS. Part I. 1559-1582. Edited by D. HAY FLEMING.

For the year 1888-1889.

5. DIARY OF THE REV. JOHN MILL, Minister in Shetland, 1740-1803. Edited by GILBERT GOUDIE.
6. NARRATIVE OF MR. JAMES NIMMO, A COVENANTER, 1654-1709. Edited by W. G. SCOTT-MONCRIEFF.
7. THE REGISTER OF THE KIRK-SESSION OF ST. ANDREWS. Part II. 1583-1600. Edited by D. HAY FLEMING.

For the year 1889-1890.

8. A LIST OF PERSONS CONCERNED IN THE REBELLION (1745). With a Preface by the EARL OF ROSEBERY.
Presented to the Society by the Earl of Rosebery.
9. GLAMIS PAPERS: The 'BOOK OF RECORD,' a Diary written by PATRICK, FIRST EARL OF STRATHMORE, and other documents (1684-89). Edited by A. H. MILLAR.
10. JOHN MAJOR'S HISTORY OF GREATER BRITAIN (1521). Translated and edited by ARCHIBALD CONSTABLE.

For the year 1890-1891.

11. THE RECORDS OF THE COMMISSIONS OF THE GENERAL ASSEMBLIES, 1646-47. Edited by the Rev. Professor MITCHELL, D.D., and the Rev. JAMES CHRISTIE, D.D.
12. COURT-BOOK OF THE BARONY OF URIE, 1604-1747. Edited by the Rev. D. G. BARRON.

For the year 1891-1892.

13. MEMOIRS OF SIR JOHN CLERK OF PENICUIK, BARONET. Extracted by himself from his own Journals, 1676-1755. Edited by JOHN M. GRAY.
14. DIARY OF COL. THE HON. JOHN ERSKINE OF CARNOCK, 1683-1687. Edited by the Rev. WALTER MACLEOD.

For the year 1892-1893.

15. MISCELLANY OF THE SCOTTISH HISTORY SOCIETY. Vol. I.
16. ACCOUNT BOOK OF SIR JOHN FOULIS OF RAVELSTON (1671-1707). Edited by the Rev. A. W. CORNELIUS HALLEN.

For the year 1893-1894.

17. LETTERS AND PAPERS ILLUSTRATING THE RELATIONS BETWEEN CHARLES II. AND SCOTLAND IN 1650. Edited by SAMUEL RAWSON GARDINER, D.C.L., etc.
18. SCOTLAND AND THE COMMONWEALTH. LETTERS AND PAPERS RELATING TO THE MILITARY GOVERNMENT OF SCOTLAND, Aug. 1651-Dec. 1653. Edited by C. H. FIRTH, M.A.

For the year 1894-1895.

19. THE JACOBITE ATTEMPT OF 1719. LETTERS OF JAMES, SECOND DUKE OF ORMONDE. Edited by W. K. DICKSON.
- 20, 21. THE LYON IN MOURNING, OR A COLLECTION OF SPEECHES, LETTERS, JOURNALS, ETC., RELATIVE TO THE AFFAIRS OF PRINCE CHARLES EDWARD STUART, by BISHOP FORBES. 1746-1775. Edited by HENRY PATON. Vols. I. and II.

For the year 1895-1896.

22. THE LYON IN MOURNING. Vol. III.
23. ITINERARY OF PRINCE CHARLES EDWARD (Supplement to the Lyon in Mourning). Compiled by W. B. BLAIKIE.
24. EXTRACTS FROM THE PRESBYTERY RECORDS OF INVERNESS AND DINGWALL FROM 1638 TO 1688. Edited by WILLIAM MACKAY.
25. RECORDS OF THE COMMISSIONS OF THE GENERAL ASSEMBLIES (*continued*) for the years 1648 and 1649. Edited by the Rev. Professor MITCHELL, D.D., and Rev. JAMES CHRISTIE, D.D.

For the year 1896-1897.

26. WARISTON'S DIARY AND OTHER PAPERS—
 JOHNSTON OF WARISTON'S DIARY, 1639. Edited by G. M. PAUL.
 —THE HONOURS OF SCOTLAND, 1651-52. C. R. A. HOWDEN.—
 THE EARL OF MAR'S LEGACIES, 1722, 1726. Hon. S. ERSKINE.
 —LETTERS BY MRS. GRANT OF LAGGAN. J. R. N. MACPHAIL.

Presented to the Society by Messrs. T. and A. Constable.

27. MEMORIALS OF JOHN MURRAY OF BROUGHTON, 1740-1747. Edited by R. FITZROY BELL.
28. THE COMPT BUIK OF DAVID WEDDERBURN, MERCHANT OF DUNDEE, 1587-1630. Edited by A. H. MILLAR.

For the year 1897-1898.

- 29, 30. THE CORRESPONDENCE OF DE MONTEREUL AND THE BROTHERS DE BELLIÈVRE, FRENCH AMBASSADORS IN ENGLAND AND SCOTLAND, 1645-1648. Edited, with Translation, by J. G. FOTHERINGHAM. 2 vols.

For the year 1898-1899.

31. SCOTLAND AND THE PROTECTORATE. LETTERS AND PAPERS RELATING TO THE MILITARY GOVERNMENT OF SCOTLAND, FROM JANUARY 1654 TO JUNE 1659. Edited by C. H. FIRTH, M.A.
32. PAPERS ILLUSTRATING THE HISTORY OF THE SCOTS BRIGADE IN THE SERVICE OF THE UNITED NETHERLANDS. 1572-1782. Edited by JAMES FERGUSON. Vol. I. 1572-1697.
- 33, 34. MACFARLANE'S GENEALOGICAL COLLECTIONS CONCERNING FAMILIES IN SCOTLAND; Manuscripts in the Advocates' Library. 2 vols. Edited by J. T. CLARK, Keeper of the Library.

Presented to the Society by the Trustees of the late Sir William Fraser, K.C.B.

For the year 1899-1900.

35. PAPERS ON THE SCOTS BRIGADE IN HOLLAND, 1572-1782. Edited by JAMES FERGUSON. Vol. II. 1698-1782.
36. JOURNAL OF A FOREIGN TOUR IN 1665 AND 1666, ETC., BY SIR JOHN LAUDER, LORD FOUNTAINHALL. Edited by DONALD CRAWFORD.
37. PAPAL NEGOTIATIONS WITH MARY QUEEN OF SCOTS DURING HER REIGN IN SCOTLAND. Chiefly from the Vatican Archives. Edited by the Rev. J. HUNGERFORD POLLEN, S.J.

For the year 1900-1901.

38. PAPERS ON THE SCOTS BRIGADE IN HOLLAND, 1572-1782. Edited by JAMES FERGUSON. Vol. III.
39. THE DIARY OF ANDREW HAY OF CRAIGNETHAN, 1659-60. Edited by A. G. REID, F.S.A.Scot.

For the year 1901-1902.

40. NEGOTIATIONS FOR THE UNION OF ENGLAND AND SCOTLAND IN 1651-53. Edited by C. SANFORD TERRY.
41. THE LOYALL DISSUASIVE. Written in 1703 by Sir ÆNEAS MACPHERSON. Edited by the Rev. A. D. MURDOCH.

For the year 1902-1903.

42. THE CHARTULARY OF LINDORES, 1195-1479. Edited by the Right Rev. JOHN DOWDEN, D.D., Bishop of Edinburgh.
43. A LETTER FROM MARY QUEEN OF SCOTS TO THE DUKE OF GUISE, Jan. 1562. Reproduced in Facsimile. Edited by the Rev. J. HUNGERFORD POLLEN, S.J.
Presented to the Society by the family of the late Mr. Scott, of Halkhill.
44. MISCELLANY OF THE SCOTTISH HISTORY SOCIETY. Vol. II.
45. LETTERS OF JOHN COCKBURN OF ORMISTOUN TO HIS GARDENER, 1727-1743. Edited by JAMES COLVILLE, D.Sc.

For the year 1903-1904.

46. MINUTE BOOK OF THE MANAGERS OF THE NEW MILLS CLOTH MANUFACTORY, 1681-1690. Edited by W. R. SCOTT.
47. CHRONICLES OF THE FRASERS; being the Wardlaw Manuscript entitled 'Polichronicon seu Policratica Temporum, or, the true Genealogy of the Frasers.' By Master JAMES FRASER. Edited by WILLIAM MACKAY.
48. PROCEEDINGS OF THE JUSTICIARY COURT FROM 1661 TO 1678. Vol. I. 1661-1669. Edited by Sheriff SCOTT-MONCRIEFF.

For the year 1904-1905.

49. PROCEEDINGS OF THE JUSTICIARY COURT FROM 1661 TO 1678. Vol. II. 1669-1678. Edited by Sheriff SCOTT-MONCRIEFF.
50. RECORDS OF THE BARON COURT OF STITCHILL, 1655-1807. Edited by CLEMENT B. GUNN, M.D., Peebles.
51. MACFARLANE'S GEOGRAPHICAL COLLECTIONS. Vol. I. Edited by Sir ARTHUR MITCHELL, K.C.B.

For the year 1905-1906.

- 52, 53. MACFARLANE'S GEOGRAPHICAL COLLECTIONS. Vols. II. and III. Edited by Sir ARTHUR MITCHELL, K.C.B.
54. STATUTA ECCLESIE SCOTICANÆ, 1225-1559. Translated and edited by DAVID PATRICK, LL.D.

For the year 1906-1907.

55. THE HOUSE BOOKE OF ACCOMPS, OCHTERTYRE, 1737-39. Edited by JAMES COLVILLE, D.Sc.
56. THE CHARTERS OF THE ABBEY OF INCHAFFRAY. Edited by W. A. LINDSAY, K.C., the Right Rev. Bishop DOWDEN, D.D., and J. MAITLAND THOMSON, LL.D.
57. A SELECTION OF THE FORFEITED ESTATES PAPERS PRESERVED IN H.M. GENERAL REGISTER HOUSE AND ELSEWHERE. Edited by A. H. MILLAR, LL.D.

For the year 1907-1908.

58. RECORDS OF THE COMMISSIONS OF THE GENERAL ASSEMBLIES (*continued*), for the years 1650-52. Edited by the Rev. JAMES CHRISTIE, D.D.
59. PAPERS RELATING TO THE SCOTS IN POLAND. Edited by A. FRANCIS STEUART.

For the year 1908-1909.

60. SIR THOMAS CRAIG'S DE UNIONE REGNORUM BRITANNIÆ TRACTATUS. Edited, with an English Translation, by C. SANFORD TERRY.
61. JOHNSTON OF WARISTON'S MEMENTO QUAMDIU VIVAS, AND DIARY FROM 1632 to 1639. Edited by G. M. PAUL, LL.D., D.K.S.

SECOND SERIES.

For the year 1909-1910.

1. THE HOUSEHOLD BOOK OF LADY GRISELL BAILLIE, 1692-1733. Edited by R. SCOTT-MONCRIEFF, W.S.
2. ORIGINS OF THE '45 AND OTHER NARRATIVES. Edited by W. B. BLAIKIE, LL.D.
3. CORRESPONDENCE OF JAMES, FOURTH EARL OF FINDLATER AND FIRST EARL OF SEAFIELD, LORD CHANCELLOR OF SCOTLAND. Edited by JAMES GRANT, M.A., LL.B.

For the year 1910-1911.

4. RENTALE SANCTI ANDREE; BEING CHAMBERLAIN AND GRANITAR ACCOUNTS OF THE ARCHBISHOPRIC IN THE TIME OF CARDINAL BETOUN, 1538-1546. Translated and edited by ROBERT KERR HANNAY.
5. HIGHLAND PAPERS. Vol. I. Edited by J. R. N. MACPHAIL, K.C.

For the year 1911-1912.

6. SELECTIONS FROM THE RECORDS OF THE REGALITY OF MELROSE. Vol. I. Edited by C. S. ROMANES, C.A.
7. RECORDS OF THE EARLDOM OF ORKNEY. Edited by J. S. CLOUSTON.

For the year 1912-1913.

8. SELECTIONS FROM THE RECORDS OF THE REGALITY OF MELROSE. Vol. II. Edited by C. S. ROMANES, C.A.
9. SELECTIONS FROM THE LETTER BOOKS OF JOHN STEUART, BAILIE OF INVERNESS. Edited by WILLIAM MACKAY, LL.D.

For the year 1913-1914.

10. RENTALE DUNKELDENSE ; BEING THE ACCOUNTS OF THE CHAMBERLAIN OF THE BISHOPRIC OF DUNKELD, A.D. 1506-1517. Edited by R. K. HANNAY.
11. LETTERS OF THE EARL OF SEAFIELD AND OTHERS, ILLUSTRATIVE OF THE HISTORY OF SCOTLAND DURING THE REIGN OF QUEEN ANNE. Edited by Professor HUME BROWN.

For the year 1914-1915.

12. HIGHLAND PAPERS. Vol. II. Edited by J. R. N. MACPHAIL, K.C. (March 1916.)
(*Note.*—ORIGINS OF THE '45, issued for 1909-1910, is issued also for 1914-1915.)

For the year 1915-1916.

13. SELECTIONS FROM THE RECORDS OF THE REGALTY OF MELROSE. Vol. III. Edited by C. S. ROMANES, C.A. (February 1917.)
14. A CONTRIBUTION TO THE BIBLIOGRAPHY OF SCOTTISH TOPOGRAPHY. Edited by the late Sir ARTHUR MITCHELL and C. G. CASH. Vol. I. (March 1917.)

For the year 1916-1917.

15. BIBLIOGRAPHY OF SCOTTISH TOPOGRAPHY. Vol. II. (May 1917.)
16. PAPERS RELATING TO THE ARMY OF THE SOLEMN LEAGUE AND COVENANT, 1643-1647. Vol. I. Edited by Professor C. SANFORD TERRY. (October 1917.)

For the year 1917-1918.

17. PAPERS RELATING TO THE ARMY OF THE SOLEMN LEAGUE AND COVENANT, 1643-1647. Vol. II. (December 1917.)
18. WARISTON'S DIARY. Vol. II. Edited by D. HAY FLEMING, LL.D. (February 1919.)

For the year 1918-1919.

19. MISCELLANY OF THE SCOTTISH HISTORY SOCIETY. Vol. III.
20. HIGHLAND PAPERS. Vol. III. Edited by J. R. N. MACPHAIL, K.C.

THIRD SERIES

For the year 1919-1920.

1. REGISTER OF THE CONSULTATIONS OF THE MINISTERS OF EDINBURGH. Vol. I. 1652-1657. Edited by the Rev. W. STEPHEN, B.D.

For the year 1920-1921.

2. DIARY OF GEORGE RIDPATH, MINISTER OF STICHEL, 1755-1761.
 Edited by Sir JAMES BALFOUR PAUL, C.V.O., LL.D.

For the year 1921-1922.

3. THE CONFESSIONS OF BABINGTON AND OTHER PAPERS RELATING TO
 THE LAST DAYS OF MARY QUEEN OF SCOTS. Edited by the Rev.
 J. H. POLLEN, S.J.

For the year 1922-1923.

4. FOREIGN CORRESPONDENCE WITH MARIE DE LORRAINE, QUEEN OF
 SCOTLAND (BALCARRES PAPERS), 1537-1548. Vol. I. Edited by
 MARGUERITE WOOD, M.A.
5. SELECTION FROM THE PAPERS OF THE LATE SIR WILLIAM FRASER,
 K.C.B. Edited by J. R. N. MACPHAIL, K.C.
- Presented to the Society by the Trustees of the late Sir William Fraser, K.C.B.*

For the year 1923-1924.

6. PAPERS RELATING TO THE SHIPS AND VOYAGES OF THE COMPANY
 OF SCOTLAND TRADING TO AFRICA AND THE INDIES, 1696-1707.
 Edited by GEORGE P. INSH, D.Litt.

For the year 1924-1925.

7. FOREIGN CORRESPONDENCE WITH MARIE DE LORRAINE, QUEEN OF
 SCOTLAND (BALCARRES PAPERS), 1548-1557. Vol. II. Edited by
 MARGUERITE WOOD, M.A.

For the year 1925-1926.

8. THE EARLY RECORDS OF THE UNIVERSITY OF ST. ANDREWS, 1413-
 1579. Edited by J. MAITLAND ANDERSON, LL.D.
9. MISCELLANY OF THE SCOTTISH HISTORY SOCIETY. Vol. IV.
 CORDARA'S COMMENTARY ON THE EXPEDITION TO SCOTLAND MADE
 BY CHARLES EDWARD STUART, PRINCE OF WALES. Edited by Sir
 BRUCE SETON, C.B.—THE CRAIGNISH MS. Edited by HERBERT
 CAMPBELL.—MISCELLANEOUS CHARTERS, 1165-1300, FROM TRAN-
 SCRIPTS IN THE COLLECTION OF THE LATE SIR WILLIAM FRASER,
 K.C.B. Edited by WILLIAM ANGUS.

For the year 1926-1927.

10. THE SCOTTISH CORRESPONDENCE OF MARY OF LORRAINE, 1543-
 1560. Edited by ANNIE I. CAMERON, M.A., Ph.D.
11. JOURNAL OF THOMAS CUNINGHAM, 1640-1654, CONSERVATOR AT
 CAMPVERE. Edited by ELINOR JOAN COURTHOPE, M.A.

For the year 1927-1928.

12. THE SHERIFF COURT BOOK OF FIFE, 1515-1522. Edited by WILLIAM CROFT DICKINSON, M.A., Ph.D.
13. THE PRISONERS OF THE '45. Vol. I. Edited by Sir BRUCE SETON, Bart. of Abercorn, C.B., and Mrs. JEAN GORDON ARNOT.

For the year 1928-1929.

- 14, 15. THE PRISONERS OF THE '45. Vols. II. and III.

For the year 1929-1930.

16. REGISTER OF THE CONSULTATIONS OF THE MINISTERS OF EDINBURGH. Vol. II. 1657-1660. Edited by the Rev. W. STEPHEN, B.D.
17. THE MINUTES OF THE JUSTICES OF THE PEACE FOR LANARKSHIRE, 1707-1723. Edited by C. A. MALCOLM, M.A., Ph.D.
(October 1931.)

For the year 1930-1931.

18. THE WARRENDER PAPERS. Vol. I. 1301-1587. Edited by ANNIE I. CAMERON, M.A., Ph.D., with Introduction by Principal ROBERT S. RAIT, C.B.E., LL.D.

For the year 1931-1932.

19. THE WARRENDER PAPERS. Vol. II. 1587-1603. Edited by ANNIE I. CAMERON, M.A., Ph.D., with Introduction by Principal ROBERT S. RAIT, C.B.E., LL.D.
20. FLODDEN PAPERS. Edited by MARGUERITE WOOD, Ph.D.

For the year 1932-1933.

21. MISCELLANY OF THE SCOTTISH HISTORY SOCIETY. Vol. V.
FRASER CHARTERS. Edited by WILLIAM ANGUS.—BAGIMOND'S ROLL FOR THE ARCHDEACONRY OF TEVIOTDALE. Edited by ANNIE I. CAMERON.—LAUDERDALE CORRESPONDENCE. Edited by HENRY M. PATON.—LETTERS OF ALEXANDER MONRO. Edited by WILLIAM KIRK DICKSON.—JACOBITE PAPERS AT AVIGNON. Edited by HENRIETTA TAYLER.—MARCHMONT CORRESPONDENCE RELATING TO THE '45. Edited by the Hon. G. F. C. HEPBURN-SCOTT.—AUTOBIOGRAPHY OF EARL MARISCHAL KEITH. Edited by J. Y. T. GREIG.
22. HIGHLAND PAPERS. Vol. IV. Edited by J. R. N. MACPHAIL, K.C., with Biographical Introduction by WILLIAM K. DICKSON, LL.D.

For the year 1933-1934.

23. CALENDAR OF SCOTTISH SUPPLICATIONS TO ROME, 1418-1422. Edited by the Rev. and Hon. E. R. LINDSAY, M.A., and ANNIE I. CAMERON, M.A., D.Litt.
24. EARLY CORRESPONDENCE OF ROBERT WODROW. Edited by L. W. SHARP, M.A., Ph.D. (*In preparation.*)

For the year 1934-1935.

25. WARRENDER LETTERS. CORRESPONDENCE OF SIR GEORGE WARRENDER, LORD PROVOST OF EDINBURGH, 1715. Edited by WILLIAM K. DICKSON, LL.D.
26. COMMENTARY ON THE RULE OF ST. AUGUSTINE BY ROBERTUS RICHARDINUS. Edited by G. G. COULTON, Litt.D., D.Lit., F.B.A.

For the year 1935-1936.

27. SURVEY OF LOCHTAYSIDE, 1769. Edited by MARGARET M. McARTHUR, M.A., LL.B.
28. AYR BURGH ACCOUNTS, 1534-1624. Edited by G. S. PRYDE, M.A., Ph.D.

For the year 1936-1937.

29. BARONY COURT BOOK OF CARNWATH, 1492-1535. Edited by W. C. DICKINSON, D.Lit.
30. HOLYROOD CHRONICLE. Edited by MARJORIE OGILVIE ANDERSON, B.A., with some additional notes by ALAN ORR ANDERSON, LL.D.

In preparation.

1. THE JACOBITE COURT AT ROME, 1719. Edited by HENRIETTA TAYLER.
2. INCHCOLM CHARTERS. Edited by Rev. D. E. EASSON, B.D., Ph.D., and ANGUS MACDONALD, M.A., Ph.D.
3. MISCELLANY OF THE SCOTTISH HISTORY SOCIETY. Vol. VI. BAGIMOND'S ROLL.—PROTOCOL BOOK OF CUTHBERT SIMON, 1511-1547.—MINUTES OF THE UNITED SOCIETIES.
4. WARISTON'S DIARY. Vol. III. Edited by J. D. OGILVIE.
5. CORRESPONDENCE OF JAMES II. KING OF SCOTLAND WITH CHARLES VII. KING OF FRANCE. From Continental Archives. Edited by ANNIE I. CAMERON, M.A., D.Litt.
6. COUPAR-ANGUS CHARTERS. Edited by Rev. D. E. EASSON, B.D., Ph.D.

