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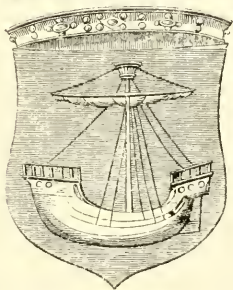
·   OPPRESSIONS  
·  
IN THE ISLANDS OF  
·  
ORKNEY AND ZETLAND.





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OPPRESSIONS  
OF THE  
SIXTEENTH CENTURY  
IN THE ISLANDS OF  
ORKNEY AND ZETLAND:  
FROM  
ORIGINAL DOCUMENTS.



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## P R E F A C E.

THE following documents illustrative of the Oppressions of Orkney and Zetland in the Sixteenth century, are now for the first time presented to the public, and have been carefully transcribed from the original MSS., or from contemporary and authentic copies.

I. *The First Articlis given in against Lord Robert Stuart of Orkney, 16th December 1575*, are printed from an official copy of the same period, preserved among the very curious collection of Scottish State Papers in the possession of the Right Honourable the Earl of Hopetown, whose ancestor was Lord Advocate in the next reign, and I owe the knowledge of its existence to the information and courtesy of Mr. Joseph Robertson of the Register House.

II. *The Complaintis and Probatiounis of the Inhabitantis of Zetland, against Laurence Bruce of Culmalindy (February 1576)*, are printed from the original MS., authenticated by the signature of the Royal Commissioners, Mudy and Henderson. This curious State Paper was shown to me about twenty years ago by a late Sheriff of Orkney, and I then made two transcripts, one of which, with the original, I gave to him, retaining the other, which, at one time, I feared might be the only existing copy of so interesting a document. On his death the MS. disappeared till 1856, when it was offered for sale to Mr. David Laing,

to whom the Antiquaries of Scotland owe so large a debt of gratitude, and to whose kindness I also am indebted for the opportunity of collating my transcript with the Original.

III. *The Commission to Sir John Maitland, the Chancellor, and Sir Lewis Bellenden, Justeis Clerk, and to Sir Patrik Ballentyne 1587*, to “enquire into the complaints against Lord Robert Stewart, lait Erle of Orkney, and James Stewart of Gramsay, his natural son,” is printed from the original MS., authenticated by the signature of Andro Elleis, Clerk to the Privy Council. This Commission was previously published in the *Antiquarian Magazine*, October 1848, by Mr. George Petrie, the most diligent and useful of Orkneyan Antiquaries, but by his kind permission is again presented to the public in a form more lasting and accessible.

IV. *The Supplication to the Parliament be the Gentilmen of Orkney and Zetland (1592)*, is printed from a *Doubill* of the same period among my own papers, and is inserted, not so much for the sake of any information derivable from the statements of these *Udack* pretenders to Odal\* rights, as to illustrate the ignorance which so rapidly effaced all Odal traditions even in Orkney, and to share with others my enjoyment of the pleasant “Measure for Measure” exhibited in the complaints of Laurence Bruce as a victim of oppression.

I have endeavoured to elucidate a subject so interesting to my countrymen, but so inaccurately understood even by those best acquainted with the general history of Scotland, by prefixing some introductory notices, adding an explanatory and etymological Glossary of unusual terms, and appending the Complaints of the Orkneyans against David de Meinars (Menzie of Weem) 1427, from the *Orcades* of Tor-

\* For etymological reasons, I prefer the terms ODAL and ODALLER to the more usual but less correct forms of U'DAL and UDALLER.

fæus, and a Sketch of the early Survey and Valuation, Rentals, Weights, and Measures of the Islands.

I had intended to add a number of documents illustrative of Odal Law, Succession and Pedigree; of Things, Oaths, and Umbothskap; of the Conveyance, Assedation, Impignoration, and Redemption of Land; of the Transition from Norse to Scottish law, language and thought; and of the Oppressions and Assumptions of the Stewart Earls of Orkney. But the growing mass of such materials, and the difficulty of rejection or selection, where all seemed to me so interesting, have compelled me to forego so large an addition to a volume already unduly extended.

BALFOUR, *31st December 1858.*



## INTRODUCTION.

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THE History of Orkney and Zetland is still to be written. There is no part of the United Kingdom which possesses historical materials more ample, or more early, and none so little known as these, the last acquired of the British Isles. But where the sources of information are so scattered and inaccessible, it is perhaps easier to estimate the amount of attainable knowledge, than to fathom or fill up the depths of inevitable ignorance, and I am far from pretending to supply this desideratum. I still hope to see it in abler hands, when the same research, learning and acumen, which have done so much to elucidate the Celtic history of the North of Scotland, shall be applied to the parallel subject of these not less interesting Islands. In my essay on a theme so difficult both from its antiquity and its novelty, I shall account it a sort of success, if my statements, omissions or mistakes, shall tempt or provoke some more capable or more practised inquirer — more earnest, and more honest in the search for truth, he cannot be.

What I now propose is, to give only such brief introductory notices as may seem necessary to illustrate the ARTICLES, COMPLAINTS and other documents, selected from the many Supplications, Petitions, Protests and Memorials of the ill-used Islanders, not merely on account of the more minute details which they contain of oppression and misrule, but for their curious glimpses of social life in the far North, and the olden time, and of the laws and customs of a day and district so near, and yet so strange.

Placed on a salient point, dividing two oceans, flanking the two weakest coasts of Britain, and confronting within a few hours' sail, the mouths of the Baltic and the Elbe — indented with fine harbours, easily made as impregnable as any in Northern Europe, and never boomed like them by half a-year of ice — with a soil of more than ordinary fertility, and a sea-loving people, hardy, intelligent and enterprising — Orkney was well adapted to become the vanguard of northern civilization and commerce. The fostering liberality which has raised a Venice in the Baltic, might easily have made of Orkney a garden or a granary, and of any one of its score of harbours, the Valetta or Sebastapol of the Atlantic and German Oceans. Perhaps with such a position and structure, soil and population, it might even have become (under circumstances less repressive), the powerful centre of an independent Hanseatic league, the check and counterpoise of the usurped monarchy of the seas. But for nearly four centuries, it has been mediatized into an overtaxed and overshadowed dependency, and dragged in the rear of a political and commercial system, in the advantages of which it has been grudgingly permitted to share, but in whose reverses it has ever been made to suffer most unequally; and the few who have cared to trace its history, have been too much absorbed in the painful interest of its actual condition, to indulge in speculations on what it might have been.

While these Islands were Scandinavian, if not independent, they had from locality and circumstance some individual action, and a history; but since they became an item of Scotland, and Scotland of the integer of Britain, they have had no self-motion to record, but short episodes of struggle, the spasms of a feverish nationality to be crushed as rebellion against the dominant state. But their fate has been more hard than that of most small nations, merged in another larger than themselves. The ruling power had not only the usual interest in profiting by union, repressing insubordination and veiling oppression, but also (from its defective title) in suppressing its surreptitious profits, lest others should estimate too well the value of Scotland's gain and Norway's loss.



Since they were severed, more than three centuries ago, from the kindred rule of Norway, their history has been a continuous tale of wrong and oppression, of unscrupulous rapacity and unheeded complaint. *RECEPI, NON RAPUI*, might have been the characteristic motto, as that shadowy distinction between the merits of the thief and the receiver has been the plea, of every government under which they have since been ruled or misruled. Regarded as aliens, of no value beyond the revenue or plunder which could be extorted from them, they have been granted, revoked, annexed, re-granted, confiscated and re-annexed, with wearisome monotony of torturing change. Five times have they been formally annexed to the Crown by Act of Parliament, and fourteen times committed, in defiance of such Acts, and without either protection or redress, to one needy and rapacious courtier after another. Each Donatary or Tacksman, aware of his precarious opportunity, took for granted all previous exactions, and sought farther profit in some mine of advantage hitherto unwrought, till the growing burden of extortion wrung from the Islanders a cry of oppression too loud to be smothered, and then the government sometimes disavowed or removed the indiscreet official, who could not conduct his pillage with decorum. But in general it was blind to all such profitable enormities, and deaf to all complaints, unless the complainer could give interest to his case by charges of treason, of embezzlement of royal revenues, or above all, of coquetting with the dangerous claims of Norway. In such a case the oppressor became perhaps a victim, and was forfeited, imprisoned or beheaded, not for oppressing the subject, but for alarming the Crown. But every change was to the Islanders only a change of tyrant, and their complaints served only to warn the new Donatary of the rocks and shoals on which his predecessor had made shipwreck of the thriving trade of robbery. The Crown might do justice on the oppressor, but it invariably appropriated his plunder, and adopted his profitable exactions, as prescribed rights, and precedents for farther claims. *LAURENCE BRUCE* was removed—but his false Weights and Measures still prevail. *LORD ROBERT STEWART* was imprisoned—but the Doubled Teind was not

reduced, nor the Escheited Land restored—both still form part of the Estate of the Crown and its Donatary—and the culprit was reponed, with higher powers, to wreak vengeance on his accusers. EARL PATRICK was beheaded—but his feudal casualties and illegal exactions and decreets were still enforced for the benefit of future Donataries. The BISHOPRIC LANDS have been (in the language of the New World) *annexed* by the Crown, and sold to plant the parks of London—but their chartered obligation to uphold all ecclesiastical buildings has been transferred to the other landowners. The fictitious Debt and Mortgage to WILLIAM EARL OF MORTON were cancelled—only to enhance his powers, profits and peculations, by the sanction of a surreptitious Act of the British Parliament. Other Scottish counties were relieved of the “AULD EXTENT” when the new CESS was imposed; Orkney and Zetland still pay both—to the Crown the British LAND TAX—to its Donatary the SKAT of Norway.

The very enormity of such anomalies makes it hard to believe them possible in a place and time so near our own, and harder still to persuade the nineteenth century, in its self-complacent admiration of the just and enlightened rule of Britain, that much of the evil still exists uncorrected and unredressed in this the twenty-third year of Queen Victoria.

On 8th September 1468, Christian I. of Denmark, Sweden and Norway, by the CONTRACT OF MARRIAGE between his only daughter Margaret and James III. of Scotland (after discharging the Annual of Norway, a tribute due by Scotland for Man and the Hebrides), engaged to pay a dowry of 60,000 florins—viz. 10,000 before the young Queen's departure, and for the balance of 50,000, to pledge the islands of Orkney, to be held by the Crown of Scotland until he or his successors, kings of Norway, should redeem them by payment of that sum. In return, Christian stipulated for certain jointure lands and terce to the Queen, if left a widow, or at her option a payment of 120,000 florins, for 50,000 of which the restitution of Orkney should be counted as a discharge. Only 2000 of the presently promised 10,000 florins being paid, Zetland was also impignorated

for the balance of 8000 florins under the same conditions (20th May 1469), and both groupes were thus mortgaged *sub firma hypotheca et pignore* for 58,000 FLORINS OF THE RHINE of 100 pence each, or about £24,166, 13s. 4d. sterling.

Such was the important transaction on which Britain founds her possession of these Islands, or, as they were generally styled, THE COUNTRIES OF ORKNEY AND ZETLAND; and while some have found or fancied in its terms, unusual safeguards for the laws and liberties of the Islanders, others have distorted its plain meaning to impugn the right of redemption, or, with even less honesty, have feigned, forged, or uttered the forgery of a subsequent irredeemable Cession. But it was neither less nor more than an IMPIGNORATION, such as Denmark's necessities had often forced her to make of States or dependencies which she could not mean to cede in permanency, such as Funen, Sleswig, and (more than once) the City and Castle of Copenhagen. A transaction so usual required no such extraordinary clauses or safeguards. In its very nature it implied only such a redeemable substitution of ownership as was consistent with the unchanged integrity of the pledge, so that when redeemed, it should return unaltered to its original owner. Even while creating a new and temporary right for Scotland, it did not extinguish the reversionary claims or present interest of Norway; for we find that power making valid grants of kirk-lands (1490-1500), its officer, the Lawman of Bergen, pronouncing valid decrees affecting Zetland (1485), and the Scottish Parliament expressly recognising the ancient native laws in the islands (1567) a century after the Impignoration. Most Scottish historians, from Ferrerius and Buchanan downwards, assert as a point of national honour the extinction of this Right of Redemption, either by renunciation or prescription; but the first plea is disproved by documentary evidence of two centuries of Danish demands and Scottish evasions; and so late as 1668 (two centuries after the date of the impignoration, and not two centuries from our own) the Plenipotentiaries of Europe assembled at Breda, attested that the Right of Redemption was unprescribed and imprescribable. Whether this Right be still vested in Denmark,

or transferred to Sweden with the Norwegian Crown, are questions of the Law of Nations decided for the present by British preponderance of metal — until perhaps some power, recognised by the grace of Palmerston and Treaty of London as the future heir of Denmark, may revive the claim with arms as cogent as his pleas and his inducements.

Every writer of Scottish history has recorded this Impignoration, Wadset or Mortgage, as the basis of Britain's right to the Orkney and Zetland Islands, and some have narrated the attendant circumstances with more or less honesty of investigation; but few have interrupted the flow of their narrative to trace the political causes or social consequences of that revolution, and still fewer to define the several rights and interests of those affected by it as parties, subjects, governors, or governed.

It is not difficult to perceive Scotland's objects in seeking, not only to be freed from the constant *casus belli* of a degrading tribute, disputed payments, and increasing arrears, but to acquire without cost a valuable addition of territory long coveted, and to convert a cause of weakness into a source of strength, by turning dangerous enemies into disarmed and profitable subjects. All these objects were attained. There was thenceforth peace between her and Scandinavia. After a few struggles, the Islanders subsided in angry submission to the fraud and rapacity of their new rulers; and to a nation impoverished like Scotland by wars and misgovernment, Orkney proved in time a rich acquisition, if we may estimate the wealth of the victim by the annual plunder of 3000 head of cattle, 5000 bolls of grain, 6280 stones of butter, and 700 gallons of oil, extorted for centuries in kind or in value from Orkney alone, in addition to its proportion of the ordinary taxation of the kingdom, and exclusive of the burdens of Zetland. But of this booty, little was allowed by the unscrupulous collectors to reach the National Exchequer, and the gain of the Scottish Crown bore no proportion to its guilty greed.

The interest of the Danish Crown in this transaction is not so obvious. It

had long been an ordinary resource of its exhausted Treasury to pledge or sell its States or dependencies, but always for a valuable equivalent. But in this case, Christian surrendered a large and undoubted claim, and ceded two valuable provinces for no consideration except the personal contingency of the Queen's jointure, frustrated by her early death (1486). Perhaps, as Count of Oldenburg, even when exalted to the throne of three kingdoms, he had still a German gratification in embellishing his family tree with another royal marriage. Perhaps, as a Dane, he was not unwilling to tear a gem from the rival, though now united Crown of Norway. If so, he had his reward—promises without fulfilment—alliance, which never ripened into aid or subsidy, were all that he obtained for abandoning these kindred colonies to the will of their ancient enemies, and four centuries of continuous disaster, defection and decline, have shown if Denmark did well or wisely in casting off subjects so bound by blood, habit, and history to love whom she loved, and hate whom she hated.

William Sinclair, the last of the Orkneyar Jarls, had many objects to gain in the transfer of the sovereignty of the Islands. More refined, and less ignorant than the contemporary herd of nobles, who suspected his studies of subjects unearthly and unholy, he could appreciate, even with some pride, the cloudy romance of his ancestral Sagas; but a foreigner by descent, if not by birth, he had few sympathies with the Islanders. His efforts to extend and consolidate his power and estates had offended the King, estranged the Odallers, and embroiled him with the Bishop and the Lawman—his family partialities had awakened bitter feud between him and his eldest son—and as the vassal and high dignitary of two kings, ruling a province of the one, dangerously near the coast of the other, he might easily become an object of suspicion or umbrage to either or both. Indeed, clouds had already arisen between the Scottish Earl and his Norwegian Suzerain, and the substantial splendour of the dignities, titles, lands, and pensions of his Scottish connection, outshone the shadowy jurisdictions and waning revenues of his ancient Jarldom. With such and so many motives, he can hardly be blamed

for favouring or even suggesting a change which (when consummated by the subsequent excambion) would release him from a position so irksome and unsafe, enhance his Scottish influence, and aggrandize a favourite son, by disinheriting an unloved heir of his Odal birthright.

William Tulloch, the Bishop of Orkney, was a Norwegian prelate, but a Scottish priest; and if he had any doubts of transferring the spiritual allegiance of his diocese from Drontheim to St. Andrews, they were speedily relieved by his appointment as Confessor to the Queen, and removed by a favourable Tack of the newly acquired demesne of the Scottish Crown. Indeed the change was almost essential to his safety, for his frauds and rapacity had provoked the earl to seize and imprison him; and he owed his liberty only to the express solicitation of the Kings of Denmark and Scotland—with both of whom he had the address to make a merit of his sufferings as a martyrdom for his devotion to their incompatible interests. The warm commendations of Christian were so ably seconded by the bishop's services to James, that the Queen's confessor became successively Lord Privy Seal, Ambassador to England, and Bishop of Moray.

But to the unfortunate subjects of this bargain of kings and princes, the change was an evil unmixed, irremediable, and scarcely alleviated by the hope of its temporary nature. Every interest was threatened, and every feeling wounded, in such betrayal by their natural rulers into the hands of hereditary enemies—exasperated by five centuries of mutual feud and outrage—despised as an inferior race for easy defeats and long subjugation—and hated still more as masters, foreign in blood, language, customs, and laws. When Scotland writhes under her subjection to her “auld enemies of England,” and complains of the jealous removal or destruction of every historical record or monument of independence, Orkney in its turn may smile to trace, in every mortification of its first oppressor, a retributory transcript of its own.

Christian indeed made a form of consulting his Orkney subjects, through their Lawman, before he cast them off, but the Lawman was soon afterwards, if

not then, the bought pensioner of Scotland, and his opinion, even if conscientious, could no more express the mind of Orkney than the dictum of the Speaker could bind the judgment of Britain and her Parliament. It is true that there was in the Islands an anti-patriot or Alien faction, consisting of the Earl, the Bishop, and their Scottish dependants, who viewed the change as in every respect favourable to their own interests, but especially as offering in Scotland a nearer and more friendly centre of law and Court of Appeal than that of Bergen. But to the Islanders in general, there was nothing in the Revolution more galling to their pride, or more dangerous to their interests, than the imminent conflict of Feudalism with their dearly cherished Odal laws. As the last command of their native King, they paid their Skatt to Scotland without remonstrance, almost without a murmur; but the coming shadow of the first feudal grant which menaced the freedom of their Odal soil, roused the long-suffering Odallers into rebellion, and the exterminating victory of Summerdale gave Scottish Kings a lesson for another generation.

To illustrate this conflict of legal systems in connection with the documents now printed for the first time, I propose briefly to sketch the TENURE, RIGHTS, and BURDENS OF LAND in Orkney and Zetland prior to the Impignoration, and the alterations and encroachments made by Scottish rulers and Scottish lawyers in the sixteenth century.

In the primitive form of Scandinavian society, without trade, manufacture, or commerce, *land* was the only wealth, its *ownership* the sole foundation of power, privilege, or dignity. As no man could win or hold possession without the strong arm to defend it, every landowner was a warrior, every warrior a husbandman. King Sigurd Syr tended his own hay harvest, and Sweyn of Gairsay and Thorkell Fostri swept the coasts of Britain or Ireland, while the crop which they and their rovers had sown grew ready for their reaping. The landed interest was all-powerful, for all were classed according to their interest in land, as *Free* or *Un-free*. The *Freemen* were the landowners, and as such, members of the

Althing or Council of Freemen, including all the governing powers of the State, the King, Jarl, Bishop, Odallers, and Odal-baarn. The *Un-free* were those who, possessing no land, had no political rights, including not only Slaves, the captives of war or relics of the conquered Peehts, but Tenants and Dependents, personally free. But as the interests of all were more or less affected by the Impignoration and subsequent changes, the extent of the revolution may be best estimated by a successive consideration of the nature of ODH-AL-RÆD, of the system of THINGS and STEFNS, and of the condition, rights and powers of the KING, JARL, and ODALLERS — freeborn Thingmen; of the BISHOP, a Thingman by custom or courtesy; and finally, of the UNFREE, Tenants and others, subjects not members of the Thing.

The Al-odh-ial or Odh-al holding was the only tenure of land recognized in Scandinavian kingdoms. It was transmitted by Odin's followers to their offspring, as the dearest of those free institutions which distinguished them from servile races, willing to hold their lands as the gift of a master; and in the end of the ninth century, was established in the Norwegian colonies of Orkney and Zetland as the rule and safeguard of all property, right and privilege enjoyed or claimed by king or subject. The Odal tenure, by simple *primal occupancy*, has been so long and generally superseded by the more complex Feudal theory of landed property, as the gift of the State or its chief, repaid by service or payment, conveyed by Charter and Saisine, subject to casualties and irritancies, and inherited by a single first-born heir by grace of the Superior, that perhaps it is most easy to realize the Odal idea as the absolute negation of every Feudal principle. The ODH-AL-RÆDI or Right of Full Possession, was a tacit entail upon the Primal Occupant and his Heirs, of the ODALSJORD won by his strong right hand, complete without a written title, subject to no service, payment or casualty, comprising every conceivable right of use, ownership and possession, and at his death, constituting in each of his children an equal, tacit title, inalienable while one Odal-born descendant should exist to claim the inheritance.



The courtly *Beneficium* flowing from the Sovereign was the human invention of kingcraft; the *Alodium* in its grand simplicity was a direct gift to man from his Maker, by the true *jus divinum*. Such was the right of the Odaller; nor was that of the ODAL-BAARN a mere future contingency, but a present patent of nobility and privilege, not by writ or summons from a king, but by grace of God, and right of birth as a FRIBORINN and THINGMAN. He might take service as a Væringr, Hirdman or Husskarl, or till another's land as Leigmadr or Bolman—he might even sink into a Thræll, like Olaf Tryggveson, or rise like him to be a king, but his Odal-ræd was indelible. The throne was often filled or shared on the simple but admitted plea of descent from the founder of the kingdom, for the royal race was Odal-born to the Crown. The succession of the Orkneyar Jarl might be divided or disputed by many heirs; but though royal favour might aid, even royal power could not set aside one claimant Odal-born to the Jarldom; and after a life of roving, the Odal-born Væringr might seek rest by reclaiming from the stranger his Odalsjord in Norway, Iceland or Orkney, alienated in his boyhood or absence.

The present or contingent possession of land by Odal-ræd was thus the foundation of every right or franchise; and in the infancy of Odal society, no Law could be made or administered, no Tax imposed or levied, and no Power assumed or exercised by King or Jarl, without the sanction of the ALTHING or *Council of Freeman*, where King, Jarl, and Bishop, Odaller and Odal-born, were all and equally THINGMEN.

The ALTHING was the simple prototype of a modern Parliament, but the assembly was primary, not representative; and the Estates met and voted together as in one Chamber. Whether assembled at stated times of Jol and Vor, or summoned by King or Jarl for special causes, by passing from hand to hand the Stefn-bod or Cross, the place of solemn meeting was the great Dóm-ring of Stenness, the Thing-stod in Magnus Kirk, or the Thingholm in Tingwall-vatn, under the Presidency of the LAWMAN OF ORKNEY, or FOUÐ OF

ZETLAND, the official Speakers of this Island Parliament. The LAWMAN was the judge appointed (in the early vigour of Odal independence) by the Thing, but afterwards by the King or Jarl, to keep the BOOK OF THE LAWS, and to pronounce and ratify the Thing-Doms or Decrees by the COMMON SEAL OF ORKNEY, of which he was the custodian. The FOUÐ was originally the Collector of the King's Skatt and Mulets, first appointed by King Sverrer on the confiscation of Zetland (1196); but his duties were afterwards assimilated, but subordinate, to those of the Lawman, and the salary of both was paid by an assessment called Thing-för-kaup. The Thing and Thing-stod were sacred both to Christian and Pagan, as a sanctuary where all forgot their feuds and met unarmed, with a security which weapons could neither win nor maintain elsewhere. Even the sentenced criminal was safe within its sacred Vebönd, and if he could win against his pursuers the race of life and death to the nearest Mör-steinn, Cross or Kirk, was presumed to have redeemed his life in sight of God and man. Much of the procedure was conducted by reference to the oath of the accused, and the Lawman's oath, Saxter oath, Hirdman's oath, &c., differed only in their degree of solemnity and number of compurgators. Besides the criminal penalties of death, forfeiture, or unlaw to the Crown, damages civil or criminal might be awarded, and accepted by the sufferers or their kin, with minute scrupulosity of compensation; and contempt of Court was visited by the additional infliction of a DOMROF. In early times, the Althing enacted the laws which it administered, authorized and apportioned taxation, and virtually held the keys of peace and war, by granting or withholding the supplies; but having once compiled a BOOK OF THE LAWS, it seems to have exercised its legislative functions but rarely, and, under the less solemn name of LÖGTHING or LAWTING, to have restricted its consultations to matters of general administration, finance, police and judicature. THINGS of many other kinds and of inferior powers, summoned as occasion arose, were named from their objects, functions, or place of meeting, as the Leidar-Thing, Höf-Thing, or Huss-Thing, or sometimes styled *Stefnar* or

*Citations*, as the Hirdman-Stefn or *Council of Warriors*. Each Herad, Hrepp, Skathald or Parish, regulated its local administration and assessments by a Herad-Stefn, Hreppa-mot or Vard-thing, assembled on its Ward Hill or round its Mör-stein, where the Under-foud presided as the ruler's representative, and the Lögrettman watched the interests of the Commons, and guarded and applied the Standards of weight and measure. A SCHYND or inquest of Thingmen, sanctioned every Erfid or division of Odal heritage by its Skind-Bref or Schynd-bill, and in later times, confirmed every alienation of land-right by a similar document. Every three or four years the Vard-thing, headed by its Under-foud, "rode the Hagra," or perambulated the march of the common, and exacted from all intruders on the Hagi or Skathald a rent of Hagleyffi, or a subsidiary Told-ber-Skatt, for the benefit of the Heradsmen, Hreppsmen or Skat-brethren. Every seventh year the accumulated offences of the district were visited by a Thing of SKULDING or GRAND-REFF for correction of abuses, where every offence had its appropriate SKULD or *Fine*. But no sentence affecting life or limb could be pronounced, except by the Althing or Lawthing, and every decision was founded on the principles of the venerated LÖG-BOK. This BOOK OF THE LAWS was probably a selection from the early Norse codes of the Gula-Thing and Frosta-Thing, and the later enactments of Sverrer, Magnus Lagabæter, and Haken the Fifth, with such additions and modifications as the circumstances of the Islands required, together with a record of former Dooms and Decrees. It was guarded by the Islanders with superstitious reverence, and the final abstraction of their LAW BOOK and their COMMON SEAL was perhaps the most unpopular accusation against Earl Patrick. His perversion of justice under its pretended sanction, and the irreparable loss occasioned by its disappearance, gave to the Scottish Crown an excuse for abrogating the LAWS OF ORKNEY, which, after being acknowledged by frequent Acts of Parliament, were finally abolished by an Order of the Privy Council in 1612. The Things, though formally abolished by Cromwell and the submissive Convention, still continued at times to haunt their ancient Dom-rings,

but their power and spirit had vanished with the laws which gave them life. The Thing was a mere Jury of Inquest, their Lawman a Sheriff, their Underfoud a Baillie; and strange to say, what may be called the last ghost of a Thing was (1691) called into a vampire existence, to give with its expiring breath the shadow of a sanction to the fraudulent Weights and Measures, against which its Odal fathers had protested.

When Harold Harfagr (895) gave the conquered Jarldom of Orkney to Rognvald of Mære, the father of Rollo of Normandy, waiving his royal rights of Skatt and Lydskyld, he ostensibly reserved to his successors, the KINGS OF NORWAY, little more than a nominal sovereignty. But the royal rights and prerogatives, though dormant, were not the less real. The same King Harold exacted from the Islands a heavy Mulct for the death of his wayward son. King Erik Bloody-axe, and his wicked wife and sons, seized both lands and Skatts as their own (939). One King Olaf forced Christian Baptism on Sigurd Jarl and his men (995), and another compelled Thorfinn, the most powerful of the Orkney Jarls, to acknowledge himself as his Liegeman (1025). King Olaf Kyrre granted to his new city of Bergen the Monopoly of the trade with Zetland (1072). King Magnus Barefoot imprisoned the Jarls, and at his will resumed and restored the Jarldom (1098). King Sverrer punished Harald Jarl for rebellion by the Forfeiture of Zetland, and the Islanders by conditional Confiscation of the Odal of all rebels (1196). King Hacon IV. asked no leave of Magnus Jarl or his Odallers when he Valued and Taxed their Urislands (1263). Hacon V. appropriated the Revenue during the Jarl's minority (1309), and Hacon VI. during disputed succession (1370); and every royal Sea-king, who ravaged the coasts of Britain or Ireland, mustered his fleet in the Orkneys, and received or enforced the Military Service of the Jarls. Thus from time to time had the Kings exacted in Orkney every royalty exigible in Norway, but at such long intervals, that we are apt to regard each rare assertion as a usurpation or new conquest. and to forget that Harald's heirs were the Odal-born

lords of Orkney, entitled to all royal rights whensoever they had will or strength to enforce them.

But when the adoption of primogeniture in the thirteenth century gave to the Norwegian throne a stability and consistency unknown to Odal succession, the royal claims became more exacting and more definite, as the Jarls and other Thingmen became, by Odal division and contest, less able to resist them. Harald Madadson's adherence to an unsuccessful faction was punished as rebellion; and the long intervals of anarchy, the disputed successions which followed the deaths of Erlend IV. (1158), and of each last male of the successive lines of Athol, Angus or Stratherne, Jarls of Orkney, and the reference by the claimants and the Islanders to royal arbitration, afforded to the Crown irresistible opportunities of asserting and realizing its claims to possess by Royal and hereditary right — 1st, The actual Sovereignty of the Islands, the Ownership of the Jarldom and consequent prerogative to grant or to withhold investiture of any of the claimants; 2nd, A Jurisdiction exclusive in some cases, and cumulative and appellate in all others; 3rd, The Skatt of all occupied Odal lands, with confiscation in case of Skattfal or non-payment; and 4th, The Bota-Mali or Mulcts for homicide, and other finable crimes, and the O-bota-mali or Forfeitures for crimes not expiable by fine. Commissions during the King's pleasure were granted to the Earl, the Bishop, or some other officer specially appointed as Governor, Custos, Foud or Lieutenant, to govern the Islands and collect or farm the revenue; but under an express acknowledgment that such temporary and *fiduciary* powers and rights, however ample, were given without prejudice to the King's prerogative to bestow, resume or reserve, all or any of them at his pleasure. It is probable that some lands and Skats were always thus reserved and intrusted to several hands; but on what grounds, or to what extent, it is useless to inquire, since the Impignoration included every royal right in Orkney and Zetland — viz., SOVEREIGNTY and JURISDICTION, LANDS and SKATS, FINES and FORFEITS, and conveyed them UNDER REDEMPTION to the Crown of Scotland.

The JARL held not only the largest Odal lands in his Jarldom, but the sovereign power in a secondary and delegated degree. None of these rights, however, descended to him by the Odal-ræd, which constituted the immemorial title of his subjects. The Odal of his fathers lay in the Norwegian Jarldom of Mære. Rognvald became Jarl of Orkney (895), only by the gift of King Harald Harfagr; and his successors owed their lands and dignities to similar royal grants, and their powers to the sanction of the Althing. But though only the Lydskylldr or Liegeman of the King, the Orkneyar Jarl was not only exempted from the customary Lydskylld of Norwegian Lendemen; but in consideration of exposure to piracy, was permitted to retain the royal Skatt paid by the Odallers for the exigencies of the Jarldom, and there was little to remind him of his own subjection, unless when face to face with the King, nor of the Odallers' independence, except their rare refusal to join him in a Viking-för. When at home he passed, like the kings of Norway, from one Bordland, Bøl or *Guestquarter* to another, receiving most of his revenues in kind for the ordinary necessities of his household, and defraying his wasteful hospitalities at the cost of his Saxon or Celtic neighbours impartially. With the Skatt of the Odallers, and the Landskylld of his tenants, he kept up a fleet of restless rovers, ever ready for a provident Haust-Viking on the coasts of England, Scotland, or Ireland, for their Jol-feasts and winter cheer, or a thrifty Vörviking, when their exuberant carouses threatened a short supply of beeves and ale. At his death, his Jarldom and its rights were divided, compromised or contested by his heirs, till but one or two remained to enjoy the impoverished inheritance. Nine generations of this Northman race of Rognvald had ruled the Jarldom by a sort of prescriptive Odal-ræd, sometimes extending their authority over half of Scotland and Ireland—sometimes struggling for their insular domains—but in the twelfth century, the growing power of the Scoto-Celtic Crown had shorn them of their southern conquests of Moray, Ross, Inverness, Man, and the Hebrides. Erlend IV., the last heir male of his line, shared the Jarldom with St. Rognvald (the first instance of succession through

a female—the founder of Kirkwall and its stately kirk, in honour of his maternal uncle Magnus Jarl, the Saint and Martyr), and on their closely consecutive deaths (1154–8), the sole succession devolved upon HARALD II., son of the Countess Margaret of Orkney and the Scottish Earl Madad of Athol. Harald Madadson was the founder of the shortest but most disastrous of Orkneyan dynasties. By his opposition to the Birkbeinar revolution, which made Sverrer Sovereign of Norway, Harald Jarl forfeited Zetland (1196), never to be again formally or permanently united to Orkney; and after two wars of mutual barbarity and reprisals, he was compelled to do homage to William the Lion for all Cathnes to the Oikel (1198). His son JOHN OF ATHOL, by his share in the death of Bishop Adam of Cathnes, forfeited the southern portion of that province, the new county of Sutherland (1222); and on his murder, for his Scottish disregard of the Odal claims of his Orkneyan relatives (1231), his son-in-law MAGNUS II., son of Gilbert Earl of Angus, was acknowledged Jarl of Orkney by Hacon IV. of Norway, and of Cathnes by Alexander II. of Scotland. Five generations of this race of ANGUS ruled Orkney and Cathnes during a century of unwonted peace, arising from this double vassalage, the minorities and civil wars which weakened both Norway and Scotland, and the treaties of matrimony and commerce which united them. This calm was scarcely disturbed by the last Northman Viking-storm, which swept over the Islands to expire at Largs in the equinoctial gales of 1263, but which is memorable to Orkney for the Survey of its Urislands, and the Deathbed of Hacon, the last of the Sea-Kings. MAGNUS JARL III. had little difficulty in making his peace with his royal namesake of Norway, for his lukewarm support of an invasion so violent, and his grandson JOHN II. married a daughter of King Erik of Norway. The prudence of Robert the Bruce, Hacon V., and the young MAGNUS JARL V., hastened by mutual compensation and a new treaty (1312) to restore peace, when Scottish pirates seized and held to ransom Sir Berner Pess, the Norwegian Governor of the Islands during the Earl's nonage, and Orkney had

retaliated by a similar outrage upon Patrick of Mowat, a Scot — perhaps the first introduction of two names now common in the Islands. During this period of comparatively peaceful intercourse, many other Scottish names and fashions found entrance, and many distinctive Scandinavian features disappeared in Orkney, though still prevalent in Zeland, which was less exposed to Scottish influences. The male line of ANGUS JARLS failed in MAGNUS V., and their curtailed Jarldom passed by a female heir to the Scottish EARLS OF STRATHERNE, and from them to their representatives, ALEXANDER DE ARTH, who inherited and resigned the Earldom of Cathnes to Robert II. (1375-6), and HENRY LORD SINCLAIR, whose homage as EARL OF ORKNEY was, after an interval of disputed succession, accepted by Hacon VI. (2nd August 1379), but on conditions which left to him little beyond the lands of his fathers. Even their title, the only hereditary title permitted in Norway to a subject not of the Blood Royal, was declared to be subject to the Royal option of investiture. The Earl was to govern the Islands and enjoy their revenues, but only under Norse laws, and during the King's pleasure; to keep in pay soldiers for the King's service, but to make no war, build no place of strength, make no contract with the Bishop, nor sell nor impignorate any of his rights without the King's consent; and finally, to answer for his administration to the King's Court at Bergen. But the civil broils which preceded the Union of Calmar, and were continued through the restless reign of Eric the Pomeranian, freed Earl Henry from royal interference, and he ruled the Islands regally in his Castle of Kirkwall, which he built without waiting for the King's consent, and with such strength and skill, that the witch-haunted mind of the 17th century believed that only the devil himself could have been its engineer and architect. His powers and rights were tacitly continued to his son EARL HENRY II., whose little Court of Orkney was the most elegant and refined in Europe, and adorned with the official services of many proud Scottish nobles. To his enlightened guardianship was committed the early education of the most accomplished prince



of his time — James I. of Scotland, the Zerbindo of Ariosto; and half a century before Columbus commenced his baffling search for a patron among the sovereigns of Europe, the Venetian navigator Zenoni had been commissioned by Earl Henry to retrace the footsteps of the early Scandinavian discoverers of the Western World. On the death of Henry II., the Foudrie of Zetland was conferred upon John Sinclair his brother (1418); and during the nonage of his son, the Government of Orkney was committed (1422), first to the Bishop Thomas Tulloch, then to the Chief of the Scottish Clan Menzies, and again to the Bishop, till (on 10th August 1434) William Sinclair was formally invested with the title, and intrusted with the Government, subject to the same hard limitations as his grandfather. WILLIAM, the last JARL OF ORKNEY, was the most liberal patron of Scottish literature and art in his day. He was busied in the endeavour to consolidate his power and increase his estates by purchase and excambion, when the Impignoration opened to him a shorter and safer way to gratify at once his ambition, his affection, and his hatred; and with the same worldly wisdom which led him (1455) to prefer the possession of Caithness to his claims on Nithsdale, he accepted (1471), with the full consent of the King of Denmark, the lands and pension offered by James III. as an ample equivalent for all that remained to him of the ancient Jarldom of Orkney — viz., his title and his lands, inherited or acquired.

The ancient estate of the Jarls lay scattered through every Island and township of Orkney and Zetland, and consisted, 1st, of LANDS SET or *leased* to tenants on a three years' tack, with a GERSOM or *fine* at each renewal, and an annual LANDSKYLLD, *landmail* or *rent*, in addition to the King's Skatt, the Bishop's Teind and other burdens, local and general; 2nd, of the BORDLANDS or *Mensal farms*, with their Bål and its enclosures, the occasional quarters of the Jarl in his progresses of pastime or State Service, and on that account exempt from Skatt, even when leased to husbandmen on the usual terms in other respects; and, 3rd, of certain QUOYS and other lands added by Odallers to their holdings,

but not by odal-ræd, and therefore paying no Skatt, but Landskylld and other burdens of tenant lands. The Earldom also included CONQUEST or *acquired lands*, consisting, 1st, of lands added by the later Earls by purchase or excambion; and, 2nd, of lands which they had seized as *ultimi heredes*, or confiscated for crime or Skatfall. The tenants or tacksmen of the "auld" Earldom were a sort of Rentallers with a prescriptive claim of renewal by law or custom, on payment of the stated Gersom; but those of the Conquest lands were in the far less favourable condition of removable tenants, with terms and burdens at the landlord's mercy. A small fee was expected by the Earl's bailiff, at each renewal or assedation, called for the Mainland LAND-SETTER, and for the smaller islands EYSETTER-KAUP, and every tenant was bound to *fure* or ferry the Earl and his family, to bring peats to his Castles of Birsay or Orphir, and perform other prædial services when required. The payments were mostly made in kind, altering in form according to the convenience, residence or non-residence of the donatary, but weighed and measured by fixed and native standards. These LANDS, MALES, GERSOMS and SERVICES, constituted the *jus comitatus* which Earl William (1471) conveyed to the Crown of Scotland.

From the time of WILLIAM, by Romish consecration PRIMUS EPISCOPUS ORCADUM (1136), the Bishops had a seat in the great Council of Freemen. Whether this were at first their right as actual or presumed Odal-born Freemen, a concession to their sacred office, or a priestly assumption, their presence in the Thing was often salutary, sometimes to the Jarl, sometimes to the Odaller, either as Councillors for the wisdom of the serpent, or as peacemakers for the gentleness of the dove.

The earliest authorities testify as usual to the undainty acquisitiveness of the Clergy, making profit alike of the weakness and the wealth, the crimes and the penitence of all around them. Augmenting and prospering by Gifts—such as those of the Odaller of Airland to the Crosskirk of Stenness, of David of Rendall to St. Ninian, or of Guidbrand of Quendal to the Vicar of Erve, for "a mass ilk Friday;" by Confiscations—as of Baddi's Lands for bloodshed in the Kirkyard; by

perpetnation of all liferent Donations ; by pretended Excambion, retaining their own land and seizing the promised equivalent ; by withholding their own Skatts and embezzling others, and by the numberless oppressions of lawless strength against weak neighbours, the Bishops advanced in wealth and power. In the quaint language of Bishop Graham, “the old Bishopric of Orkney became a greate thing, and lay *sparsim* throughout the haill parochines of Orkney and Zetland. Besyde his lands, he hade the teyndis of achtcne kirks ; his lands grew daily as adulteries and incests increased in the countrey,” till they were “estimat at the third part of the COUNTRYIS of old.” How or when the Bishops were permitted to Tithe the lands and labour of the Islands is uncertain ; probably the building of Magnus Kirk, the Primus Episcopus, and this impost were connected and coincident (1136) ; but its rigorous exaction and arbitrary increase were probably too recent for popular patience, when (in 1222) Bishop Adam was burned to death for doubling the customary payment. Certain Skatts were probably granted among the earliest provisions for religious uses, but the indiscriminate appropriation of those of Church-lands and others probably commenced when the Scottish Bishop, Thomas Tulloch, combined the powers and opportunities of Bishop, Governor and Collector of Royal Revenues, during the non-investiture of Earl William (1422-34). With possessions so extensive, a jurisdiction over their own lands almost unlimited, and an influence dreaded by all in this world, as all-prevailing in that which is to come, the Bishop could cope with the waning power of the Jarl as easily as other Prelates of the Scandinavian Church could defy the Crown. Safe in his Palace of KIRKWALL or his stately Castle of NOLTALAND (his *Land of Leisure*, his Episcopal *Buen Retiro* or *Sans Souci*), he was within his own domain as powerful for good or evil as the Crown or its Donatary, but Orkney never tasted the full bitterness of oppression, till the powers of both were united in such hands as those of Bishop Thomas, or his kinsman and successor William Tulloch, who filled the See at the date of the Impignoration, and was rewarded for his supple usefulness by a favourable

Tack of the Earldom and Royal revenues. It was fatal to the interests and independence of Orkney, that, at such a crisis of transition, the power to interpret and fix the existing and future rights of parties should have been intrusted to such an arbiter. His ambition as a Courtier, his interest as a Churchman, his partiality as a Scotchman, and his education as a Canonist and fendal lawyer, all united to bias his decision of the questions at stake between the Scottish Crown and its Scandinavian subjects—between Fendal principles and what were to him the barbarous anomalies of Odalism. Able, subtle and plausible, he was equally conversant with every stronghold of Feudal or Canon law, and every weak point in the Odal system. Scotland could not have found a minister more skilful or less scrupulous in turning its new acquisitions to advantage. If he somewhat aggrandized his benefice at the cost of the Crown's Estate intrusted to him, he largely enriched both at the expense of the Odaller, on whom he accumulated new burdens, teinds, services and escheats, with such ingenuity, that his successors in oppression could hardly "better the instruction" by one original idea of extortion—one impost which could not be traced to some suggestive innovation of Bishop William.

The ODALLERS and ODAL-BORN were the COMMONS of Orkney and Zetland—the ROITHISMEN and ROITHISMEN'S SONS—the GÖFUGAR and GÆDINGAR, who constituted the numerical strength of the Althing. There is no class in Europe exactly analogous to this—the ODALS-MADR, BONDI or *Peasant-Noble* of Orkney and of Norway—but perhaps the Hindustani scholar might trace some curious parallels in the Tenures and treatment of the landowners of Upper India. He was a Peasant, for he tilled his own land, and claimed no distinction among his free neighbours; but he was also Noble, for there was no hereditary order superior to his own—as an ODALS-MADR with RÆDI, EIGN and SÆMD—*Master of his Household, his Goods and his Honour*.\* The King might wed the Odaller's

\* The three legal distinctions of Odal-ræd consisted of RÆDI, *dispensatio rei æconomici*; EIGN, *possessio*; and SÆMD, *honor, decus*—the "Rorh, Ayning, and Saming," so common in Orkneyan titles, and so puzzling to legal Antiquaries.

daughter or match his own daughter to the Odal-born without disparagement, for he himself was but the Odal-born of a larger Odal. The Jarl might be deemed less free and therefore less noble, for he owed something to the grace of a human superior. The Bondi in his Odal was *sui juris*, and in the one-chambered Parliament of the Althing, had a vote and voice as potential as King or Jarl, who often, when consulting the humour or will of the Odallers, were bearded and thwarted by the independence of some Thorkel Fostri, Magnus Havardson, or Sigurd of Westness. The King might enforce the military service of the Jarl—the Odallers owned none to either of them. Nothing short of actual invasion entitled the Jarl to call them to arms by the Ward-fire, and with all their passion for the sport of war, many a right and immunity they won or redeemed, as the price of their consent to some foreign Viking-för.

The ODALSJORD consisted of the TUN or *Town-land* with its BOL (*Head Bull* or principal farm), enclosed by its TUN-GARÐR (*hill dyke*) which separated its GARTH (*Infield*) from its SÆTTUR or HAGI (*out pasture* or *hill*). Every enclosure from the Sættur became a QUI (*Quoy*), which if encircled by an extension of the *Tun-garðr*, became a *Tumale*, or if again abandoned to pasture, became a *Toft*. It is doubtful if these later additions, the *Quoy*, *Tumale* and *Toft*, enjoyed at any time the same Odal immunities as the original possessions—the *Tun*, *Bol* and *Garth*; but there is not a doubt that the first Odaller occupied the *Tun* and used the *Sættur* by the same Odal title, unwritten, unburdened, inalienable, and divisible equally among the Odal-born. In this division each *Garth* or *Quoy* might become the *Head Bull* of a new Odal, with the same Odal-ræd, a share of the Infield, and a proportionate right to the common *Hagi* or *Sættur*, in which every intruder paid to the *Tun* a HAGA-LEYFI for leave to pasture. The union of several towns constituted a HREPP or *Træbe*, with its local Court or HREPPA-STEFN, the members being bound together as HREPPSMEN or SKATTBRÆDER, sharing together the pasture of the MOAR or SKATT-HALD, and the TOLL-BER-SKATT exacted from strangers; and a combination of such *Hrepps* or

*Skat-halds* formed a HERAD or THING, which in time became a PARISH. But equal and independent as they were, each secondary Odal retained a Suffragan regard for the primal Odalsjord, which gave name to the *Tun*, *Hrepp* or *Scat-hald*, and the Odaller of the *Garth* or *Quoy* respected and acknowledged in the Odaller of the *Bol* or *Bu*, the HOFDING or Chief of the HREPP and SKAT-BRETHREN, as naturally as the Tacksman and Bol-man felt their inferiority to both.

The Odaller owned no vassalage to King, Jarl, Lawman or Hofling, but with characteristic love of system, and deference to lawful authority, he yielded to each in his degree the obedience of a subject; not the personal devotion of the Celtic Clansman to his kindred Chief, but the federal subordination of a Gothic FRIBORINN to the Executive Presence of those Laws to which he himself had consented as a Thingman. He owed neither rent, duty, nor service for his Odalsjord, but as a subject and Thingman he was liable to various assessments for the public service. Of these the earliest and most important was the SKATTR or *Land Tax*, first imposed by Harald Harfagr as a tribute from all the Occupied Lands of his kingdom or colonies, towards the expenses of the State and revenue of the King. LEDANGR or LEANGR, another Tax for public service and naval equipment, was paid in Shetland (where the people and customs have always been more purely Scandinavian), but not in Orkney. The THING-FÖR-KAUP, the ancient fee of the Lawman for his duties at the Thing, and the VOTN-TEL, or fee of the Underfoud for telling the votes and summing up the evidence of the Vard-thing, were early assessments. But when or how the Odallers submitted to the imposition of TEINDS is doubtful—probably when St. Rognvald established a fitting hierarchy for his new Cathedral in the twelfth century. The SKATT, TEYND, FÖR-KAUP, VOTN-TEL and LEANGAR, were the only payments exigible from the Odaller, though they severally became the foundation of every subsequent exaction. The denominational proportion was permanent, but the amount and form of payment was altered or augmented according to local circumstances. Though nominally valued in

Marks, Ures or Pennies, the taxes of Zetland were paid in Wadmal, Oil or Fish, the produce of its Skathalds, rocks and seas, and those of Orkney in Butter from its pasture, with augmentations or commutations of Malt from its advancing culture, all weighed and measured by native standards of Norwegian origin, and apportioned by authority of the Thing according to the ancient valuation of Hacon the Fourth (1263), which has strangely subsisted for nearly six centuries without suggesting or affording to Crown or Donatary an opportunity of oppressing the Islanders profitably.

It would be difficult to trace each successive change in the condition of the Odallers, to tell how their Odals, impignorated to Torf-Einar Jarl for their share of the Mulet for the slaughter of Halfdan Halæg (930), were redeemed from Sigurd Jarl by their voluntary service in his Irish wars (1014); or how, by the gift of a mark for each ploughland to Jarl Rognvald's stately Magnus-Kirk, they purchased an immunity from confiscation (1130), which they forfeited by rebellion against King Sverrer (1196). But Odal law and Odal influence declined more rapidly and continuously with every succeeding race of Scottish Jarls, as each Athol, Angus, Strathern and Sinclair, came attended by clansmen and dependants, the ready tools of the fraud or violence of their chief; as Scottish Bishops followed to the prey, lawyers rather than divines, willing to instruct brute force with clerkly subtilty, and skilled in the devil's logic to warp even the Divine law into oppression. Even the Lawman, once guardian of the common liberties, and still expounder of the Book of the Laws, was generally some Scottish settler, some Cragy, Hall or Irving, owners of Odal land, but not by Odal-ræd — who, ignorant of Odal law, misinterpreted its principles, and misapplied its terms according to Scottish ideas, and introduced written deeds and Scottish forms, in feudal distrust of an undocumented title. Under such combined influences of ignorance and interest, every generation saw some principle modified, some right invaded. Thus each distribution of Odal heritage came to need the sanction of a SHYND or DOOM OF ERFFD from

the Thing and Underfoud, equivalent to a Scottish service, and instead of an equal share, the eldest son claimed the Head Bu, and each daughter was restricted to half a son's portion. The rights once inalienable from the Odal-born, became the subject of Impignoration, of Forfeiture, of Donation to the Church, and of Alienation on the ground or legal fiction that the Odaller was too poor to retain, or the Odal-born to redeem them. The legal term of Redemption was gradually shortened, and its conditions made more stringent, till finally a modification of the Shynd-bill in presence of the Thing was alone necessary to legalize the purchase, sale, and transference, of almost every Odal right, to evade the claims of the Odal-born, and to give to the Scottish purchaser the un-odal security of a written title in his own language—a combined form of Disposition and Sasine.

Six centuries of Odal sub-division had minutely intermingled the lands, rights, and privileges of every Townland. At each succession the Odalsjord was shared among the Odal-born, male and female—the Jarl claimed for himself or for the Crown all lands forfeited and unredeemed, and seized as *ultimus hæres* every inheritance lapsed or unclaimed—the Bishop asserted the Church's rights to the gifts of the pious, a share of the forfeits of the guilty, the teinds of all, and the *corban* perpetuity of every indulgence once permitted to a Churchman—and Scottish settlers claimed Odal lands and Odal rights by descent, affinity, or purchase. Thus the Odalsjords and their vague and customary pertinents were mixed in alternate patches, ridges or furrows, not only with other Odals, but with the claims of Jarl, Bishop or settler, as undefined, but more arbitrarily expansive. Even before the Odallers' final change of masters, two centuries of such foreign and native influence had prepared the way for such a revolution, by modifying his privileges, altering his customs, and effacing much even of his own memory of their origin and traditions. But his spirit was still unbroken, he was still a Thingman, his order was still that of the Gofugar and Gøedingar of the Sagas, the *proceres communitatis*, whose



wealth and influence pointed them out as the mark of the oppressor. Their Odal lands, pertinents and immunities, were still the field whence lawless power could reap a golden harvest, and more than a century of Scottish oppression was still required to level the Peasant Noble of Orkney with the Tacksman or Husbandman of the Earldom or Bishopric.

The only class which remains to be noticed as interested in the change of sovereignty, is the *Unfree*—that large body possessing personal freedom (for slavery had gone out with the Vikings) but no political rights as Thingmen—the Teuants of the King, Jarl, Bishop or larger Odallers. These were either BOLMEN, *tenants at will*, or LEIGN-MEN, *by tack or assedation*, paying to the proprietor a LANDSKYLLD, *land mail or rent*, and EYSETTER and LANDSETTER-KAUF, or its Scottish equivalent of *grassum*, on each renewal of their tack—with all the other burdens of Skatt, teind, &c., sometimes besides, sometimes included in their land mail of money, grain, butter or live-stock, and certain prædial and personal services of mills, peats, furing or ferrying, &c., mostly of Scottish origin, and exigible according to the caprice or wants of their master.

Such were the condition and powers of Thing and Thingmen—such the land rights of King, Jarl, Bishop and Odaller, at the date of the Impignoration; and when Christian (28th May 1469) addressed a letter to the Communities of Orkney and Zetland, desiring them to pay obedience and Skatt to the King of Scots till redeemed by the King of Norway, he no doubt intended, and his subjects hoped, that it was but a temporary transfer of the sovereignty of the Islands, to return to his Crown unblemished and unchanged, like his often pawned metropolis. But the Scottish Government entertained very different views of the nature and duration of its rights and powers; and from the first, no resource of law or chicane was left untried to fortify and perpetuate its defective and redeemable title. By a series of transactions (from 17th September 1470 to 16th May 1471), the Crown in exchange of certain lands in Fife, and a pension of 40 merks, acquired from Earl William an irredeemable title to the

Earldom estate, and *jus Comitatus Orkadiæ*—an Act of Parliament annexed to the Crown the “Erlodome of Orkney and Lordship of Schetland, nocht to be gevin away in time to cum to na persain or persainis, excep alenarily to ane of the kingis sonniss of lauchful bed” (20th February 1471), and the Archbishop of St. Andrews was despatched to Rome, to invoke the solemn benediction of Pope Innocent VIII. on the Impignoration and subsequent transactions, as the seal of Heaven’s sanction upon the completed Revolution.

It is a strange ingratitude in Britain to abjure the Jurisdiction of the Pope; while so many of her original titles rest solely on his authority—improved perhaps by force, as in Wales—by fraud, as in Orkney—or by a happy combination of both, as in Ireland.

The Scottish Crown had now a Redeemable title to the Sovereignty of the Islands with the Skatts, Fines, Forfeits, and Jurisdictions of the Kings of Norway under Wadset, for a principal of £24,166, 13s. 4d., and subject of course to a Count and Reckoning for its intrusions, which would show how soon and how often that sum has been paid—principal and interest—by the Revenue drawn from the Islanders. It had also acquired an Absolute and Irredeemable Property in the lands, males, and services of the Earldom; but to the lands of the Bishop or Odallers it had no other pretensions than those included or implied in the rights of Sovereignty. To extend over these free domains the claims of Superiority or Property, to confound the titles Redeemable and Irredeemable, and to frustrate the power of Redemption by effacing all distinctive laws, customs and tenures, required time, patience and adroitness in invading rights and evading claims; and the gradual substitution of feudal for odal law, and the degradation of the Scandinavian Countries of Orkney and Zetland to a Scottish County and Lordship, was the stealthy process of the next century and a half.

The absorption of the Bishopric and Kirklands (commenced without a shadow of title, and in the infancy of public opinion) has been so slow, silent and serpentine, that their final assimilation as British property is an act of the present reign.

The first advance bore the harmless form of a courteous recognition of the Bishop's rights by his new Sovereign, in a charter of Regality (10th October 1490). The assumption of a concurrent sanction of the Norwegian presentee of the Kirklands (1491-2), was followed by the sole presentation (under Papal Sanction) of a Commendator and Successor to the Bishop (8th April 1498), and shortly afterward by the defiant appointment of an Archdean of Zetland, with a protest against "the temerity and presumption" of the Danish Presentee (8th January 1501-2), and in the civil feuds which long shook the Norwegian throne the Scottish Patronage of the See of Orkney was thenceforth undisputed. The right to dispose of the Church rents during a vacancy (2nd March 1559), and to confirm the Feu Charters of Church lands (1560), flowed naturally from the Charter of Regality; the Act of Annexation (29th July 1587) seemed a necessary precaution against the rapid spoliation of the Church; and the Excambion of Earldom and Bishopric (4th October 1614), was too obviously beneficial to both to look like usurpation. During the convulsions of Church and State in the seventeenth Century, the Bishopric was repeatedly applied to secular uses; but the final act of appropriation was that which established Presbytery (22nd July 1689); the Church lands were vested in the Scottish Exchequer, and ultimately transferred to the British Board of Woods and Forests, by whom, in Imperial contempt of all nationalities, Scandinavian or Scottish, the Orkney Bishopric has been sold (1854-56), and the price expended in the adornment and luxury of London.

The attacks upon the rights and liberties of the Odaller required less delicacy, and were conducted with less decorum, for he stood defenceless in his isolation. All who might have made common cause with him had been bribed into complicity against him; the Danish King, by promises; the Earl, by grants and pensions; the Bishop, by present preferments and future hopes; and even Kirkwall was seduced from native interests by its erection into a Royal Scottish burgh (31st March 1486). The very name and traditions of the Odalsmadr

secluded him from the sympathies of the Tacksmen or Tenants, a class more favoured by the higher powers because more profitably open to arbitrary exaction. To reduce both to the same level of easy oppression under form of law, was the first object of the Government; and the first duty which the Scottish King imposed upon its new subjects, the Earl and the Bishop, was the compilation of a RENTALE, modified (with a difference) from the ancient SKATT BOOK, and embracing all the lands and burdens of Orkney and Zetland, with a studied confusion of Odaller and Tacksman, of Odal and Feudal, of Skatt and Land male, aggravating every payment that had ever been made under any circumstances, and adding every exaction, prestation, or service that could be suggested by feudal lawyer or canonist. But however justly the Odaller might complain of the new and heavy burthens of the Rentale, of its abrogation of his rank, its evasion of his claims, invasion of his rights, and imposition of degrading services, other secret and inherent agencies, as hostile and less suspected, were working the downfall of the Odal system. Like every human attempt to curb individual passions by social laws, it had seen and outlived its day of usefulness; but every creed is dear to those nurtured amid its influences, and a generation which remembers the fanaticism of Whig and Tory, and still pouts with the contest of Protection and Free Trade, has no right to smile at the long struggle of feudal prejudice or the longevity of Odal dotage.

The simple rules and forms of Odal law might suffice to define and guard the rights of man as an individual, or even as a member of society in its primeval or patriarchal form, of a few families scattered far apart, with intervals of wild solitude, with the sea for their march, and the mountain for their landmark. But as the rights and obligations of the man and the family became complicated with those of the neighbour, the citizen, or the subject, society soon outgrew this simple code. Each new social element required some new modification; every change, as by an inherent principle, tended to concentrate in the State, or its Head, the rights and powers of the individual; the

Odaller, whose free institutions have taught freedom to the world, was cherishing a system as fatal to liberty as that which he despised, and Feudalism in its vigour was scarcely more favourable to the growth of despotic power than Odal-ræd in its decay. In both the evil might have been checked, by opposing to the invasions of tyranny the resistance of a powerful aristocracy, of an influential middle class, or of the rival supremacy of the Church. But when the Impignoration let loose the conflict of legal systems upon Orkney, the Scandinavian Crown, by substituting primogeniture for Odal succession, had grown so strong as to absorb the powers and possessions of the Jarls, who had become the mere Lendermen or Tacksmen of the Royal revenues. The Church, which more than once nearly overmastered the Scandinavian Crown, was in Orkney its humble *servus servorum*—more disposed to court its favour by servile complicity, than to defy its wrath by an uncourtly defence of freedom. The collective influence of the Thing was no defence—its free councils and jurisdictions had been undermined by insidious innovation of forms or terms, or finally uprooted by masterful violence. Successive generations of Odal subdivision had so reduced the wealth and weight of the middle class of Peasaut Nobles, that it was but a question of time when the heirs of the most influential Odaller should make an infinitesimal sub-partition of the last zowsworth of his Odalsjord, and sink into poverty, without means of independence or self-defence against oppression or encroachment. Unfortunately, the peculiarities of his rights long survived his power to defend them, complicating his relations to his new feudal masters, and adding to his difficulties, legal and illegal, that of instructing a foreign feudalist to plead his cause before a foreign judge, whose decisions, forms and language, were as strange to him as his laws, usages and terms, were barbarous and uncouth to them. Eloquence was the most popular accomplishment of the Odaller, and he was wont, as Thingman and Umbothsman, to discuss the law, and defend the rights of himself and others—but he was overwhelmed by legal principles which he did not know, in a language

which he could not speak; and he soon found that the vague and customary claims, and unwritten tenure of his fathers, were no match for the defined rights and pretensions of the pettiest neighbour possessing by the *littera scripta* of a feudal title, still less of the powerful Fendatory claiming by Royal charters, and aided by the ingenuity of the professional lawyer, trained and practised in the logic of the schools. As if to insult the dearest prejudices of the Odaller, every feudal aggression was held forth as a boon of reform, every change as an amendment of his barbarous code, every abrogation of a cherished right as the removal of an antiquated abuse—while the promised improvement was but a delusion, and the new abuses were more burdensome than the old.

Left to itself therefore, Odalism must have decayed by the natural development of its germs of self-destruction; but the mere decline of the abstract principle, or even the impoverishment of the Odaller, were no object to the Scottish Government, except as tending to its own enrichment at his cost. To make present and growing profit of the defects of the Odal title—to drive the possessor into the refuge of a feudal tenure, and to obviate the Redemption by Seoticing every law or custom derived from the mother country, were now the objects of Scottish policy, and an able agent was found in Bishop William Tulloch, who (27th August 1472) undertook to collect the Revenues of the Crown for a Commission of 20 per cent., and a tacit connivance in his unquestioned appropriation of all “unconsidered trifles,” and in his extra extortions, “any manner of way,” beyond his Tack duty of £366, 13s. 4d. Deeply embued with feudal prejudices, Tulloch affected to see no legal principle in a code of customs so anti-feudal. Heritage, without Superior or Vassal, payment or Service, Charter or Sasine, or any of the essentials of a valid feudal title, was to him a mere traditionary usurpation, subversive of lawful order and authority. The Odaller was a mere squatter, with, at best, a possessory title, liable to arbitrary exaction limited only by his capacity to pay, and with prescriptive

custom as his only claim to differ from the annual Tenant or triennial Tacksman. To obliterate all such distinctions, the lands of the Odaller and Tenant were registered in one indiscriminate Rental, with a studied confusion of rights, Odal paying Skatt—and rights extra-Odal paying land-male. The Thing-Für-Kaup of the Odaller, and Gersomr of the Tenant, were claimed as the nominal equivalent of the feudal Forcop and Grassum—Skatt, Wattel, Leidangr, and every Odal tax without a feudal synonyme, were exacted as a rent—every feudal claim or casualty, without an Odal name or equivalent custom, was imposed and extended to its full feudal limits—while every Odal customary right of pasture, fishing, or sea-beach, was limited, taxed or punished as a feudal purpresture. The whole district was indiscriminately subjected to the prædial and personal services formerly due by Tenants only, and new burdens of Hawk-hens, Balliatus, and Chettry, were laid on all by the arbitrary authority of the Bishop, whose powers of excommunication, infamy, and penal forfeiture, were infinitely enlarged by the rigour of canonical rules and prohibitions, quite new in a Scandinavian diocese. Neither could the unfortunate Orkneyan escape from this grinding tyranny by any appeal. His oppressor ruled the Bishopric as Bishop, and the Earldom as Tacksman, with regal powers—the Thing was divested of all criminal jurisdiction—the Lawman was the stipendiary servant of the Government—the Kirks were filled with Scottish Priests, the creatures of the Bishop, as rapacious and pitiless as himself—the Odallers, collectively or individually, were too poor to purchase, and too powerless to command forbearance, favour, or justice—and what Donatary was ever able to resist the combined temptations of plunder, helplessness, and opportunity?

The Tack of Bishop Tulloch lasted for seven years, followed by six of similarly irresponsible Episcopal rule under Bishop Andrew, the presentee of John of Denmark and probably a Scandinavian. The appointment of Henry Lord Sinclair as Tacksman of the Crown in Orkney (1485) and the recognition of Sir David Sinclair as the Danish representative and Fowd of Zetland (1491), gave

hope of better times. After the tyranny of strangers, the Orkneyans were prepared to rejoice in the return of kindred rulers, and Sir David was the son and Lord Henry the grandson of their last Earl William. With the tastes and accomplishments, and some of the vices of their time, the Sinclairs were popular in the Islands, and favourites in the Courts of Denmark and Scotland. They were in the main, just, humane, and generous, they exposed unsparingly the rapacity and frauds of their Episcopal predecessors, relaxed their intolerable imposts upon some of the districts, redressed much individual injustice, and liberally relieved the impoverished population. It was probably by their influence that an Act of the Scottish Parliament (1503) to annul all foreign laws within the realm, was so altered as to spare the native laws of Orkney and Zetland. But the sapping process of Scotcizing every Orkneyan institution, the interchange of names and things, Odal and Feudal, without real equivalence, went on unchecked if not encouraged by the Sinclairs. A comparison of their successive Rentals shows little change in the names, nature, or amount of Odal payments, beyond the occasional remission of some overcharge, or the record of some new escheat; but there was a large increase of the total burdens of the country, chiefly at the cost of the Tenant population. Their rule of half a century was distinguished by no formal abolition of unjust innovations, no restoration of Odal liberties and immunities; but by the ceaseless, silent change of language, forms, and manners, traced perhaps in a clause or word of some feudal parchment or mouldering Thing-doom.

From the death of Lord Sinclair at Flodden, his widow, Dame Margaret Hepburn, held the Crown lands in Orkney and Zetland at a rent of £433, 6s. 8d., by successive Tacks for nearly 30 years without interruption, but not without disturbance. The Odallers knew too well the evils of alien rule; but a female ruler was a new indignity, and even in the second year of her widowhood (1515) they had elected as their leader and virtual Governor, James Sinclair the possessor (though illegitimate) of most of the wealth of his family, and the



inheritor (as a born and bred Orkneyan) of all its popularity. On the plea of a general devastation by the English fleet in Orkney and Zetland, they withheld Lady Margaret's Rents for three years (1523-5), forced her son Lord William to surrender her castle of Kirkwall and escape into Caithness (1528), and on his return next year with an army of Scots, defeated and took him prisoner at Summerdale (7th June 1529), slew his ally, John Earl of Caithness, with every man of his followers, beheaded Nicol Hall the Lawman, and took forcible possession of the Islands. The Scottish invasion, sanctioned as it was by the King's Letters of Four Forms, cannot fairly be attributed to the private ambition of Earl John or his allies. On the other hand, it is equally improbable that Sinclair, the brother-in-law of the Queen Dowager of Scotland, would have risked his Court interest by heading an open rebellion against the King, or that the spirited and sagacious James V. would have pardoned wilful and violent rebels, or rewarded their leader with legitimation, lands and knighthood. The subject is beset with difficulties, but the most probable conclusion is, that the Orkneyans were deemed excusable in resisting to death a combination of circumstances so formidable to their independence, as the King's reported purpose of giving a Feudal Lord to Odal Orkney, followed by the alliance of the Donatrix with Earl John, the zealous feudalizer of his own Earldom. James having asserted his dignity by renewing Lady Sinclair's rights and by signing the dreaded but ineffective Few Charter to his illegitimate brother, James Earl of Moray (1530-1), gave but one more feudal Grant, and that was to Sir James Sinclair (1535). This Grant containing every feudal right, and the first infraction of Odal succession by a clause of single primogeniture, was perhaps the purchase of the independence of the Odal leader—begged and accepted with a selfish inconsistency, mournfully explained by his madness and suicide within a year. But the King's sagacity had found the pear not ripe—Odalism was sick, but not dead—the project was deferred, and no open attempt was renewed to feudalize the Islands for another generation.

The visit of James V. (August 1540), was the only presence of a King in Orkney since Hacon IV. came there to die (1263); for the dying Maid of Norway was brought to its shores (1290), only to find a hasty but more permanent rest in its Cathedral. Bishop Maxwell entertained the Royal Guest, not in the ancient Palace which had sheltered the death-bed of his Northman ancestor, but in the more modern Episcopal residence within the City of Kirkwall, to which he had lately renewed its Burghal Charter (8th February 1536), and where he is said to have held a Thing in the very ancient tenement still dignified as the Parliament Close. He was not hindered by the courtesies of the Bishop from seeing and correcting his negligence or avarice, in leaving so many kirks and benefices vacant, to the obvious increase of his own emoluments; and though there was now no Sir James Sinclair to instruct or mislead him as to the wants or wishes of Orkney, the shrewd King of the Commons saw and heard for himself the value of the Islands—the danger of leaving them to irresponsible and subaltern oppression—the undue profits of the Donataries and the loss to his Crown and Revenue. At a time when the gross Rental of his metropolitan County of Fife was only £1348, 10s., a province yielding to the Donatary a Rental of £1382, 10s.—to the Bishop £1251, 2s. 6d., and probably not less to the Odal Proprietors—was a jewel of his Crown not to be lightly given or thrown away. All Grants or Tacks of the Revenues and jurisdictions of Orkney and Zetland were forthwith revoked, and the Islands re-annexed to the Crown *jure coronæ*, to be henceforth inalienable except by Act of Parliament (10th December 1540)—an exception and safeguard of Orkneyan liberties, as specious as the former restriction to the legitimate Blood-Royal, and as little regarded. Lady Sinclair's powers were thus rescinded, and in spite of her protest (10th September 1541), were committed at a fairer Tack Duty of £2000 to the unfortunate Oliver Sinclair, as one who could be trusted both by the King and the Islanders (20th April 1541). James probably designed to carry out this policy of annexation by such temporary Commissions to Lieutenants and

Collectors responsible to himself. There were many Odal grievances which he could not know, and much hard injustice which he could not cure; but the public administration of Orkney would probably have been much amended, had he lived to give effect to his judicious plans of reform.

It has been shrewdly said, that Scotland possessed "the wisest laws in Christendom, and the worst administered;" for the best intentions or the sagest acts of King and Parliament might be frustrated by some flaw of policy, expediency, or Court favour. Under the weak regency of Arran, some claim to the Islands was urged by the Queen Dowager, who appointed as her Lieutenant-Governor, first a Frenchman named Bonot, and afterwards the Scottish Earl of Huntly. The struggle of the Queen, Regent, and Cardinal Beaton, for the power to misrule Scotland, was mimicked on a narrower field by the contests and law-suits between Bonot, Huntly and Sinclair, for the possession of Orkney, and with similar results. Government was in abeyance or abandoned to the local authorities, if the term can be applied where nothing reigned except disorder. Respites and pardons for murder and violence are for nearly twenty years almost the sole records of the Islands. Even the regular collection of the inevitable Rents and revenues of the Crown was so completely interrupted, that the appointment of Mr. William Mudy as the Queen's Chamberlain (10th December 1561) was met as a usurpation, which nearly cost his life at the hands of a mob of Churchmen and others, who had been fattening on the arrears and disorder accumulated on the land for a fearful reckoning under the harsh rule and evil days which were approaching.

The learned Bishop, Robert Reid, though he founded a school in his Cathedral city, and made other attempts to tame his wild Diocese, was driven to seek safer and easier duties elsewhere as a diplomatist and a senator of the College of Justice. Adam Bothwell, his successor as Bishop and as Judge, is only known to have once visited his See, from a Fen Charter of Westray and Noltland Castle to his brother-in-law, Gilbert Balfour (30th June 1560),

remarkable as the first feudal Grant since that to Sir James Sinclair, and the first of a series of Feus of Kirklands, all containing the same insidious infraction of the equal subdivision of Odal inheritance, in favour of a single eldest heir-male.

The wise policy of James V. to respect the native laws and liberties of Orkney had been swept away by time; and the conflicting influences and interests of the Reformation had surrounded his daughter with Counsellors who thought only of turning to most profit the difficulties of their Queen and country. Moray, as chief of the Reforming party, had secured the lion's share of the spoils of the Crown and Church for himself and his brother-in-law Argyle, and their influence obtained for his bastard brother, Lord Robert Stewart, a Feu Charter of the Islands of Orkney and Zetland (26th May 1565), a gift exactly suited to his character and capacity, as a sphere of safe and indefinite peculation, unexposed to political dangers. This memorable grant was the first express sanction of Tulloch's policy of identifying the *libere tenentes*, as the Odallers were styled, with the serf-like Rentaller of the Scottish Crown, and was essentially as illegal as unjust — illegal, because neither sanctioned by Parliament nor bestowed on a lawful Prince, and unjust, because it disposed not only of the ancient Earldom, Skatts, and actual property of the Crown, but of the Feudal Superiority, Lands, and Services of the Odallers, which could be neither conveyed by Norway, acquired by Scotland, nor bestowed upon a subject.

But their fate was still suspended for a little by accident or the fluctuations of Court interest. The rise of Darnley was the fall of Moray, and the cupidity of some new courtier searched out the inherent flaw in Lord Robert's title. His Government and Sheriffship were conferred upon Gilbert Balfour of Westray, now Master of the Queen's Household (3rd January 1565-6), but subject to the native laws which were again solemnly recognized by Parliament (6th December 1567), and Lord Robert was partially consoled for his loss of Orkney by a grant of the rich temporalities of the Abbey of Holyrood (16th April 1567).

In the same eventful year (12th May 1567) Queen Mary sought to grace her last fatal nuptials, solemnized by Bishop Adam, with a wedding gift to James Earl of Bothwell, of the Islands and Dukedom of Orkney—a short-lived dignity of a month, forgotten in the immortal infamy of his older title. On his flight from Carberry, he plunged like an angry meteor from another sphere across his Northern Dukedom, leaving there, as elsewhere, no traces but of evil. Baffled in Orkney by the opposition of Balfour, his semi-piratical exactions in Zetland afforded the precedent for the future annual burden of Ox-money, and he continued his flight to Norway, chased like a hunted wolf by Bishop Adam, who, in the new-born zeal of his pursuit of his fallen friend, was wrecked upon the rock still named from his ship *The Unicorn*—the monument of his first and last visit to his Northern Diocese—but the two Bothwells, Earl and Bishop, have involved local history in a strange Comedy of Errors.

In the meantime, Lord Robert's feu of Orkney (though not expressly revoked) was presumed to have fallen by its own inherent nullity, and he would probably never have resumed the attempt to make it effectual, but for an opportunity of making it doubly profitable. Bishop Adam was a Lord of Session, and had left the spiritual duties of his See to the superintendent, Mr. James Annan, while he contented himself with receiving its temporalities. By a mutually convenient exchange of these temporalities for those of the Abbey of Holyrood (30th September 1568), the Feuar of the Earldom of Orkney became also Commendator of the Bishopric, with the combined powers of both, strengthened by the countenance of his brother the Regent. To "stress the Odallers" was henceforth the unchanging object of Lord Robert, by aggravating their burdens in Weights and Measures of his own standard, increasing their liabilities to Crown and Kirk in a Coinage of his own valuation, multiplying the civil and criminal grounds of escheit and fine by Enactments of his own, and finally, litigating the very title of the impoverished Odal before Courts and Judges of his own appointment.

As Feuar of the Earldom, and Commendator of the Bishopric, he exercised all the powers of an arbitrary landlord, by raising the rents to the limits of the tenants' endurance, with aggravations and breaches of the triennial contract, feelingly detailed in the *Complayntis*. He oppressed Churchmen and others into a compulsory surrender of their lands and rights—suppressed the burghal liberties of Kirkwall and burned its archives—aggravated the evils of Odal subdivision, by extending the Sister's part to a share even of the Head-Bu—abolished the little Odal mills still traceable on every burn or VATN, and astricted all to his own mills, with new Scottish burdens. Claiming the whole Commonities, fisheries and sea-beach, he punished all use of them by native or Stranger as a trespass—laid heavy Tolls and Customs on the numerous fleet of Dutch fishermen and the Norwegian traders whose traffic to and from the Islands interfered with his own monopoly, and found other illicit profits in the sale of remissions for crimes, permissions for single combat, and Licenses for exclusive traffic—in secret encouragement and partnership with pirates, and in prohibiting assistance to wrecks as an infringement of his pretended droits of Admiralty. But a richer, if not a wider field for his cupidity, was offered in the iniquitous grant of superiority over the *libere tenentes*, and the power of subjecting the Odallers to all the lucrative claims and casualties of feudal tenure. Every exaction of former Rentals was enforced, every parish tax became a household or poll tax on each parishioner, every occasional or special payment (such as Bothwell's forced contributions of sheep and oxen) was made an annual burden, every service ever claimed from a tenant, and many new forms of Scottish serfage, were laid upon the Odaller without appeal—for by the forfeiture of Balfour the Sheriff, and gift of his escheit, Lord Robert was again Sheriff and Foud, with power to call and pack the Lawthings with creatures of his own, and to use or pervert the Law-book according to his will or interest. By such pretended decrees, many Odallers were, like Rendall of Gairsey, evicted without a chance of justice; some were escheited for murder,

theft, witchcraft, suicide, or "moving of a march-stane," others by the slower process of burdens or debts accumulated till the arrear warranted Comprising by him as creditor, or Escheit as Superior — new enactments, new offences, new courts and new fines, enriched the Sheriff and pillaged the Suitors. Not content with multiplying the forms of exaction, with retrospective enforcement of half a century of arrears, and compulsory second payment to himself of sums already accounted for to the Royal Comptroller, he aggravated every burden by adding a fourth to each standard of measure and weight, replaced the inconvenient vigilance of the Law-rightmen by Weighers of his own choice, and cried up or down the tariff and the coinage according to his interest as buyer or as seller. To guard against appeal or complaint, he enacted the penalty of death or escheit for crossing Firth or ferry without his passport; and against any outbreak of native despair, he was provided with a body of outlaws and broken men, living at free quarters upon the plundered natives, and knowing no law except the will of their present paymaster. Sea and land, Tack and teind, Court and gibbet, Mint and Tron, Firth and Ferry, all were in the hands of the Donatary. To such a power, supported by the public warrant of the Royal Charter and the secret evidence of the Rentall, the Odaller had nothing to oppose except the moral weight of ancient tradition, and a physical force which had lost more by its divided poverty than it had gained by increased numbers — and now the very Law-book and Thing of his Odal fathers were made to doom away his liberties and his lands, in a strange tongue, at the bidding of the Donatary.

For some years Lord Robert superintended the fleecing of the Islands from the ancient Episcopal Palace of Kirkwall or from his lodge at Dynrostness; but as a local habitation for his full-grown greatness, he created at Birsá, the seat of the old Orkneyan Jarls, a large baronial domain by special extirpation of the Odallers, and there, by the forced labours of the natives, "without meat, drink or wages," he built a palace after the manner of Falkland, and inscribed it :

"DOMINUS ROBERTUS STEWARTUS FILIUS JACOBI QUINTI REX SCOT.  
 KAI HOC OPUS IPSE REX."

His vanity was mimicked at a humble distance by his brother and villanous instrument, Cultmalindy, in his Zetland Castle of Muness, with a doggrel motto of equal self-complacency —

"List ye to knaw this building wha began —  
 Laurence the Bruce he was that worthy man,  
 Quha earnestlie his ayres and afspring prayis  
 To help and not to hurt this wark alwayis."

The ambition which is the infirmity of the noble, sometimes gives boldness to the weak. To exchange the dependant and precarious Possession of the Islands for Sovereignty, and restore in his own family the ancient Jarldom, protected but not controlled by a nominal dependence on a weak and distant Suzerain, was a prospect which might almost have tempted a wiser, and excused a better man; and in 1572, Lord Robert had made some progress in treason. The chances of success warranted the risk. He was in possession of the field — besides a considerable force of soldiers, he was sure of the support of a crowd of followers and adventurers, dependent for their all on his favour and success, and might even win the Islanders themselves to a war with Scotland, by a pledge to restore those native laws and liberties, to the abrogation of which they traced every grievance. On the other hand, the Scottish King was an infant of five years old; the Government precarious; the nation weakened and distracted by civil feuds; the only power that could be sent against him, some one of the northern nobles, all of dubious loyalty; and only one generation had passed since Orkney had defied and defeated the whole available force of Scotland. Denmark was as willing to countenance as Scotland was weak to oppose his designs: and Lord Robert had every reason to hope that the revolution would be effected by pens and treaties, not by swords and battles, if his secret could be kept within his circle of stormy seas, prohibited firths and guarded ferries.



But after all his precautions, one postern of his jealous fortress was open, unguarded, and not commanded by himself. The larger Feudatories of the Kirklands, Balfour of Munquhany, Bellenden and Mudy, owed him no allegiance, and resented restrictions and encroachments from which they suffered as well as the Odallars. It was probably by their influence that the Articles of Indictment against the public enemy were enabled to reach the ear of Morton the Regent. Heavy as was this catalogue of oppressions, and those detailed in the Complaints of Sinclair of Aith and other Zetlanders, they would probably have failed to rouse the attention of the Scottish Government, had not Lord Robert's dangerous and treasonable practices with Denmark awakened the Regent's cupidity by the hopes of a profitable composition, or still more lucrative confiscation of his grant and plunder. But the criminal was now summoned to answer for his crimes, and warded in the Castle of Edinburgh, while by Royal proclamation (31st January 1575-6), the ferries and Firth were freed from his illegal restrictions; and during that year, a flood of complaints and evidence from natives and Strangers poured in against him. A Commission was issued (9th November 1576) to Mudy, the former Chamberlain of Orkney, and Henderson one of the King's Pursuivants, to examine witnesses on the spot as to his oppressions; and having finished this portion of their examination during the month of February 1576-7, they were further commissioned (24th April 1577) to inquire into the charges of high treason, and it was only under a heavy Bailbond of £10,000 by Lord Lyndsay, that Lord Robert was (5th August) removed from the Castle of Edinburgh to a less strait prison in Linlithgow Palace. It is easier to guess than to trace the secret influences by which he escaped from such overwhelming evidence of treason and crime. Morton, his enemy, was tottering to his fall—his friends Argyle and Lyndsay, were rising into power and favour. On 30th January 1578-9, he was allowed to revisit Orkney to prepare his defence, under heavy bail to return for trial on 30th September, but no trial ensued; he probably compounded for his head with his estate—his bail-

bond was cancelled by a Royal Warrant, and the whole parade of Commissions and probations ended in a temporary suspension of his powers in Orkney, without restitution or redress to the aggrieved Odallers, who were again abandoned to the ordinary misrule of the local collectors.

In the meantime, the Crown had given every encouragement to Scottish settlers in Orkney by large and liberal feus of Kirklands and Earldom (without any scrupulous reservation of Odal rights which might be involved in the grants), on a Reddendo of the accumulated burdens "according to the Rentale," but often at a commutation temptingly illusory. On the disgrace of Lord Robert, it seems to have been designed to lure the Odallers, by similar terms, to accept of feudal confirmation of their rights; for such a charter was granted to William Sinclair of the (5th March 1578-9), for the expressed purpose, "*dare inhabitantibus intra dictas patrias de Orkney et Shetland, bonam occasionem et exemplum cognoscere et accipere suas securitates de nobis in simili modo.*" But either the Odallers were jealous of such security—the Court unwilling to spoil so promising a field of plunder—or Lord Robert had already exhausted it by his exactions, suits and escheits; for few or none of the Odal lands were at this time feued according to the Rentale.

On 18th January 1581, we find Lord Robert engaged in the congenial work of safely insulting a fallen foe, and paying court to a rising favourite, by assisting to convey the ex-Regent to his prison at Dumbarton—and on 28th October 1581 he had his reward in a new confirmation of his former grant of Orkney and Zetland erected into an Earldom, with all those additional powers of Justiciary, Admiralty, &c., which he had been formerly charged with usurping without a warrant, and (9th June 1585) another confirmation of the transaction with Bishop Adam. Armed with these despotic powers, he returned to Orkney to practise the lesson of his late escape, by finding some safer mode of possessing himself of the Odal lands than the casualties and escheits of a feudal Superior. In the quaint language of Bishop Graham, "Erle Robert obteynit a

feu of Orkney and Shetland, and yairupone intendit to stres the Udillaris and augment a rental on these thair landis. He ceasit fra it and found out ane uthir way to doe his turne. He was abbot of Halyroodhouse, and Adame Bothwell then Bischope of Orknay. They made ane excambione, and Erle Robert in these dayis was Bischope *in omnibus*, and set his Rentale of teyndis upon these Vdillandis above the availe, yea triple above the availe." As Justiciar he had instituted courts of Perambulation to examine all titles in the Islands, and reduce all which seemed feudally defective, including many Odal lands and undocumented accessories, such as Quoys, Commons, &c., the use of which he punished as encroachment on the rights of Crown or Mitre, united in himself. As Bishop *in commendam*, he was titular of all teyndis, untrammelled by any fixed standard of collection, commutation or proportion, and thus he menaced the harassed Odallers on all sides, till they gave up the contest in despair. He set or feued the vacant lands to his own dependents—but cultivation ceased, and the lessened produce warned him that it was not his interest to pauperize or depopulate the Islands, and he retraced his steps. Perhaps the change was but the completion of his scheme for driving the Odallers into feudalism, and giving the sanction of a new bargain to his multiplied and aggravated exactions. The Perambulations being no longer useful, were abolished as illegal, and he made a merit of renouncing the lands and pertinents of every Odaller who should accept, in confirmation of his right, a feudal grant, paying therefor all the accumulated burdens of Skatt, teind, &c., according to the Rentale. So effectually had Earl Robert *stressed* them, that most of them accepted such feudal investitures, and the few who adhered to their Odal tenure, had henceforth neither rights to defend, strength to resist, nor wealth to tempt cupidity.

But the very profits of such rapacity at once prompted and justified the resumption of a Grant so valuable and so abused. The Crown's revenue from the Orkneys had risen progressively within a century, from Lord Sinclair's Tack

duty of £366, to Oliver Sinclair's of £2000, which also continued to be Lord Robert's Feu-duty; but the Crown was too poor to give away such an appanage without a larger share of the profits, and James VI. on his majority, resolved to add to his revenue by resuming the Islands, and to his popularity by affecting to commiserate their misrule. By three Acts of Revocation, Annexation, and Dissolution (29th July 1587), he annexed the Bishopric to the Crown, resumed the Earldom, and re-granted it at a Duty of £4000 to his Chancellor Maitland and Justice-Clerk Bellenden, whom (16th December) he commissioned to inquire into the oppressions of "Lord Robert Stewart, lait Erle of Orknay."

The result of their inquiry is not recorded, and it was probably dropped when it had served its purpose of cloaking the transfer of a lucrative grant from one courtier to another. There was probably as little sincerity of motive in the renunciation of it by the new Donataries, whose character forbids us to believe that they were sufferers from an honest system of fair dealing with the natives. Probably their two years' experiment proved, that such a complex machinery of extortion could only be kept in working order by the master hand of Lord Robert, and to him, at a diminished duty of £2075, it was again committed by a new charter (1st April 1589), renewed to him and his heir (11th March, 1591-2), and ratified by Parliament, to Patrick, Master of Orkney (5th June) when Earl Robert had passed to his account—a master in the art of extortion under colour of law.

In a quarter of a century he had raised his revenue from the Crown estate from £6366, 10s. to £9016, and that of the Bishopric from £4381, 2s. 6d. to £9000, at conversions which doubled the total burden of Orkney, besides what he could extract from the scatholds, rocks, and seas of Zetland, and a large income from customs, tolls, wrecks, fines, grassums, and other sources, which could not safely or conveniently be entered in the rental. But this enormous increase of revenue bespoke no improvement of the wealth or resources of the Islands. Their whole legal burden at the Impignoration had been under £600,

and the large balance of produce was the lawful property of the Odallers or tenants. This increase of rental, therefore, was but the stealthy transfer of this balance from the subject to the ruler, even to the point of confiscation, with a minimum of bare subsistence to the Ryot cultivator—skatts, males and duties, were aggravated in weight, measure and value, till the land could no longer produce enough to pay them, and exorbitant conversions were charged for each deficiency, till the accumulated debt gave pretext for seizure and eviction. The modern improver of the waste finds in every furrow the traces of an earlier tillage and the homes of a dense population; and contemporary rentals testify, that even while the Douatary was exulting in such universal appropriation, whole Districts, once tilled and enclosed, had been again abandoned to the rush, the heather, or the sand flood, overwhelmed by his new and intolerable burdens.

If any thing could have made more bitter the Orkneyan's sense of oppression, it must have been the baseness of the oppressor. Unlike his brother Moray, whose public aims were lofty, and whose private life was decorous, Earl Robert crawled and wriggled through desperate mazes of legal difficulty, and through political storms which swept away contemporaries more daring or less cowardly—his highest aim to steal estates for his bastards, his boldest achievement to *stress* an Odaller. Both Earls were reputed sons of James V., but Moray's mother was the dark proud lady of Lochleven—the dam of Lord Robert, after his birth, found a fitting mate in the Guidman of Culmalindy, and in their son, Lawrence Bruce, we find the worthy brother and accomplice of Earl Robert, and with poetical justice, the victim of his successor. The structure of his fortunes, reared by the Earl—wrong upon wrong, iniquity upon iniquity—out of the ruins of hundreds, in twenty years of cool, cautious, calculating system, was overthrown as speedily by the spendthrift folly of a son worthy of such a father, the heir of all his vices, with superadded contrasts of his own—crafty but headstrong—mean but vain—rapacious but extravagant—luxurious but cruel to ferocity—an unjust judge, an imperious ruler, and a traitorous subject—

a faithless husband and a heartless parent; but relieving the darkness of his father's memory by the deeper detestation of his own.

Earl Patrick succeeded to a fair inheritance, however heavily the malison of a plundered people might lie upon his father's soul. Within the bounds of Orkney and Zetland the King was a name and not a power. As Justiciar and Admiral, Donatary of the Crown Duties, Skatts, Males, and Grassums, Tolls and Customs, Feuar of the Earldom, and Commendator of the Bishopric, the Earl was master of all by land or sea. To an income of about £56,000 (equal to the Royal Pension which nearly provoked a war between James of Scotland and the stingy vixen of England), he added the jointure of a wealthy bride, the widow of Sir Lewis Bellenden, his father's enemy; but all was not sufficient for his expenditure. His new palace in Kirkwall, and Castle at Scalloway, were reared by the same cheap oppression as his father's residences of Birsá and Dunrossness; but the lavish maintenance of four such establishments, his life of riot, his retinue, body guard and trumpeters, and other affectations of Sovereign state — his petty suits and petty wars, with damages and loss in both, and his desperate struggles to support or redeem his credit at the Scottish Court, plunged him into debts and difficulties inextricable unless he could find another fortune where his father had found it. There was not much to glean after the sweeping harvest of Earl Robert; but if necessity could invent few new forms of exaction, it could augment the old. His favourite adviser Harry Colville, the titular Parson of Orphir, had been hunted by wild justice to a savage death on the Noup of Nesting (1596), but the obsequious ingenuity of Dishington, the Sheriff and Commissary, might suggest new bargains of convenient dubiety, or discover some flaw or overlooked advantage in bygone transactions. Higher land males and grassums were demanded from tenants and tacksmen — Teinds were arbitrarily raised, or so collected, that all were glad to compound or redeem at his own terms — Burdens already commuted and paid under the general name of Feu-duties, were reimposed and superadded to the amount of composition —

Owners of Odal lands had incurred non-entry or purpresture — the native Odaller, in unwitting ignorance of casualties whose very names were new to him — Scottish purchasers, like Lawrence Bruce and his co-Suplicants, in blind trust of the Odal immunities which he had assisted to annul. The Earl threatened both with fines or confiscation; and if we smile to find Lawrence Bruce, in the disguise of an Odaller, pleading for Odal rights, in total ignorance of Odal terms or traditions, and complaining of falsehood, meanness, and tyranny so like his own, we can neither wonder nor regret that such a representation did not avert the fate which he deprecated. By a stringent exercise of his powers under the new ratification by Parliament (5th June 1592), the Earl brought into his mercy the Odallers, real and pretended; but fearing the consequences to himself of excessive depopulation, he consented to suspend the dreaded casualties, and renew the tenures by a mutual recognition as Superior and Vassal. *The Uthell Buik of Orkney* (16th March 1601-2) records every Odal land as “feuit to the Udallers paying their Scatts and Dewties according to the Rentale, with dew service nsit and wount” — and how profitable these new bargains were to the Earl’s revenue, is shown by the important “Rentale pro Rege et Episcopo,” compiled about this time by Dishington.

By the subserviency of the Sheriff and his subordinate staff of Things (no longer composed of Odallers, but of Servants and Tenants), and by the abuse or perversion of the Law Book, the Justiciar had no difficulty in multiplying enactments, penalties and convictions for the most trivial causes or impossible crimes. If evidence was insufficient, and bodily torture had failed, confession was extorted by the agonies of the victim’s dearest objects of affection, and the judicial murder was consummated by gibbet, fire or water, on Thieves holm, or before the window of the Earl’s hall. Confiscation for his benefit was the object and consequence of every such conviction, and the Law Book when it had served, and could no longer serve his purpose, disappeared for ever. His droits and jurisdiction as Admiral were made equally profitable by means equally nefarious.

As Patron he appropriated all vacant benefices, or sold them to his dependents, and as Lord Paramount, he claimed the sole disposal of the commons, harbours, ferries and fisheries, even in the ocean, and every other right not feudally secured.

But by his assumption of a more than kingly prerogative of arbitrary and general Taxation, to the extent of 20,000 marks in 1594, and £40,000 in 1595-6, and by the addition of a third to every Standard of weight and measure, and consequently to every Teind and Duty, he touched the interests, and roused the active opposition of a class less patient and more powerful than the Odaller, whom he had learned to coerce or crush at pleasure—the larger Feuars of the Kirk lands, the old opponents of his father. Confident in their Island strongholds and in their Crown Charters, titulars of their own Teinds, with independent jurisdictions and other rights as well defined as his own, and less precarious, they opposed his usurpations, defied his power, retorted his injuries, and even protected his victims. One after another he had long waged against them a desultory war of law and violence. For the siege and capture of Noltland Castle, and imprisonment of the Laird of Monquhannie (1592), the Court of Session had punished him with escheit and heavy damages; and in defiance of his edicts against suing in any Court beyond the bounds of Orkney and Zetland, Mudy of Breckness, Bellenden of Evie, the Goodman of Eday, and even his own brothers, had carried to the Supreme Court similar complaints with similar results; and the Earl could only vent his rage upon the servants who had convoyed their masters beyond reach of his jurisdiction.

He had, however, influence to obtain another renewal of his grant (1st March 1601), with powers and rights even more extensive, and in spite of unanswerable evidence, Court favour had quashed at least one alarming Bill of Indictment against him (1606). But even the unjust Judges of Scotland were at last wearied by the continual coming of Complainers of every kind, nation and degree, and at this crisis of his fate, he provoked another powerful enemy to join in the combined attack which ended in his ruin.



Earl Patrick had enjoyed the temporalities of the Bishopric for many years undisturbed, but the appointment of James Law to the long vacant See (28th February 1605-6), alarmed him for his possession, and he hastened to secure it by new contracts with the Bishop, sanctioned by the King as a temporary arrangement till he should redeem the Bishopric by a rental of £3000 in England (17th November 1606). The Earl had never shown much regard to an obligation, and now overwhelmed with debts, and pressed by Creditors, he was unable, if willing, to fulfil his contract. By unpunctuality, evasion, and insolent refusals, he drove the Bishop to throw his great talents and commanding influence into the common cause of his many enemies, and Law's rank and character necessarily placed him at their head. Even the Anglo-Scottish Court of James VI. could not resist the Bishop's just claims, well supported charges, and representations of treason, misrule and inhuman oppression, and on 27th December 1608, Earl Patrick was summoned to Edinburgh, to compare on 2nd March "to answer to the Complaintis of the puir distressed people of Orkney." It is possible that Bishop Law was sincere in his sympathy for the Earl's victims; but his Rental of 1614 is as grasping as the worst of its predecessors, and his own day of unlimited power was marked by no redress or relaxation of the bonds of iniquity.

Earl Patrick's subsequent fate, his long imprisonment, his base repudiation of the son who had risked and lost life and all to serve and save him, and his trials and execution for treason as a subject, not for tyranny as a ruler, have been too amply illustrated elsewhere to need notice here. The consequent forfeiture of the Earldom and annexation of all the lands and rights in the Islands—the excambion and redistribution of Orkney and Zetland into Earldom, Bishopric and Lordship, and the final abrogation of the native laws—might give interest to this Sketch, but would extend beyond its limits of time or subject. The demands of Denmark, and evasions of Scotland, relative to the redemption and restitution of the Islands, would also be a curious and cognate inquiry,

which, with many others of this unexhausted theme, must be left for a future time and another hand. Each subsequent century has had its characteristic type of oppressors, wrongs and victims, feudal, fiscal or judicial. By no course of action, resistance or submission, could the Islanders escape from legalized extortion. They gave Montrose 2000 men and £40,000, and the Commonwealth exacted 300 Horse and £60,000 (1650). Again, they raised another Regiment and Contribution for Charles II. (1651); and he rewarded their loyalty and their sufferings by a further exaction of £182,000, in 1662, and then surrendered the Islands to the tender mercies of the Earl of Morton, the worst King Stork of all the Donataries.

Could Britain prove the abandonment of one exaction, the redress of one oppression, the restitution of one item of official plunder, she might treat the complaints of Orkney and Zetland as bygone and antiquated grievances. But she still enforces every exaction of Tulloch or the Stewarts by a Standard even higher and heavier than theirs—still imposes the double burden of British Cess and Norwegian Skatt with aggravations unknown in Norway—still extorts the last farthing of her claims, just or unjust, and pays her debts by a bankrupt's composition, compelling a discharge in full—and still appropriates the usurped Church property of Orkney to secular and English uses, transferring its burdens to the other Heritors, and claiming for its last relics the inapplicable immunities of English Crown prerogative, first applied by the democratic Government of Cromwell. The Islands are still robbed of their native Laws, Things, and Jurisdictions, and subjected to foreign codes and courts—while Zetland has of late been mocked with a fractional voice in the British Parliament at the expense of the already nominal representation of Orkney. While Britain parades her maternal care and lavish liberality even to her distant dependencies, Orkney has been neglected by every public officer except the Tax-gatherer. Unaided by one penny of that public money which has enriched other Counties more fortunate or more favoured, Orkney has been left to struggle alone against its

many difficulties, fiscal and physical. Twice has its right to the income of its own State Property been officially recognized; once by a Lease from George III., in trust for its public improvements (27th July 1775), and again by a Treasury Warrant for the same purpose, from George IV. (3rd March 1825) — but the first was diverted to the sole use of the Lessee; and the second was evaded by a shuffle of Government Offices, and repudiated on the lawyerly quibble that the British Commissioners of Woods and Forests are not bound by the obligations of the Scottish Exchequer. Instead of due protection in return for the taxation and duty of subjects, a County which contributed 5000 seamen to the British Navy, was denied one Gunboat to guard its own shores and harbours from the repeated insolence of privateers.

Conscious that Orkney was but a pawn which might some day be redeemed by the rightful owner, Scotland, like a temporary tenant, scourged the precarious holding with unfair cropping and stinted outlay; and Britain, her assignee, discovering its capacity to produce and to endure, has followed the same profitable precedent of chronic hard usage. Unthrifty greed has loaded the Land with unjust burdens and undue taxation, has impoverished the Owners with unexpected claims and vexatious lawsuits, has often forced back the cultivated acres into wilderness and driven the cultivator to strive in freer lands for leave to live. But no misrule has yet exhausted the fertility of the soil, or crushed the energy, or worn out the patience of a people still struggling against an evil destiny, but still amenable as ever even to the semblance of lawful authority. Even though Scotland may have reduced Orkney to “the skeleton of a departed country,” Britain has still found profit in gnawing the bones.



ARTICLES AND INFORMATIONs

BY THE

INHABITANTS OF ORKNEY AND ZETLAND

OF THE OPPRESSIONS COMMITTED BY

L O R D R O B E R T S T U A R T.

DECEMBER M.D.LXXV.



THE COMPLAINTS OF THE INHABITANTS OF ORKNEY AND ZETLAND,  
IN THE YEAR 1575.

FOLLOWS certain Articles and Informations of the wrangus usurpation of the King's Majesty's authority, and oppression committed by Lord Robert Stuart, fewar of Orkney and Zetland, as after follows—the whilk we take in hand to prove, whilk hail points and articles concernis the King's Majestie in speciale.

In the first, the said Lord Robert, considering the manifest tyranny, wrangis and oppression done by him, his deputes and servitors, of his causing, upon the poor Inhabitants of Orkney and Zetland, and fearing sometimes God's judgments and just punishments to be poured upon him by means of some righteous Regent of this realm, when it pleased God to send quietness within the same: For subterfuge, and to avoid punishment for his offence therefore, the said Lord Robert treasonably directed his Maister Household, Gawin Elphingstone, and Henry Sinclair his Chalmerchyld to the King of Denmark, with express commission under his Great Seal and hand writt, to render to the King the supremacy and dominion of the countreis of Orkney and Zetland, as free as they were of auld annexed to the Crown of Denmark, and that upon sic condition as in the said Commission was contained, whilk was done in the year of God 1572. According to the whilk the said Gawin passed to the King of Denmark, and by virtue of his commission foresaid, obtained to the said Lord Robert the said King's confirmation and gift of the saids countreis, and send the same to him thereafter with Hans Corsmay, Bremer, enclosed in a holt of Holland clayth, and als send ane Lawrence Carnes to be Lawman, according to the said King's direction.

2. Be inbringing of new laws and consuetudes, forgit of the laws of Norway, never received of before in Orkney, and abrogation of the auld laws and statutes of the realm, viz.—as in inbringing of Lawrence Carnes, Lawman directed by the King of Denmark at the said Lord Robert's earnest sute, of abrogating of the laws as said is, but license of our Sovereign Lord and his Majesty's Regent; In making ane law in swyne roitting, whilk will extend to the sum of fifteen hundreth dollars in ane year, taen up in Zetland, bye Orkney; ane other law, that the sisters should not be lowsed of their heid bull, with divers others; as is notoriously known, whilk cannot be denied.

3. Be uptaking of the King's Majesty's customs, tolls, and victual of Zetland but commission, and not contained in his infetment, whilk now extend yearly to five hundreth angels, whilk we tak to prove.

4. In compelling the Doggar boats and other fishers of this realm to pay to him great toll and taxis bye auld use and wont, to wit, ilk boat ane angel noble, ane hundreth fish, and twa bolls salt.

5. In usurping the office of Admiralty, in apprehending, imprisoning, adjudging, iustfeing of alleged pirates, and nptaking of their escheat goods, and sitting upon all seafaring actions: As he did in ships taken by his household men and feallis, viz.—Patrick Blackattir, Mr. John Hume, Edward Blackattir, Matthew Aikman, David Willie, James Corsby, David Cathcart, Henry Balfoure, Robert Stevenson, with others divers, pirates of Englishmen, to the number of nine great ships, laden with precious gear, which will extend mair then ane hundreth thousand punds, with twa English ships taken in Zetland—the ane of them keepit as yet to his awn commodity, the other, after she was spuilzeit of her haile goods, gear, and artaillerie, randerit again to the pirates, notwithstanding they were condemned as common pirates; as is notoriously known, and shall be proven.



6. Be partaking with the pirates, in furnishing and reking them to the sea in piracy, with men, vituals, amunition, and receiving and maintaining of their goods and gear reft in the piracy, and giving his bond of maintenance to the maist part of the persons above written, sic as Mr. John Hume, James Corsby, Edward Blackattir, Manis Moodie, with others divers, whilk is notoriously known to the haill country, and shall be proven and cannot be denied.

7. In taking of the King's Officers of Arms and others, executors of his Majesty's letters and charges, in taking and putting of them in prison and captivity, as he did to William Cuningham.

8. Be compelling of our Sovereign Lords free lieges to depart furth of the country where they were borne, and dwell for the present in banishment, but ony order of law, as he did to Mr. William Moodie, Manis Moodie, Johne Gifford, Walter Spence, Ola Sinclair of Brow and his bairns, William Sinclair of Voster, with many other divers, whilk cannot be denied.

9. Be directing of precepts, charges, and proclamations absolutely in his own name against the King's Lieges, and giving sentences absolutely, but trial or judicial cognition preceding, and usurping of ane princely power in that behalf, and in all other his adoïs; and in special, where he alleges himself to be as free Lord and Heritor of Orkney and Zetland as the King of Scotland is in his own realm, or the Queen of England, or the King of France in France, and maks his vante, that in case he be put at by the King's Majesty's authority, to give the haill countrys into the King of Denmark's hands, whilk cannot be denied.

10. In oppressing the King's Lieges of Orkney and Zetland, in compelling them, by all order or law, to mak him and his haill household, to the number

of six or seven score, bankettis and great cheer on their awin expenses, to the great hurt and wrack of the country be way of sorning and oppression; as is notoriously known, and sall be preven with the haille country.

11. Be making and setting of new takkis and gersswmes to the poor lieges, and compelling them to pay to him great souns of money, far by the auld order of the country, whilk will and sall wrack the haille commons, gif sooner remeed be not put thereto.

12. In compelling the native men of the country to discharge and quit-claim their heretage and possession, to eschew his tyranny; as he did to Margaret Sinclair, Mr. Magnus Halera, Oliver Sinclair of Estaquhy, William Sinclair of Garsettar, Margaret Reid of Burgh, Hugh Sinclair of Strohme with others divers, whilk cannot be denied.

13. In appropriating the common muires and pastures of Orkney, common of before to the haille country, to himself in property, whereby he means to oppress the country, and be way of purpresious to escheat the haile vuthall lands, as shall be pruen.

14. In disposing of benefices of the country, vacant at the King's Majesty's gift, to sic as he pleases, be his privy gift and provision, as he did in disposing the vicarage of Sanct Ola, the vicarage of Holm, Vnst, Scatsta, Nesting, Waus, with others divers.

15. In stopping the burgesses of Kirkwall, being the King's free borough, to be free under all liberties, and to buy skin, hyde, butter, oil, and sic wares in the country but his leave, and in making all sic as he pleases to be free to use merchandise but the priviledge of the brugh.

16. In compelling beneficeit men to sett their benefices to him, otherwise leave the country, and in loding their teindis and taking up their loving gif they withstand his desire, as he did to Mr. Alex<sup>r</sup> Thomson, be striken of him be William Hwme, suldart, after he come out of the pulpit, Mr. James Maxwell, and other divers.

17. In usurping the office of Justicary but commission, he being but ane simple Sheriff, in judging of persons of auld crimes, as theft, slaughter, oppression, sic as he did William Wishart, being dead ane year afore his entres, comdempnit him in effigy, and confiscat his haill goods and gear, as it is notoriously known to the haill country of Zetland, like as he did with divers, whilk sall be proven.

18. In uptaking of the wrak and waithe of the haill country of Orkney and Zetland, but commission, not being contained in his infestment, whilk will extend sen his entres to better nor 10,000 merks, whilk sall be proven.

19. In making of new acts and statutes be his awn authority, that nane suld bring hame boittis to Zetland, nor sell them but according to his act, whilk failzing, to be in my Lord's will; and be reason that some of the countrymen had broken the foresaid act, as he alleged, took fra thir persons after following, xxiiii<sup>xx</sup> of dollars, viz. — Jacob Tait, Barthill Strang, David Scott, John Vides, Henry Spence, Peter Nisbet.

20. In alteration and changing of the auld weigh of the bismyre and pondlar of Orkney, be making the same the fifth part mair nor it was of before, to the utter wreck of the commonwealth of the country; as is noterlie knawin by the haill countrie (except the beir pondler), whilk sall be proven.

21. Be taking and pursuing the King's free lieges furth of their awne houses, under silence of night, and putting of their persons in prison, beside despoliation of their haill goods and gear, as he did to William Haera, John Gifford, Mr. William Mowdie, Maniss Mowdie, Mr. Thomas Beanston, John Alexander, Baillie of Stirling, Edward Sinclair of Eda, with divers others.

22. In usurpation of our Sovereign Lord's authority, be pardoning, remitting, and forgiving of condempnit and convict persons, for recent slaughter, theft, piracy, and sic capital crimes, as he did to John Sutherland, — Strachan, John Millar, John Murray in Zetland, Thomas Boyane, wha slew ane Patrick Windren in my Lord's awn presence, now at his last being at Zetland, the said Thomas being taken and keepit prisoner the space of six vulkis, was put to liberty, and sent to Noroway ; and sic like for theft, Alexander Sinclair in Stromness, William Clowstne, with others divers ; for piracy, Mr. John Hwme, James Corsby, Alexir McCullach, Alexir Murray, with many others pardoned for piracy.

23. Be imprisoning and warding of our Sovereign Lord's lieges within the Castle of Kirkwell and Zairdis, but occasion or capital crime impute to them, or trial had in their demerits, proceeding as he did to Mr. William Moodie, Mr. Magnus Halera. John Broun, John Jefert, James Bruce, Alexir Bruce, William Grote, Hutcheoun Cromarty, with many divers others, whilk cannot be denied.

24. In stopping of all ferries of the country, to transport sic as he pleased, to stop and be commanding, be ane proclamation, that nane suld be suffrit to pass but his letter of licence and passport, in sic sort, that neither marcheand nor countryman might pass or repass in Orkney and Zetland but his lieence and writ obtained be moyen or bribes. This Act is keepit to this hour, that no complainers may resort to thay partes.

25. In making of ane law and statute, that no man shall come out of the country of Orkney and Zetland to complain upon any wrang or oppression done in judgement, or without, under the pains of escheating of the haill lands, life, and goods, whilk shall be pruen.

26. In compelling the countrymen to pay to him their males, grassums, and rests, whilk the Comptroller had received from them in the King's Majesty's and his dearest Mother's name, as Ola Sinclair and mony others, as the country will testify.

27. In using of process of forefaultor upon deid men for capital crimes, and in escheating their lands and goods after their decease, as he were King, be way of forfeiture, as he did to Sir James Sinclair of Sandey, Knight, William Wischart in Zetland, Sir David Sinclair in Zetland, and sua usurps to him the King's Majesty's authority in all forfeiture and escheats of lands and goods.

28. In inbringing of Hieland men and broken men in the country of Orkney, whilks were auld enemies and oppressors of the people of before, and causing them to sorn, oppress, and spuillzie the country, specially the Isle of Gramsay, and be stopping of countrymen to pursue them and put them af the land, alleging they were his own men and fealls, as will be pruen by the countrymen, whilk cannot be denied.

29. Be giving licence to men to fight singular combats, as he did to ane Ninian Dowgall and Alex<sup>r</sup> Bewemon, George Wallace and William Cullen, Nichol Sinclair and Stevin —, Gawin Elphingstone and Patrick Clark.

30. Be compelling the assizemen of the country to fyle and clenge persons accused, at his pleasure: and gif they refused, be inputting of his awn household



Regent's Grace, be himself or his Commissioners, to tak trial and inquisition in their behalf.

Item, the said Lord Robert, continuand in usurpation of the King's Majesty's authority, and using baith of the charges of Admiralty and Justiciary, caused ane Court to be holden at Skalloway Banks in Zetland, the       day of June 1574, and in the same gart call afore him Gilbert McReich, David Leslie, James Leslie, Normand Leslie, brether, and Robert Rotter, where they were accused and conviet to the death in the said Court for the spoliation of ane ship of Endein, lying in the King's waters within Zetland, in the parochine of Nesting, being driven in be storm of wedder for life and death, whilk ship the foresaids persons burdit under silence of night, and took furth of her 2000 Spanze ryallis or thereby, with ane dozen boltis of Holland clayth, and her haille tows, anchors, and sails, putten the same men and ship to the sea in a great storm of wedder, of whom never word was gotten thereafter; and thir persons above written being convicted of this cruel deed, the said Lord pardoned them after they were holden twa hours at the gallows foot, and ane tow about their neck, and received fra the said Gilbert McReich therefore I<sup>m</sup> of the said ryallis, and seven boltis of the said Holland claith. Witnesses, Jn. Hamilton, Arthur Sinclair, Hugh Gordon, William Halcrow, Henry Sinclair.

Item, the said Lord has raised the meal of fleshe to x s. where it was but iii ss. at his entries to Orkney, to the wrack of the haille country.

xvi December 1575.

(Signature effaced.)





THE COMPLAYNTIS  
OF THE  
COMMOWNIS AND INHABITANTIS OF ZETLAND  
AND  
PROBATIOUNIS LED THAIRUPOUN.  
FEBRUARY M.D.LXXVI.



THE COMPLAINNTIS AND PROBATIONIS LED THAIRUPOUN OF THE  
COMMOWNIS AND INHABITANTIS OF ZETLAND RESSAUT AND TANE  
UP BE MAISTER WILLIAME MUDIE OF BREKNESS AND WILLIAME  
HENDERSOUN DINGWELL PURSEVANT, COMMISSIONARIS IN THAT PAIRT  
SPECIALIE CONSTITUTE CONIUNCTLIE, BE OUR SOUERANE LORD AND  
HIS GRACIS REGENTIS COMMISSIOUN DIRECT TO THAME THAIRUPOUN  
THE DAYIS RESPECTIVE VNDERWRITTEN, IN THE MONETH OF FEB-  
RUAR, THE ZEIR OF GOD I<sup>M</sup> V<sup>C</sup> LX SAXTEIN ZEIRIS, IN COURTIS  
THE SAID DAYIS Halden BE THAME RESPECTIVE AT TINGWALL IN  
ZETLAND.

AND First, The Generale Complayntis mentionat in thair commissioun, and  
contentit in the Bill productit and giffen in be Arthour Sinclair of Ayth befor  
the Regentis Grace and Lordis of the Secreit Counsale contrair LAURENCE  
BRUCE of Cultemalindie, Fowde of Zetland presentlie.

And Secundlie, Vther Complayntis, Generale and Particulare, not contentit in  
the said Bill, bot presentit to the saidis Commissionaris at thair cummyng in the  
cuntrie at thair seuerale Courtis as eftir followis —

THE FIRST ARTICLE OF THE GENERALE COMPLAYNTIS, giffen in befor the  
Regentis Grace and Secreit Counsale, be Arthour Sinclair of Ayth,  
heir eftir followis —

That qubair that eftir the cummyng of LORD ROBERT STEWART, fewar of  
Orkney and Zetland, to the dominionn of the saidis cuntries, LAURENCE BRUCE

of Cultemalindie obtenit of him the office of Fowdrie of Zetland; and schortlie eftir the said Laurence enterit to the possessioun of the said office be him selff, his servandis and complices in his name, of his causing vsit sic diuers wrangis and extortiouis vpon ws contrair the lawis and auld custome of the said Cuntrie: And specialie it was the auld vse and custome of Zetland observit in all tymis bygane, that thair was ane discreit man of ilk paroche, by the rest, callit The Lawrichtman, quha mesurit oure dewitie, callit Wadmell, and weyit our dewitie of buttir; and now the said Laurence hes causit ane of his awin chesing to do the samyn contrair our lawis, to our grit hurt, Insamekle that the said Laurence hes continualie sen his entrie, quhilk was in the moneth of Maij or thairby, the zeir of God I<sup>m</sup> v<sup>c</sup> lxxj zeiris, vptaking our landmale and dewitie, callit Wadmaill, with ane wrang mesour; swa that for ilk thrie scoir cuttell quhilk we aught to have payit, he hes compellit ws to pay ffour scoir cuttell wadmell, and swa hes augmentit ws the fourt pairt of our dewitie.

The Ferd and Fyft dayis of Februar *respective*, 1576, the Inhabitantis and Parochinaris of Tingwale, Quhytnes, and Weisdale, was ressanit, sworne, aduittit, and examinitt vpon the Article aboue specifitt, quhais names followis —

Henrie Halcro, Vnder Fowde	Magnus of Linksettar
Henrie Halcro, Officiar	Nichole of Balzesta
Huchoun of Brankishammersland	Gilbert Thomassoun
Johannes of Brankishammersland	Nichole of Hammersland
Thomas of Girdilsta	John Twait of Hammersland
Erasmus of Watbustar	Thomas of Laxfirthe
Laurence of Hammersland	Nichole of South Laxfirth
John of Hammersland	Jacob Tait
Thomas of Wathsettar	Williame Tait
Jacob of Linksettar	James Leslie

John Gndlat	David Thomsoun
John Bondissoun	Williame of Berrie
Olaw Bondissoun	Johne Vmpha
Stephanus of Kebustar	Johne of Berrie
Walter of Strand	Nichole of Barwik
Nichole Gudlait	Nichole Thomassoun
Thomas Gudlait	Nichole Smyth
Erasmus of Got	Thomas Yrrewing
Laurence of Got	Johne Lummisdaine
John Schlaitter in Got	Erasmus of Garth
Magnus Halero	Cast Erasmussoun
Malcolme Halero	Thomas in Northsettare
Robert of Weisgarth	Magnus Peirsoun of Vstenes
Nichole of Lie	Paule Magnussoun
Magnus of Lie	Johne Hammer
Laurence of Daill	Magnus of Howane
Erasmus of Daill	Nichole of Mayneland
Nichole of Daill	Olaw Smyth of Brek
Olaw of Fiche	Nichole of Brek
Eirick in Ansta	Magnus of How
John Andersoun in Vennerbrek	Thomas Marteinsoun
Nichole Ramsaye	Johannes of How
Nichole Benedicksone	Magnus Olawsoun in How
James of Scalloway	Robert Petirsoun in How
Magnus of Scalloway	Magnus Tate now in Olagarth
John Hubert	Nichole in Browaland
John Michell	Nichole in Eistthouss
Robert Wilsoun	Magnus Nichole in Strommess
• John Ross	Magnus Magnussoun in Wormadaill

Magnus Androissoun in Hugrasta	Laurence Smyth in Hamragarth
Magnus Nichole in Hugrasta	Johne Magnussoun thair
Stephin Zowtsoun in Dessabrek	Olaw in Housto in Weisdaile
James Sinclair in Cova	Sowart in How
Martein in Huchsettar	Magnus Guthreissoun in How
Nichole of Cot	Olaw Magnussoun in How
Magnus of Cot	Thomas Jacobssoun in Toft
Erasmus of Sound	Benedick in Overbustare
Magnus of Sound	Thomas Benedickssoun in Overbustare
Magnus of Helliabuster	Olaw Jacobssoun in Overbustare
Andro of Helliabuster	Magnus Paulsoun in Setir
Nichole of Helliabuster	Boun in Kirkgar
Johne Benedicsoun of Stenswall	John Thomassoun in Kirgar
Magnus Mandeissoun of Tuslavoll	Laurence Johnsoun in Kirgar
Ereik Magnussoun in Scarpagarth	Jacob of Scarrane
David Iluip in Wastoiff	Magnus of Scarrane

Quhilk persounis, examinit upoun the Article foirsaid, deponis as eftir followis all in aue voce, That thair hes not bein ane Lawrichtman in thair parochin of Quhytnes, Tingwell, and Weisdale, sen the Laird of Cultemalindeis last entres. quhilk was in the zeir of God I<sup>m</sup> v<sup>e</sup> lx twelff zeiris; quhilk Lawrichtman of auld vse and consuetude was ane necessar officiar in everie seuerale yle and parochie of the cuntrie, chosin with the commoun consent and electioun of the Fowde and Commownis to keip and giff attendance to the lawful and just cuttell; quhilk is thair mesour or elwand quhairwith thai mett thair clayth, callit Wadmell, quhilk is ane dewitie thai pay to the Kingis Maiestie for thair scat and landmales zeirlic. And siclyk to keip the just wecht callit the Bisneir, quhairupoun thair baill buttir, bayth of scat and landmales was weyit, togidder with ane just Can quhairwith thai mesourit thair vlie payit in scat to the King. With the quhilks cuttell,

bismcir, and can, the said Lawrichtman mesurit, met, and weyit the saidis dewiteis of butter, wadmell, and vle fra the Commownis, and delyuerit the saimen to the Fowdis, swa that bayth the Fowde and Commownis gat just mesour and wecht without hurt, fraude, or gyle. And mairattour, it was ane pairt of his office, as ane speciale man chosin for his discretioun and jugement, to be Chancellor of the assyiss in all courtis, that quhair ony difficill questioun come in hand, he schew the law, vse, and practik thairupoun, and gaif the rest of the assyiss informatioun how to decerne, and pronouncit the decreits, perqueyre, in defalt of scrybis; and had ane ordinar stipende of the Commownis thairfoir, and was as ane procuratour and defendar of thair richtis and commownwelth. And sensyne thai haue had na Lawrichtman bot men of the Lairdis awin inputting to vse the said office, quha with new cuttellis, bismeiris, and cannis maid by the just met, mesour, and wecht, vsit of befoir, be the Lairdis command and causing, hes hurt the Commownis grittumlie. And nocht onlic be the saidis wrangus wechtis, mettis, and mesouris, bot alswa be the handis that weyit and mesurit the saimen, and in speciale maist be the hand, swa that of everie pact of wadmell, quhilk contenis thre scoir of cuttellis, he tuk fra thame mair nor the just ten cuttellis, swa that quhair he suld haue had bot thre scoir of cuttellis, he tuk fra thame three scoir ten cuttellis.

The Aught day of Februar, the zeir and place fairsaid, the Inhabitantis and Parochinaris of Brassay beand ressaunit, sworne, and examinit vpoun the fairsaid First Article, quhais names followis —

Erasmus of Kirkbustar

Nichole of Vstensta

Gregor of Holme

Torwald of Hoversta

John of Holme

Magnus in Hoversta

Christopheir of Grindiscole

Nichole in Hoversta

Magnus of Patafirth

Johne in Hoversta

Jacob of Vstensta

Johne Smyth

Erasmus in Keldibustar	Magnus Johnsoun in Burgh
Nichole of Crowasettar	Duncane Inksettar
Magnus in Howane	Olav in Burgh
Magnus of Bowasettar	Erasmus in Burgh
Magnus Leslie	Johne in Grymsettar
Andro Leslie	Andro in Grymsettar
Nichole in Garth	Erasmus in Watbustair
Sandie of Nossound	Thomas of Kirkbustar
Magnus in Nossound	

Thir foirsaid personnis examinitt vpoun the First Article befor writtin, ar conforme to the formar deponaris anent the ressaite of the wadmell be the Laird of Cultemaliudeis ressavearis; and farther, giff thair was na mair tane of thame, be the cuttell and the handis, of wadmell, thair was na less. And that of ane pack quhilk was of the wadmell of Weisdalle, quhilk suld be bot thre scoir of cuttellis of just mesour, thair was thre scoir and fyftein cuttellis tane, swa thair was fyftein mair nor aneuche; as the mettair thairoff, Magnus Leslie, confessit in presence of the Commissionaris; and the said Magnus and the haill Commownis confessis that thai war compellit be the Laird and certane his servandis beand present, to met sa largelie, and durst do na vtherwyiss for feir of him; and thai afferme, that he ressaute with ane mesour fra the Commownis, and delyuerit agane with ane less mesour to the merkat.

The Nynt day of Februar, the zeir and place foirsaid, the Inhabitantis and Parochinaris of Nesting, Lunasting, Quhalsay, ressaute, sworne, and examinitt upoun the foirsaid Article, quhais names followis—

Ereik in Vtrabustare	Nichole in Colafirth
Johannes in Hamnavo	Henrie Foster



David in Sweining  
 James in Swening  
 Olaw in Tronasettar  
 Adame in Vydlaw  
 Robert Mackbayth thair  
 Magnus in Gillisbrek  
 Johannes thair  
 Laurence in Garth  
 Petrik thair  
 Olaw in Kirkabustar  
 Antonius thair  
 Magnus in Kirkabustar  
 Nichole of Neip  
 Andro in Skalberrie  
 Edwarde Kettill thair  
 Johannes in Fluagar  
 Gelis Kettill

Antone Laurencesoun  
 Johne in Grunzefirth  
 George Olawssoun in Laxfirth  
 Erasmus thair  
 Williame Reid  
 Thomas of Kirkabustar  
 Laurence Thomassoun  
 Magnus in Houssabustar  
 Michael in Brattabustar  
 Olaw Erasmussoun  
 Andro Olausson in Sheldesta  
 Andro Nicholsoun thair

Williame Magnussoun  
 David Strang  
 Edwarde Thomassoun in Garth  
 Alaster Suthirland thair  
 Symon and Magnus his sonnys, thair  
 Alaster Strang in Aythiswyk  
 Erasmus in Aswyk  
 Alexr. Duff in Glaitness  
 Christopheir Thomassoun thair  
 Olaw Huchessoun thair  
 Magnus in Raillisburgh  
 William Gairoche in Vassie  
 Christopheir Symyonesoun in Freasetter  
 Henrie in Catfirth and Christopheir thair  
 Magnus Huchessoun in Crowne  
 Magnus in Flamesta

## THE MEN OF QUHAILSAY

Pole in Sea  
 Magnus Petirsoun thair  
 Magnus Laurencessoun thair  
 Petir in Gardishouss  
 James Suthirland  
 George Work  
 Robert Hunter  
 Magnus Sandeissoun  
 Magnus Matheissoun  
 Erasmus in Hinksetter  
 Jacob in Levasettar

David Watsoun in Clett	Magnus in Neisthehouss
George and Thomas Harwode thair	Henrie Work thair
Christopheir in Sandwyk	Magnus Androissoun thair
Erasmus Bothwell	Magnus Petersoun thair
Culbein of Sinbuster, sumtyme Law-rychtman	Petir Thomassoun in Houle
Olaw in Morasettar	James Williamsoun in Houle
Antone Culbeinsoun	William Hunter in Lie
John Culbeinsoun	Magnus Olawssoun thair
	Olaw in Scheldasetter

Quhilkis persounis, inhabitaris of Nesting, Lunasting, and Quhailsay, examinit vpoun the First Article, deponis anent the Lawrichtman, the ressaung of thair wadnell, and the wrang done to thame thairintill, conforme to the formar depositionaris in all thingis.

The Ellewint day of Februar, the zeir and place foirsaid, the Inhabitantis of Goldberwyk, Quharf, Trondra, and Burray, beand ressaui, sworne, and examinit, vpoun the first foirsaid Article, quhais names followis —

Thomas of Grymbuster	Johne Swainssoun thair
Johne in Sound	Andro in Satir
Stephane in Sound	Swaine in Brindista
Erasmus in Sound	Nicholaus Magnussoun
Robert Ballie thair	Petrik Magnussoun
Martein in Sound	
Magnus his brother, thair	QUHARFF.
Nicole of Vtrabustar	Magnus Nicholsoun in Cowasettar
Magnus Nicholsoun in Croke	Olaw Huchesoun in Eister Qubarff
Magnus Nicholsoun in Soirtoun	Olaw Nicholsoun thair
William Swainssoun in Weyk	Nichole Johnssoun

Olav Johnsou  
 Olav in Vpswall  
 Beriald Nicholsoun  
 Williame Petirsoun in Swening  
 William Johnsou in Tow  
 Magnus in Vradale  
 Richart in Houle  
 Magnus Laurencesoun in Sound

## TRONDRA.

Magnus Williamsoun  
 Olav Laurencesoun  
 Huchoun of Trondra  
 Benedick Laurencessoun

## BURRAY YLE.

Richart in Browsaclett  
 Danid Sinclair in Hugoland  
 James of Northbustar  
 Sandie of Northbustar

Erasmus in Sinbustar  
 Thomas in Sinbustar  
 Laurence Daidisoun in Myre  
 Robert in Clett  
 Magnus in Sandwyk  
 Magnus Kettill in Grunzesound  
 Nichole Ewmondsoun in Hugoland  
 Magnus of Burgh  
 Laurence and Gelis of Burgh  
 Magnus Symounesoun  
 Magnus Erasmussoun  
 Robert Nicholsoun  
 Laurence Magnussoun  
 Magnus in Brek  
 Olav Magnussoun  
 Henrie Tailzour  
 Magnus Sandeissoun  
 Andro Jacobsoun  
 Erasmus Johnsou in Papill

Thir foirsaidis persounis examinuit vpon the First Article anent the Law-richtman and the ressait of the wadmell, ar conforme to thame that hes deponit affoir; and affermis, giff thai tuik na mair of the wadmell thai tuik na less. and that be the large and wrangus gripping of the handis that mett the saimen. done at the Lairdis command; ffor quhan thai complanit of him of the wrangus mett, he said, it was na velvat, swa thai gat no vther remeid, bot quhan thai held the wadmell in thair hand to haue gottin richt mett, thay wald giff thame ane straik on the hand with the cuttell to gar thaim lat it gang.

The Tuelft day of Februar, the zeir and place foirsaid, the Inhabitantis of the Skerries, of the Ylis of Zell, Fetlar, and Vnst, ressaute, sworne, and examinit vpon the First foirsaid Artiele, quhais naines followis —

## SKERREIS.

Magnus in Browarie  
Halbart Magnussoun  
Christopheir in Gaill  
Erasmus Magnussoun  
Magnus Clerk  
Petir Olawsoun  
Petir Nichollsoun  
Ever in Skerries

## ZELL.

Christiane in Satir  
Nicholaus in Graven  
Dauid Spence  
Williame Spence  
Nieolaus of Culzevo  
Donald Fresour  
William Olawssoun  
Erasmus in Brek  
Sewart of Bosta  
Dauid of Burgh  
Magnus Haela  
Gelis of Cowasetter  
Swaine of Windass  
Donald of Volista

Martein of Rago  
Johne of Bowasetter  
Michael of Garth  
Salomon Seot  
James of Vralie  
Robert Fresour  
Johne Fresour  
Erasmus Laurencesoun  
Olav in Graven  
Olav in Quyon  
James of Swairasetter  
Magnus Nipiebak  
Thomas of Kettilsetter  
Magnus of Littilasetter  
Erasmus in Airisdale  
Machis in Howland  
Laurence of Copasetter  
Magnus in Sandfre  
Garth Vlsta  
Petir in Bega  
Olav in Cladoun  
Nicholaus in Netherhoule  
John in Burgh  
Dauid Randell  
Thomas in Seatlandishouss

Petir Nisbet

Thomas Cowpasetter

FETLAR.

Edwarde of Odsta

Nimiane in Sand

Stephane Vrie

Magnus Erasmussoun

Erasmus in Culbinstof

Magnus in Muklagarth

Magnus Johnsoun

Magnus of Still

Sowart of Kirkhous

Williane Scot

Olav Symonesoun

Thomas Blanx

Antonius in Ayth

Olav in Hellyhous

Olav in Nesthous

Olav Suthirland

Magnus Bugar

Gavill in Toft

Nicholaus in Crocebustare

Olav Gregoursoun

James Suthirland

VNST.

Christopheir and Williane in Sca

Olav of Kirkatoun

Phinne of Torwall

Olav Vnderfeald

Nicholaus of Westerhous

Erasmus in Skega

Williane Smyth

John Coupland of Ska

Andro in Burrafirth

Williane in Magneland

Andro in Gardie

James in Geo

Symon in Gardie

Johane in Clogon

Olav in Gardoun

Vryell in Bwanes

Pole in Maill

Walter Hall

Johne Phea

Magnus Snaburg

Laurence Hill

Walter Smyth

Antone Watbustare

Olav in Lyn

Olav in Crocebustare

Andro in Crocebustare

Gutrum Petrasetter

Johne Mowat of Sandwyk

Henrie Hay

Olav in Hamroun

Petir in Clovacast

Magnus Rvnon	Andro Farquhar
William Magnussoun	Magnus of Cathhous
William Makriche	William of Langhous
Waltir Moreissoun	Henrie of Stoiff
Barthole Strang	Thomas of Bodoun
Siluester Frangorde	

Thir personis immediatlie aboue writtin examinitt, affermis, all in ane voce, concerning the Lawrichtman, the mesour, and the hand in the intaking of the wadnell, conforme to thame that hes deponit of befor vpon the First Article.

The Fourteint day of Februar, zeir and place fairsaid, the Inhabitantis of the parochin of Delting and Scatsta ressaut, sworne, and examinitt vpon the First fairsaid Article, quhais names followis—

Magnus of Howbinsettar	Johne in Sorsetter
Thomas of Voxsettar	Erasmus in Southirhous
Olaw of Gonfirth	Elzen thair
Paule of Gonfirth	Erasmus Youngar in Southirhous
Magnus in Barfensettare	Magnus in Eisterscorde
Thomas of Flett	Andro Hall
Olaw in Skewa	Erasmus of Gruting
Petir of Kirkhous	Magnus of Sandgarth
Angus in Voy	Andro Peirsoun in Dail
Nichole in Back	Erasmus thair
Nichole in Theon	Donald in Toft
Petray thair	Magnus of Gardoun
Magnus of Clovagarth	Laurence of Brek
Laurence in Lie	Olaw of Collafirth

Olav Cull	Nichole of Orquoy
Symon of Outhallistoft	Erasmus of Crogasetter
Thomas in Quhom	Andro thair
Andro Giffurde, Vnderfowde	Olav in Burgh
Nichole Hardwall	Melschor Culane
Andro Hawick of Scattsta	Petir in Neschon
Antonius of Grawen	John in Burness
Thomas Yrrewing	Benedick thair
Thomas of Laxvo	Erasmus, elder and younger, thair
Magnus of Laxvo	Ereick in Burness
Jacob thair	Laurence of Firth
Olav of Neagarth	John in Firth
Erasmus of Stenswall	Thomas in Swynasetter
Williame of Bordigarth	Andro thair
Boun Yrrewing in Garth	Magnus thair
Sewart in Caldbak	John Denone, Vicair

Thir persounis immediatlie aboue writtin, examinitt vpon the First Article, concerning the Laurichtman of this parochin, thai all afferme that Nichole Hardwall was thair Laurichtman, bot in the Lairdis tyme he gat na place to use his office, nor to delyver the wadmell as he aucht to haue donè, bot the Laird causit vtheris of his awin chesing to met their wadmell fra the Commownis; zit nevirthless the Commownis war compellit to pay the Laurichtman his accustomed fee zeirlie, albeit he gat na place to do his office. Thai ar conforme to the formar depou-  
naris anent the wrang of the mettein of the wadmell, with this additioun, giff ony of thame wantit ane cuttell of wadmell of his dewitie, the Laird compellit thame to pay thairfoir twa schillingis Scottis; and giff thai had ane cuttell attour thair dett vpon the end of their wob or mair, he wad not giff that superplus of to thame, bot wald giff them twa babeis for ilk cuttell that

thai had owr thair dett; and sum tyme wald tak it and gif thame na thing thairfoir.

The Fyfteint day of Februar, the zeir and place foirsaid, the Parochinaris of Northmaven ressaüt, sworne, and exannit vpone the First foirsaid Article, quhais names followis —

Laurence of Hagrasettare	Gregorius of Lyascole
Olaw of Ylisburgh	Thomas of Vigginsgarth
Magnus in Mangosettar	Androis of Vre
Olaw Nebon	Nichole, eldar and youngar, thair
Laurence of Gvnzesetter	Johne of Awisgarth
Olaw of Hammer	Thomas of Bravehouland
Laurence of Orabustare	Laurence of Myrone
Antonius in Vrafirth	Thomas of Hamnavoy
Magnus in Awsetter	Erasmus of Okeratoun
Thomas in Over Vre	Olaw Northhous in Oceratoun
Thomas of Findeland	Magnus in Sonderhous thair
Turberrie thair	Thomas of Hekzevir thair
Olaw of Videfeild	Magnus of Vzea
Laurence Tulloch of Westhouss	Olaw of Vzea
Olaw of Sandwyk	Botulff in Vzea
Thomas of Tangweyk	Erasmus thair
Thomas of Stanehous	Magnus, elder and younger, in Sandvo
Erasmus of Brekown	Johne of Bratbustare
Laurence thair	Bothwell of Sater
Erasmus in Frangorde	John of Houle
Magnus and Thomas of Grithouland	Gregorius, elder and zounger, in Vsbister
Henric and Magnus of Stow	Johne of Fluagarth



Johne of Burravo	Johannes of Howen
Christopheir thair	Petir of Northweyk
James in Howland	Magnus in Vstuess
Erasmus in Caldsta	Gilbert Portuiss in Hugoland
Magnus thair	Johne in Lunasettar
Huchoun in Skelberry	Andro Robertsoun in Fiblasettar
Bodwell, elder and zounger, in Housettar	John Robertsoun in Nestasettar
Thomas in Colafirth	Magnus in Turvasettar
Andro in Colafirth	John in Bardasettar
Magnus Tulloch in Hoxnasettar	Laurence and Andro in Gluss
Thomas in Vnderfeald	Gregorius and Olaw in Burroland
Olaw of Voe	Nicholaus in Clodasetter
Nichole of Swynasettar	Olaw in Howle
Alexander M'Baythsoun	Gregorius in Toft in Sowlim
Magnus in Quoyfirth	Ereik and Johne in Sowlim
John of Lyen	Thomas in Lunnasettar

Thir persounis, Parochinaris of Northmaven, examinit; thai ar conforme to the formar deponaris anent the wrangus ressait of the wadmell fra thame be the Laird and his doaris; als thai grant that thai had ane Lawrichtman, callit David Tulloch, quha gat na leiff to vse his office, quharthrow thai war grittumlie hurt.

At Tingwall, the xvi day of Februar 1576. The Induellaris of the parochinaris of Wawiss, ressaut, sworne, and examinit vpon the fairsaid First Article. quhais names followis, with the pendicle thairoff callit Papa —

Laurence of Grunzevo	Olaw of Garmatwait
Magnus of Quhytisness	James Paulsoun

Magnus Erasmussoun	Andro and Johne Madie
Symon Magnussoun	Nichole of Gossater
Johannes of Stennestwait	Vriale of Daill
Christopheir Laurencesoun	Johannes of Hucsetter
Paule Watsoun	Petir of Sunsquoy
Magnus Watsoun	Erasmus Andersoun
Magnus Jacobsoun	Erasmus Johnsoun
Johannes of Burroland	John Wischart
Nichole of Burroland	Magnus in Garth
Andro Wischart	
Nichole Flett	
Nichole Thomassoun	PAPAY.
Williame Voy	Nichole Johnsoun
Christopheir Nicholsoun	Olav Christopheirsoun
Nichole Turbensoun in Brek	James Christopheirsoun
Johannes in Stannisland	Erasmus Androissoun
Mr. Robert Chene	Boun Olawsoun
James of Swarvasettar	Erasmus Zoungar
Nichole in Huvedigarth	Johne Magnussoun
Johne of Glen	William Erasmussoun
Nichole Schewartsoun	Olav Knodsoun
Nichole Olawsoun	Johannes Erasmussoun
Jacob in Satir	Andro Bowhous
Gelis and Thomas thair	Olav Boll
Andro Fresur	Olav Andersoun
Laurence in Torradaill	Olav Johnsoun
Laurence in Kinkavale	John Nicholsoun

Quhilkis persounis, immediatlie befor writtin, examinit vpon the First Article :

thai ar agreeable concerning the Lawrichtman, and the vsing of his office to the formar deponaris of Delting and Scattstay; and siclyk anent the delyuering of the waduell, in all poyntis.

The xxj day of Februar, the zeir and place fairsaid, the Parochinaris of Sandsting and Aythsting, ressaut, sworne, and examinitt vpon the First fairsaid Article, quhais names followis —

Magnus in Vnzefirth	Laurence in Trusta
Thomas and Henrie thair	Henrie Sandsound
Johne Wischart	Magnus Halcro
Williame in Sater	Williame Bairfield
Magnus and Olaw in Closta	Magnus Michelsoun
Petir and Olaw in Vzeasound	Olaw and Thomas in Sand
Thomas in Ayththisness	John in Sunlasetter
Erasmus and Myches in Vphous	Magnus and Paule of Skeld
Olaw in Papay	Magnus Johnsoun
Patrik in Burrafirth	Petir Wischart
Magnus Mowat	Williame of Skeld
Magnus Reid	Thomas Ryssie
Benedict and Nichole in Howasetter	Johne of Cultisweyk
Magnus and Johne of Cumming	Christopheir in Haistensetter
Olaw Twait in Northous	Magnus and Johannes in Sellivo
Petir Longascole	Johannes of Gruting
Andro in Kirkhous	Johne Murray
John of Brek	Olaw Hugonsoun in Browaland
Magnus Bigsetter	Johne Rolland thair

Thir persounis, immediatlie preceding, examinit, vpon the First Article thai ar aggreeable in all things, conforme to the formar deponaris.

The foirsaid xxj day of Februar, the zeir and place foirsaid. The Parochinaris of Dunrostnes, ressaute, sworne, and examinit vpon the First Article, quhais names followis —

Olaw Flattabustare	Olaw Smyth in Sand
Williame and Erasmus thair	Magnus Mowat of Burrowland
Erasmus of Oeraquoy	Andro of Howland
Magnus in Howkenasettar	Thomas of Culzesettar
Johannes of Blostoiff	Antone in Cumlaweyk
Olaw Magnusson	Magnus in Viasettar
Olaw of Hellyness	Johne Johnstoun in Hoisweyk
Magnus Bramer	Magnus Tullo
Magnus of Cutha	Williame and Antone of Channerweyk
Ereik and Magnus of Goird	Magnus thair
Olaw in Sterkagar	Laurence Lesk in Gord
Magnus in Tow	Thomas Antonissoun
Symone in Culbinisgarth	Nichole Segarth
Swaine Eldegar	Magnus Mowat in Lavenweyk
Williame in Brind	Nichole Mowat thair
Hectour of Brind	Claus and Olaw Haldensoun
Nichole of Clapwall	Niniane and George of Cluuming
Brownie of Scarpagarth	Gawane of Longasettar
Magnus of Wattisgarth	Magnus Trosweyk
Magnus in Wastano	Henrie in Outvo
Olaw of Maill	Magnus in Skelberrie
Magnus of Maill	Magnus Symondsoun
James Cloustane	Olaw in Vo and Johne in Vo
Williame Hog	Henrie and Williame Lesk
Thomas in Leabuttin	Henrie Mowat and James Mowat

Laurence Lesk	Olav and Alaster Sutherland
Laurence Sinclair	William in Eistishouss
Johne Yrrewing	Magnus thair
Johne Torquele	Henrie Strang
John Petirsoun	Johne Cromertie
Johne Selatter	Orme and Andro of Quendale
Johne Sinclair	Nichole Flett
Magnus Lesk and Laurence Lesk	Robert Scartane
Ereik of Burroiss	Edward Sinclair in Town
Magnus Thomassoun	Robert Archbault
Henrie Thomassoun	Johne Hendersoun
Arling Johnsoun and Williame Johnsoun	Thomas Bernissoun
Gregorius Olawsoun	Rull of Ringista
Williame Pattisoun	Andro Ringista
John Smyth and Henrie Smyth	Thomas Ormissoun
Williame and Symone of Loball	Williame in Brek
Leonarde Coupland and Gilbert Coup- land	Johne of Colsettar
Magnus Erlingsoun	Magnus Beindsoun in Backasettar
Magnus Nicholsoun	Nichole in Sunlasettar
Johne Gybsoun	Henrie in Noss
James of Brek	Stewin of Forvo
Arling of Bw	Thomas of Fuktoun
Johne and James Sinclair in Garth	Williame Sinclair in Sater
Andro Cheild	Henrie Emlay
Thomas Patoun	Matho Fuktoun
Olav Magnusson out of Mo	Magnus Greg and his sonnys
	Thomas in Mawik

Thir persounis immediatlie aboue writtin, examinit vpon the First Article; thay ar conforme to the formar deponaris, with this additionn, Erling of Bw, Lawrichtman of Dinnrosness hes testifeit, in presence of the Commissionaris, that he broucht at dyuerss tymes, twa sindrie cuttellis of just mesour, to haue delyuerit the wadwell of Dunrosness thairupon, conforme to his office, bot the Laird of Cultemalindie refusit outhir to lat him met, or zit to lat the wadmell be mett with his cuttell: Qubairfoir the said Lawrichtman, seing he was refusit, in sing of the disobedience and wrang that was done, in presence of the hail Commownis, he brak his cuttellis and requyrit the hail Commownis wituess heirow.

THE SECOND ARTICLE OF THE GENERALE COMPLAYNTIS giffen in befoir the Regentis Grace and Secreit Comsale be Arthour Sinclair of Ayth, as eftir followis—

Secundlie, The said Laurence hes compellit us to pay the dewitie of our buttir on his wecht, callit the Bismeyr, ffor ilk twelff lespund buttir quhilk was payit of auld, fyftem lespundis, swa that we ar compellit to pay the fyft pairt of our dewitie of buttir mair nor was ever payit of befoir.

The fairsaidis Parochinaris of Tingwale, Quhytness and Weisdail, sworne and examinit befoir the Commissionaris, day, zeir, and place fairsaid, vpon the Secund Article, deponis as followis—

Thay depone, that the thrie zeiris bypast, viz., J<sup>m</sup> V<sup>o</sup> Lxxij, Lxxiij, and Lxxiiij zeiris, thair was tane fra thame be the Laird and his wegaris, for everie just lespund quhilk extendis to xxiiij merkis, thay tuik fra thame be wrang wechtis, and be the handis that weyit, thretty merkis. Bot this last zeir of Lxxv zeiris croke, thai depone that thai war relevit of the ane halff of the wrang wecht,

swa that thai payit bot xxvij merkis this last zeir for the lespund, quhilk was bot thre merkis mair nor just of ilk lespund.

The foirsaidis Parochinaris of Brassay, sworne and examinit befor the saidis Commissionaris, day, zeir, and place foirsaid, vpon this Secund Article, deponis as followis —

Anent the ressait of thair butter, thai are conforme to the men of Tingwall, Quhytness and Weisdale, formar deponaris vpon the said Secund Article; with this additioune, Erasmus of Kirkbustare, quha was Laurichman of Brassay in tyme of vmquhile Olaw Sinclair of Avera, Fowde of Zetlande, testifyit in presence of the Commissionaris, that he ressaute ane bismeyr, quhilk Williame Vrwing of Trondra maid, be the haill consent bayth of the Fowde and Commownis of Zetland; quhilk bismeyre he hes keipit neir xxx zeiris bypast, quhilk was haldin ane just bismeyre, ay and quhill the Laird of Cultemalindie enterit Fowde; bot sensyne the Laird hes refusit to ressaue ony buttir vpon that bismeyre, but causit ane new bismeyre to be maid, transmonting sax, sewin, or aucht merkis mair, betuixt the wecht and the hand that weyit, nor that auld just bismeyre was; and he hes continewit sen his entress to ressaue the buttir on that maner, except this last zeir, quhair in the ressait of the buttir, he diminishit ane pairt of the wrang wecht to the quantitie of twa or thre merkis of euery lespund that he had wount to tak in the zeiris befor, bot zit he come not to the just auld wechtis be thre merkis at the leist, as the formar deponaris has declarit. And als the foirsaidis parochinaris affermis, that the Laird gart serse out the grittest bismeyre that was amang the Duchemen; and quhan he had gottin the same, the quhilk was thre or four merkis mair nor just, zit he wald not ressaue the buttir thairupoun, bot vpon his awin bismeyre, quhilk he had gart mak; quhilk was twa or thre merkis mar of everie lespund nor the grittest bismeyre that was amangis the Duchemen.

The foirsaidis Parochinaris of Nesting, Lunasting, Quhailsay, Skerreiss, Burray, Trondray, Quharff, Goldberwyk, Vnst, Fetlar, Zell, Delting, and Scatsta, Northmaven, Wawiss, Sandsting and Aythsting, and Dunrostnes, sworne and examinitt befor the saidis Commissionaris, dayis, zeir, and place befor specifiet, respectiue, vpon the Secund Article, deponis as followis —

Thay all affirmis and aggreis anent the bismeyre and the ressait of the buttir, and vpon the zeiris, conforme to the formar deponaris, wyth this additioune of the parochinaris of Burray, Quharff, and Goldberwyk, quha affermit, that the man that weyit thair buttir durst do ua vyther wayis for feir of the Laird, because he stude besyde him all the tyme of the weying: And wyth this additioune of the grittest numner of the parochinaris of Scatstay and Delting, quha deponit, that thai gat nathing doune of the wrang wechtis the last zeir: And wyth this additioune of the haill parochinaris of Northmaven aboue speci-feit, quha declarit, that David Tulloch, thair Laurichtman, broucht his bismeyre wyth him to the Duchemennis buyt at Gluss, till haue weyit the buttir thair-upoune to the Laird, according to the dewitie of his office, bot the Laird wald not suffer him to do the saimen; and he said to the Laird, It was ewill done that he wald not lat him wie the Commownis buttir with the just bismeyre quhilk he had broucht with him thair, and said it was not aneuche that he suld oppress the Commownis with ane wrangus bismeyre; and because he spak tha wourdis to the Laird for the rycht in favour of the Commownis, or ever the Laird wald luik on him with patience, he gart him pay to him for the said speiche fyve dolouris: And wyth this additioune of Magnus Reid of Ayth, quha producit in presence of the Commissionaris and the haill Commownis of Sandsting, Aythsting, and Dunrostness, ane letter under the commown seale of Zetland, of the electione of Nichole Ayth of that ilk, fader to the said Magnus, to the office of Lawman-generale of all Zetland, quhilk is of the



dait, In the Ting holm of Tingwale, the xxvij day of July, in the zeir of God J<sup>m</sup> V<sup>e</sup> xxxij zeires, togidder with ane bismeyre, quhilk the said Lawman keipit and observit as ane just bismeyre all his dayis. Lykas the said Magnus his sone, affermit, that he had keipit it sen his said faderis deceiss, and was repute and haldin as ane just and attentik wechte, and for verifcationne thairroff, the Fowdis merk and Lawmannis merk war ingravit in the same; quhilk bismeyre beand conferrit with the Lairdis bismeyre, quhilk he hes usit commounlie sen his entress, the fairsaid Lardis bismeyre transcendis and surmontis the said Lawmannis lafull bismeyre vpon the lespund wecht, ancht merkis mair nor just, quhilk extendis to the third pairt of ane lespund, swa that the Laird hes of the Commownis be hes bismeyre, of everie thre lespundis he ressavis, he hes the fourt lespund attour the just wecht wranguslie; and this was verifit be the haill twa parochinaris aboue mentionat, befor the saidis Commissionaris.

THE THRID ARTICLE OF THE GENERALE COMPLAYNTIS, giffen in befor the Regentis Grace and Lordis of Secreit Counsale, be Arthour Sinclair of Ayth, as eftir followis —

Thridlie, The said Laurence hes, sen hes entrie fairsaid, compellit ws to pay our restis and dettis, and to delyuer to him silver zopindale~~x~~ for twa gullionis, quhair as the samyn hes commoune courss in tymes bygane, and was ressaut for thre gudlingis be all Fowdis preceeding this tua hundreth zeiris bygane.

The haill Inhabitantis of Zetland befor mentionat, sworne and examinit befor the saidis Commissionaris, dayis, zeir, and place respective, fairsaid, vpon this Thrid Article, deponis as followis —

Thay all in ane voce deponis, that the Laird of Cultemalindie tuik the zopindale fra thame in payment of ony rest of dettis that thay war awand

to him, for twa gudlingis allanerlie, quhair as of befor, it was ay tane for thre gudlingis; and as zit the Duchemen will not giff ane zopindaill bot for thre gudlingis wourth of wairis, and thay ar compellit to giff it to him for twa gudlingis, swa hes rasit up vpon thame the thrid mair of all detties and dewities quhilk thai haue not in wairis, ffor the quhilk thay man pay monie, quhilk is the occasionne that bayth kirkmen, merchandis, and vtheris traffeicand in the cuntrie, will ressave the said zopindaillis and vther monie in na vther maner nor the Laird ressaveis the sameu; as als wa, the angell nobill, quhilk was wount to be allowit in thair dettis for sax gudlingis, is now ressauit fra thame for fyue gudlingis, quhairby thai ar gritlie opprest be the Laird continualie sen his entres to the office. And als it is deponit be the Inhabitaris of the North Yles of Zetland, viz. — of the Yles of Zell, Fetlar, and Vnst, that [the] Laird tuik the zopindale fra the Duchemen, quhilk lay within thair Yles, for tua gudlingis, and quhat wairis he tuik fra thame againe, he compellit thame to tak the zopindale, in payment thair off, for thre gudlingis. And als it is deponit be the men of Northmaven, that the Laird compellit all thame that wantit zopindales or angel nobillis to pay thair restis with, to pay for ilk gudling xxiiij babeis Scottis, swa that for the dolour st. that suld haue bein thre gudlingis, to thame allowit in dettis to thame be him bot for tua gudlingis, thai payit xxxvj babeis Scottis. And affoir his entres, the gullioune was nevir bot vj babeis Scottis, swa that, quhair in tymes bypast the pryce of tua gudlingis was bot xij babeis Scottis (to the quhilk pryce of tua gudlingis the Laird hes put the haill dolour to quhair he ressaues monie fra thame), notwithstanding, quhair thai nant the dolour, he compellis thame to pay thairfoir xxxvj babeis Scottis, quhilk is thryss als mekle as thai war wount to pay of befor.

THE FERD ARTICLE OF THE GENERALE COMPLAYNTIS, giffen in befor the Regentis Grace and Lordis of Secreit Counsale, by Arthour Sinclair of Ayth, as eftir followis—

Ferdlie, the said Laurence hes compellit the Duchemen and vther strangeairs resortand to the cuntrie of Zetland, be quham the haille traffeck of the said cuntrie consistis, to pay him als meikle dewtie be way of brybrie and extrordinar impostis, as thay war wount to pay of befor to our souerane Lord and his Fowdis for his Hieness toll and custome; quhairthrow the saidis strangeairs, quha furnist ws all victuales, clayth, yrne, hemp, and vther necessaris, ar appeirand till abstein fra traffeck in our said cuntrie, lykas the principall men of thame hes ellis done, and that for the oppressioun committit vpon thame, till our grit skayth, without remied be maid in tyme.

The haille Inhabitaris of Zetland befor mentionat, sworne and examint befor the said Commissionaris, dayis, zeir, and plaice respective, foirsaid, vpon this Ferd Article, depouis as followis—

The haille Inhabitantis of Zetland befor written, depouis concerning this Fourt Article, that thay ar ignorant quhat the Laird hes gottin fra the Duchemen attour the just toll, becaus they are not permittit to be present at the delyverance thairoff, and ar not participant of the samyn; bot in respect of the grit favor, liberteis, and permissiounis that is grantit and permittit to the Duchemen be the Laird, zeirlie, sen his entress, by auld consuetude and customes of the cuntrie, to the grit hurt and damage of the puir Commownis of the cuntrie quhilk byis all thingis necessairis concerning thair sustentatiouns fra the Duchemen, it apperis, and is presumit, that the Laird ressaveis zeirlie gains and commoditie fra thame according to the termis of the Ferd Article, and in respect of the ressounis particularlie following—

And First, Quhair as it was and is the use, affair that ony schip be tholit, the cowp and pryce of the merchand wairis and geir is and aucht to be sett be the Fowde, and certain honest descereit men of the cuntrie quibilk knawis the lawis, consuetudes, and pryces, bayth of the cuntrimentis wairis and merchandis strangeairis resortand thair; the Laird of Cultemalindie, sen his entrie to the Fowdrie, hes not observit the auld order thairoff, bot hes alterit and brokin the cowp and pryces as followis: that is to say, The pryces of the Duchemen and strangeairis geir is rasit liear, contrair the auld use and custome; for the auld lawfull pryce of the barrell of drinking beir was and suld be for thre gudlingis of cuntrie wairis, sic as of fische, buttir, wadmell, or uther cuntrie wairis; and the barrell of rymeill brannes of twelff lesspond wecht, of the same pryce; bott sen the Laird enterit, the barrell of beir is sett to four gudlingis, and the warst beir that they bring is sett to three gudlingis and ane half; the barrale of branner meil, quhilk was thre gudlingis of auld, now they gar thame pay thairfoir thre gudlingis and ane half, and sumetyme four gudlingis: and zet the scayth is not sa grit of the cowp setteing to the Commownis, as is the hurt that thai have of the exorbitant gilding of the wairis; for quhair as twelff gild keling and aucht gild ling suld mak the gudling, and was evir in use to be tane fra thame for ane gudling, the Duchemen will not ressaive fra thame less nor fourteen, fifteen, or sixteen gild keling, and ten, eleven, or twelff gild ling for the gudling, and this is continewalie usit sen the Lairdis entress, and for na complaynt that thai can mak to him thai can have remeid thairoff, bot the Duchemen ar ouirseine, and the cuntriemen opprest in maner foresaid, for lack of justice.

Secundlie, The Commownis of the haill cuntrie complainis upon the Duchemen. quhair as thai ar hevelie opprest be thair messuris and wechtis; for the Duchemenis can that they tax the beir with, is litill mair nor ane Scottis chappin, for the full of the quibilk they tak fra the Commownis ane Dens schilling, quhilk is

ane gild keling, bot the can that they ressaive the ulie fra the Commownis with, is neir weill ane Scottis quart, albeit they aucht bayth to be equal and alike of messour.

Thridlie, The Commownis ar hevelie opprest be the said Duchemen, as thai affirme and deponis, be the bismeiris wrangusslie maid and markit, swa that xxx merkis upon the small wechtis will scantlie mak furth ane lesspund of the bismeire quhairupone the Commownis ressavis fra the Duchemen; bot they ressave the Commownis wairis upon the grit wecht in haill gudlingis, quhilk hinderis the Commownis of ilk gudling twelf merkis; quhilk diminisses the fyft part of thair dewitie, quhairroff they suld have allowance, be the wrang wecht; and thairby they pay the fyft part attour thair dewities mair nor just.

Ferdlie, It is affirmit and deponit be the Inhabitantis of the North Yles of Zetland, viz.—of Zell, Fetlair, and Unst, before mentionat, that thai are extorsit be the Duchemen be the rasing of the pryces of thair wairis, and diminishing of the pryces of the cuntrie wairis onlie in defalt of the Laird, for the Commownis was wont to get in all tymes of befor the Lairdis entress, aucht cuttell of vnblicht carrott (?) for ane gudling, bot now, sen his entress, thai gett bot sax cuttellis for the gudling; lykwyiss the merk of copper of auld was sauld for twa schillingis of wairis, and now thai tak four schillingis thairfoir; and siclyk hes agmented the pryces of thair hemp and uther grayth: In respect of the quhilk, it is supponit and presumit that the Laird gettis gains fra the strangearis, to suffer and permit thame to use the Commownis on this maner; for thai declair, that the shippis that lye in the Yles delyvrit to the Lairdis doaris. ilk schip halff ane last of beir and meill certane zeiris, bot thai knaw not quhidder he maid payment to the Duchemen or not thairfoir. Bot thai affirme that thai hard the Duchemen say, that the Laird payit thame nathing thairfoir. And als affermis, that the Duchemen schow thame that the Laird tuk the

zopindaill fra thame bot for twa gudlings, yet in payment of thair wairis that he bought fra thame, he compellit thame to tak it again fra him for thre gudlings.

THE FYFT ARTICLE OF THE GENERALE COMPLAYNTIS, gifin in in Bill befor the Regentis Grace and Lordis of Secreit Counsale, be Arthour Sinclair of Ayth, upon LAURENCE BRUCE of Cultemalindie, as eftir followis —

Fyftlie, The said Laurence, in his accustomed manner, efter his arryvale in Zetland with fyften or saxteen armit men, comis to the housses of us the inhabitantis of the said cuntrie, and remains thairintill quhill our victuales and provisioun be spendit; compelling us to furnish him and his cumpanie, for feir of grittar oppressioun, and swa depairtis bot payment of ony expenss and chargeis maid be him and his dependaris to us or ony of us, and that in manner of sorning and skafrie, to our uttar wrak and heirschip, we beand for the maist part all lawboraris and fischaris.

The haill Inhabitaris of Zetland before mentionat, sworne and examinait befor the saidis Commissionaris, dayis, zeir, and place respectivé foir-said, upon the Fyft Article, deponis as followis —

Thay all depone in ane voce, That the Laird was never fewer nor twelff personnis, by strangearis, boyis, and uthers, that convoyit his caryage, quhilk was sustenit be the honest men of the cuntrie into thair housses, quhen as he past athort the cuntrie; and was bankittit, and gat sic cheir as thai nicht furniss, and payit nevar any price for it; and oftymes the gudman of the hous, at thair departing, behuivit to propyne the maister houshald, the cuik, and stewart, with sum gift; with this additioun of the parochynairis of Nesting, that in Hervist was ane zeir, the Laird with his companie beand in Margrat Reidis hous in

Burgh, quhen they had drukkin furth hir provisioun, thair was half ane barrell of beir in Thomas of Kirkabustar's hous quhilk pertenit to Johne Magnussoun in Gounzefirth, and was put thair to keip be him, the Laird gettand wit thairroff, send and gart bring the same to Margrat Reidis hous to his provisioun, and gart publiss throw the parochin, that quatever he was that had ony dreinking beir, and heild and conselit the same fra him, thair haill guiddis and geir suld be escheit, gif knowlege might be had thairroff in ony tyme eftir. As for the halff barrell that was tane, the awnar as zet has gottin na payment thairfoir. And wyth this additioun of the parochinairis of Northmaven, that in sum mennis housses, the Laird, with his companie, wald remane quhill he wald dreink halff ane last of beir, and sumtyme mair; lyk as he did in Andro Robertsoun's, John Robertsoun's, Magnus in Gluss, and Laurence in Glusses housses, and wald repair to thame thre or four tymes in the zeir. And the gudwyffes of the housse, nor thair servandis, gat na entress in thair awin sellaris sa lang as he remanit.

THE SEXT ARTICLE OF THE GENERALE COMPLAINTIS, giffin in befor the Regentis Grace and Lordis of the Secreit Counsale, be Arthour Sinclair of Ayth, upon LAURENCE BRUCE of Cultemalindie, as followis —

Saxtlie, The said Laurence, contrair the custome of our said cuntrie and lawis of this realme, hes at all tymes, sen his entrie, causit courtis to be fensit and haldin within the feriat and cloiss tyme of hervist and vacanis for his particular proffitt, quhairthrow we nicht [not] wait upon our hervist for winning of our cornis, hay, and vther necessars to sustein us in tyme of winter. And lykwyiss causit dyverss of his servandis and suddartis, quhilk ar not natives nor indwelland men in our cuntrie, to pass upone our assyses and inquestis, contrair our lawis and customes, perverting thairthrow our haill lawis to his particulaire comoditie.

The baill Inhabitaris of Zetland befor mentionat, sworne and examinitt befor the saidis Commissionaris, dayis, zeir, and place respectivé foirsaid, upon this Saxt Article, deponis as followis —

And first, The men of Quhytnes and Weisdale anent this Saxt Article, deponis, That the Laird held courtis alsweill in tyme of hervist as ony uther tyme; and in speciale betuixt the Mariemessis, and at everie court, he had twa or thre of his awin men, quha votit and decernit all decreits at thair plessure, and wald gif the Commownis na place to vote bot conforme to thame: Quhairas na men suld sit upon thair decreits bot cuntriemen that kennis thair awin lawis, quhairthrow thair law was wreistit to the Lairdis particular proffit, to the grit hurt of the inhabitaris of the cuntrie; amang quham James Bruce sat upon the assyses this last zeir in mony of all the courtis baldin in Zetland be the Laird, notwithstanding, as thai wer informit, [he] was at the Kingis horne and unrelaxit.

The men of Brassay ar conforme to the formar deponaris upon this Saxt Article, with this additioun: At the last Lawting haldin in Scalloway, quhilk is the heid court of the cuntrie, thai affirme that thair was scarslie the anc halff of the assyiss cuntriemen, and thai gat na vote in the decreits giffin furth; quhairfoir thai war on purpoiss to have tane act that thai gait na consent to the decreits decernit in that court, bot for feir of the Laird thai stayit and durst not.

The men of Nesting, Lunasting, Quhailsay, and Skerreis, examinitt upon this Saxt Article, ar conform to the formar deponaris of Quhytnes and Weisdale, with this additioun: Efter that my Lord Robert had past throwout the parochinis of the cuntrie, and haldin his courtis, the thing that my Lord had remittit and forgiffin, the Laird thaireftir callit thame, and held courtis in Tingwall and Scalloway, and thair sett his awin servandis and utheris of his chosin upon the assyesses, sic as James Bruce, Harie Bruce, and Thomas Boyne, sa lang as he was in his service;



and thair wald conviet thame in sic sowmes as he thought gude, haveand na respect to the lawis of the cuntrie nor gude conscience, bot ony voit of the cuntriemen; and also decernit faltis that was giffin up in Grandrie (quhilk is ane dittay giffin and tane up be ane privy inquest), without any preiff led thairupon: and thai that gaiff up the grandrie sat upon the assyiss, and in speciale Harie Bruce and Thomas Boyne, quha was bayth the upgiffaris of the faltis, and but preiff or witness sat upon the assyiss, and decernit upone the same. And for ane tuilzie that Johne Smyth, officiar, maid in Williame Garyochis houss, Edwarde of Garth, Williame Magnusson in Beinsta, and the said Williame Garryouche, war ilkane decernit in sax dolouris, quhilk thai war compellit to pay to the Laird with rigor; and quhen thai requyrit the clerk for ane copie of the decreit, and bad him ane zopindale and ane half for thair extract of the same, zet he wuld not draw it furth to thame. And thai affirme all, that for na payment nor request that thai can mak, the Lairdis clerk will not giff forth the extractis of the decreitis, nor zet can thai have executioun thairupon, except it be for the Lairdis awin particular profit.

The men of Vnst, examinit upon this Saxt Article, agreis with Quhytnes and Weisdale, with this additioun: Harie Bruce and Thomas Boyne beand procurators, sumtyme effeir that thai have pursewit in ane actioun, hes been permittit to sit upon the assyiss, and to decerne in the same actioun that thai procurit in of befoir. And in speciale, in ane actioun quhair Harie Bruce stude up and procurit for Barthole Strangis wyff, the said Barthole beand furth of the cuntrie, and sche compellit to answer, for na exceptioun of the law that sche culd propone thai wald desist, bot procedit aganis her; quhairas of the law her husband suld have bein callit, and not sche. And the said Harie unrequyrit of hir, takkand hir procuratioun upon him, sat down agane upon the assyiss, and gaiff vote contrair the actioun, for the quhilk he procurit; this proven be certaine honest men of Vnst, viz. — Walter Smyth, Johne Coupland, Magnus Cowhouse, Paule of Maill, with vtheris dyuerss.

THE SEWINT ARTICLE OF THE GENERALLE COMPLAINTIS, giffin in in Bill befor the Regentis Grace and Lordis of the Secret Counsale, be Arthour Sinclair of Ayth, aganis LAURENCE BRUCE of Cultemalindie, as followis —

Sewentlie, The said Laurence, under pretence and cullour of nichtborhood, quhair the use was that the hail parochin, callit ane Scathald, payit for the vnlaw of swyne worting, callit Swyne Ruting, xl babeis, he hes compellit ilk man in the parochin to pay to him thairfoir thre zowpundaleis throw the hail mayneland; quhilk extendit in ane zeir in the mayneland by the Yles to thre hundreth zopindales, to our vtter heirschip and wraik.

The Inhabitaris of Zell, Fetlair, and Unst, befor specifit, sworne and examinit upon this Sewint Article, deponis as followis, that is to say —

In Unst there is xxi scatlandis, vtherwayis callit Scathaldis. The Laird, hald-and Court at Sca, in Unst, inquirit giff thair was ony swyne ruting in that Yle. The ordour of punissing of swyne ruting be the law of the cuntrie is this; Quhen ony man compleins upon hes nichtbor for ruting up of his corne or his medo with the swyne, the assyiss, after the probatioune and tryale tane of the scayth that is done to the complenar, decernis him in amendis, outhet of corne or gerss, according to gude conscience, sa far as the scayth is provin; and giff it be the Kingis land that is ruted, the unlaw of the law that fallis to the sheriff is thre merkis Zetland payment, viz. — ane dolor; and gif it pertain to the kirk or outhale men, the Kingis unlaw is the less. And giff na man compleins upon swyne ruting, it aucht not to be tane up be way of Granderie. Zet nevartheless, the Laird, contrair the law and practik of the cuntrie, put it up as ane article of the Granderie. And quhen the assyiss was requyrit to sit and decern thairupon, the hail honest

men of the Yle refusit and past of the assyiss; zet notwithstanding, Thomas Boyne, the Lairdis awin man, with his clerk and strangeris that was placit on the assyiss, maid furth ane decreit thairupon, and decernit ilk seathald within the said Yle to pay to the Laird thre dolors for the swyne ruting, quhilk the Laird gart poynd tra the Commownis. For payment of the quhilk the puir Commownis was compellit to sell thair ky to the Duchemen for half pryce, becaus thai had na reddie silver. The soun that the Laird gat wranguslie thairthrow in the said Yle, extendit to thre scoir thre dolors; quhilk scaythit the Yle, be ressoun of the small pryce that thai gat for thair guddis to the valor of ane hundreth dollors and mair, as thai tuik upon thair conscience. And sic as had not ky to sell, war constrainit to sell their land out at the grund, to get silver to outred the said unlaw.

The Inhabitaris of Fetlar foirsaid ar conforme to the depositions of Unst; and thai grant and confessis that thai have payit for ten scatlandis contenit in their Yle, in the same maner as Unst hes done, to the Laird for the swyne ruting, but dome or law xxx dolors; and for lack of reddie monie was constrainit to sell thair guddis and landis far within the worth, lyk as the men of Unst hes deponit.

The Inhabitaris of Zell, knawand that the Laird wald have had ane dome of thaim of swyne ruting at his Court haldin thair, supponit to be na better handlit nor the other twa Yles was, they war faine to aggrie with him, in case he suld have put thame to ane grittar Intendment; swa that for ellevin seathaldis that is within that Yle, thai payit him xxxii dolors: And giff the Laird causit ony dome to be maid thairupoun, the men of the Yle that sat upon the assyiss affirmis, that thai consentit never thairto.

The Parochinaris of Dunrosnes, sworne and examinit upon this Sewint Article, deponis, That thair was not ane in that parochin, puir nor riche, that

had samikle as ane gryiss, and culd not quyt the samen of swyne ruting, bot he was poyndit for thre zopindalis; quhairas thai allege, that thai ar grittumlie wrangit by the rest of Zetland, for in uther parochinis and yles he tuik bot for everie seathald thre dolors, bot in this parochin he gart everie man particularlie pay thre dolors; and for payment thairoff their gudis and geir war comprysit, meikle inwith the avale, quhilk was to thair double hurt; and the sowme that the Laird gat furth of the said parochin, for this unlaw of swyne ruting, is calculat amangis thame to extend to ane handreth and four dolors.

The Parochinaris of Delting and Scatstay, Burray, Trondray, Quharff, and Godberwyk, sworne and examinitt upon this Sewint Article, deponis, That becaus thai hard wourd of the exorbitent unlawis that was tane up in utheris parochinis, sic as Unst, Zell, Fetlar, and Dunroston, foir feir thairoff thai slew thair haill swyne, quhen thai war out of ply, that they suld not be unlawit thairfoir; quhilk has done them grait seayth.

The Parochinaris of Tingwale, sworne and examinitt heirupon, deponis, That thair was na swyne haldin with thame, except Erasmus of Watbustar, and Laurence of Hammersland, quha for twa gryseis that they had, componit and payit betwixt thame ane dolor thairfoir to the Laird.

The Inhabitaris of Brassay, sworne and examinitt thairupon, deponis, That for feir of the rigorus handling that thai hard tell was usit upon their nichtbouris be the Laird, thai had slain donne all thair swyne; except Nichole Johnstoun of Congasettar, quha for ane swyne quhilk he had that did na harme to any nichtbour, his kow was tane, at comand of the Laird, be Andro Giffurde, and sald, and the pryce thairoff delyvrit to the Laird, na dome nor law passand thairupon.

THE AUCHT ARTICLE OF THE GENERALE COMPLAYNTIS, giffin in in Bill befor the Regentis Grace and Lordis of the Secret Counsaile, be Arthour Sinclair of Ayth, aganis LAURENCE BRUCE of Cultemalindie, as followis —

Auchtlic, The said Laurence continuand in his oppressioun, quhairas be the auld custome of our said cuntrie that for breiking of nichtbourheid, the haill parochin, callit the Scattald, payit fyve gudlingis, now he compellit ilk man in the parochin to pay for the said unlaw, fyve gudlingis, quhilk will extend to grit sowmes, to the grit hurt of us, the Inhabitantis of the cuntrie.

The Parochinaris of Quhytnes and Weisdale, Nesting, Lunasting, and Quhailsay, examinit and sworne upon this Aucht Article, deponis —

That the order is, amangis nichtbouris that dwellis within ane seathald, gif ane brute be rasis upon thame, and the factor cannot be found out, quhen thai ar all put to acquittance, and quha that failzeis to be quyt, becommis conviet in ane domeraw, to be payit amang sa mony as is unquyt coniunctlie, ilk man his pairt; neuirtheless, thir parochinaris deponis, That the Laird in his last Court, haldin at Quhytnes, chargit ten houshaldis for scoulding, that is to say, for ane sclander and brute that was rasis upon sum of the town, quham thai culd not get knowlege off, to quyt thame of scheip that wantit. Quhilk acquittance was ordanit be Olaw Sinclair, Fowde of Zetland for the tyme, and lay deid and sleipit, quhill now in Hervest 1576; at quhilk tyme the Laird of Cultemalindie waknit the samyn, and tuk fra everilk ane of the ten houshaldis fyve gudlingis, quhilk is the haill sowme of ane domeraw, extending in the haill to fiftie gudlingis; quhairas the haill ten houshaldis aucht and suld have payit bot fyve gudlingis amangis thame all, gif thai had failzieid acquittance: Off quham sum was on lyve, and sum was deid, zet he gart the airis of thame that was deid mak payment. The names of the ten houshaldis are — Jacob in Scairane, Thomas of Girdilsta,

Hutchain of Branhammerslaud, Erasmus of Watbustar, Nichole of Catfirth, Henrie of Catfirth, Magnus of Crown, Ereik of Strandfurde, Magnus Andersoun, Erasmus of Wathsettar. The men of Nesting, anent this Article, deponis, That the officiar pundit everie ane of thir foirsaid persounis for ane domeraw, and tuik of thame attour that to himself of ilk man, ij babeis Scottis. And thai affirme that thair is twa of the ten lyand under the danger of punding, and not poyndit as zett for this unlaw.

THE LAST ARTICLE OF THE GENERALE COMPLAYNTIS giffen in befoir the Regentis Grace, and Lordis of the Secreit Counsale, be Arthour Sinclair of Ayth, aganis LAURENCE BRUCE of Cultemalindie, as followis—

Last of all, the said Laurence hes continewalie, sen hes entrie in our said cuntrie, zeirlic, and ilk zeir, usit to tak up dittayis, usit justice courtis, callit be us Grandraiffes, quhilk was never usit of befoir, bot ilk sewin zeir, thairthrow oppressing us with all kynd of tyranie and wrang, and compelling us to giff and delyver to him our gudis and substance in grit quantitie, in sic sort, that we ar altogidder put to grit povertie and heirschip; swa that thair is na natioun under grittar slaverie and oppressioun be the meins foirsaid nor we ar, and will be compellit to leiff our cuntrie desolat of the pepill and laboraris, to seik our habitatioun in sum forane natioun, without your Grace and Lordships provyd sum haistie remeid.

All the Inhabitaris of Zetland foirsaid, ressaunt and sworne, and examinit befoir the Commissionaris, deponis all in ane voce upon this Last and Nynt Article, That the same is trew, and affirmis, that not onlie the Laird tuik up the Granderie zeirlic, bot at ilk Court that he held, bayth in the Mayneland and Yles. And for the better understanding of this terme of Granderie, thai defyne the samyn to be ane law, quhairby ane previe dittay of all faltis and crymes

committit or done contrair the comown law, quhilk suld be tane up be ane generale inqueist of the maist honest men of ilk parochie and yle ans in the sewin zeir, giff neid be, and na oftar. Bott the Laird, sen hes entres, hes abusit this law be the continewale and daylie using thairoff at everie Court haldin be him; be the quhilk not onlie is the criminale persounis punissit, bot alswa the innocent are grivouslie wrangit and opprest thairby—

First, Be the frequent using of the samyn, contra the custome and consuetude of the cuntrie.

Secundlie, That the said previe dittay beand tane, he will permit na probatioun to be led thairupon, but the parteis indytit ar haldin convict, ewin as probatioun had bein led and ressavit thairupon.

Thridlie, The dittay quhilk suld have been giffin up be ane generale inqueist of honest men, is tane up be him and his clerkis in previe maner, of the parteis enemeis and ewilwillaris; quhairthrow sum are spulzeit of thair haille gudis and geir, and of thair honestie and fame, and vther sum componis with him, for feir of thair lyff, at his plessur.

Ferdlie, Thair is ane branche of this law of Granderie, callit Sculdin, that is to say, ane brute or sclander of thift, pykrie, or sic uther crymes, rasit by the deid of ane single persoun in ane parochin or yle, quhairoff na probatioun can be had quha is the committar thairoff, in that case the haille nichtbouris within that pairt of the parochin or yle are generable put under acquittance of the said brute; and swa quhen they cum to offer thair acquittance, it is ofter refusit nor resavit be the Laird; and giff this first acquittance beis not admittit nor ressavit be the Laird, thai pay thair unlaw thairfoir to him, and than ar thai put to the second hear acquittance. Quhilk seindill or never is ressavit be the Laird, be ressoun

the first less acquittance was not ressavit nor admittit, and swa ar thai pundit for falzeing of the second acquittance in the tripill of the first unlaw, and syn put to the hieast and last acquittance; quhairin, giff thai failzie and beis not quyt, thair haill guddis and geir ar confiscat, or ellis thai man compone thairiør with him, and swa the multitude of innocent persounis ar punist wranguslie for the offense of ane trespasser; and becaus this law of Granderie is ane meins and way to spulzie honist men of thair substance, thairiør he usis it the ofter at everie Court zeirlic haldin be him in the cuntrie.

HEIR ENDIS THE GENERALE COMPLAYNTIS, giffin in in Bill befor the Regentis Grace and Secreit Counsale, be Arthour Sinclair of Ayth, aganis LAURENCE BRUCE of Cultemalindie, and the Probatiounis led thairupon: AND HEIREFTER FOLLOWIS THE UTHIR COMPLAYNTIS, GENERALE AND PARTICULAR, not contenit in the said Bill, bot giffin up to the foirsaid Commissionaris be the Inhabitaris of Zetland within specifeit, efter thair arryving in Zetland; with thair probatiounis led thairupon, place, zeir, month, and dayis respectivé above specifiit.

In the first, Thair is ane dewitie, callit Leanger, quhilk the Comownis of Zetland payis zeirlic, followand thair wadmell, quhilk extendis to four Dence quhytis, or ane calff skin, with everie xxiiij cutteill of wadmell. Bot the Laird, sen his entress, hes compellit thame to pay to him, throw the haill cuntrie, for everie Dence quhyt, quhilk is thre halfpennies Scottis, ane babie, or ellis ane calff skin, quhilk is four tymes als mikle as they war in use to pay befor his entress: Quhilk thing, be ressoun of the uniuersalitie and pretendit perpetuitie, is ane intollerable oppressioun.

The quhilk new impost and oppressioun, the baill number of the Inhabitaris of Zetland within specifiit, ressaunit and sworne the dayis respectivé befor rehersit.



hes testifit, deponit, and verifit to be of treuth, and ar all in ane voce thair-upon conforme.

Secundlie, The hail Comownis within specifit, ressaivit, sworne, and admittit upon the complaynt of the wrangus ressaivit of the ulie, proponit be the auld Lawrichtmen of the cuntrie, deponis, That according to the use and consuetude of the cuntrie, ane just Bramer barrell, quhairin thair ulie is ressavit, suld contain na less nor xlviii cannis of ulie: Quhilk can suld be largear of quantitie nor the content of liquor that is put thairin, and suld be markit with ane plowk on ilk syde, within the superior part, under the mouth thairoff: Quhilk plowkis is the just messor of the can that the ulie suld be fild to, and not transcend the samyn; and quhen thai fill it to be put in the barrell, it suld stand upon ane just cwin erd, and fild quhill the plowkis swome equalie, and na hiear. Bot now, sen the Lairdis entress, he hes maid his can sa grit with the quhilk he ressavit the ulie, swa that xxxiv cannis, or xxxvi at the maist, fillis the barrell, and that be ressoun his can wantand plowkis, quhen it is fild is not set cwin upon the erd, as it suld be, bot in ane tummell standand in the bung of the barrell; and swa they fill the can at ilk tyme, quhill it rin our neir ane copfull or thairby, quhilk passis in the barrell with the canfull; and swa be the wrang messor and wrangus hand ressavand, thai ar opprest and spulzeit attour the ferd part of thair righteons ulie dett, or thairby.

Thridlie, The auld Lawrichtmen of the cuntrie compleinit, quhair the Fowdis of the cuntrie furnist, in tymes bygane, the barrales that ressavit the butter and ulie quhilk the Comownis payit, or ellis, quhen thai causit the Comownis furniss any barrales of thair awin to that effect, the Fowdis gaiff thame allowance and payit thame thairfoir. Bot now the Laird of Cultemalindie, sen his cumming to the office of Fowdrie, hes compellit thame zeirlie to furniss barrales upon thair awin expenss, without ony maner of allowance, or payment of the hail

butter and ulie that thai pay in dewitie to the King zeirlie ; quhairintill the Comownis ar gritlie hurt and opprest as affoir. The hail Comownis of Zetland within contenit, ressanit and sworne the dayis respectivé befor rehersit, hes testifiit, veriifiit, and deponit this Complaynt and Article to be of trewth, all in ane voce.

Ferdlie, It was hevelie lamentit and complenit be the said auld Lawrichtmen of the cuntrie of Zetland, that quhair the Laird of Cultemalindie, sen his entres, hes rasit ane new exaetionn upon the cuntrie, quhilk was never tane of befor be na Fowde, of certane oxin and scheip zeirlie furth of ilk parochin at the tyme of the baldin of the lawting. The Inhabitaris of the cuntrie within contenit, ressanit and sworne the dayis respectivé before rehersit, examinitt upon this Article, deponis as followis —

And first, The Parochinaris of Quhytnes and Weisdale testifiis, that the Laird compellit the men of this parochin to pay ilk zeir of twa zeiris to him, quhen he com to Tingwall or Scalloway, ane ox and twelff scheip, and the uther twa last zeiris thai payit bot sax scheip ; quhilk wrang custome is broucht up be him upon thame of new, and was never upon thame of befor.

The Parochinaris of Brassay, concerning this Article, testifiis, that the Laird causit thame to pay to him ilk zeir, sen hes entres, ane ox and twelff scheip, by geiss, hennis, fische, buttir, and eggis, but ony payment or allowance thairfoir, except this last zeir, quhairintill he requyrit na sie thing of thame for nocht ; quhilk was never ane dewitie of befor, but rasit be him, and gart poyind thair gudis for payment of the samyn.

The Parochinaris fairsaid of Nesting, Lunasting, Quhailsay, and Skerreis, declaris, that the Laird compellit thame to pay ilk zeir, sen his entres (except

this last zeir), ane ox and xxiii scheip, quhilk is ane wrang custome and ane grit oppressioun, for thai gat na payment thairfoir; and that it was never in use in ony tyme preceeding to be payit, nowthir to Fowdis nor vtheris, that had charge and care our the cuntrie of Zetland.

The Parochinaris of Burray, Quharff, Trondra, and Godberwyk, affirmis, that the Laird tuik of thame, ilk zeir of twa zeir, ane ox and twelff scheip, quhilk was ane wrang custome, and was never in use to be tane affoir in ony mannis tyme.

The Inhabitaris of Zell affirmis, that ilk zeir of thre zeiris the Laird hes causit thame pay to him ane ox and twelff scheip; and Unst affirmis thai payit in lykwyiss as Zell. And Fetlair testifis, that the first zeir of the Lairdis entres, thai payit to him ane ox and twelff scheip; the second zeir, ane kow and twelff scheip; and the third zeir, becaus the deid come amang the gudis of the Yle, he relevit thame of the ox, and tuik bot twelff scheip: Quhilk extortioun and wrangus custome the Laird layde doun this last zeir, feirand giff he continewit in it, that he wald be complenit upon.

The Inhabitaris of Delting and Scatsta affirmis, that the Laird causit thame, ilk zeir of thre zeiris, to pay him ane ox and twelff scheip furth of their parochin, quhilk was never in use to be tane of thame of befoir. Northmaven affirmis, thai payit conforme to Delting of oxin and scheip. Wawis testifis, thai payit in thre zeir thre oxin and thre doissoun of scheip. Sandsting and Aythsting testifis, that in twa zeiris, the Laird causit thame to pay to him, ilk zeir thairoff, ane ox and twelff scheip; the third zeir, becaus thai had not ane ox to giff him, he tuik xxiii scheip of thame; and the last zeir, he tuik certain scheip of thame, to the number of sax, sevin, or aucht, and promisit payment thairfoir. bot as zet is unpayit.

The Inhabitaris of Dunrosnes declaris, that the Laird tuik fra thame ilk zeir of thre zeiris, ane ox and twelff scheip, bot the last zeir he tuik nathing thairoff fra thame.

Fyftlie, It was compleit be the said auld Lawrichtmen, that the Laird had compellit the haill countrie of Zetland to pay to him ane taxatioun in the first zeir of his last entres, allegeand that it was to sustein his suddartis upon. And thai that wuld not pay the samyn, he poyndit thair gudis and geir thairfor, and giff thai maid obstacle, thai war dung be the officiaris, and thair geir tane fra thame thairfor; amang quhom ane honest man, callit Andro Michelsoun, dwelland in Hollibustar, teunent to the Kingis Grace, was dung be the officiar, Harie Bruce, becaus he wald have stayit his geir fra poynding for the said taxatioun.

The haill Inhabitaris of Zetland within mentionat, ressauit, sworne, and admittit, zeir, place, and dayis respectivé before said, hes testifit upon this Article of the Taxatioun, as followis —

Quhytnes and Weisdale, being bot puir fischermen, payit in the said taxatioun twelff dolouris and ane halff. Brassay, beand bot to the number of xxx puir fischaris, payit contrair thair will, in the said taxatioun, twelff dolouris. Nesting, Lunasting, Quhailsay, and Skerreis, payit in this taxatioun threttie dolours, nevertheless thai war constrenit, as thai affirme, to feid the Lairdis suddartis all the tyme thai war in the said cuntrie. Tingwall affermis, that the Laird and his servand Harie Bruce, tuik in this parochin for this taxatioun, fiftie dolouris. Burray, Trondra, Quharff and Goldberwyk, affermis, that the Laird gart this puir parochin pay in this taxatioun, twentie dolouris; and war nocht David Clerk of the Brintyland and vtheris, merchandis, lent and fristit thame the dolouris, thair ky and exin had been poyndit thairfor, to thair utter wrak. Zell payit in this taxatioun to the Laird thre scoir of dolouris. Uust payit to the Laird, be the handis

of Barthole Strang and Thomas Cowtis, in this taxation, fyve scoir of dolouris. Fetlair payit heirintill be the handis of James Sutherland, till Andro Mowat, quha ressavit in the Lardis name twentie dolouris. Delting and Scatsta payit in this taxt to the Laird, clewin pund Scottis. Northnaven, this parochin hes giffen up particularlie, be ilk man in our name, quhat thai payit, quhilk beand calculat befor the Comissionaris, extendit that this parochin payit to thre scoir four dolouris. Wawis affermis, that thai payit to the Laird in this taxation, threttie dolouris. Sandsting and Aythsting declaris, that the Laird had fra thame in this taxation, threttie-four dolouris. Dunrosnes affermis, that thai payit to the Laird in this taxation, thre scoir of dolouris.

Saxtlic, It was complenit be the said auld Lawrichtmen, that quhair for ilk thre zeiris gerssowme of ane last of land, thai war wont to pay fyve dolouris, quhilk is callit the Eistercowp and Landsettertoun; but now sen the Laird began to be Chamberlaine, he has taue for ilk last of land sewin dolouris and ane halff, quhilk is of everie last of land within Zetland, in thre zeiris, twa dolouris and ane halff dolour mair nor richt, or ever was payit of befor, quhilk extendis everie thre zeir to thre hundreth dolouris and better, of new augmentatiounis of gerssowmes.

The haill Inhabitaris of Zetland befor mentionat, sworne and examinitt upon this Article, zeir, place, and dayis respectiv affairsaid, hes testifitt this Article to be of trewth; and notwithstanding of this new augmentatioun of gerssowmes, thai got not the takkis kepit and observit quhill all zeiris that thai haue payit for be outrun. For quhair as thai haue payit twa gerssowmes in maner foirsaid, for sax zeir takkis, he will not suffer thame to bruik the last saxt zeir, bot compellis thame at the begynning thairoff, to tak new takkis agane, and pay new gerssowmes, and swa makkis the last zeir of the former assedatioun to be the first zeir of thair new assedatioun; and swa thai pay dowbill gerssowmes for ane zeir, togedder with the wrangus augmentatioun foirsaid.

Sewintlie, It was complenit be the saidis auld Lawrichtmen, that quhair it is the use and consuetude of the cuntrie quhen ony man or woman deceissis, haveand landis, gudis, or geir, to be divydit amangis the airis, the Underfowde (quhilk is the baillie of the parochin or yle), accompanyt with certane honest nichtboris, cummand to the principall houss quhair the persoun deceissit, callit the Heidbull, for making of the divisioun of the said airschip, callit ane Scheind, gat for his fee of the haille gudis nyne schilling Dense, quhilk is sax schilling Scottis, or thairby. But now sen the Lairdis entres, he hes dischargit the Underfowdis of thair offices and fee in that case, and hes tane in place of the said nyne schillingis Dense, ane sax schilling ox, quhilk is the maist sufficient ox that can be had, to him selff of everie persounis gudis that deceissis.

The haille Inhabitaris of Zetland above specifit, sworne and examinait upon this Article, all in ane voce deponis the same to be trew; and in particular, Laurence of Air, personalie present befor the Commissionaris, testifit be his haille nichtboris, that quhen his fader Olaw of Eister Seail deceissit, the Laird compellit him to pay ane ox pryce, viz. — thre dolouris, for his scheind fee.

Auchtlie, It is lamentit and complenit be the auld Lawrichtmen of the cuntrie, that quhair the Inhabitaris of the cuntrie are hevelie and exorbitantlie opprest sen the Lairdis entres to the office of Fowdrie, in wrangus taking up of unlawis of the absentis fra courtis, not beand summound nor dempt thairto, bot onlie callit upon the stembirth, thair lawfull sonzeis oft tymes repellit; for of the law and practik of the cuntrie, the absent fra the Lawting, aucht and suld be unlawit in xl babeis, quhilk was payit in Olaw Sinclair's tyme with twa dolouris. This Lawting is the principall court haldin in the cuntrie in the haille zeir, to the quhilk all men aucht to cum, bayth Mayneland and Yles, that hes land and heritage or grit takkis of the King. Bot the Laird in his tyme hes tane up, without respect of persounis, of all absentis fra the Lawting, for the said xl babeis thre dolouris

and ane gudling. And quhair current courtis was haldin be the Fowde in ony parochin or yle, the absentis therefra war unlawit in four merk Zetland payment, quhilk was payit with saxteen shillings Scottis in Olaw Sinclair's tyme. Bot now the Laird compellis thame to pay twa dolouris thairfoir. The haill Inhabitantis aboue specifit, ressaut, sworne, and examinitt upon this Article, deponis the same to be of veritie.

Nyntlíe, It is hevelie lamentit be the said auld Lawrichtmen, that quhair the Laird of Cultemalindie, sen his cuming in the cuntrie, hes grevouslie opprest thame be flitting and furing his servandis and gudis, bayth be see and land, throu his our frequent travelling, and pairtlie throw transporting of him, his servandis and gudis be see, in langar distance and space nor use and wount was befoir, with the perill of thair lyveis, and without meit and drink, or payment thairfoir.

The haill Inhabitaris aboue specifit, ressaut, sworne, and admittit, zeir, place, and dayis respectivé beforesaid, deponis and testifiis this Article to be trew, as particularlie followis —

First, The men of Brassay foresaid, deponis, quhen the Laird passis in threw the cuntrie (quhilk he dois our oft) he causis warne all the Parochinaris to cum with thair horss and boitis to fure him. And albeit that thair cum horss and botis sufficient to staik him and his companie, zet gif ony man beis absent with thair horss or boit, he causis poynd thame for xl babeis Zetland payment, for the quhilk he takis up thre dolouris, but dome or law. And this Yle of Brassay complenis that the Laird compellit thame this last zeir to transpoirt his gudis, extending to thre lastis of butter and vther geir, fra the Yle of Brassay to Swounburgh, quhilk is twentie myles of seagait, upon thair awin expensis, but ony allowance or payment; quhilk thai never war in use to do of befoir to ony Fowde, and was in danger of thair lyveis in thair passage.

The Parochinaris beneith Tingwall, that is to say, betwixt Tingwall and Scalloway, ar complaynters on the Laird: Quhair as he compellis thame to fure him, his servandis, gudis, and geir, ferdar be twelff myle of see, nor ever thai war wount in uther Fowdis tyme to do; and quhair as thai war bot thrysse in the zeir wount with flitting and furing, and gat allowance and payment thairfoir, now he compellis thame continewalie to flit and fure him and his geir as he hes ado, but ony payment or allowance; quhairthrow thair boitis ar brokin and thame selffis put to uttar wrak. And sicklyk thir Parochinaris of Tingwall compleinis upon the Laird, quha compellis thame to flit the haill gudis, baith of King and Bishop, of the North Yles, that cummis to Laxfurde fra the same, to Scalloway; Quhair as thai war never chargit thairwith of befoir, bot was weill payit for the same. But now giff thai refuse to carie ane barrell, thai ar compellit to pay xl babeis to the Laird, quhilk is tane up fra thame in thre zopindales and ane half.

Burray, Quharff, and Goldberwyk, and Trondray, deponis, anent the furing of the Laird, his cumpanie and gudis, and unlawis uptaking thairfoir, thai ar conforme to Brassay; affirmand, that thai ar compellit till leiff thair lynes in the sey, and to flit and fure by use and wount, but ony maner of allowance, or meit or drink, giff they suld die for hungar. And mairattour, thai complein upon the Laird and his doaris, that at ane tyme quhen certane boitis of Burray, Goldberwyk, Quhairff and Trondra, war lyand at Havera at fisching, the Laird send his servandis fra Scalloway to thame, and tuik fra everie boit, but payment making, twa fische, ane keilling and ane ling, quhilk was done upon ane Tysday, and upon Setterday thairafter, they cummand with thair fische to Scalloway to thair merchandis, the Lairdis servandis tuik agane fra ilk boit twa fische, keilling and ling, and wald giff nathing thairfoir, the number of the boitis that the fische was tane fra, war ten or twelff. And the boitis of Burray and Trondray, at sundrie vther tymes, cumand to Scalloway, war spulzeit of thair fische be thame. And giff thair had bein bot twa fische in the boit, thai wuld have ane of thame.



Delting and Seatsta declaris, that quhair thai war in use and wount of befor to pay thair scatt and landmales of butter and ulie at Laxfurde, bot thir twa or thre zeiris sen the Lairdis entress, he hes causit this parochin to bring thair butter and ulie to Northmaven; and thair ressavis and packis, and thairefter compellis thame to transpourt the same, or samekle vther mens gudis thairfra to Laxfurde, quilk is xxx myles or thairby of dangerus passage of seis, and gettis nether payment, allowance, meit nor dreink thairfoir. And the Commownis desyris to be relevit of this oppressioun for Goddis saik.

Northmaven concerning this Article, deponis, That the Laird causit ane croce pass throw thair parochin to warne boitis to flit him and his companie our to Zell fra Collafirth; and becaus the boitis come not sa sone as he desyrit, he directit furth his precept, but ony tryale taking, or dome or law passand thairupou, and causit poynd thair personnis following, viz. — Laurence of Gluss ane angell nobill, ane curchie quhilk cost twa gudlings, with ane pair of wovin hoiss; not the less this man was present thair, reddie to flit and fuir upon his nichtbouris boit, as his nichtbouris testifiit. Lykwys, Johne in Barrasettar had his boit present to serve, zet he was poyndit, and payit twa zopindales to the Laird. Gregorius in Burrowland had his ox prysit thairfoir, and to releiff him, payit twa dolouris to the Laird. Williame in Clodasettar for the same, payit alsmeikle wadmell of gud clayth, quhilk suld have bein his wyff ane kirtill, with hir curchie, because he had na vther geir. Olaw in Houle for the same payit ane horss. Into the grund betwixt Collafirth and Lyen, thair is fyve sindrie houshaldis, quhairfoir thair was twa widois quha had thair hussbandis perissit upon the see aucht or nyne dayis of befor, quha wantit servandis; zet the Laird gart poynd thame, the ane wantit her kow, and the vther wantit alsmeikle clayth as extendit to ane kowis pryce: Quhilk twa women for povertie scalit thair houses, and had never ane hous of thair awin sensyn. Magnus in Quyfirth, quha flittit the Laird and his servandis twyiss that day our the firth, becaus he was not sa sone reddie in the

morning as thai wald, or he was eunmit hame fra the last flitting, his kow was tane, and to freith her, he behavit to pay twa dolouris. Johne in Lyen, quha had his horss and his boy flittand the Laird that day, zit neuirtheles his kow was tane for ever away be the Lairdis servandis. Nichol in Swynasettar haveand his horss and boy with the Laird that day in lykwyiss, zet his kow was tane fra him for ever. Johne Oxnasettar, for the same, was compellit to pay twa dolouris to the Laird. Thomas in Colafirth, for the same, had his kow poyndit be the Lairdis officers, and wantit her for evir. Andro in Colafirth sielyk wantit his kow thairfoir.

The Parochinaris of Wais, concerning this Article, deponis, that quhen the Laird come throw thair parochin, giff the werst boy that was in his companie gat not ane horss to ryde upon, the Laird wald gar thame that refusit pay xl babeis thairfoir of Zetland payment. And the Lairdis boyis that buir gunnis or vther grayth, compellit the honest mennis servandis, and giff thai had na servandis, compellit thame selfis to beir the gunnis and grayth, sa far as thai had to pass. Magnus Erasmussoun in Kirkagarth, and James Bie in Stopness, compleinis upon the Laird, quhairas he causit thame to fuire frae Wais to Papay at Burray, eer-tane lammis, quhairoff twa deit be the way, for the quhilk the Laird gart thame pay twa lammis agane. And becaus thai zeid not at the first charge, he poyndit fra ilk ane of thame ane kow.

Dunrosnes deponis anent the unlawis for flitting and fuiring with horss and boitis, within thair parochin, that the Laird causit poynd thir men following, albeit at thair horss was ridden with his companie, viz. — Magnus of Watbustar was poyndit and payit thre dolouris and halff ane gudling. Olaw in Clapwall was poyndit and payit thre dolouris and halff ane gudling. Magnus in Wastous was poyndit and payit twa dolouris and halff ane gudling. Erasmus of Flattabustar was poyndit and payit thre dolouris and halff ane gudling. Olaw of Flattabustar was poyndit and payit thre dolours and half ane gudling.

Tenthlie, It is complenit be the foirsaidis auld Lawrichtmen, that quhair affoir the Lairdis entres, be the law and consuetude of the cuntrie, the unlaw of blude, efter the quantitie of the hurt, was dempt be the discretioun of the assyiss, the twa part to the pairtie, and the thrid to the sheriff. But sen the Laird was Fowde, he hes gart decerne the unlaw to the sheriff, and nathing to the partie. And giff ony thing be dempt to the partie for the blude, thai get na payment thairroff, nor can get out the decretis to obtien the same be, for na payment fra his clerkis, nowther in actiounnis o' blude nor na vther actiounnis civile or criminaile, without grit difficultie. And attour, it is hevelie compleint be the said Lawrichtmen, that quhen and how oft the Laird depairtis furth of the cuntrie toward the south, he leiffis na depute nor deputis behind him to minister justice in the cuntrie, and to keip gude revill and ordor thairin till his returning, bot dischargeis all underfowdis in thair particular parochinis, of executioun of thair offices, until his returning, as said is. The quhilk Article and Complaynt the hail multitude of the Commownis above specifiit, ressaut, sworne, and examinit, deponis to be of veritie.

Ellewintlie, It is lamentit be the said auld Lawrichtmen, that quhairas of the law and consuetude of the cuntrie in all tyme precedand the Lairdis entres, the Comownis payit thair dewities, callit Wattill, upone thair Lawrichtmanis bismeyre, be ane nummer and calculatioun callit merkis. Quhairas the Laird now compellis thame to pay the same in gudlin-taill upon the Dutche bismeyre, quhilk is thre or four merkis mair nor just; and swa of everie sewin merkis of wattill that thai pay in dewitie, thair is nyne schillings Dense mair tane fra thame nor thai aucht to pay. Quhilk alsua provin be the foirsaid Comownis.

Twelfilie, It is lamentit be the said Lawrichtmen, that quhairas befor the Lairdis entres in the office of Fowdrie, gif the Duchemen lay upon ony grund, and held buyth thairon, the man that aucht the grund, or had the same for dewitie

paying, was wount to gett for the grundleiff ane barrell of beir, or ellis ane barrell of meill. But sen the Lairdis cumming, he has tane the same to him self, and will giff thame na recompenss thairfoir. And sielyk, quhair affoir the Lairdis cumming, at the cowp settein of everie schip and merchannis wairis thairroff, it was the use that the Comownis of that pairt or yle gat ane cowp barrell of beir at the said cowpsetting. Bot the Laird, sen his entres, at dyvers places and tymes, hes dispenst with the Duchemen thairfoir, and causit the Comownis to want the said cowp barrell. And how oft that ever thai have gottin it, quhen the beir was drunken, the Laird tnik the tume tre to him self, quhilk was ay the Comownis awin of befoir. Quhilk compleint the Comownis foirsaid hes proven to be of trouth.

Item, Quhair as the hail Comownis of the cuntrie, quhair thai wantit servandis, and culd get nane to fee in the yle or parochin quhair thai dwelt, throw derth and scarssness thairroff, in that case thai had libertie to pass to vther yles and parochinis of the cuntrie quhair aboundance and sufficient number of servandis was, and fee servandis to thair lawbour all tyme befoir the Lairdis cumming thair. Notwithstanding, sen his cumming to the office, he has inhibit thame, under pecuniare panes, to do the same, to thair grit hurt and scayth. And quhair thai contraveine his said inhibitioun, he takkis up the said pane with all rigor: lyk as he did to James Spence, indwellar in Zell, becaus he past furth of Zell to Fetlair, and feit ane servand thair, and broucht him hame with him, and fra tyme the work come in hand, the servand was tane fra him, and he compellit to pay to the Laird thre dolouris thairfoir. This provin be Edwarde Odsta in Fetlair, Williame Magnusson in Unst, Williame Spence, and David Spence in Zell, quha affirmes that thai saw the silver delyverit in Magnus Nubiebakis zairde in Zell.

Item, It is compleint be the maist part of the Comownis of Zetland, that thai ar oppressit and wrangushie handilit be the Kirkmen and thair factoris, and specialie in the paying of thair corne teynd; that quhair thai wount of auld use and custome

to pay for thair corne teynt, equivalent thairroff in fresche fische or hard butter, ulie, or sic vther mony wourthis as thai might furniss, because of the scarsitie of cornis, quhilk thai payit zeirlie in maner foirsaid. Quhill laitlie that new vicaris and factoris are placit in the cuntrie, sic as James Hay, Mr. William Lauder, Barthol Strang, Andro Giffart, quha hes abolesit and put away the auld use and consuetude of payment in maner foirsaid, and compellis thame now to pay butter and ulie allenarly upoun the grit and new augmentit weyis and messouris, or ellis pryces according to thair plessure, quairthrow thai ar hevely hurt and dammageit zeirlie. Thairfoir thai desyr that thai be brocht to the former use of payment, or ellis to ressaive fra thaim zeirlie, at dew tyme, thair corne teynd itself in the scheiff. And gif thai refuse to do that, that thai may have libertie to teynd thair cornis be honest men, and sett it aseid, and introuitt with their awin stok.

HEIREFTIR THE PARTICULAR COMPLEINTIS followis, giffin in befoir the Com-missionaris, place, zeir, and dayis respective before specifit—

In the first, the Comownis of Fetlair—to wit, Nicholaus Patersoun in Croce-bustare, Magnus Spailman, Olaw Gregoriussoun, John Patersoun—complenis upon the Laird, qua tuik fra thame for ane pece of see-drewin tre, of twa faddounis lenth, estemit be estimatioun and valour of nyne babeis allanerlie, the sowmes respective following, quhai nowther summond, callit, nor dempt. First, Nicholaus Patersoun foirsaid, was poyndit and compellit to pay fyve dolouris to the Laird; his brother Johne in Crocebustare was compellit to pay aucht dolouris. Magnus Spailman was compellit to pay aucht dolouris. Olaw Gregorsoun and his twa brotheris war compellit to pay amang thame nyne dolouris. This cleirle provin be the haill rest of the nichtbors of the Yle foirsaid.

Item, The Comownis of Fetlair efter following, hevelie menis and complenis, that quhair thair haill sustentatiounis and lyvis fude (specialie in the tyme of

winter, quhen thai dar not travell to far seis in fisching, for storms of weder upon thair small scaffis) consistis on thair fisching within the bayis and soundis adjacent to the said Yle; and quhair thai had libertie in all tymes precedand the Lairdis entres to the office of Fowdrie, to fisch thair but interruption or impediment of all Fowdis, his predecessoris, with small lyne, gritlyne, or handlyne, at thair electioun and plessour. Notwithstanding the Laird of Cultemalindie, in this present zeir of 1576 zeir of God, hes tane fra the persounis following, the sowmis of monie respective heirefter specifeit, because thai usit thair auld use and consuetude of fisching in the places foirsaid in the tyme of winter, quhen thai nicht not travell to far seis. That is to say, fra Magnus Burgar and his boitmen fyve gudlinis, Magnus Gregorsoun and his companie fyve gudlings, Johne of Northdaill and his boitmen fyve gudlinis, Thomas of Vailzie and his companie fyve gudlinis; Thomas Navar and his mairow fyve gudlinis, Ninian of Sandis boit fyve gudlinis, John of Burghis boit fyve gudlinis, Nichole Scot in Snaburgh fyve gudlinis, Edwarde of Odstais boit fyve gudlinis, David Frakasettaris boit fyve gudlinis, Stephane in Ureis boit fyve gudlinis, and Patrik of Ureis boit fyve gudlinis; quhilk fyve gudlinis is ay payit be twa dolouris and ane half, or than ane angell nobill, and bot twa or thre puire men at the maist in ilk boit that payit the said unlawis. And hes maid ane new statute for all tyme cumming, that nane sall fische thair in tyme of winter, with small lyne or grit lyne, under the pane of pecuniar sowmes. And swa sen the makking of the said act, na man dar fische thair, and it stud thame on thair lyveis fude. This provin be the residew of the said Yle befor specifeit.

Item. It is complenit anent ane unlawful inovation and custome raisit up be the Laird, sen his cumming in the cuntrie, upon certane the inhabitaris of Zetland, quha had schippis of thair awin, and travailit thairwith to Noroway, and broucht hame tymber and boitis to furneis the cuntrie for the payment; the Laird allegeand that thair was ane act maid that nane suld sell boitis nor tymber bot upone ane certifièd pryce, and allegeand that thai had brokin the said act in selling

deirar thair boitis and tymber to the Comownis nor the said allegit act proportit. And the persounis heirefter following affirmis, that thair was never ane act maid, at the leist was never intineit to thame. Notwithstanding the Laird compellit thame to pay to him, in name of penaltie and transgressionn of his said allegit act, the sowmes of monie following, without dome or law—to wit, fra Peter Neisbett twelff dolouris, fra Henrie Spence nyne dolouris, and fra Johne of Windeis ane barrel of buttir, pryce thre angell nobillis and ane halff. This provin be the hail nichtbors foirsaid of the saidis thre Yles of Fetlair, Unst and Zell, to be of veritie.

Item, Johne Fresser, indwellar in ane litill yle, callit Hoscasay, appropriat to the Fowdrie of Zell, haveand twa merkland in heritage in the Yle of Fetlair, and becaus he was absent fra ane court haldin be the Laird in Fetlair, and gat na warning thairto, nor zet was he in use to aussuer thair, bot at the court of Zell. Nevertheless the Laird tuik his ox fra him thairfoir, na dome or law giffin furth thairupoun. This confessit and affirmit to be of trouth be the hail inhabitantis of Fetlair and Zell foirsaid, before the Commissionaris.

Item, Henrie Spence in Zell, had ane servand, quhat at his masteris comand past to his masteris scheip cruiff, and markit his masteris lambis upon his merk. And of eventime thair was ane lamb of the vicaris in the cruiff, quhilk lamb the servand unwittandlie markit upon his masteris merk; and immediatlie thairefter he perseiveand that it was the vicaris lamb, schow him thairoff, and offert to the vicair ane unmarkit lamb thairfoir; and this was done xxx zeirs syn or thairby, quhen Olaw Sinclair was Fowde; the said Olaw thairefter cummand to the Yle, gettand knowlege of the same, tuik tryale thairoff, and fand that it was doné of negligence ignorantlie, and thairfoir remittit it. Nevertheless the Laird enterand to the Fowdrie, and gettand knowlege thairoff, compellit the said Henrie to giff to him thairfoir, threttie dolouris, but dome or law. This provin to be trew be the hail Comownis foirsaid of the Yle of Zell, present betoir the Commissionaris.

Item, Nicholaus of Culzevo, and Garth of Ulsta, complenis upon the Laird, that at his first entrie, he compellit thame to tak the office of Underfowdrie of Zell upon thame conjointlie, and gart the said Nicholaus giff him thairfoir sax dolouris, and the said Garth ane silver spune quhilk coist him aucht gudlinis; notwithstanding, quhen ever thai held court or decreit in executioun of thair office, thai war dischargit by my Lord of the office; and immediatlie efter thair discharge, thai past to the Laird, and desyrit to have had thair zopindaleis and silver spune agane, quhilk he refusit. Bot the zeiris thaireftir, be offerit to mak thame Underfowdis, quhilk thai refusit, because of the first discharge, swa that thai want the silver and spune as zet, and cau get na recompense thairoff.

Item, lykwyiss Edwarde of Odsta, indwellaire in Fetlair, complenis upon the Laird, that he wald have compellit him till have acceptit the office of Underfowdrie of Fetlair upon him, quhilk he refusit, becaus he was not qualifeit thairfoir; and to eschew the Lairdis yre in refusing of the same, till have his favor, and be releivit of the said office, he gart the said Edward giff him ane ox. Thir twa concerning the office of Underfowdrie provin befor the saidis Commissionaris be the nichtboris of the saidis Yles befor specifeit.

Item, Olaw in Hellzness, indwellar in Fetlair, haiffand licence of his nichtbouris to pasture his gudis in his gerss, tedderit sum gudis of his thairintill; and the Underfowde cummand by upon accident, persavit his gudis in his nichtbouris grund, maid arreistment upon thame, na intimatioun thairoff maid to the said Olaw that aucht the gudis, nor zet to his servandis that keptit thame; and the Laird gettand knowlege that thair was arreistment maid, but calling or pursewing of the said Olaw thairfoir, and na dome nor law passand thair-upoun, poyndit him, and compellit him to pay fyve dolouris for the said pretendit arreistment.



Item, Magnus Johnsoun in Uredaill, Williame Johnsoun in Tow, Erasmus in Sinbustar, Gelis in Burgh, Magnus Erasmussoun, indwellaris in Burray, and Margrett Yirewing, ane pair wedo, indwellare in Trondra, complenis upon the Laird and his officiar, James Espline, quhay at his cumand hes chargit ilk ane of thame to pay thre dolouris to the Laird, becaus thai came not to cast peitis, till ane rewme callit Papill. And they allegeand that thai war never in use of sic service, nor was not callit ordorlie, nor dempt in the said pane, thairfoir refusit to ansuer the said officiar thairoff. Nevertheless, by order of law, the said James Espline, at the Lairdis comand, has poyndit fra the said Magnus Johnsoun, Williame Johnsoun, and Erasmus in Sinbustar, fra ilk ane of thame, thre zopindales, and the vther thre ar lyand under the daunger of poynding for alsmeke, ilk person. And the foirsaid persounis hes provin be the rest of the nichtbouris of the said Yle of Burray within written, that thai ar poyndit in maner foirsaid, and als hes causit to call certaine of the assyiss that the Laird had upon his Court to declair giff sic thingis was dempt be thame or not, befoir the Commissionaris, viz. — Swaine in Brindista, Marten in Sound, Magnus in Sound, John Thomasoun in Sound, Nichole Hutchissoun in Eister Quhairff, Nichole Swainsoun in Utrabustar, Magnus in Uredaill, Olaw Yirewing in Troindra, David Sinclair in Hugoland, James Sinclair in Northbustar, Robert in Clett, Richart Sinclair in Branaxclett, Magnus Symoundsoun in Burgh, and Magnus in Brek: Quha beand sworne upon their grit aythis, deponit, that thai never voted anent the unlaw foirsaid of peitis casting, nor had never decreit, pronouncit, nor red thairupon.

Item, Christopheir Johnsoun beand giffin up in ane Granderie in Northmaven, for the allegeit uptaking of ane pece see-drewin tre, he beand than, at the upgiffin thairoff, dwelland in Delting, ane vther parochin: For the quhilk causs it was referred to the Court haldin in Delting be the Laird. And at the Lairdis cumming thair, the said Christopheir beand callit thairfoir in Court, was decernit to quyt him thairoff with the Lawricht ayth. The maner quhairoff is, the sheriff sail

chois ane honest nichtbour that knawis his lyff, and him selff ane vther to stand on ilk hand of him; and first, he sall quyt him selff be his ayth, and than the vther twa ar requyrit giff thai will sweir that it is ane trew ayth that he has maid: Giff thai afferme it trew, than is he quyt. Bot giff thai or any of thame refusis, than of the law for samonie as refusis him, he man pay ane merk Zetland payment, quhilk is the third part of ane dolour. And becaus this Christopheir was furth of his awin parochin, quhair the allegeit deid was done, and culd get na acquittance in the parochin quhair he thair dwelt, desyrit to be refferrit hame to Northmaven quhair he dwelt of befor, to the quhilk the Laird wuld not condescend. And giff he had failzit acquittance, and had had na excuiss thairfoir, zet he suld have payit na mair bot twa guddingis of the law, quhilk at the hieast is xvi babeis Scottis. Bot the Laird by all ordor of justice, compellit him to pay sax dolouris thairfoir. And this provin be the nichtbouris foirsaid of Delting.

Item, Olaw in Yllisburgh, being on the sei in his boit, fand ane fische callit ane Homeir, quhilk he drew to the land upon his awin heritable grund, and tuik furth the liver thairoff, and made it in ulie, for the fische thairoff ganis for naething. The Laird gettand wit thairoff, he callit him in the Court thairoff in Nesting, in this present zeir of [God] 1576 zeiris, and layde him to the law thair; and sielyk at ane vther Court thairefter, haldin in Nesting; and in bayth the Courtis he was decernit free, and nathing dempt to the Laird thairfoir, as thai that sat upon the assyiss declarit. Zet nevertheless the Laird causit his officiar, James Esplie, to poynd sewin ky of the said Olawis thairfoir, and for relieff of thame, he was constreinit to giff to the Laird four angell nobillis, or ellis to have wantit his ky. This provin be the haill number of the thre parochinis foirsaid.

Item, Nicholaus Johnsoune beand upon the assyiss in ane Court haldin at Sandness this last zeir efter Lammess, said to Harie Bruce, that quhen he votit

upon the assyiss, he had mair mynd to wyn geir nor he had of his saull. And Harie Bruce takand witness of his speiking, sumound him to the Varding, to underlie the law for the same, and pursewit the man, swa that he was glayde to aggrie with him, and be quyt of his cummar, and gaif him sax gudlinis. And swa the honest men of the cuntrie that is upon the assyiss dar not voit bot as the Lairdis men requyris thame. And this provin be the haill nichtbouris of Papay.

Item, Anent the complaynt giffin in be Magnus in Qulytnes in Wawiss, upon the Laird of Cultemalindie, that quhair he compellit him to tak certane land agains his will, efter that his takkis was run furth, and becaus he wuld not wone the land, the said Laird causit Laurence of Grunzevo cum till hous, and poynd fra him twa oxin and ane kow. Quhillk oxen war prysit to nyne dolouris and the kow to ane dolour. And becaus he was indigent of silver (except ane dolour that he had, quhairwith he lousit the kow), the oxen was tane fra him for ever, swa he wantit at that tyme the sowme of ten dolouris be plaine oppressioun, this present zeir 1576 zeiris. And this provin be the haill parochin of Wawiss within specifit.

Item, It is bevelie lamentit and complenit be Magnus Leslie of Ayth, upon Laurence Bruce of Cultemalindie, his servandis and complices, that quhair thai come to his houss of Ayth in Brassay, in the month of Januar, the zeir of God I<sup>n</sup> V<sup>ca</sup> lx zeiris, he beand in his awin houss with his wyff, servandis and bairnis, under sylence of nicht, his wyff beand bot aucht dayis efter her delyverance lyand in chyldebed lair, and thair put him selff, his wyff, bairnis, and servandis furth of the houss and biggingis; and placit his servandis and suddartis thairin under his principall captain, Thomas Boyne, quha was the slaar of Alexander Duff in Strabogie, and of Patrik Wynrahame in Zetland, to the number of xv or xvi suddartis and boyis, quha remanit still at the said houss als lang as the Laird was in the cuntrie, be the space of nyne or ten dayis; and in the meyntyme speindit and waistit his

meit, dreink, fische and flesche, buttir and cheis, and all vther provisioun that was within his houss. And at thair depairting, spulzeit and away tuik with thame fra his houss and feildis that was thairin, or that thai culd appreheind, that is to say, twa barralis of new aill, and ane half barrell of auld aill, ane barrell of malt of nyne setteins wecht, ane barrell of ait meill, and ane hogheid of beir meill, foir lesspundis of butter ryndit with hinnie, two coigges full with vther four lesspundis of salt butter, aucht lesspundis of talloun, fyve scoir of maid candill, extending to twa lesspundis of talloun, sewin reistit muttounis, ane reistit swyne, that coist twa lesspundis of butter, tane and spulzeit furth of his ness be thame xv wedderis, sax gryiss, sax or sewin foulis that was gangand about the houss, ane ox quhilk thai slew, quhilk coist foir dolouris, ane barrell of salt beiff, with certane hard fische, xvi elnis of keltar, ane pair of dowbill blankettis, ane covering of ane bed, ane dublitt of cramesie of the said Magnus, ane black cowl quhilk coist ane crowne of the Sonne, thre cristale stains set in silver, of the Dutch fassoun, ane kettill of copper, ane eage with twelf pundis of saip, with thre flahattis of came, certain tyn cannis and tiem stoupis, half ane barkit hyde, ane eage with certane hunnie in it, and this by crusis, piggis, stalis, coppis and bikkaris, togidder with all his servandis clothing, sic as cassies, breikis, doublatis. And attour all this, or ever the Laird wuld suffer him to returne hame agane to his awin houss, he compellit him to borrow fra his nichtbouris twentie dolouris, quhilk Harie Bruce ressavit fra him at the Lairdis comand. And quhen he, his wyff, barnis, and servandis returnit to thair awin house, thair was na maner of meit, dreink, clothing, nor vther geir left to sustein thame, quhill he behovit to borrow fra his nichtbouris wyff ane lesspund of meill to sustain his wyff and barnis on. Mairattour, the said Magnus compleinis upon the said Laird, that quhair he had ane steding, callit Sater, lying in Brassay, of four merk and ane half land perteing to the Kingis Grace, quhilk he possessit xxiv zeirs or thairby, for the quhilk he had payit males, gerssowmes, and all dewities, conforme to the rentale thairfoir, lykas he had payit for the gerssowm thairoff to the Laird in the lxxii zeiris of God, for the thre zeiris

thairefter to rin, twa dolouris: nevertheless, quhen he had gottin bot ane zeiris crope thairoff, he put him furth of the same, and tuik new gerssown fra his broder, Andro Leslie, thairfoir, ejectand the said Magnus and enterand his said brother thairto, quhilk he hes wantit sensyne, to his grit dammage and scayth; desyris that the Regentis Grace and Lordis of Secreit Counsall wuld causs him be recompensit of his scaythis above writtin.

This complaynt is provin to be of treuth in all pointes, be John Smyth, Magnus Lawrencesoun, Christophair in Grindiscall, Thomas in Kirkbustar, Duncane Inksetter, Erasmus Robertsoun, and John Robertsoun, with the rest of the inhabitaris of Brassay. Bot thai ar incertane of the geir and quantitie thairoff befor specifeit, contenit in his housse the tyme fairsaid, bot thai knaw perfytlie, that thai usit all that was thairin at thair plessure, and at thair depairting, left nathing thairin but bair wallis.

Item. Ane Bill of Complaynt gifin in be Andro Hawyk of Scatstay, upon the said Laurence Bruce, as the particulair thairoff beiris in it self.

Item, Ane Bill of Complaynt gifin in be Barthole Strang of Voisgarth, aganis the Laird, as the tennour of the same beiris in it self.

Item, Ane Complaynt gifin in be Andro Fairlie upon the Laird, as the Bill thairoff proportis in it self.

Item, Ane Complaynt gifin in be Gawane Gadie, as his Bill maid thairupon proportis.

Item, . . . . .

HEIREFTER FOLLOWIS CERTANE PARTICULAR COMPLAYNTIS GIFFIN IN BE  
 ARTHOUR SINCLAIR OF AYTH, AGANIS THE LAIRD OF CULTEMALINDIE,  
 CONCERNING THE WRANGIS DONE BE THE LAIRD AGANIS THE SAID ARTHOUR.

In the first, The said Arthour complenis upon the Laird of Cultemalindie, that quhair he haveand commissioun of . . . to sett thre zeiris takkis of the landis perteneing to the Lordis of Noroway, and kirklandis within the boundis of Zetland, and to ressave the males and dewities thairoff indurand the saidis thre zeiris; nevertheless, the said Laurence hes compellit the Comownis of Wawis to delyver to him the wadmell of anno lx fyftein zeiris dewities of the saidis landis, quhilk was inwith the saidis thre zeiris of the saidis Arthouris takkis, and thairthrow hes violentlie ejected him fra his possessioun, nowther schawand commission, powar, nor charge to do the same to the tennentis nor compleinar foirsaid. Quhilk is cleirly provin, that the Laird has intromittit thairwith, as said is, be Christopheir Laurenceson, lawrichtman, Johne Mudie, Andro Mudie, indwellaris in Wawiss, Williame Phip, reidar at Wawiss, with the utheris parochinaris of Wawiss, befoir mentionat.

Item, The said Arthour complenis upon the said Laird, that quhair he send his officear, John Smyth, with the Underfowde of Dunrosness, callit John Smyth, and allegeand Olaw Langescole to be awand him ane lesspund of butter, for the quhilk he causit thame to tak away ane kow of the said Arthouris: And efter the said Olaw Langescole past to the Laird, and maid payment to him for the said lesspund of butter, and desyrit to have had hame the kow to Arthour agane; quhilk the Laird refusit to delyver, bot immediatlie gart slaa hir, and eit hir, becaus sche

was fat. This complaynt is provin to be of veritie be the said Johne Smyth, underfowde of Dunrosness, Gilbert Coupland, Olaw in Langascole, John Lestoun, with sundrie vthers of the parochin of Dunrosness.

Siclyk, The said Arthour complenis agains the said Laird, that quhair he and his foirbairs hes had the tak and rowme of the land lyand in the parochin of Dunrosness, extending to xxxii merk land, with auchtein merk land in Ayth, quhilk landis payit never gerssowme in na mannis tyme befor the Lairdis entress in the said cuntrie, and that be ressoun the same was and is unit, and payit with the land males zeirlic; nevertheless the said Laird hes comprysit the said Arthouris ky and oxin to the avale of auchtein angel nobillis for sax zeiris wrangus gerssowme thairroff, by and attour the zeirlic males and gerssowmis unit and annex and payit togidder as said is, but any decreit of law, or consent of the said Arthour had thairto, to his grit hurt and scayth. This complaynt provin be Gilbert Coupland and John Smyth, underfowdis of Dunrosness, James in Brek, and Matho Sutherland, with vther dyuers of the parochin of Dunrosness.

Mairattour, the said Arthour complenis upon the said Laird; quhairas he haiffand the heritable titill of the landis of Sanct Ninian's Yle, lyand within the parochin of Dunrosness, sett the samyn to his tennent, Laurence Lesk, for males and dewtie paying usit and wount, the said Laird, but ony titill or richt, send his clerk, Robert Zule, and John Smyth, underfowde foirsaid, to the said Yle, quhair the said Laurence dwellis, in this last symmer 1576, and thair compellit and perforce causit him to pay to thame, in the said Lairdis name, the males and dewities of the said Yle of the crop and zeir of God 1575 zeiris, extending to fyve angell nobillis; and thairthrow spulzeit him of the said males and dewities, aganis equitie and richt. It is provin be the said Johne Smyth and Gilbert Coupland, underfowdis of Dunrosness, quha was at the delyverance thairroff, and

be the said Laurence Lesk, that payit the same, and vtheris in the said parochin. dwelland thairabout, that the Laird causit his clerk and underfowde intromitt with the same, as said is.

Item, The said Arthour hes producit ane Bill of Complaynt, quhilk, as he affermis, was presentit befor to the Regentis Grace in Edinburgh, aganis the said Laird, quhairof the tennor followis —

“ MY LORD REGENT, Unto your Grace maist humble menis and complenis I your servitour, Arthour Sinclair of Ayth in Zetland, upon Laurence Bruce in Cultemalindie, That quhair, in the month of Apryle last bypast, efter I had remanit certaine space in thir partis of this realme, in doing my lefull affairis and bussiness, I past hame to my native cuntrie, beleveand na harme nor scayth to have bein done to me be ony persoun. Nechttheless the said Laurence, upon the aughteint day of July next thairefter, come, accompanit with ane grit number of armit men, to the bankis of Scalloway, in Zetland, quhair I was for the tyme, on sett purpose to have invadit and pursewit me for my slaughter; and causit sundrie of his servandis, to that effect, ly at wait for me in the hie way; quhairoff I beand advertissit by sum of my awin fryndis, was constrainit, for feir of my lyff, to pass bak agane fra the schoir to ane place four myle thairfra, callit Quhytness. And the said Laurence beand certifeit thairoff, and findand him self disappoyntit of his first wickit interpyriss, rageand in his malice, and thirstand for my blude, come, accompanit as said is, to the dwelling housse of Magnus How, underfowde of Quhytness, bodin in feir of weir, with pistollatis, swourdis, daggis, and vtheris waponnis invasive; and thair serst and soucht me at twelff houris in the nicht, for my slaughter; lyk as thai had slane me indeid, giff I had chancit to have bein thair for the tyme: Committand thairthrow maist crewale and manifest oppressioun, aganis all law and order of justice, &c., as at mair lenth is contenit in the said bill.”



Efter the production of the quhilk, the said Arthour, for probatioun of the samyn, producit at Tingwall, the fourteenth day of February 1576. the witnesses efter following —

And first, Andro Hawyk in Scatsta, of the age of xl zeiris or thairby. unmareit, ressaunt, sworne, and examinit upon the poyntis contenit in the formar bill, anent the invading of Arthour Sinclair be the Laird of Cultemalindie and his complices, deponis the first part of the bill to be trew, *causam scientie reddendo*, because the said deponar was present the time contenit in the bill, in companie with the said Arthour, quhair as he saw James Bruce, accompaniit with xi or xii men of the Lairdis (him self beand in Johne Umphrais housse at the bankis also), about aucht or nyne houris affoir none; quhair Arthour Sinclair and his companie met with the Archden of Zetland, and James Hathrew, burges of Edinburgh, quha bad the said Arthour eschew the Laird of Cultemalindie and his companie, or ellis thai wuld set upon him or his departing furth of Scalloway. Nevertheless Arthour passit forward; and James Hathrew seand that James Bruce and the Lairdis servandis war cummand forward upon Arthour, the said James Hathrew past to James Bruce, and tuik ane grip of him be the hand, and stoppit him to gang fordwart. And the deponar sayis, that ilk ane of them that was with James Bruce had thair pistollatis in thair handis, reddie to schuit: And in the meyntyme Arthour past by, and eschewit thanie at that tyme in Scalloway. Depones, *Plus nescit in causa, nisi ex relatione fidedignorum.*

William Sinclair, sone to umquhill Henrie Sinclair of Stroholme, of the age of xviiij zeiris or thairby, ressaunt, sworne, and examinit, deponis upon the first part of the complaynt within writtin, conforme to Andro Hawyk *in omnibus, eandem causam scientie reddendo*. Examinit upon the second part, tuiching the Lairdis cumming to How in Quhytness, deponis, that he was with Arthour that nicht in Stroholme, and hard tell the maner how that the Laird and his servandis come

to Magnus Howis houss, under sylence of nicht, to seik Arthour. And deponis, how that thre of the Lardis servandis come to Stroholme that same nicht, and enterit in the hall thairroff, and sperit at the women servandis (efter that Arthour and the deponar was past to thair bed togidder) quhair thai lay, quha tauld that thai lay in the barne. And efter that thai sperit quhat syde of the bed that Arthour lay on; and thair eftir departit and zeid thair way; *et plus nescit in causa, nisi ex relatione fidedignorum.*

Henrie Halero, officiar, indwellar in Scalloway, is conforme to Andro Hawyk; and deponis mairattour, that he saw the number foirsaid of men with James Bruce, and sum of thame puttand on thair knapscais, and prepairand thame for tuilzie, quhen thai saw Arthour at the bankis of Scalloway. And that the Laird in the meyntyme was in John Umphrais houss thair, at the banx.

Malcolme Halero in Walsettair, of the age of xxij zeiris or thairby, ane honest marreit man, ressaute, sworne, and examinit upon the first part of the bill, deponis, that he saw the Laird of Cultemalindie, his servandis and cumpanie, past to Scalloway to persew Arthour Sinclair. Bot he hard the Archden of Zetland and utheris famous men say, had not bein James Hathrew, thair had bein slaughter betwixt the Laird of Cultemalindie and Arthour in Scalloway banx. And ferdar he knawis not of the first part. Examinit upon the second pairt of the complaynt, he deponis, that the Laird sowpit in Henrie Halerois houss, and efter suppar, his bed beand maid thair, and him selff reddie to have past to the samyn. ane fallow, callit Meikle Johne, cuik to the Laird, come to him affoir the dore, and said to him, Sir, ar ze passand to zour bed, and Arthour Sinclair proposit to invade zou this nicht, quha will gar zou walk quhen ze suld sleip; and is in Quhytness in reddines to cum upone zou? Than the Laird answerit and said, Giff it be swa, I had rather waikin him or he suld walkin me. And than incontinent the Laird, James Bruce, Alexander Kinkayde, and vtheris his servandis, to the

number of ten or twelff men, beand enarmit presentlie with daggis, swordis and culveringis, depairtit fra Henrie Halerois houss, towart Magnus Howis houss in Quhytness. And Arthour Sinclair not beand thair, returnit agane, about the dawing of the day, to Henrie Halerois houss, to his bed. And he deponis, that the Lairds men enterit in Magnus Howis houss, and licht candillis, quhilk he saw gangand in and out. And he deponis, that he saw Magnus of How and his wyff, Gartro Paulis douchter, cum furth sark allane, followand the Lairdis servandis, and telland thame that Arthour was not thair.

Gartro Paulis douchter, Magnus in Howis wyff, of the age of lx zeiris and mair, ane honest woman, ressaunit, deponis conforme upon the secund part of the complaynt to the deponar immediatlie above writtin. And mairattour, that quhen sche come furth of her awin houss, followand the Lairdis servandis, that was within hir house, seikand Arthour, that sche saw the Laird him self standand besyde the kaill zairde, and hard the Lardis servandis say to the Laird, Arthour is not heir.

Nichole Magnassoun, ane husbandman of xl zeiries or thairby, ressaunit, sworne, and examinit, deponis, that he was passand to the see twa houris affoir day. Quhair he met sax or seiven servandis of the Lairdis passand to the foir-said houss. It was sa mirk that he culd not ken the Laird be ane vther man. Thairfoir he knawis not giff he was in that companie or not. But quhen he come fra the see agane, the gud man of the houss and the haill familie of Magnus of How tailed him that the Laird and his serwandis had bein thair, seikand Arthour Sinclair.

Thomas Marteynsoun, ane youth of twentie zeiris of age, or thairby, *solutim*, ressaunit, sworne, and examinit, deponis, that he was lyand sleipand in his awin bed in his awin houss, quhilk is ane part of the lugcing of Magnus of How

. . . . . to the house  
 quhair . . . . . and drawin swourdis in thair handis, and come till his  
 bedsyde and wakint him, and gart him ryss incontinent, and wuld not suffer him  
 put on his sark befor he raiss, and said till him, Knave, can thou not tell quhair  
 Arthour Sinclair lyis? And he said, he saw him not within ane twelfmonth bypast.  
 And thai said agane, Knaiff, thou knawis he come heir zistrein? He answerit.  
 Be my pairt of hewen, I nowther saw him nor hard him. And he affirmis, that  
 incontinent thai tuik Robert Petersoun, and gart him beir the candill aganis his  
 will, throw the baill lugeing, fra hous to hous, with drawin swourdis in thair  
 handis, and soucht Arthour Sinclair, and sperit ay efter him. Ane of the menmis  
 names that had the drawin swourdis, was callit Lang Johne, the Lairdis cuik, and  
 the vther man he kend not. Thay wald not lat him gang furth with thame,  
 thairfoir he saw not the Laird, nor rest of his companie, except thir twa foirsaid.

Henrie Halero in Southsetter, underfowde of Tingwale, ane mareit man of  
 xlvij zeiris of age or thairby, of gude fame, ressaunt, sworne, and examinit,  
 deponis, that the Laird sowpit that nicht in his hous, and depairtit fra the  
 samyn. And is conforme to his broder, Malcolm Halero, to the Lairdis and his  
 servandis passing our the dyk to the hill toward Quhytness, and that he was  
 in purpoiss to pass thair, to seik Arthour Sinclair, to invade him with bodelie  
 harme, *et cetera nescit nisi ex relatione aliorum*, because he past not with him to  
 Quhytness. Bot knawis that the Laird and his companie returnit to his hous  
 in the morning, about day licht, quhair he sleipit ane whyle in the bed preparit  
 to him at his departing. Bot the Lairdis servandis tauld him that the Laird  
 and thai soucht Arthour in Quhytness that nicht, and gat him not.

*Memorandum*, THAT ATTOUR AND BESYDE THE GENERALE AND PARTICULAR COMPLAYNTIS GIFFIN UP BE THE COMOWNIS OF ZETLAND within specifeit to the Commissionaris within expremit, CONTRAIR LAURENCE BRUCE OF CULTEMALINDIE, quhais probatiounnes precedis, Zet thair remanis ane grit number of PARTICULAR COMPLAYNTIS not contenit nor written in the process of this buik, bot in the Particular Complayntis and Billis writtin and giffin in be the particular persounnis complenaris thairintill contenit. As sum complaintis and billis giffin in be the Yles of Unst, Zell, aganis Williame Sinclair of Underhoule, sone of umquhill Olaw Sinclair of Avera. Sum complayntis and billis zet aganis the Laird of Cultemalindie. Sum complayntis and billis aganis the Kirkmen of the cuntrie. Sum aganis Harie Bruce and James Bruce. Sum aganis Robert Sinclair of Ness, and mouy uther complayntis of ciuile actiounis, throw lack of executioun of justice: As at mair lenth is contenit in the particular billis and wrytingis maid thairupoun, and giffin in to the said Commissionaris, to be reportit be thame to the Regentis Grace and Secreit Counsale, quhilk the saidis Commissionaris hes omittit out of this buik, becaus thai . . . . . by the parties complainant.

Upone the twelff day of Februar, the zeir and place foirsaid, the haille multitude and number of the Comownis of Unst war examinit, quhilk complenit upone the said Williame Sinclair of Underhoule, compeirit befor Maister Williame Mudy of Brekness, and Williame Hendersoun, Dingwall pursevant, commissionaris, etc., quhilk maid fayth all in ane voce, and alswa severalie the halie evangelis tuichit, be thair grit aythis, that thai feirit and dred bodelie harme to be done to thame be the said Williame, in respect and contemplioun of thair particular and singular complayntis of oppressioun maid be thame to the said Commissionaris aganis him. And thairfor desyrit the saidis Commissionaris to causs the said Williame Sinclair find unto thame cautioun of lawborroiss of

bodelie harme, that thai might be scaythless and harmless at the handis of the said Williame, according to justice.

Upone the fyfteint day of the said month the Commissionaris foirsaidis, in respect of the premissis, chargit the said Williame Sinclair, personalie apprehendit within the Archeden of Zetlandis lugeing in Tingwall, in presence of Barthole Strang of Voisstgairth, Mr. Williame Lawder, Vicair of Zell, Andro Hawik of Scatstay, Johne Denone, Vicair of Delting, &c., to find sowertie and lawborrois to the Parochinaris of Unst above writtin in speciall and in generale nominat to the said Williame, of bodelie harme; and that be ressoun thai had maid fayth, the halie evangelis tuichit, that thai dreid him bodelie harme for the caussis above specifit. The quhilk to do the said Williame denyit and refusit, and depairtit without lawborrois and sowertie fund be him to thame than and sen syne. Lat the Regentis Grace and Lordis of Secreit Counsale find remeid heirupoun, as thai think expedient.

It is to be callit to remembrance, that efter the Laird of Cultemalindie last depairting out of Zetland, he causit Robert Zule, court clerk to him, with certane vtheris his servandis as witnesses, to pass throw all the Yles and parochins of the cuntrie, with ane testimoniale in wryt, of what tennor and forme it is uncertane to the maist part of thame that put their markis thairto, becaus thai culd not reid nor wryt. Zet notwithstanding, the said Robert Zule persuadit ane number of the Comownis, ruid, rusticall, ignorant and barbar peple, partlie be feir and minacing, partlie be ignorance, to subscribe and put their markis to the said testimoniale. The quhilk doings is maid to the Commissionaris at the tryale of the veritie of the oppressiounis and complayntis writtin in this buik, grit impediment in the begynning, be ressoun that the said personnis that subscribit and put their markis to the said testimonial for defence of the samyn, not only refusit to declare the veritie thame selffis of the foirsaid complayntis and oppressiouns, bot alsua

corruptit the rest of thair nechtboris that thai suld not declair the veritie, but rathir justifie that testimoniale with thaim.

The Commissionaris perseving and understanding the said impediment, corruption, and seduction, chargit all thais that had subscryvit and put thair mark to the said testimoniale, to depairt asyde, and remove thame furth of the cumpanie and presence of the remanent that had not subscryvit and markit the said testimoniale, quhill thai war all examinat that had not ado thairwith.

And swa the remanent multitude beand finalie examinitt, and the matter thairoff brought to ane end, the Commissionaris causit call affoir thame the personnis following, that had subscryvit or markit the said testimoniale, and reid unto thame the generale and particular depositions of the hail multitude preceeding, examinitt upon the Generale and Particular Complayntis; and requyrit thame efter the audience thairoff, quhidder thai wald stand to the commoun and generale depositions and testificatiounis of the remanent multitude of the cuntremen ressaunt befor the Commissionaris, or to the narrative contenit in the foirsaid testimoniale be thame subscryvit and markit. The names of the personnis that subscryvit and markit the said testimoniale, that come affoir the said Commissionaris, Peter in Bega, within the parochin of Zell, Edward of Odsta, Nichole Patersoun in Crocebustar, and James Sutherland, underfowde of Fetlair, indwellaris of Fetlair. Nichole Hardwell, and Nichole Johnsum, in name of his fader Johannes of Caldbak, and Thomas Urwing, indwellaris the parochin of Delting, Walter Hill, for him selff, and in name of John Ferquhair, indwellaris in Unst, Christopheir Laurence-son, lawrichtman, indwellar in the parochin of Wais, John of Murray, underfowde of Sandsting and Aythsting, for him selff, and in name of his gudefather, Turberie Steinzdaill, Patrik in Collafirth, Magnus in Sillivo, and John in Sillivo, indwellaris in the parochin Sandsting and Aythsting, John Smyth and Gilbert Coupland, underfowdis of Dunrosness, for thame selffis, and in name and behalff of Williame

of Flattabustar, and Nichole . . . of Aythsetter, Hendrie Halcro, underfowde  
 of Tingwall, for him selff, and in name and behalff of his gudefather, Thomas  
 Johnsoun in Laxfurde, and Jacob Tait indwellaris in Tingwall parochin, James  
 Sinclair in Northbustar, Erasmus Johnsoun in Papill, Henrie Tailzar and Magnus  
 in Brek, indwellars in Burray, quhilks . . . requyrit in maner foirsaid eftir  
 thair knowlege of . . . foirsaid, and of the veritie thairoff . . .  
 . . . exceptioun or excusatione . . . thingis contenit in  
 the foirsaid testimoniales . . . dissonant and . . .  
 . . .  
 . . .

the depositions of the remanent multitude of the Comownis pre-examinat upoun  
 the Generale and Particular Complayntis, and ratifit and approvit the said depo-  
 sitions to be of veritie. And protestit that thair subscripcioun and marking of the  
 foirsaid testimoniales suld not be hurtfull, nocive, nor prejudiciall to thame, in case  
 that the said testimoniales suld appeir to be contrair the foirsaid depositions, in  
 respect that thai, or the maist part of thame, war ignorant and unleterit, and culd  
 nowther wryt nor reid. And utheris had na mark bot sic as Robert Zule maid  
 of new in their names, and was all persuadit be compulsion and feir, out of ane  
 lawting and comown assemble of the hail cuntrie, as thai depone suld have bein  
 in sic casis, bot done pryvatlie be pryvat persounnis in pryvat places, unsworne,  
 to declair the veritie, bot as it war *rogatus rogo*.

Item, fynalye, becaus the hail Comownis and Inhabitantis of Zetland hes  
 beine in tymes bygane, lyk as thai ar instantly, grevuslye rubbit, oppressit, and  
 spoliat of thair gudis and substance, be sic men as hes borne and beiris autoritie  
 and offices above thame, sic as chalmerlanis, fowdis, underfowdis, officiaris and  
 utheris, prevat personis, bangstaris, pairtliche throw wrangus meit, messur, and  
 handling of thair dewities in the ressait thairof, pairtliche be wrangus and negligent  
 ministratioun of justice, and pairtliche be wanting of laufull Lawrichtmen and Law-  
 men, quhilk the said cuntrie was wount to haiff, and hes never gottin na relief



thairoff, bot at sic tymes as the supreme authoritie sendis Commissionaris to the said cuntrie, to tak tryall of thair estaitt and conditioun for the tyme, quhillk thing thay lament hes bein ouer lang betuix. Secundly, becaus the inhabitantis foirsaid are puir men, and may not thairfoir, throw laik of expenss, travell to the far pairtis of the realm of Scotland, quhar the courtis existis, to lament thair oppressiouns and injuris, the distance of the way being so remote and far of the sey. Thairfoir it is desyrit be thame that the Regentis Grace and the Nobilitie may mak ane publick and perpetual ordinance among the actis of Parliament, that ewerie fourth or fyft zeir, giff neid beis, . . . . . and send to Zetland affoir the . . . . . and conditioun of the inhabitaris thairof . . . . . offensis done to thaim . . . . . and servandis beirand care and charge over thame, and utheris privat persounis, cuntriemen and strangearis, sic as Duchemen and Inglisemen resorting and frequentlyng in the said cuntrie, zeirlic giffand and committand power to the saidis Commissionaris to depois, destitute, and depryve all sic officiars beirand rule above thame fra thair chargeis and offices, as sall be fund culpable, and gilteous in the premissis, and throw thair demeritis sall be fund worthie of deprevatioun and destitutioun of thair offices, quhatsoever estait, conditioun, or degrie that thay be of, with satisfacioun to the opprest: and to creat of new, and input in thair plaiceis sufficient men of knowlege, godlie of conversatiounis and lyff, freyndis to the cuntrie men, makyng confidence within the cuntrie; quhomto the opprest as oft as necessitie requyris, may haif recours for impetratioun of justice. This the foirsaid hail inhabitaris of Zetland desyris the Regentis Grace and the foirsaid Nobilitie, to perform for Goddis saik, and the zeil thai beir to justice, according to the dewitie of thair commissioun under God.

Maister WILLIAM MUDY of Breckness, Commissionare to the process within written, with my hand.

WILLIAME HENDERSONE, Dingwall Pursewant, Commissionar to the process foresaid, with my hand.

The Copie of THE COMPLAYNT quhilk was givin in befor THE REGENTIS Grace, be ARTHOUR SINCLAIR of Ayth, contrair the Laird of Cultemalindie.

“MY LORD REGENT. Unto your Grace and Lordis of Secreit Counsale, humlie meins and lamentablie schewis I zour servitour, Arthour Sinclair of Ayth, for myself, and in nam and behalf of the remanent Gentilmen and Commonis and Inhabitantis of Zetland, That quhair that efter the cuming of Lord Robert Stewart, feware of Orkney and Zetland, to the dominioun of the saidis cuntreis, Laurence Bruce of Colpinalindy obtenit of him the office of Fowdrie of Zetland. And schortlie efter the said Laurence enterit to the possession of the said office, he himself, his servandis and complices in his name, of his causing, vsit sic divers wrangis and extortionis upoun us, contrair the lawis and auld custume of the said cuntreie; and specialie, it was the auld use and custume of Zetland, observit in all tymes bygane, that thair was ane discreit man of ilk parroche, by the rest, callit the Lawrichtman, quha meisourit our dewitie, callit Wadmaill, and weyit our dewitie of butter. And now the said Laurence hes cansit ane of his awin chesing to do the same, contrair our lawis, to our grite hurt, in samekill that the said Laurence hes continewalie, sen his entrie thairto in the mouth of May or thairby, the zeir of God I<sup>M</sup> V<sup>c</sup> lxxi zeiris, uptaking land maill and dewitie, callit Wadmaill, with ane wrang messour, swa that for ilk thre scoir Cuttell quhilk we aucht to haif pait, he hes compellit us to pay four scoir cuttell wadmaill, and swa hes augmentit us the fourt part of our dewitie.

“Secundlie, The said Laurence hes compellit us to pay the dewitie of our butter, on his wecht callit the Bismar for ilk tuelff lespound butter quilk was pait of auld, fyvetene lespund, swa that we are compellit to pay the fyvt part of our dewitie of butter mair nor ever was pait of befor.

“Thirdlie, The said Laurence hes, sen his entrie fairsaid, compellit us to pay our restis and dettis, and deliver him siluer zoupindaillis for twa gudlingis, quhair as the same hes common cours in tymes by gane, and was ressaut for thre gudlingis be all fouldis preceding this twa hundreth zeiris bygane.

“Fourthlie, The said Laurence hes compellit the Duchemen and otheris strangearis resortand to the cuntrie of Zetland, be quhome the haille trafique of the said cuntrie consistis, to pay him alsmikle dewitie, be way of brybrie and extraordinar impostis, as they wer wont to pay of befor to our Souerane Lord and his Fowldis, for his Hienes toll and custume. Quhairthrow the said straingearis qua furnissit us all victuallis, clayth, irne, hemp and vtheris necessaris, are appeirand to absteine fra trafique in our said cuntrie, lyik as the principall men of thame hes els done, and that for the oppressioun committit upoun thame, to our grite scayth, without remeid be maid in tyme:

“Fyftlie, In his accustomed maner, efter his arryvaille in Zetland, with fyfteine or sexteine armit men, cummis to the housses of us the Inhabitantis of the said cuntrie, and remanis thairintill quhill our victualis and provisiounis be speindit, compelling us to furneis him and his company, for feir of grittar oppressiounis; and swa depairtis but paiment of any expenssis and chargis maid be him and his dependaris to us or ony of us, and that in maner of sorning and skafrie, to our wrak and heirschip, we beand for the maist pairt all lawbouraris and fischaris.

“Sextlie, The said Laurence, contrair the custume of our said cuntrie, and lawis of this realme, hes at all tymes sen his entrie, causit courtis to be fencit and haldin within the feriat and cloiss tyme of hervist and vacance, for his particular profit: quhairthrow we nicht not wait upoun our hervist, for winning of our cornis, hay, and uther necessaris to sustene us in tyme of winter: and lyikwyiss causit diverss of his servandis and suddartis, quhilk ar not native nor indwelland

men of our cuntrie, to pass upon our assysses and inqueistis, contrair our lawis and custumes, perverting thairthrow our haill lawis to his particular comoditie.

“Sevintlie, The said Laurence, under pretence and cullour of nechtbourheid, quhair the use was that the haill parrochine, callit ane Skattell, pait for the unlaw of swyne worting, callit Swyne Rutting, xl babeis, he hes compellit ilk man in the parrochine to pay to him thairfoir thre zoupindaillis throw the haill Mayanland, quilk extendit in ane zeir in the Mayinland by the Yles to thre hundreth zoupindaillis, to our utter hership and wraik.

“Auchtlie, The said Laurence contenand in his oppressioun, quhair as be the auld custume of our saidis cuntrie, that for breking of nechtborheid, the haill parrochine, callit the Skattell, payit fyve gudlingis, now he compellit ilk man in the parrochine to pay for the said unlaw fyve gudlingis, quhilk will extend to grite sowmes, to the grite hurt of us the inhabitantis of the cuntrie.

“Last of all, the said Laurence hes continewallie sen his entrie in our said cuntrie, zeirle and ilk zeir, usit to tak up dittayis, usit justice courtis, callit be us Grandraffis, quhilk was never usit of befoir bot ilk sevin zeir, thairthrow oppressing us with all kynde of tirrannie and wrang, and compelling us to gif and deliver to him our guidis and substance in grite quantitie, in sic sort that we ar altogidder put to grite povertie and herschip, swa that thair is na natioun under gritter slavrie and oppressioun be the meins fairsaidis nor we ar, and will be compellit to leif our cuntrie desolat of the pepill and lawbouraris, to seik our habitatioun in sum framit natioun, without your Grace and Lordschips provyde sum haisty remeid.

“And we havand given in thir our poyntis of oppressioun and divers utheris to our Maister, Lord Robert Stewart, and the same being provin be us, the said

Lord, of conscience, gaif the said Laurence viii<sup>th</sup> merkis for his twa zeiris tak of the said fowdrie, to relief us of his tiranny, quhilk was in anno lxxi zeiris.

“ Beseikand heirfoir your Grace and Lordschips, for the reward of God, to haif consideratioun of the premisses, and seeing we ar altogidder depauperat, and hes not to susteine our expens to cum heirto to complaine, that your Grace and Lordschips will tak sic order heiranent that we may heirefter be relevit of sik tirranny and oppressioun, and may dwell under the obedience of our Soverane Lord, as our predecessour hes done in tyme bypast, conforme to the custume of our said cuntrie, and lawis of this realme.

“ According to equitie and justice: And your Graces and  
Lordschips answer humlie we beseik.”

The Copie of THE KINGIS MAJESTIES COMMISSIOUN direct to MR. WILLIAME MUDY of Breknes, and WILLIAME HENDERSON, Dingwall Pursevant, to takk tryale of enormiteis of Zetland.

✱ JAMES, be the grace of God, King of Scottis, to all and sundrie our liegis and subdittis quhais knowlege thir our letteris sal cum, greting : Forsamekill as We and our richt traist cousing JAMES ERLE OF MORTOUN, Lord Dalkeith, Regent to ws, our realme and liegis, are informed of mony hich attemptis, inordinat oppressiounis, and new exactionis dalie committit upoun our peicabill and obedient subiectis, the Inhabitantis of our cuntrie of Zetland, Quhilkis dwelling sa far distant frome our residence and seit of iustice, can not alwyiss compeir and haif access and mak thair Complaintis, nether can the treuth of the same Complayntis be tryit in the south pairtis of our realme, without putting of a grite number of our subiectis, inhabitantis of the said cuntrie that necessarlie requiris to be inquirit and examinat, to greit and havie travaill and expenss : For relief quhairoff and ease of our saidis subiectis, wit ze Ws, with avise of our said Regent, to have gevin, grantit, and committit, and be thir our letteris gevis, grantis, and committis to our weil-belovittis, MAISTER WILLIAME MUDY of Breknes, and WILLIAME HENDERSOUN, Dingwall pursevant, coniuictlie, our full power, expres bidding and command, to repair in the said cuntrie of Zetland, and thair in our name and auctoritie, to inquire and try the trewth of the saidis Complayntis of the inhabitantis maid to us and our said Regent, or to be presentit to our saidis Commissionaris, at thair passing in the said cuntrie, in form of dittay, or be examinatioun of credibill and honest witnesses, quhais names salbe gevin in bill, and to that effect be thair awin precept to summond sik personis as thai sall think expedient, to compeir befor thame, alsweil to gif up thair complaintis and dittay, as to declair the trewth in sic thingis

as salbe inquit of thame, at thair cuming, ilk persoun under the pains of ten pounds money, the personis . . . pursewand the unlaw for the said persoun, and for the same . . . to poind and to distrenzie, and that thai report thair full findingis in the saidis matteris with all speid and diligence to our said Regent, to the effect that reformation may be givin to the saidis enormiteis, to the ease and satisfioun of the saidis Compleineris, and weill and quietnes of our said cuntrie in tyme cuming. Quhairfor we command and charge the said Mr. William Mudy and Williame Hendersoun, that thai accept this our commissioun in and upon thame, incontinent efter the presenting of the same to thame, and that indelatlie, and with all possibill expeditioun thairefter proceed to the executioun thair of, efter the forme and tennor of the same, alsweil in taking of the said executioun and tryall, as in reporting of that quhilk thei sall try and find out, as thei and ether of thame will answer to ws, vpoun thair obedience, at thair vttermaist charge and apparrell, and under all hiaist pane. charge, and offence that thai may commit and inrin aganis our Maiestie in that behalf. Given under our Signet, and subscrivit be our said Cousing and Regent: At Dalkeith, the ix day of November, and of our regnne the Tent zeir 1576."

The Copie of the REGENTIS GRACE LETTER send to MR. WILLIAME MUDY and WILLIAME HENDERSON to the effect within contenit —

" TRAIST FREINDIS.

" For the furthering of Justice, and halding in of the trauaill and expensses of the subjectis of that cuntrie, quhilkis ar requirit to be examinat vpoun the declaratioun of the attemptatis and disorderis committit thair, We have grantit and maid commissioun to zow, to inquire and try the treuth of the Complaintis of the inhabitantis maid to Ws, quhilk commissioun tending to sa guide and necessar a purpoiss, We desyre you to accept in and upon you.

and according thairto, with all diligence pas to the executionn thairof, efter the forme and tennor of the saime, alsweill tuiching the tryall of the attemptatis and disordaris, as reporting of that quhilk ye sall try and find out to Ws, that we may caus ordour may be put to the same, to the ease and satisfacioun of the . . . and quietnes of that cuntrie. Als ze . . . and us verray acceptabill . . . the ix day of" . . . . .

*(The last two lines of this page are much worn, and the latter words illegible.)*



THE COMMISSION  
BY KING JAMES THE SIXTH  
TO THE CHANCELLOR AND OTHERS,  
TO TRY  
LORD ROBERT STUART  
FOR OPPRESSION.  
M.D.LXXXVII.



THE COMMISSION BY KING JAMES THE SIXTH TO THE CHANCELLOR AND  
OTHERS, TO TRY LORD ROBERT STUART FOR OPPRESSION. 1587.

The first Commissione direct to the Chanseler, the Justeis Clark, and Sir  
Patrick Ballentyne.

“ JAMES, be the grace of God, King of Scottis, To our trustie and weilbelouit  
Counsallouris, S<sup>r</sup> Johne Maitlande of Thirlstane Kny<sup>t</sup>, o<sup>r</sup> Chancellor, and S<sup>r</sup>  
Lues Bellenden of Auchnoule Kny<sup>t</sup>, Clerk of o<sup>r</sup> Justiciarie, Oure Sheriffs and  
Justices of Orkney and Zetland, and your deputtis, and To o<sup>r</sup> louittis  
messengeris o<sup>r</sup> Sheriffis in that pairt, coniuinctlie and seuerallie, speciallie con-  
stitute, greting, Forsamekill as it is humlie menit and lamentable complenit to  
us be our louittis Magnus Irwing and Gilbert Irwing, lauchful sones and aires  
of umq<sup>le</sup> James Irwing of Saba, in Orkney, upone our cousing LORD ROBERT  
STEWART, lait Erle of Orkney, That quhar thar said umq<sup>le</sup> father, (LAWMAN  
OF ORKNEY for the tyme) and his predecessors hes bruikit and joisit peciabile the  
saids landis of Saba, extending to nyne penyland, liand in the parochin of Sanct  
Androis, w<sup>in</sup> o<sup>r</sup> Sherefdom and Maneland of Orkney, as thair proper heritage,  
bruikit and possessit be thame and thair predecessors but impediment thir sevin-  
scoir yeiris w<sup>t</sup> the mair bigane, Quhill that laitlie within thir sex yeiris, or  
thairby, the said Lord Robert wranguslie and masterfullie reft fra the saids com-  
plenaris thair saidis proper landis and heritage, and hes intrusit himself maist  
iniustlie in posessioun of the samyn, but ony ordour of law, bot be sic tyrannie  
and oppressioun as he comounlie uses w<sup>in</sup> the said cuntrie. Lyk as he hes reft  
and spulzeit diuerss of the wthallmen and heretors of the said cuntrie of Ork-  
ney and Zetland of thair proper heritaige, and hes appropriat the samyn to him-

self, being baith Juge and pairtie, be manifest oppressioun and tyrrannie. And sicklyk the said Lord Robert be the meanis forsaidis hes ciected the said Gilbert furthe of his thrie halfpennyland of Horrie, lyand w<sup>in</sup> the said parochin, and pertening to him in heritaige, and hes maist wranguslie intrusit himself and William Irwing his tennent in his name in possessioun of the saids landis of Saba and Horrie, Quba hes maist iniustlie occupeit and uptakin the hail proffittis thair of continuallie sen the saids complenaris eiection y<sup>fra</sup>. And alsua the said Lord Robert hes wranguslie ciectit the said Gilbert furthe of his mark and halfmarkland, liand in Dedall, pertening alsua to him in heritaige; as alsua the said Lord Robert hes maist wranguslie and violentlie ciectit and output the said Gilbert fra his possessioun of three penyland in Breks, thrie halfpeny land in Midhous, thrie penyland in Hortisso, and thrie halfpeny land in Ochilsat<sup>r</sup>, extending altogidder to nyne penyland, lyand in the parochynis of Deirnes and Holme, o<sup>r</sup> Sh<sup>r</sup>effdome and mainland of Orkney, Qubairof he and his predecessors war in peciabil possessioun thir mony yeiris, and hes takis to rin as yit of the samyn. And as yit the said Lord Robert wranguslie reteins, bruiks, and w<sup>th</sup>aldis the saids complenaris proper landis, heritaige, takis, rowmes and possessionis respective abowewrittin, and hes maist wranguslie and tyrranouslie demolischit and cassin down thair hail housses and biggings being thairupoun, extending to auchtene housses, and hes alsua wranguslie, violentlie and m<sup>r</sup>fully spulzeit and away takin the saids complenaris hail insicht plenissing and gudis being w<sup>in</sup> the saids housses, the damaige and skaith sustenit be the saids complenaris in casting down of the saids housses and spoliatioun of thair insicht and gudis being thairintill estimat to fyve hundrethe markis. And sicklyk the said Lord Robert and James Stewart, his son naturall, at his comand, be the space of twelff yeiris sensyne or thairby wranguslie spulzeit, and away tuik fra the said Gilbert Irwing furthe of his hous in Saba aucht barrellis ulie, price of the barrell xiii lb vis. and viii d., than pertening to the said Gilbert as his awin proper gnidis and geir, and being than in his possessioun. And alsua the said

Lord Robert restis awand to the said Gilbert the sowme of sevinseoir ten pundis as for the fraucht of ane thowsand daillis broecht be him furthe of Norroway to Orknay, and intromittit w<sup>t</sup> be the said Lord Robert be the space of thrie yeiris sensyne, and he promisit to haue maid the said Gilbert payment of the said fraucht: And becaus ye saids complenaris socht redress of the wrangis and oppressiones above written done to thame be the said Lord Robert at his awin hand, being baith Juge and pairtie, quha refusit to do thame ony reasoun theifore; And in respect thai are drevin to extreme povertie, and hawing na uther refuge under God but to complene to us, the said Lord Robert suspecting the same, and that uther puir pepill that be havellie oppressit be his tyrannie in lykmaner wald complene to us thairupon, he thairfore hes cloisit all the ferries and passages, that nane of the said cuntrie may have access to us for that effect; and alsua threttynit to tak and hang the saids complenaris, becaus thai said that they wald complene to us. And the said Lord Robert, at the departing of the said Gilbert, hes wranguslie and violentlie spulzeit, reft, and away takin his hail insicht guds, plenissing, cornes and cattell, and hes put his wyff and aucht bairnes to beggarie: and he for saiffitie of his awin lyff wes compellit in this instant moneth of December to tak the stormie and tempesteous seysis of Orknay and Pentland Firth in ane small fischer boit, and be Godis providence, hes cumit heir to mak his said grievous complaint to us, lyk as mony utheris in that cuntrie wald doe in eais they mycht have aecess to us to that effect as is allegit. OURE WILL IS HEIRFORE, and we chairge you, our Shereffis and Iustices forsaidis, and your deputtis and commandis, that incontinent thir o<sup>r</sup> l<sup>rs</sup> sene ye pas, and in oure name and aut<sup>tie</sup> call baith the saidis pairties befor yow, and tak cognitioun upoune the saids actionis of eiection, spoliatioun, dettis, and wrangous intromissiouns with the saids complenaris landis and gudis above specefeit, as they sall libell, and gif the premissis sal be fund to be of veritie, That ye enter and repossess the saids complen<sup>ris</sup> agane to thair saids properties, heritaiges, takis and possessiouns above vrettin, keip and defend thame tharintill, and in pecia-

bill possessioun thairof, ay and quhill they be lauchfullie callit and ordourlie put thairfra be the law, And that ye remowe, eiecht, and output the p<sup>nt</sup> possessors and occupiaris of the samyn thairfra, wnder the paine of rebelloun and putting of yow to o<sup>r</sup> horne, w<sup>t</sup> certificatioun and ye failzie o<sup>r</sup> signittis letres sal be direct simpliciter to put yow thairto, and that ye preceid and do iustice thairupone according to the lawis, admittand to baith the saidis parteis thair just and lauchfull defenssis. Attoure that ye, oure officiaris of armis, pas and in our name and aut<sup>tie</sup> comand and chairge the saids Lord Robert, James Stewart of Gramesay, his sone, and thair complices, To find sufficient caution and sourtie to the saidis complenaris, That thai, thair wyffis bairnis, seruands, lands, heritaiges, stedings, cornes, cattell and guds, sal be harmeless and skaithless of the saidis Lord Robert, his sone, thair complices, and all that thai may lat in tym cuning, Under the paine of twa thowsand pundis, and that ye chairge thame heirto personallie gif they can be apprehendit, and failzeing thairof be oppin proclamatioun at the mercat croce of o<sup>r</sup> burghe of Kirkwall, To cum and find the said sourtie to yow w<sup>in</sup> sex dayis nixt efter they be chairgit be yow thairto, Wnder the pane of rebelloun and putting of thame to o<sup>r</sup> horne. And gif thai failzie thairintill, the saids sex dayis being bipast, That ye incontinent thairefter denunce the disobeyaris or rebellis, and put thame to o<sup>r</sup> horne and escheit, and inbring all thair moveabill gudis to our use, for thair contemptioun. And als that ye comand and chairge our saids Shereffis and Justices, and thair deputtis, to proceid and do sumar Justice to the saids complen<sup>ris</sup> againes the said Lord Robert and his complices upone the actiouns of spoliatioun, eiection, dettis and wrangus intromissioun above specefeit, as accordis to iustice, as thai will ansuer to us upon thair obedience according to Justice. The q<sup>lk</sup> to do we commit to you coniunctie and seuerallie o<sup>r</sup> full power, Be thir our l<sup>ris</sup>, deliuering thame be yow deulie execut and indorsit againe to the beuar. Gewin under our signet, At Dalkeith the xvi day of December, and of our Reigne the twentie are zeir 1587.

*“ Ex deliberatione Dominorum Secreti Concilii.*

*“ ANDRO ELLEIS, Sec.”*

A SUPPLICATION TO PARLIAMENT  
BY  
LAWRENCE BRUCE AND OTHERS  
AGAINST  
PATRICK EARL OF ORKNEY.  
M.D.XCII.





A SUPPLICATION TO THE PARLIAMENT BE THE GENTILLMEN OF  
ORKNAY AND ZETLAND.

“ MY Lord Commissioner and Lordis of Articles of thir present parliament, Unto your Grace and Lordships humblie meines and shewis We zour Servitoris Lawrence Bruce of Cultmalindy, Henrie Sinclair of Towquoy, William Irving of Saba, Robert Sinclair of Camstane, Thomas Cheyne of Walay, William Bruce of Cimbister, John Sinclair of Tobe, and Magnus Cromartie of Caray, ffor our selff and in name of the remanent Our Sowerane Lordis gwid subjectis heritable possessoris of the Udack Lands in Orknay and Yetland, That quhair Patrick, Earle of Orknay, Vpon some sinister informatioun made be him that the haille Vdack Lands in Orknay and Yetland wer fallin in Nonentrie, hes therupon and upon some other unlawfull groundis purchasit ane Infetment of our saidis landis, and is myndit to seek the approbatioun and confirmatioun theroff in thir present Parliament, That therby being claid in the warrand and authoritie of ane Act of Parliament, he may summarlie, but forme prosceiss of law, posses him selffe in our haille landis and intruse himselffe therintill. Albeit (we doubt not) give your Grace and Lordships vnderstood the nature of our Vdack landis, and the forme and maner of ther halding, no sick confirmatioun wald be grantit to the said Erle. For it is of truth, That quhan the landis of Orknay and Yetland wer under the Crowne of the Kingis of Norroway for the tyme, the Vdack landis were repute as ane pairt of the propertie of the Crown. and the possessoris of the earledome bruikit the samin; but charter or seasing, as heritable rentalleris of the propertie of the Crown, for payment of ther Scattis. callit in our language the fewduties, and at the deceiss of the possessor and rentaller, the entrie of the aires followed be ane breiff of divisioun, callit in



Denmark and Norroway ane Shownd Bill, and is putt in executioun be the Sheriff and his deputis, Quhilk forme of halding hes been inviolablie kepted sensyne, alsweil during the tyme of the Kingis of Denmark, as sen ther landis fell to the Crowne of Scotland, and we and our predecessoris of thir Vdach landis haiff been in continwall possession theroff according to the tenor of the halding abovewrettin first esteablished in Norroway, allowit in Denmark and imbracit and ressaute be ane inviolable custome in this kingdome thir ffyve agis bygane and mair, and thair wes nevir any questioun moved against the forme of our haldingis, and the constant and inviolable custome of sa many ages, without any interruptioun or process intendit against us or our predecessoris, will never suffer us to fall under the compas of nonentrie. And giff the Sowerane Princis of this kingdome for the tyme had mislykit of the forme of our halding, as not agriable to the lawes or customes of this kingdome, ther is no question bot be the authoritie of ane lawe (all parteis being heard) thay wald have altered and changit the forme of our haldingis, and putt us in suretie be ane new established forme: bot so far hes the Princes of this Kingdome been from quarrelling of the nature of our haldingis, as by taking hold and making thair advantage upon everie failzie quhilk hapnit and fell out against the conditioun of our halding, thay have approven and allowit our said haldingis. For it is ane prouisioun and conditioun in our haldingis, that the non payment of ovr dewties for thrie termis togidder forfealtis our right and possessioun, quherby it is fallen out that many of the Vdach landis hes fallen in his Majesteis handis upon this occasion. — AND FARDER it is of veritie that quhan this pretendit Infestment was first purchast be the said Earle, We finding our selfes thairin to be very heavilie grieved and prejudgit, we cam unto him and assured him that we wald complaine and seek reparatioun from his Majestie, and he fearing (be law) he could not maintaine that pretendit right of his to be gwid, he promiseit to us to discharge the samin give we wald pay to him the soumes of money advancit be him in purchasing theirow, quhilk we

did. AND FARDER it is of trewth that ther is some Lordis in Noroway and Denmark quha brukis sundrie of the Vdach landis in Yetland ettir the same forme of halding, quhais halding the said Earle hes nawayes quarrelled and hes omitted ther landis out of his Infefment, and hes only taine him to us whome he thinkis to owircrow at his pleasur, AND SWA we being his Majesteis proper rentalleris, we ought not to be in ane worse conditionn nor strangeirs are, and giff this confirmatioun sall passe throw, it will samickle the mair stur up the said Earle in most violent courses againis us, and prepares our utter wudoeing and wrack. HEIRFOR we most humblie beseek your Grace and Lordschips that no seek confirmation passe to the said Earle in this present Parliament, and that we may have ane act past in our favoris, declairing the pretendit infefment purchast be the said Earle of our said Vdach Landis, shall nowayes prejudice ws in our heritable possessionis, and that the samin sall be na farder extendit bot to our fewdewties, quhilk we are content to pay to him or to any othir his Majestie pleis appoint, And giff it sall pleis his Majestie and your Lordschipsis to alter the forme of our haldingis and to make the samine agreable to the forme of this kingdome, We most humblie beseek your Lordschipsis that it be declairit be Act of this present Parliament, that we sall be preferrit to our rowmes and possessionis, and that securities be made to ws of the samine, we doing therfor accordingly, and your answir humblie We beseek. Etc.

The Supplication abovewrettin was given to the Lordis of the Articles of the Parliament, haldin at Edinbroughe be King James 6, Parl. 12, anno 1592, in the quhilk Parliament ane Ratificatioun was made to Patrick Erle of Orknay of the Erledome theroff in ane unprinted Act.

The forsaid Erledome was ratified of befor to Robert Earle of Orknay in the 7 Parl., haldin at Edinbrough be King James 6, anno 1581.



A P P E N D I X .



## APPENDIX.—No. I.

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CHARGES laid before KING ERIC (THE POMERANIAN) by the COMMONS OF ORKNEY against DAVID MEYNER (MENZIES) OF WEEM, PRÆSES OF THE ISLANDS. MCDXXV. Extracted and Corrected from the ORCADES seu RERUM ORCADENSIVM HISTORIÆ, *Auctore* THORMODO TORFÆO. *Havniæ*, 1697, p. 179.

I. Cum adversi frugibus anni affligerent terram, PUBLICO-que CONCILIO (ipsius quoque Davidis consensu) decretum esset, ne frumentum efferretur, sed indigenis tolerabili pretio venderetur, nihilominus ipsum Præsidentem quatuor navibus frumentum in Scotiam avexisse, et antequam hæc constitutio facta esset, quinque aut sex naves frugibus onustas alio amandasse, maximo insularum damno.

II. Peregrinos præterea invexisse, qui plebi universæ, etiam iis qui judicia administrabant, admodum graves hospitiiis se magnis civium damnis et molestiis violenter ingessissent.

III. PUBLICUM TERRÆ SIGILLUM, invito Supremo juris Præfecto abstulisse, contraque leges et consuetudines obsignandis quæ libuit adhibuisse; cumque vir quidam Nobilis nomine Christianus Ellingeflet (LINKLETT) expostularet, præposterè SIGNACULUM GENTIS in abusum trahi, magnam eum pecuniæ jacturam fecisse. Cum autem Comes accederet, postularetque idem ad obsignandum Testimonium, quo jus suum in Orcades a majoribus per ordinem successionis ad se delatum, monstraret et afferret, simulque ut quidam indigenarum Nobiliores secum ad Serenissimum Regem ejusque senatum transfretare permitterentur, ad statum publicum declarandum, verumque de jure suo testimonium ferendum, neque SIGNACULUM, neque comites ullos, præter Thomam Sinclerum et Archidiaconum Hialtlandiæ, duosque famulos indigenas impetrasse.

IV. Anno proximo ex quo Comes in Dania apud Serenissimum Regem moratus esset, cum prædictus David eo profecturus esset, universos eum insularum incolas convocatos, de testimonio vitæ apud eos transactæ sollicitasse, idque scriptis ad Clementissimum Regem eique traditis literis obtinuisse, ea conditione ut Viri primæ Nobilitatis viginti quatuor eum ad Regem sequerentur, quos (cives nequaquam dubitarent) si eo pervenissent, tum de commodis Regis, tum etiam administratione Davidis Regem informaturos; verum itinere a Davide prohibitos, domi remansisse, solum profectum, Sigillum Gentis secum avexisse, nemine Nobilium comitante.

V. Regiæ monetæ valorem adeo minuisse, ut uni Scotico duos regios nummos æquari juberet, idque tantisper, donec tantum non omnem regionem monetâ exhaustisset. Cum autem Thomas Sinclerus novissimè e Daniâ rediisset, in eundem valorem eam restituisset quem in Norvegia obtinuit, idque publicè promulgasse, quod et hodie teneat.

VI. Nec parum incolis nocuisse muletarum Regi Comitique debitum (præter legum privilegiorumque aut reformationum regulas), rigidas exactiones.

VII. SUPREMI INSULARUM JUDICIS, quem *Nomophylacem* (LAWMAN) appellant, uxorem, ejusque propinquos accusasse, quod is bis comprehensus in Turrin (carcerem) conjectus fuerit, talibus ex causis. Quarum prima, quod Jon de Baddi Nomophylacis minister et propinquus, repetivisset equum suum a Michæle Magio (MENZIES?) Davidis propinquo, qui eo invito eum (aliò profecturus) abstulisset, ea de causa Nomophylacem in Plateâ Kyrkinvogensi (*The DOM PLATZ of Kirkwall, now BROAD STREET*) incedentem apprehensum Turri (BISHOP'S TOWER) inclusisse, sed postquam dimisisset peregrinos Catanesenses, in domum ejus immissos, templum offringi fecisse et quæcunque ibi continebantur evili singula quæ in domo erant, magna parvaque corrumpi, nullo omnino excepto. Captum denuo Nomophylacem in Turrin conjecisse, tantum quod ei SIGILLUM TERRÆ ad obsignanda quæcunque volebat tradere recusasset, ibique tam diu detenuisse, donec se ei addixisset, uxorque ejus SIGILLUM et CODICEM LEGUM altari Divi Magni imposuisset. Exinde prædictum Davidem SIGILLUM et CODICEM in suam custodiam assumpsisse, aliumque Nomophylacem constituisset, qui id officium ægrè assumpsisset.

VIII. Quo tempore Supremum Judicem Turri incluserat, alium quoque Nobilem indigenam simul in carcerem, contra Leges et sine causâ, intrussisse.

IX. Jonem Loggium (LOGY) accusasse, se quoque eidem carceri mancipatum, quod requisitum Sigillum negaret sibi, nisi ad custodiendum, commissum esse.



X. Thomam Sinclerum mandatarium Comitis expostulasse cum Davide, quod de canonibus annuis Comitis à morte patris ejus et anno qui præcessit, ad octo Libras Anglicas acceperit, præter alia, id quod Comes ad Clementissimum Regem accusare deereverit.

XI. Ipsum quoque Thomam Sinclerum suo propriæ nomine questum, quod postquam literis Regiis munitus esset, quibus eum Rex, ejus ministros, bona navem et quæcunque ejus essent, in suam regiam protectionem receperat, nihilominus famulum suum Davidem Smid (SMITH) comprehensum, ad sanguinem usque intra suam domum verberatum, iuque infima Turris detrusum, ibique compedibus injectis, in reditum suum è Scotia detentum fuisse. Se vero, cum primum in Orcades reverterit, interponentibus se bonis viris, statim domum suam cum suis rediisse, ibique ad finem diei permansisse, quo tunc Johannes Kroe (CRAIGIE) filiusque sororis ejus, cum pluribus aliis se accessisse suasisque, ut in Templum (*Kirk of St. Magnus*) aut aliò profugeret, nî cum suis incendio perire mallet; quò cùm se recepisset, ad jura Templi literasque tutelæ regiæ quas simul exhibuerit, nequiquam provocasse; tandem clam elapsum, Clementissimi Regis suisque amicis collectis, postulasse, ut in gratiam Regis, se ab oppressione vindicaret, legum pro se suisque præsidia sæpius inclamasse. His comitatum, ubi ad Templum rediisset, suosque ministros inde emisisset, cæsum esse sororis suæ filium. Inde interponente se Nomophylace cum aliis Primariis Viris, litem istam ita compositam, ut datis ab utraque parte prædibus, causam omnem Regis aut Comitis judicio decidendam committerent; cavisse prædibus Thomam duodecim, Davidem nullo. Cumque ille in Scotiam rediisset, Comitem decessisse; quo cognito, Davidem prædibus istis duodecim triginta sex libras Anglicas expressisse, omnemque dilationem, quoad simul judicio Regis senatusque sisterentur, abnuisse. His ita ordinatis, eos qui Thomæ Sinclero ad Edem Sacram protectoris literis Regis conservandis adhæserant, octuaginta Libris Anglicis et quinquaginta solidis multasse; fuisse autem qui Davidis Thomæque verba exceperant, cum Thomas ad Legis et judicis sententiam provocaret, nimirum Nicolaum Myrium (MUIR), Dominum Laurentium, Dominum Johannem Canonicum, Wilhelmum de Hedal (HEDDLE), Alexandrium de Suderlandia, Johannem de Krage (CRAIGIE), Wilhelmum Yrving (IRVING), Wilhelmum Flet (FLETT), Adamum de Nestegaard, Christianum de Ellingeklat (LINKLETT) multosque alios terræ istius Bonos viros, et presbyteros et laicos.

XII. Wilhelmum quoque Bressium (BRASS), sine ullo juridico processu, nedum criminis alieujus convictum, compedibus constrinxisse, tantùm quòd ad colloquium cum Comite in Scotiam profectus esset.

XIII. Cùm plebs de Rognvaldzö (South Ronaldsey) Præsidi provinciæ suæ quereretur, de Scotorum quos Feros (WILD HIGHLANDERS) appellant, nimîa, sibi commissionibus aliisque

molestiis, gravi frequentatione; professa se mori malle, quàm tantis identidem injuriis vexari, respondisse Davidem, ‘Non omnes eos uno eodemque die morituros, singulis tamen diebus quoad is iis præset, aliquos.’

XIV. Davidem Meynerum Henricho Garoch (GARRIOCH) duas selibras Anglicas abstulisse, quod prædicto Thomæ in Regii diplomatis autoritate vindicanda adhaereret.

XV. Joni Simonis filio undecim solidos Anglicos, eodem die abstulisse.

XVI. Maleum Jonis (MALCOLM JOHNSON) etiam questum, nave se bonisque aliis, pretio ducentorum nobliorum, sine actione juris spoliasse.

XVII. Prædictum Davidem Jonem Jonis filium, comprehendi curasse, adque livorem et sanguinem contusum in Turrim conjecisse, eique unam naviculam sex scalnorum, pretio duarum Librarum Anglicarum, emunxisse, cum pluribus aliis bonis sine causâ.

XVIII. Nanclerum Thomam Brun questum, conjectum se à Davide in Turrim, quod ad primum nuncium eum non accessisset.

XIX. Et cum David novissime ex Dania rediisset, onustam mercibus prædicti Thomæ navem arripuisse, inque Scotiam se invito misisse, ibique similagine pretio viginti quatuor nobliorum eum spoliasse, detenuisseque maximam partem hiemis, cujus exitu cum domum navigasset navis, mercium nautarumque aliquot jacturam fecerit.

XX. Jonem Loggium quirritatum, exutum se a Davide ex prædictæ navis vectura decem cadis (tounas vocat) hordeo, octo similagine refertis, octo cupis pice uno ferro distentis, undecim mensuris ceræ quas LAPIDES appellant, viginti sex lebetibus magnis parvisque, duabus stateris, duobus molegis malluviis, centum et octo libris cannabis, sex cantharis stanneis, undecim albarum et rubrarum patinarum decadibus, quæ simul in summam viginti sex librarum Anglicarum ascenderint.

XXI. Prædictum Davidem Andræ Jonis ex eadem nave sex lebetes, pretio sex nobliorum, eripuisse.

XXII. Præfatum Davidem Nicolaum Jonis (NICOL JOHNSON) spoliari fecisse quadraginta solidis Anglicanis, in auro et argento, eo quod se Thomæ Sinclero conjunxisset, Clementis-simique Regis diplomati satisfecisset; ad leges se sed frustra provocasse.

XXIII. Patricio Thyrgelsonio duas vaccas, bovemque castratum, eadem de causa aemptum.

XXIV. Jonem Fif in Turrin conjectum, compedibus ferreis duriter constrinxisse, vigintique nobliis mulctasse, sine juris processu, tantum quod dixisset Comitem esse ad comitatum Orcadensem illo jure potiores, essetque Comiti sanguine junctus.

XXV. Joni Blatto (FLETT?) quinquaginta marcas Anglicas de nocte eripuisse, quod in mandatis regis vindicandis, cum Thoma Sinclero unum fecisset; eum quoque leges judiciumque implorasse, sed nullo successu.

XXVI. Wilhelmun Graa (GRAY) conquestum, se ab eo coactum ad transmittendam navem suam ad insulam in mari longè dissitam, Solsker (SOULS SKERRY) dictam, sub minis exilii, cumquenavi duos fratres suos minores et octo alios indigenas imposuisset; omnes cum ea periisse; navem cum armentis mercibusque quindecim marcis Anglicis aestimatam.

XXVII. Samsonem Vilhelmi filium (WILLIAMSON) deplorassee, se Templo violenter ereptum, damnatorum in morem victum, protinus capitis supplicio à Davide destinatum, nì Canonici cum uxore ejus intercessissent. Expressos tamen sibi unum et quinquaginta solidos Anglicos, sine juris processu, sine judicio, tantum quod imputaret sibi, quod ministrum suum vulnerasset; se legibus crimen diluere volentem, non admissum.

XXVIII. Paridem Lutzit (LOUTTIT) professum esse, se quoque inclusum Turri, coercitum ferreis compedibus, tribus integris diebus ac noctibus; liberationem deinde impendio decem marcarum signatarum constitisse, inobservato se nullius criminis convictum, tantum quod a Thoma Sinclero dependens, Regis mandatis velificari studuerit.

XXIX. Prædictum mandatum Paridi inter recitandum, a Davide ereptum, referente, ‘se tales Literas in alium sermonem translatus, octodecim denariis Anglicis in Dania ‘emere posse;’ retenuisse deinde, et in eum diem quo hæc querela instituta est, retinere.

XXX. Thomæ Bimsoni (BEENSON) unam et viginti marcas Anglicas, inaudita causâ, eripuisse.

XXXI. Inaudita quoque causâ, sine judicio, contra leges Magno de Jennelandia (MAINLAND?) duodecim cados hordeo plenos, viginti quatuor solidorum Anglicorum pretio erepuisse.

XXXII. Wilhelmum Geredsonium (GARSON) ejusque equos in Turrim conjecisse, sine legitimo processu, tantum quod Thomæ Regiique mandati partes susceperit, tredecim marcis Anglicis liberationem emercari coactum.

XXXIII. Eadem de causa Sanderum Brunum (SAUNDERS BROWN) de nocte viginti septem marcis Anglicis spoliasse.

XXXIV. Et prædicti Sanderi ministrum undecim marcis Anglicis, ejusdem intentati criminis prætextu.

XXXV. Dominum Nicolaum Myrium (MUIR) et Dominum Laurentium, Canonicos, questos esse, quod sigillum capituli arcâ quæ in penetrali Templi stetit, eximisset, præterque scemestre detenuisset; quid scribi illoque obsignari fecerit non sibi constitisse.

Multo plura esse quæ ad Clementissimum Dominum suum Regem de gestis Davidis Meyneri, illatisque ab eo populo Orcadensi damnis, scribi possent, necessariaque essent; sed molem ejus criminum, longamque seriem, in præsens se exponere nequisset; tantum in horum capitum firmitus testimonium, majoremque securitatem, Terræ suæ Populique Sigillo has literas obsignatas, etiam sigillis Reverendi probique viri Wilhelmi Thurgilssonii Regionis nomophylacis, Kolbeini Flæt (FLETT) Jonis Magni filii (MANSON) et Wilhelmi Urving (IRVING) confirmatas.

## APPENDIX.—No. II.

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### THE TAXATION, RENTALS, WEIGHTS AND MEASURES, OF ORKNEY AND ZETLAND.

THE earliest Survey and Valuation of Orkney (1263) was the counterpart—perhaps the pattern—of the AULD EXTENT of Scotland made by Alexander III. somewhat later and subsequently to his intimate relations with Norway. It was to the Islanders an event of such importance, that history and tradition have combined to commemorate its date, place, and circumstances with picturesque minuteness. It was on St. Martin's day 1263 that Hacon IV., in an upper chamber of Bishop Henry's palace in Kirkwall, lay down to die of a broken heart and mortified ambition. But the cares of royalty followed him even to his deathbed; his troops and seamen, the relics of the storm and battle at Largs, were starving and houseless; and in the absence of Magnus Jarl III., he issued orders to divide the whole occupied lands of Orkney and Zetland into MARKLANDS containing 8 EYRISLANDS or URISLANDS, each of which should find quarters and supplies for a Hofding and a fixed number of men, probably in proportion to the Skatts formerly paid.

In the comparatively fertile and populous Orkneys, more minute subdivision soon became necessary; and some Scottish Jarl divided each Norse Urisland into the Scottish denominations of 18 Pennylands, and each pennyland into 4 Farthings or Merks, or (in some districts) into 6 Uriscops or Mæliscope, and finally into 10 Yowsworths, to suit the excessive partition of Odal heritage. Though the Mark is still the vague denomination of land measure in Zetland, as being sufficiently minute for its large tracts of comparatively valueless waste, even there it has been found convenient to estimate the unequal value of the Markland by Pennies, and to apportion its Skathald, Skatt, and Landskyld to the number of Pennies ascribed to each Mark, an alteration traditionally attributed to English valuator under a commercial Treaty between England and Norway—perhaps that of 1431. From the confusion of terms of value, weight, and size,—of Mark and Merk—of Peningr and Penny—of Urisland and Uriscop—of Marklands in Zetland of 4, 8, and 12 pennies per mark—and of Pennylands in Orkney of 3, 4,  $5\frac{1}{3}$ , and 8 merks to the penny—so many difficulties beset this subject, that I rejoice that I am not required to attempt their solution; for the denominations of land-value still exist as fixed by Hacon's Survey, practically undisputed by subjects or rulers—neither the ground of oppression nor the cause of complaint.

This Survey was probably grounded partly on traditions of taxation, as early as the Norwegian Conquest, and partly upon the *Matricula Regis*, King Sverrick's Register of the Odals confiscated under penal terms of redemption (1196)—and from its results was compiled the first LIBER CENSUS, or SKATT BOOK of Orkney and Zetland, the authentic Statement of the extent of each Odal Tun then in occupation, and of its STENT or proportion of Butter Skatt. As population increased, each Tun or subdivision thereof paid for its enlarged area of cultivation a Malt Skatt also, marking at once the advance from pasture and the increase of culture; and the old *Liber Census* was from time to time replaced as out of date, by a new and more complete record of such changes. The only specimen extant is a copy of the SKATT of ZETLAND, compiled by one of the Sinclair Earls, without a date, but so ancient that the scribe of the fifteenth century apologises for the illegible writing and uncouth terms, as unintelligible even to himself. This Skatt Book distinguishes each Thing; describes the extent of each Tun in Marks of so many pennies per mark; and under distinct heads charges against each possession its Odal-Skatt and Leangr, or Tenant's Land-male of wadmæl, oil, or fish—or sometimes both Odal and Tenant burdens; probably because such lands, though formerly Odal, had fallen by confiscation to the King or Earl, and been set to a tacksman, subject to both the old and new exactions. But though it thus records a few *land-males* (showing the small extent of land in Zetland under tacksmen), the Skatt Book seems to have been a fair and distinct statement of National Taxation, unblemished by the studied confusion of tax and rent, of Odal and Feudal terms, which rendered its successor, the Rental, so oppressive to the Odaller. Like the Domesday Book of another Northman race, the Skatt Book was the simple Record of the revenue and rule of taxation—its successor, the Scottish Rental, claimed to be also the substitute for a written title, the limit of every claim, the standard of every burden, the authority for every exaction; but compiled in secret, and jealously closed against public inspection, it rather favoured the claims of the ruler than secured the rights of the subject. The first duty imposed by James III. upon his new vassals, the Earl and Bishop of Orkney, was the compilation of such a rental, including not only the land-males or rents of his own newly acquired Earldom, and of the Church lands, but also the whole Skatts and other Odal taxes of the Skatt Book, exigible from the lands of free Odallers. The "AULD PARCHMENT RENTAL," Earl William's last legacy of spite against the Bishop and the Odallers, has unfortunately been lost, but it is evident from other authorities that he revenged himself on the Churchman by pitiless exposure of his fraud and rapacity, and on the Laymen, by suggesting the close similarity and easy identity of Odal and Tenant rights and burdens. The same fate has overtaken the Rental prepared by Bishop William Tulloch, partly for the Crown's instruction, partly in self-defence against the Earl's accusations of *Skatts abstracted* and *lands gripped*, and other encroachments during the Lientenancy of Bishop Thomas and himself. Of these conflicting

Rentals, and their mutually truthful recriminations of embezzlement and oppression, much may be learned from the succeeding Rentals of Henry Lord Sinclair, of which the earliest was prepared in 1492, more than twenty years after the Impignoration, and therefore affording ample time for such Crown officers as Bishop Tulloch to alter every land right in the Islands. Accordingly, this Rental shows an aggravation of the number, nature, and amount of the Odaller's burdens, and a studied confusion of his rights with those of the Tacksman of the Crown or Kirk. Thus, the Odal lands are charged with the ancient Skatt, but this is sometimes doubled and paid both to King and Bishop. The FÖR-KATT is no longer the fee of the Lawman (whose salary of £12 is charged against the Crown in the tacksman's account), but under the feudal name of *Forcop* is again exacted from the Odaller as a *triennial grassum* for the use of the once free and common pasture. The *Votn-tel* is entered under the corrupted name of *Wattel*; but in despair of its lost Norse meaning, the fancy of the Fendalist has explained it as a tax for holy water, or for the good offices of some saintly lady whose profitable virtues had outlived her name; while its ancient purpose of the Underfond's fee, is again supplied by the *Balliat*, a new impost on the parish. Another parish burden of *Hawkens for the King's falcons* is first mentioned in the *compota* of Bishops William and Andrew (1478-9), and first charged in this Rental, where the Escheits of Moveables and Heritage are entered as an ordinary item of revenue, under the suggestive name of "Chetry." The purely Scottish claims of Wrack and Waith (which in time ripened into the full Droits of Admiralty and the *Leges Forestarum*) were new and violent invasions of the Odal freedom of hunting, fishing, and sea-beach; and every occasional or temporary payment once paid became a tax for ever.

The several exactions may be classed in the order in which they are named in the Rental. 1st. Odal; 2nd. Tenant; and 3rd. District or Parochial Burdens.

The Odal payments consisted of—

- 1st. STENT, the Butter Skatt assessed by ancient valuation in proportion to the pennylands.
- 2nd. BUTTER SKATT, *præter the Stent*, an obviously unwarranted and often large increase of the tax—generally as much more.
- 3rd. MALT SKATT.
- 4th. SILVER SKATT.
- 5th. FORCOP, already explained, but of such arbitrary and unequal exaction as fully to warrant the definition of Dufresne, "*FORCOP, Forcapium, exactio, tributum haud debitum, per vim et contra jus captum.*"
- 6th. WATTEL, the Fee of the Underfond, paid or estimated in grain.

The Land-male or Rent of Tenants or Tacksmen consisted of—

- 1st. **COST**, or victual—generally paid in a commutation of two-thirds of malt, one-third of meal.
- 2nd. **FLESH**—paid in cattle or live stock, at a conventional estimate of 2 or 3 head to each Last of nominal quantity.
- 3rd. **PENNYWORTHS**—an equivalent in grain, butter, oil, or other produce of the lands, in case of deficiency of the other payments.

The parochial exactions (all of Scottish origin) are summed up with a quaint acknowledgment of omnivorous rapacity; “And all this *supra*, is *præter* the Skattmarts, Wrack, Waith, Hawkens, Chetry, Balliatus, and uthir profitis and Revenues that may happen ony maner of way.”

The relative share of the Odaller and Tenant in these new parish burdens is not expressed, but both must have looked back with regret to the worst of their ancient rulers, and watched with dismay the rising tide of Scottish oppression which was slowly but inevitably sapping their rights and overwhelming their liberties.

Of the taxes, rents, and assessments of the Rental, only a very small part was payable in money, and every coinage seems to have been current, though at an exchange often and arbitrarily fluctuating.

The rest of the *Debts and Duties*, as they were called, were paid in kind or produce, and measured by the PUNDAR and BYSMAR—the CAN and BARRELL—the CUTTEL and PACK—the native Standards and Instruments respectively of weight, capacity, and extent. The correctness and uniformity of these instruments was guarded with jealous care by the Thingmen, and the Wardthing of every Parish elected a LÜGRETTMAN or LAWEIGHTMAN to watch the measuring of its debts or duties by the Underfoud, and to take charge of its Standards, which were from time to time compared and corrected in presence of the Thing, by reference to a Common Standard of each kind of instrument of mensuration. Each of these common Standards was more solemnly authenticated by the Common Seal, or the signature or mark of the Lawman, by authority of the Lawthing, and severally kept by one of the Lawrightmen of four different districts, honoured by law or custom with their custody. This system of inspection, counter-checks, and separate guardianship, effectually precluded fraudulent or ignorant tampering with the Weights and Measures of the country, till virtually cancelled by the violence of the Donatary and his agents in superseding the Lawrightmen.

Of measurement by weight the instruments were—1st, The PUNDAR or PUNDLAR, identical with the Steelyard or *Statera*, and of two kinds—the *Malt Pundar* for weighing Malt and other bulky articles, and the *Bere Pundar* for Bere only, using the same weights, but each a third less than the same denomination on the Malt Pundar; and 2ndly, the BYSMAR.



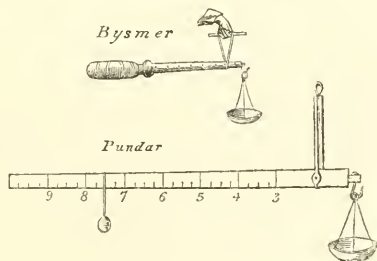
on which were weighed the butter and other articles requiring more minute mensuration. The following figures will explain the form of the Pundar and Bysmar better than description, and show their liability to error and fraud, and the consequent necessity for the jealous watch of the Lawrightman upon the weigher's crafty hand.

The first is a facsimile of the woodcut which occurs in the original edition of the *Historia de Gentibus Septentrionalibus*, of Olaus Magnus, Archbishop of Upsala, p. 468, Romæ, 1555, folio. The other is copied from *The General Grievances and Oppression of the Isles of Orkney and Shetland* (by James Mackenzie), p. 19. Edinb. 1750, 8vo.: Both cuts are figured in Dr. Hibbert's *Shetland*.



The weights in use were —

8 Eyra or	} = 1 Mark of half a pound
Ounces	
24 Marks	= 1 Lispund, Span, Set-
	teen, or Stone.
6 Lispunds	= 1 Meil.
24 Meils	= 1 Last.



Of measurement by capacity, the instruments were the Can or KANNA of Norway, and the Barrel or BARIEL of fifteen Lispunds.

48 Cans of Oil or 15 Lispunds of Butter = 1 Barrel.

12 Barrels, 180 Lispunds, or 576 Cans = 1 Last.

Of measurement by extent the only instrument was the CUTTEL or ALIN, a wooden rod of the length of the Scottish Ell. The Cuttel of Wadmæl became in Zetland the general measure of value, standard of barter, and substitute for a current coinage; 6 Cuttels being equivalent to an EYRIR or ounce of land taxation, and 6 score or a large hundred of Cuttels being the standard price of an ox or six sheep.

6 Cuttels = 1 Gudling or Gullion—10 Gullions = 1 Pack.

The standards of weight and measure were unchanged till Earl Robert, by raising the weight of the fundamental Mark from 8 to 10 ounces, added in the same proportion of one-fifth to every other denomination—and by increasing the Gudling from 6 to 8 Cuttels, he added one-fourth to every Pack of Zetland Wadmæl. Earl Patrick increased the Mark to 12 ounces, thus adding one-third to every Lispund, Meil, and Last; and subsequent Donataries improved the profitable example by aggravating the Mark to 20 ounces, and thus boldly achieving an increase of 250 per cent. upon every denomination of weight or measure. The only apparent exception was the Barrel, which, being a vehicle of foreign export, could not be enlarged, and consequently could only contain 10 of these aggravated Lispunds instead of 15 of the normal size; but the balance was charged in *loose Lispunds* of similar overweight.

There is no authentic statement of the revenues of James III. as Sovereign and as Earl of Orkney, but assuming and deducting a rise during the Episcopal Tacks proportioned to that which appears between the first and second Rentals of Lord Sinclair, the Skatts and Land-males of the Crown may be approximately stated at between £500 and £600.

Their progressive increase during the sixteenth century may be more minutely estimated by a comparison of Lord Sinclair's Rentals (1492-1502) with that of Earl Patrick (1600-1), and an unerring tariff of current prices is found in the Rentals themselves, or in the contemporary Rolls of the Scottish Exchequer. The last Rental of Lord Sinclair stands thus—

1502.	<i>Scat Butter</i> —1312 Lispunds at 1s. . . per Lispund	£82	0	0
	<i>Scat Malt</i> —60 Lasts at £3, 6s. 8d. . . . .	200	0	0
	<i>Forcöþ</i> (the exact amount of the Lawman's fee, £12)	12	0	0
	<i>Wattel</i> —12 Lasts . . . . .	40	0	0
<hr/>				
	Total Odal Payments . . . . .	£334	0	0
	<i>Butter</i> , 24 Barrels (360 Lispunds) . . . . .	£22	10	0
	<i>Cost</i> (or Grain Rent), 88 Lasts . . . . .	293	6	8
	<i>Flesh</i> , 59 Lasts (118 oxen at 13s. 4d. per head) . . . . .	78	13	4
	— 32 salted Marts at the same price . . . . .	21	6	8
	<i>Hawckens</i> , 440 at <del>4</del> 1. each . . . . .	7	6	8
<hr/>				
	Total Land males of Earldom . . . . .	423	3	4
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	Total Crown's Scats and Males . . . . .	£757	3	4
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These revenues, with the unrental profits of Wrack, Waith, Chetry, Balliatus, &c., were farmed by Tulloch and other tacksmen, at a rent or Tack duty varying from £366 to £466, till James V. (1540) ascertained by personal investigation, that under the most liberal tack, a duty of £2000 was not too high for the increased value of official perquisites, and the higher prices of conversion, which had raised the Crown's Rental as follows—

1540.	<i>Butter</i> at £3 per Barrel . . . . .	£262	10	0
	<i>Malt</i> at £5 per Last . . . . .	300	0	0
	<i>Wattel</i> at £5 per Last . . . . .	60	0	0
	<i>Forcop</i> as before . . . . .	12	0	0
<hr/>				
	Total Odal payments . . . . .	£634	10	0
	<i>Butter</i> . . . . .	£72	0	0
	<i>Cost</i> . . . . .	440	0	0
	<i>Flesh</i> (150 cattle at £1, 10s. per head) . . . . .	225	0	0
	<i>Hawkhens</i> at 6d. . . . .	11	0	0
<hr/>				
	Total Land males . . . . .	748	0	0
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	Total Crown Rental . . . . .	£1382	10	0

The same Tack duty of £2000 was paid by Lord Robert Stewart as a Fen-duty; and in 1568, the first year of his actual exercise of power, the higher prices of conversion had raised the Crown Rental to the following value, without increase of quantity:—

1568.	<i>Butter</i> , 87½ Barrels (at £9 per barrel) . . . . .	£787	10	0
	<i>Malt</i> , 60 Lasts (at £30 per last) . . . . .	1800	0	0
	<i>Wattel</i> , 12 Lasts (£360), <i>Forcop</i> (£12) . . . . .	372	0	0
<hr/>				
	Total Odal payments . . . . .	£2959	10	0
	<i>Butter</i> , 24 barrels . . . . .	£216	0	0
	<i>Cost</i> , 88 Lasts . . . . .	2640	0	0
	<i>Flesh</i> , 59 Lasts (at £7, 4s.) . . . . .	424	16	0
	— <i>Marts</i> , 32 (at £3, 12s.) . . . . .	115	4	0
	<i>Hawkhens</i> , 440 (at 6d.) . . . . .	11	0	0
<hr/>				
	Total Land males of Earldom . . . . .	3407	0	0
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	Total first Rental of Earl Robert . . . . .	£6366	10	0

On his disgrace (1587) and the new grant to Chancellor Maitland and Bellenden on an increased duty of £4000, the Rental, as stated in their Charter, was found to have been raised to the following quantity and value, without distinction of Skatt or Land male.

1587.	<i>Butter</i> , 1458 Lispunds (at 12s.) . . . . .	£874	16	0
	<i>Grain</i> , 189 Lasts (at £30) . . . . .	5670	0	0
	<i>Flesh</i> , 91 Lasts (at £7, 4s.) . . . . .	605	6	0
	<i>Money</i> , in lieu of Forcop and Skatt Silver . . . . .	109	0	0
	Total (acknowledged) Rental of the Crown . . . . .	<u>£7259</u>	<u>2</u>	<u>0</u>

But this numerical statement of quantities no longer expressed the actual burdens of Orkney. Earl Robert's increase of the weights and measures had added a fifth to every nominal Mark, Lispund, Meil, or Last in the Rental, and when he was reinstated (1589) (compounding at a reduced Feu-duty of £2075), the quantities and value actually paid under the nominal Rental amounted to—

1589	<i>Butter</i> , 1822½ Lispunds (at 12s.) . . . . .	£1093	10	0
	<i>Grain</i> , 236½ Lasts (at £30) . . . . .	7095	0	0
	<i>Flesh</i> , 113¾ Lasts (at £7, 4s.) . . . . .	818	8	0
	<i>Money</i> in lieu of Forcop and Skatt Silver . . . . .	109	0	0
	Total Crown Rental in Orkney . . . . .	<u>£9015</u>	<u>18</u>	<u>0</u>

Accordingly Earl Robert's final Rental, although the articles of payment differ in arrangement and commutation, amounts, at the former conversions, to nearly the same sum and value :

1592.	<i>Butter</i> , 87½ Barrels at £9 per Barrel . . . . .	£787	10	0
	<i>Do.</i> loose, 791½ Lispunds at 12s. per Lispund . . . . .	474	18	0
	<i>Grain</i> , 227 Lasts at £30 per Last . . . . .	6810	0	0
	<i>Flesh</i> , 97½ Lasts at £7, 4s. per Last . . . . .	702	0	0
	<i>Hawkhens and other Poultry</i> , 3242 at 6d. . . . .	81	1	0
	<i>Swine</i> , 3 at £1, 16s. . . . .	5	8	0
	<i>Peats, Rabbit-Skins</i> , and other minor articles . . . . .	10	10	0
	<i>Money</i> , in lieu of Forcop and Skatt Silver . . . . .	144	13	0
	Total last Rental of Earl Robert . . . . .	<u>£9016</u>	<u>0</u>	<u>0</u>

Thus showing an increase of quantities and value since his first audit of 1569 amounting to—

<i>Butter</i> , 431½ Lispunds at 12s. . . . .	£258	18	0
<i>Grain</i> , 67 Lasts at £30 . . . . .	2010	0	0
<i>Flesh</i> , 22½ Lasts at £7, 4s. . . . .	161	10	0
<i>Poultry, swine, and minor articles</i> . . . . .	85	19	0
<i>Money</i> . . . . .	132	13	0
Total augmentation of Rental by Earl Robert . . . . .	£2649	0	0

If to this aggravation of the Rental we add his revenue from Tolls, Customs, Droits, Escheat and triennial Grassums, and consider the forced labour, the diminished area of cultivation, and the doubled penal conversions for every deficiency of these impossible quantities, we may estimate the income of Earl Robert and the misery of the Islanders ; though the *Rentale pro Rege et Episcopo* (1592-1600), which exhibits the numerical increase of exaction, is silent as to his aggravation of the Weights and Measures.

This addition of a fifth to every actual payment was augmented to a third by Earl Patrick's similar aggravation of the Mark to 12 ounces ; and increased penal conversions were exacted for all arrears, rests, or unpaid balance of duties beyond what the Islands could produce, till their actual burdens thus aggravated, and valued at the current averages of conversion, amounted to—

1600.	<i>Butter</i> , 87½ Barrels at £20 . . . . .	£1,750	0	0
	<i>Do.</i> loose, 1055 Lispunds at £2 . . . . .	2,110	0	0
	<i>Grain</i> , 306 Lasts at £60 . . . . .	18,360	0	0
	<i>Flesh</i> , 130½ Lasts at £16 . . . . .	2,088	0	8
	<i>Swine</i> , 3 at £4 . . . . .	12	0	0
	<i>Hawkhens, &amp;c.</i> , 3212 at 1s. . . . .	162	2	0
	<i>Peats, &amp;c.</i> , about . . . . .	23	5	0
	<i>Money</i> . . . . .	144	13	0
	Total Crown Rental of Earl Patrick . . . . .	£23,650	0	0

But besides this large revenue, and that derived from the Grassums, Droits, Tolls, Customs, Fines, and other unrentalled, unacknowledged, and unestimated perquisites, to the amount of about £6000 more, the Stewart Earls were also Commendators of the Estates of the Church, to which they proved no less dutiful as nursing fathers during their possession of about half a century. The Rental of the Bishopric at the Impignoration or beginning of the sixteenth century cannot be ascertained, but at the time of James V.'s visit, the articles composing the Church Rental (as shortly afterwards attested, and valued at the prices of the period), amounted to the following sums and quantities :—

1540.	<i>Butter</i> , 180½ Barrels at £3 . . . . .	£541	10	0
	<i>Grain</i> , 79 Lasts at £5 . . . . .	395	0	0
	<i>Flesh</i> , 12½ Lasts at £3 . . . . .	37	10	0
	<i>Marts</i> , 4 at £1, 10s. . . . .	6	0	0
	<i>Hawkhens</i> , 217 at 6d. . . . .	5	8	6
	<i>Swine</i> , 2 at 15s. . . . .	1	10	0
	<i>Wax, Peats, &amp;c.</i> , about . . . . .	13	1	6
	<i>Silver</i> . . . . .	251	2	6

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Total Rents and Teinds of Bishopric in 1540 . . . £1251 2 6

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These quantities were officially attested by Bishop Adam in 1561, and in 1568 (the date of his first contract with Lord Robert), amounted at the current prices to the value and quantity following, viz.—

1568.	<i>Butter</i> at £9 per Barrel . . . . .	£1624	10	0
	<i>Grain</i> at £30 per Last . . . . .	2370	0	0
	<i>Flesh</i> at £7, 4s. . . . .	90	0	0
	<i>Marts</i> at £3, 12s. . . . .	14	8	0
	<i>Hawkhens</i> . . . . .	5	8	6
	<i>Swine</i> at £1, 16s. . . . .	3	12	0
	<i>Wax, &amp;c.</i> . . . . .	22	1	6
	<i>Silver</i> . . . . .	251	2	6

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Total . . . . . £4381 2 6

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These articles, the amount of the Bishopric Rental at Earl Robert's entry, he increased to the following quantities at the same conversion:—

1587.	<i>Butter</i> , 73½ Barrels at £9 . . . . .	£661	13	0
	<i>Do.</i> , 136 Lispunds 21 Marks at 12s. . . . .	82	2	6
	<i>Grain</i> , 189 Lasts, 20 Meils, 5 Set <sup>ns</sup> , at £30 . . . . .	5696	0	10
	<i>Flesh</i> , 84 Lasts, 18 Meils, 2 Set <sup>ns</sup> , at £7, 4s. . . . .	610	10	0
	<i>Poultry</i> , 1046 . . . . .	26	3	0
	<i>Wax, &amp;c.</i> . . . . .	24	6	6
	<i>Silver</i> . . . . .	299	7	2

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Total . . . . . £7400 0 0

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which by his aggravation of one-fifth of every weight and measure, actually represented the following quantities and value at his death, 1592 :—

1592.	<i>Butter</i> in Barrels (unchanged) . . . . .	£661 10 0
	<i>Do.</i> Loose, 171 Lispunds at 12s. . . . .	102 12 0
	<i>Grain</i> , 237½ Lasts at £30 . . . . .	7120 0 0
	<i>Flesh</i> , 105 Lasts 22 Meils at £7, 4s. . . . .	762 12 0
	<i>Poultry</i> . . . . .	26 3 0
	<i>Wax</i> , &c. . . . .	27 15 10
	<i>Silver</i> . . . . .	299 7 2
	Total . . . . .	<u>£9000 0 0</u>

Earl Patrick's aggravation of one-third in like manner raised the actual quantities paid from the Bishopric in the same proportion, and at the current prices of conversion, to the following value :—

<i>Butter</i> , 73½ Barrels at £20 per Barrel . . . . .	£1,470 0 0
<i>Do.</i> , 182 Lispunds at £2 per Lispund . . . . .	364 0 0
<i>Grain</i> , 253 at £60 per Last . . . . .	15,180 0 0
<i>Flesh</i> , 113 Lasts at £16 per Last . . . . .	1,808 0 0
<i>Poultry</i> , 1046 at 1s. each . . . . .	52 6 0
<i>Swine</i> , 2 at £4 . . . . .	8 0 0
<i>Wax</i> , &c., about . . . . .	33 6 10
<i>Money</i> . . . . .	299 7 2
Total Bishopric . . . . .	<u>£19,215 0 0</u>

The following Abstract of the results of these Tables will exhibit briefly the progressive increase of the burdens of Orkney during the sixteenth century—

1502.	Crown Rental . . . . .	£757 3 4
1540.	By a rise of prices—	
	Crown . . . . .	£1382 10 0
	Bishopric . . . . .	1251 2 6
	Rental at the visit of James V. . . . .	<u>2633 12 6</u>

1568.	By a farther rise of prices—			
	Crown . . . . .	£6366	10	0
	Bishopric . . . . .	4381	2	6
	Lord Robert Stewart's first Rental . . . . .	£10,747	12	6
1592.	By a rise of quantity, weight, and price—			
	Crown . . . . .	£9016	0	0
	Bishopric . . . . .	9000	0	0
	Earl Robert's final Rental . . . . .	18,016	0	0
1600.	By farther rise of quantity, weight, and price—			
	Crown . . . . .	£25,650	0	0
	Bishopric . . . . .	19,215	0	0
	Earl Patrick's Rental of Orkney . . . . .	44,865	0	0

I am not aware of any authentic Rental of the burdens of Zetland during the sixteenth century, except the statement in the Charter to Maitland and Bellenden (1587), and the Comptroller's Accounts (1588), after twenty years of Earl Robert's aggravations of weight, measure, and value, when a third had been added to the contents of every Pack of Wadmæl and Lispund of Fat-gude at arbitrary conversions in a coinage as arbitrary. The nominal quantities (for which the Donatary compounded with the Royal Comptroller at £400) are there stated as follows:—

<i>Wadmæl</i> , 167 Packs (of 60 Cuttels) at 6d. per Cuttel . . . . .	£250	10	0
<i>Butter</i> and <i>Oil</i> , 1530 Lispunds at 12s. per Lispund . . . . .	918	0	0
<i>Wattel</i> , commuted at 105 Dollars at 30s. each . . . . .	157	10	0
<i>Tolls</i> , &c., 120 Angel-Nobles (at £4) and 20 Dollars . . . . .	510	0	0
Total Rental accounted for by the Donataries . . . . .	£1836	0	0

But by the augmented Weight, Measure, and Price, the burdens actually extorted from the Lordship of Zetland were raised (exclusive of Ox-money and other unacknowledged exactions) to the amount and value of—

<i>Wadmæl</i> , 167 Packs (of 80 Cuttels) at 2s. per Cuttel . . . . .	£1336	0	0
<i>Butter</i> , 2040 Lispunds at 18s. 8d. . . . .	1904	0	0
<i>Wattel</i> , 105 Dollars at 36s. each, with other augmentations . . . . .	210	0	0
<i>Tolls</i> , &c. . . . .	2000	0	0
Total actual burdens of Zetland . . . . .	£5450	0	0



## GLOSSARY OF UNUSUAL WORDS.

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AL-THING, see THING.

ANGEL, An English gold coin = 10s. sterling.

ARFF, AYRFFE, N. ERFFD, *hereditas, heredium*, Heritage, succession.

AYNING, N. ΕΙΟΝ, *possessio*, The Ownership of an Odaller.

BABIE, BAWBEE, A coin =  $\frac{1}{2}$ d. sterling, but varying from 3d. to 6d. Scots.

BAILLIE, An official appointed by the Donatary to perform the functions of the ancient Under-fowd, especially in guarding the interests of the Crown.

BALLIATUS, A parochial assessment for the Baillie's salary, in addition to the ancient WATTEL, appropriated by the Donatary.

BARREL, N. BARIEL, A measure of quantity = 15 Lispunds.

BERE, *hordeum hexastichon*, A species of Barley, of six rows of grains.

BERE PUNDLAR, see PUNDAR.

BOLMAN, N. BU-MADR, *rusticus, inquilinus*, A husbandman, a yearly tenant or tenant at will.

BONDEL, N. BONDI, BONDR, *paterfamilias, colonus*, An Odaller.

BORD-LAND, N. BORD, *mensa, cibus*, The guest quarters of the King or Jarl, and therefore exempt from skatt.

BOTA-MALI, (N.) Offences expiable by compensation or damages to the injured party, or by Mulcts shared between him and the Crown, which derived no small part of its revenue from this source and from the OBOTA-MALI (*quod vide*).

BULL, N. BOL, BU, *prædium nobile*, The principal farm of the ODALSJORD; sometimes called HEAD BULL, N. HOFD-BU, or CHEMISPLACE, DAN. HJEMS, *domus*.

CAN, N. KANNA, A measure =  $\frac{1}{48}$  of a Barrel.

CHETTRY, Revenue arising from the Scottish Casualty of Escheit.

COMMONTY. Each TUN possessed its own SÆTTUR or Infield Common; each Skat-hald or Hrepp, its Hagi or Hill Pasture, shared exclusively by the HREPPSMEN of its TUNS; and each HERAD its MOAR, common to every HREFF and TUN of that VARD THING, but to none else.

COST, Grain Rent, generally commuted at  $\frac{1}{3}$  of Meal and  $\frac{2}{3}$  of Malt or of raw grain.

CUTTEL, ELL, N. ALIN, *ulna*, A measuring rod of the length of a Scottish Ell, used in Zetland as the fundamental unit of Length and of Valuation. A Cuttel of Wadmæl long bore a Standard value of 6d. Scots—6 cuttels being equal to an EYRIR or "Ure" of Valuation; 20 Cuttels = to a sheep, and six score or a "Large Hundred" to an ox. The value of the cuttel was raised to 2 shillings by Earl Robert.

DOLLAR, A silver coin = 50d. sterling, but varying from 30s. to 40s. Scots.

DOMERA, DOMERAL, N. DOM-ROF, *multa eorum qui judicia contemnunt*, A fine for contempt of court.

DONATARY, A grantee of the Crown's Skatts, Males, and Duties.

EYSTERCOP, AUSTERCUP, N. EY-SETTR-KAUF, *merces insule conducendæ*, A fine paid every third year at each renewal of the Tack or Setting of the smaller islets—afterwards assumed to be equivalent to the Scottish *Grassum*; and still later both burdens were sometimes exacted in Zetland.

FATGUDE, a term used in Zetland for the Butter or Oil paid to the Donatary.

FLESH, Rent paid in Cattle, generally estimated by Weight, 15 MEILS = an ox, 10 MEILS = a cow, 4 MEILS = a sheep. But this valuation rose and fell according to the caprice of the Donatary.

FLORIN OF THE RHINE, A German gold coin = 2 dollars, also a Money of account = 100d. sterling.

FORCOP, N. THING-FÖR-KAUF, *itineris forensis merces*, The Lawman's salary for the Thing circuits; afterwards charged by the Donatary, first against the Crown, and again against the parishes on various pretexts, sometimes of Odal usage, sometimes of feudal claim; but according to Dufresne, "FORCAPUM, *Eractio, Tributum haud debitum, per vim et contra jus captum*."

FOUD, N. FOGERI, Dan. FOGUD, *questor Regius*, Collector of the King's Skatt, Skylds, Mulcts, etc., afterwards Chief Judge, and ultimately Sheriff of the Foudries of Zetland.

GARTH, N. GARDE, *prædium nobile*, A portion of Odalsjord.

GÆDINGR (N.) *Locuples*—GOFUGR, *nobilis, venerandus*—HOFDINGR, *procer, magnas*, terms applied in the Sagas to the Odaller, expressive of his superior wealth, dignity, and powers.

GRANDRIE, GRANDORIE, N. GRAND-ROF, *nozarum castigatio*, A septennial Court to abate nnisances and punish local abuses.

GUDLING, GULLION, A measure of quantity = 6 cuttels, or  $\frac{1}{16}$  of a pack of Wadmaal, but afterwards raised to 8 cuttels.

GUEST-QUARTERS, The occasional residence of the King or Jarl as guest of the HUSBONDI, whose BORDLAND was exempt from Skatt on that account.

HAGI, (N.) Dan. GRASMARK, *pascua*, Hill pasture, common to a TUN HOG-LEAVE, N. HAGA-LEYFI, *permissio pascuendi*—HAG-RA, *facultas pascuendi*—RIDING THE HAGRA, perambulation of the Marches of the HAGI.

HAWK-HENS, A general parochial burden of "poultry to feed the King's falcons" taken in the islands; first exacted by Bishop William Tulloch (in addition to the new Scottish burden of Kanefowls, exigible from tenants only), and still occasionally demanded by the Queen's Falconer.

HERAD, (N.) *districtus montibus et mari terminatus*, A district containing several Hrepps or Skathalds, with their several Tuns or Rooms, and a Moar common to them all.

HIRDMAN, (N.) *Miles, avicus*. HIRDMAN STANE, N. HIRDMAN STEFN, *congressus militum*.

HOMER, HOEMOTHER, Sunfish, or Basking Shark.

HREPT, (N.) *tribus*, The Community of HREPPMEN, or Skatt brethren possessing a SKATHALD, with common pasture in the Moar, and a share of the Tulberskatt exacted from intruders not entitled to pasture there.

HUSS-BONDI, (N.) *paterfamilias*—HUSS-KARL, *domesticus, operarius*.

JOL, (N.) *natalitia Christi, initium Aquarii*, Yule or Christmas.

LANDSETTERCOP, N. LAND-SETTR KAUF, *merces conductionis*, A fee or fine on letting or reletting a farm.

LANDSKYLD, Dan. LAND-SKYLLD, N. LAND-SKULLD, Scot. Landmale, *debitum quod locator fundi debet domino præstare, locarium, redditus prædianus*, The rent of a farm.

- LAST, N. LÆST, *mensura oneris nauticæ*, A measure = 12 Barrels; also a weight = 24 Meils.
- LAW-BOOK, N. LÜG-BOK, *codex legum*, Book of Laws.
- LAWMAN, N. LÜG-MADR, *nomophylax*, The President of the Althing, Keeper and Expounder of the Law-book, and Chief Judge of Orkney, anciently paid by the assessment of FÖRKUPE, and afterwards by the Scottish Government, and ultimately abolished or merged in the office of Sheriff.
- LAWRIGHTMAN, N. LÜG-RETTE-MADR, *scabinus*, An Official chosen by the Vard-Thing, and charged with the custody and application of the Standards of Weight and Measure, and the general interests of the Herad or Parish, especially in the Law-thing, where he acted as Assessor of the Lawman or Foud. The name was latterly given to the inferior local umpires of minor questions of Scandal, Marches, or breaches of the Sheep Acts, more correctly called RANCELMEN.
- LÆANGER, N. LEDANGE, *contributio in presidium patriæ*, A Tax paid in Zetland.
- LEIOMADR, (N.) *conductor prædii*, A Tenant farmer under a formal Tack of Assedation, generally for three years, but renewable on payment of Grassum, LANDSETTR or EYSETTR-COP.
- LISPUND, LESPUND, LESCHPUND (*idem* ac SETTEEN q. vide), A Weight = 24 Marks, or  $\frac{1}{6}$  of a Meil, or  $\frac{1}{15}$  of a Barrel; gradually raised by the donataries from 12 to 18 lb Scots measure.
- MARK, N. MÖRK, *bes, sonulibru, octo uncie*, A weight = 8 ounces or  $\frac{1}{4}$  of a Lispund or Setteen, gradually raised to 20 ounces; also a Land-Measure, not of extent, but of valuation proportioned to the taxation, and regulating both rights and burdens.
- MEIL, N. MÆLR, A Weight = 6 Lespunds, or  $\frac{1}{4}$  of a Last.
- MERK, A Scottish coin = 13s. 4d. or  $\frac{2}{3}$  of a Pound Scots.
- MELISCOP, A local Land-measure =  $\frac{1}{6}$  of a pennyland.
- MUIR, Islandic MOAR, *cricetum*, Heath pasture, common to all the Skathalds and Hrepps of a Herad.
- MUIR STANE, N. MOAR STENN, The idol, afterwards (till lately) the THINGSTOD of a HERAD, or Vard-Thing.
- NOBLE, ANGEL-NOBLE, An English gold coin = 10 shillings sterling.
- NONENTRY, A Scottish Feudal casualty.
- O-BOTA-MALI, (N.) *crimen ære non expiabile*, Crime inferring death, exile, or forfeiture to the King.
- ODAL, N. ODAL, *allodium, prædium hereditarium*, The estate of an Odaller; quasi ODH-AL *plena possessio*.
- ODAL-BORN, N. ODAL-BOEINN, *natus ad heredium avitum, viz., rectâ linâ a primo occupante*.
- ODALRED, N. ODH-AL-RÆDI, *jus plene possessionis a primo occupante*.
- ODALLER, ODALSMADR, *dominus allodialis*, The Free possessor of an Odalsjord.
- ODALSJORD, (N.) *prædium hereditarium*.
- OX-MONEY and SHEEP-MONEY, Exactions in Zetland, grounded upon the provisions furnished to Bothwell.
- PACK, N. PACKI, A quantity of Wadmæl = 10 Gudlings.
- PLOWK, Scot. A plng or pin.
- PUNDLAR, N. PUNDARI, *statera*, An instrument of Weight of two kinds, viz., the Malt-pundlar for Lispunds, Meils, and Lasts of Malt—1 Last = 24 Meils = 144 Lispunds; and the Bere-pundlar for Bere only, but estimating the Last as containing 36 Meils, or one-third more than the Malt-pundlar, according to a conventional proportion of raw to dried grain.

PURPRESION, PURPRESTURE, A feudal casualty of forfeiture or fine for encroachment on the rights of the Overlord.

QUOY, N. QUI, *area circumsepta*, An enclosure.

RENTALS OF ORKNEY, Records of the Odaller's Skatts, Tenants' Males, Vassal's Feu-duties, and Parish burdens, chargeable by the Donatary or Chamberlain.

ROOM, N. RUM, *locus*, The same in Zetland as TUN in Orkney.

ROTTE, ROYTH, N. RÆDI, *dispensatio rei economice*, The Odaller's Conditions and Rights as master of his own house—ROITHISMEN and ROTHISMEN'S SONS, Odallers and Odalborn.

SAMYNG, N. SÆMD, *honor, decus*, An Odaller's Rank and Dignity as a free-born Thingman.

SCHYND, SCHOIND, SCHOWND, N. SKYND, Dan. SKJON, *ratio*, An Inquest of Thingmen to examine, sanction, and confirm all procedure respecting the Succession, Impignoration, or Alienation of Heritage; anciently by a *vind* voce doom, but frequently (after the accession of the Scottish Jarls) by a SKYND-BREF or "Schynd Bill."

SCOULDING, N. SKULLD, *debitum, crimen, mulcta*, A Thing for civil debts, damages, and fines for minor offences.

SET, N. SETTR, *pactio*, An agreement, the letting of land.

SETTEEN, SETTING, N. SETTINGR, *sextans*, A weight=24 marks, or  $\frac{1}{2}$  of a Meil, *idem* ac LISPUND *et* SPAN.

SETTER, N. SETTUR, The infield pasture of a TUN.

SKAT, N. SKATTR, *vectigal, tributum*, The Tax upon all land occupied by Odal-red, for the support of the Crown, and expense of government—SKATT-BRETHREN, N. SKAT-BRÆDIR, Members of the same Skathald, called also HREPPISMEN—SKAT-FAL, (N.) Failure for two years to pay Skatt, punished by confiscation, unless redeemed—SKATTALD, N. SKAT-HALD, A district or HREPP containing several TUNS or ROOMS, with an exclusive HAGI, and a share in the MOAR of the HERAD.

SKYLD, LAND-SKYLD, Dan. LAND-SKYLD, A Tenant's Rent, as opposed to SKATTR, Odaller's Tax.

SKYLLING or QUHYT, A Danish coin =  $1\frac{1}{2}$  Scots, afterwards raised to 6d. by Earl Robert.

SPAN, *idem* ac LESPUND.

STEFN, (N.) *citatio*, A Summons, afterwards a Court or Assembly.

STEMBOD, N. STEFN-BOD, *signum citationis*, A symbol of citation, being a Staff for ordinary Meetings, an Arrow for matters of urgency or haste, an Axe for a Court of Justice, and a Cross for Ecclesiastical or Religious affairs.

STENT, N. STEND, *stare, equivalere*, The amount of Butter Skatt legally due by each ODAL-TEN.

TACK, A Lease of a farm, sometimes of a considerable district, or sometimes even of the whole Earldom, or Bishopric—TACKSMAN, the bolder of such a lease. The term is generally applied to the Farmers of the Crown Rents and Revenues.

THING, (N.) *comitia*, An Assembly, Parliament, or Court of Freemen.

AL-THING, *forum universale*, A general Assemblage of all Free-men.

HERADS-THING or STEFN, A district Meeting of HERADSMEN.

HIRDMANS-THING or STEFN, A Council of Warriors.

HOF-THING, *consultatio de rebus sacris*.

HUSS-THING, *consultatio de rebus domesticis*.

LAW-THING, A Court of Law—LEIDAR-THING, A War Council.

From these Abstracts of the Revenues of the Crown Estate and Bishopric of Orkney and of the Lordship of Zetland, the income drawn from the Islands by Earl Patrick, exclusive of a multitude of unacknowledged exactions, may be approximately stated thus—

Orkney—Crown Skatts, Duties, and Males	£25,650	0	0
Bishopric Rents and Teinds	19,215	0	0
Tolls, Customs, Admiralty, Justiciary, &c. (about)	6,000	0	0
Total Revenue of Orkney	<hr/>	£50,865	0 0
Zetland—Skatts, Males, Tolls, &c.		5,450	0 0
Total Revenues of Earl Patrick		<hr/>	*£56,315 0 0

The peculation of subsequent Donataries, by the fraudulent increase, fluctuation, and complexity of the Standards of Weight and Measure, and consequent augmentation of the burdens of Orkney to the amount of 3000 Cattle, 5000 Bolls of Grain, 6218 Lishpunds or Stones of Butter, and 700 Gallons of Oil, became (1750) the subject of the memorable PUNDLAR PROCESS. To the various Memorials and Pleadings in that suit I must refer for more minute details, as the whole difficult subject is there discussed and exhausted, but in a form too long for insertion, and too intricate for condensation. The evidence was complete, that the Crown Donataries had for two centuries persistently, fraudulently, and enormously increased the legal weights and measures of the Islands. But after the Pursuers had been driven to incur the expense of this elaborate proof, a decision was given against them on the merely preliminary plea of prescription, to the disgrace of a corrupt or partial Court. With such Judges even the specific evidence of date, place, and person, now added by the complaints, might have had little weight; perhaps they might have obsequiously convicted the Zetland witnesses against Lawrence Bruce, of Conspiracy against “that worthy man.”

\* About £5000 Sterling—a princely revenue in those days, when the general scarcity of coin, and poverty of kings and kingdoms had been met by a debasement of the coinage gradual and universal; but in Scotland so rapid, that the £ Scots, equivalent to the £ English in 1366, was worth only 8s. in 1468—6s. 8d. in 1540—3s. 4d. in 1568—and 1s. 8d. in 1600.



- VARD-THING, HREPPAMOT or HREPPA STEFN, An Assembly of the Skatt-brethren of a Hrepp or Skathald.
- THING-STOD (N.) *locus comitiorum*.
- THRELL, (N.) *servus*, A slave.
- TOFT, N. TOMT, *area domus vacua*, Land once tilled but abandoned.
- TOWN, N. TUN, *viridarium, pratum*, The original ODALSJORD of a Primal Occupant or LAND-NAMA-MADE, possessing its own exclusive SÆTTUR, a share of the HAOL, and rights of commony in the MOAR.
- TUMALE, Scot., Land enclosed from the common pasture, and tilled; but not included in the original ODAL-TUN.
- TULBERSKATT, N. TOLD-BER-SKATT, A fine or rent exacted by the Vard-Thing from unentitled intruders on the MOAR of its HERAD.
- TUN-OAEDR, (N.) *sepimentum viridarii*, Hill-dyke.
- UMBOTHSMAN, N. UMRODS MADE, *procurator, mandatarius*, An agent, procurator, for-Speaker, or advocate.
- UNDER-FOUD, An Official in every parish of Zetland, with local duties and powers similar to those of the Head Foud, especially in representing and watching the interest of the Government, latterly superseded by the *Bailie*.
- URE ORE, N. EYRIK, *uncia*, An ounce, the fundamental unit of all Orkneyan mensuration, being  $\frac{1}{16}$ th of a Mark. URISLAND, A denomination of Land Value =  $\frac{1}{16}$ th of a Mark of Land, or 18 pennylands.
- VATN, (N.) *aqua, lacus*.
- VIKING, (N.) *pirata*. VIKING (N.) *piratica*. HAUST- or VOR-VIKING, an Autumnal or Spring expedition.
- VÆ-BOND, (N.) *sepimentum dicasterii*, tutela pacis publicæ, Anciently the cord which encircled the Thing-stod, and the rupture of which dissolved the meeting—from its peculiar sanctity it came to signify an Asylum or Sanctuary.
- VÆRINGR, (N.) *miles Nordmannus Imperatoris Greci*.
- WARD HILL, WART HILL, N. VARDI, *strues lapidum*, The hill on which the beacon was lighted to give warning of approaching danger.
- WATTEL, WATTLE, N. VOTTR-TEL, *testes numerare*, The ancient assessment for the salary of the Under-foud for summing up the evidence at the VARD-THING, afterwards a perquisite of the Baillie, in addition to the Balliatus.
- ZOPINDALE, YOWPINDAL, A silver coin = 15 shillings Scots in 1541, but raised by Earl Robert to 20 shillings in 1572.
- ZOWISWORTH, YOWISWORTH, COWSWORTH, a proportion of Odal-land =  $\frac{1}{16}$ th of a pennyland.

## E R R A T A.

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In the TABLE OF CONTENTS, after " APPENDIX," add "and GLOSSARY OF UNUSUAL WORDS."

In the Introduction—

P. xix, line 7, for " LEIGN-MADR," read " LEIGU-MADR."

P. xxxv, line 10, for " Leign-men," read " Leigu-men."

P. xli, line 3, *dele* the comma after " rights," and read " of rights Odal."

„ line 8, *dele* the comma after " casualty."

„ line 28, for " the Crown," read " the Crown-lands."

P. xliii, line 21, for " Few," read " Feu."

P. 8, line 21, for " In stopping of all ferries of the country, to transport sic as he pleased, to stop and" &c., read " In stopping of all ferries of the country to transport sic as he pleased to stop, and" &c.

P. 10, line 4, for " countryman," read " countrymen."

P. 16, line 2, for " office be himself," read " office, he himself."

P. 34, line 5, for " wadwell," read " wadmell."

P. 38, lines 19, 20, 21, 24, }

... 46, line 7,

... 58, lines 23, 27,

... 59, line 29,

... 60, line 13,

... 62, line 11.

... 70, line 11, and

... 88, line 5,

} for " babeis," read " s." a contraction for shillings.

P. 77, lines 7, 25, for " reddendo," read " reddens."

THE END.































